



CHAMPAIGN COUNTY BOARD
COMMITTEE OF THE WHOLE – ELUC/ County Facilities
County of Champaign, Urbana, Illinois
Tuesday, August 7, 2012 – 6:00 p.m.

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

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5. Resolution for the Acceptance and Execution of Joint Certifications and Assurances 116-134
- H. Monthly Report - to be distributed
- I. Other Business
- J. Designation of Items to be Placed on Consent Agenda

X. Policy, Personnel & Appointments

- A. Resolution Placing Questions Regarding the Champaign County Nursing Home on the November, 2012 Election Ballot – to be distributed
1. Communication from Nursing Home Board of Directors 137-138

XI. Other Business

A. Approval of Closed Session Minutes - June 5, 2012

XII. Adjournment

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CHAMPAIGN COUNTY BOARD
Committee of the Whole Minutes

Tuesday, June 5, 2012 – 6:00pm
Lyle Shields Meeting Room
1776 E. Washington St., Urbana, IL

MEMBERS PRESENT: Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Carter, Esry, Holderfield, James, Jay, Kibler, Kurtz, Langenheim, Maxwell, McGinty, Michaels, Mitchell, Moser, O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder, Weibel

MEMBERS ABSENT: Cowart

OTHERS PRESENT: Deb Busey (County Administrator), John Hall (Zoning Director), Alan Reinhart (Facilities Director), Susan Chavarria (RPC), Andrew Cass (Zoning), several members of the public

Call to Order

Chair Weibel called the meeting to order at 6:06pm.

Roll Call

The secretary called the meeting to order and the following were present: Alix, Ammons, Anderson, Bensyl, Betz, Carter, Esry, Holderfield, James, Jay, Kibler, Kurtz, Langenheim, Maxwell, McGinty, Michaels, Mitchell, Moser, O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder and Weibel. Weibel noted that Berkson and Cowart had notified him they would not be present. Berkson did arrive later in the evening.

Approval of Minutes

Motion by Mitchell to approve the minutes of May 8, 2012, as presented; seconded by James. **Motion carried unanimously.**

Approval of Agenda/Addendum

Motion by Carter to approve the agenda and addendum for the meeting; seconded by Kurtz. Kurtz said he would like to remove Item 8.H. on the agenda. Weibel asked each Deputy Chair to have a brief discussion about holding the July COW meeting. **Motion carried unanimously.**

Public Participation

Deb Klein, Seymour area resident, stated their family is the property owner of a family farm that is the subject of the zoning case on the agenda this evening. She talked about the previous use of the buildings on their property. They are asking the zoning classification on their property be changed to light industrial.

Communications

Petrie wished a belated Happy Birthday to Ralph Langenheim.

52 Kurtz directed the committee's attention to a letter he placed on each member's desk with
53 regard to activity surrounding the Clinton landfill.
54

55 **County Facilities**

56 **Physical Plant Monthly Reports**
57

58 Michaels had a question about the comp time earned. Reinhart explained the comp time
59 listed on the report is an accrual over time that the maintenance staff holds.
60

61 **Motion** by James to receive and place on file the Physical Plant monthly report; seconded
62 by Carter. **Motion carried unanimously.**
63

64 **202 Art Bartell Construction Project**
65 **Monthly Report & Project Update**
66

67 Reinhart noted that one payment was made during the month to Berns, Clancy &
68 Associates for shop drawing review and administration. He expects material to be delivered on
69 site this week and construction should start next week.
70

71 **CCDI Inspection – Coalition of Citizens with Disabilities in IL**
72

73 Reinhart said he was hoping to have report for this meeting. He said that CCDI did do
74 another inspection, but he hasn't yet received that report. He said that 75% of the items on the
75 original report had been addressed, but is still waiting on a couple more estimates for the
76 remaining improvement issues.
77

78 **Chair's Report**
79

80 None.
81

82 **Other Business**
83

84 Betz said there are a number of people who have reviewed the RFP and said that other
85 Board members are welcome to share his copy. Brief discussion followed.
86

87 Betz did not see a reason to hold a COW for the Facilities Committee of the Whole.
88 Consensus of the committee is to not hold a July meeting.
89

90 **Environment & Land Use**

91 **Recreation & Entertainment License – Champaign County Fair Association**
92

93 **Motion** by Mitchell to approve a Recreation & Entertainment License for the Champaign
94 County Fair Association, July 20-28, 2012; seconded by Ammons. **Motion carried**
95 **unanimously.**
96

97 **Zoning Case 716-AM-12**
98

99 **Motion** by James to recommend to the County Board approval of Zoning Case 716-AM-
100 12; seconded by Kibler. The ZBA recommended approval of this at their last meeting. Esry
101 stated he will abstain for the reason that he has a business relationship with the Kleins. Alix

102 asked Hall if the activity that was conducted by Syngenta was labeled as agriculture. He asked to
103 what degree the zoning ordinance could restrict industrial usage if it has any industrial culture.
104 Hall said there was some evidence of seed research, which is then exempt. Holderfield asked
105 about the LRMP. Hall said the LRMP is not an ordinance, but merely a plan and it plays a big
106 role in the decisions regarding land use. He said decisions do not have to be limited to the
107 LRMP. He said a map amendment is one of the least constrained decisions the board makes.
108 Holderfield said she would like a better understanding each time they have to make a decision.
109 Hall said the Board has great discretion when it comes to map amendments. Schroeder said this
110 facility could better be described as weed research, because there were not raw chemicals being
111 used. He said all the chemicals were already licensed and approved by the EPA for crop
112 protection.
113

114 Petrie stated she is for re-use of buildings, but she has concerns with the zoning change
115 for the reason being issues that may open up down the line. She said she met with Mr. Hall
116 about language that might state if the proposed user no longer uses that facility, then it would
117 change back to AG1. She said that area is completely surrounded by agricultural uses. Moser
118 stated he has known the owners for many years and understands that the petitioners do not plan to
119 sell this property anytime in the near future. It was noted that the petitioner should accept any
120 condition in the zoning ordinance allowing certain businesses. **A vote on the motion carried**
121 **with no votes and one abstained vote.**
122

123 RPC Work Plan Update

124

125 Susan Chavarria, Regional Planning Commission gave a status update on the current year
126 work plan. Right now they are about 40% complete with work outlined for last year. Of the
127 eighteen items on the work plan, they have about thirteen started and six of those are completed.
128 She said the LESA update took longer than the estimated time to complete. She said it required
129 approximately eighty-five extra hours to complete. She said they will recommend in August
130 moving seven items to the following year's work plan to make up for the extra hours that were
131 required on the LESA update.
132

133 Proposed FY2013 RPC Planning Contract Work Plan

134

135 Ms. Chavarria said this proposed plan included a 2% salary increase, provisionally, in
136 line with anticipated cost of living increases. She said Attachment A is the proposed FY13
137 General Work Plan. It includes 1,350 hours and focuses on implementing the LRMP, recycling
138 coordination and general planning services requests. She noted that Attachment B contains
139 specifics of the proposed LRMP Implementation Work Plan. The proposed work plan was
140 completed in coordination with John Hall. Cost and time estimates are provided with each task.
141 The do not necessarily include sufficient time for County Board discussion and approval
142 processes and are a best estimate of staff time for completing these tasks.
143

144 Attachment C is not a part of the proposed work. It includes items from the LRMP that
145 could be implemented within the first three years or as time and resources allow. These items
146 can replace any item in the LRMP work plan if the Board chooses so. She said estimates are
147 included in the attachment.
148

149 Jay stated he would like to consider the removal of items 11 and 12 relating to the
150 building code out of the 2013 Work plan because the County is not ready to address this.
151 Ammons stated she didn't understand why they went 80 hours over on the 2012 work plan and

152 she also said she doesn't understand what the difference was between the work done by the
153 Zoning Department and the work done by the staff at RPC on the LRMP. Chavarria said the
154 work that wasn't completed last year continued into 2012 to complete that work. James asked
155 why items 11 & 12 were included. Hall said it only needs to be in the plan if the committee
156 wants to know what the feasibility was on the building code. Hall feels 450 hours should be
157 ample time to complete the analysis and develop recommendations for the building code. Alix
158 said he felt along the same lines as Jay that the building code issue be removed because there
159 doesn't seem to be support for this work. Langenheim said this was for information only and
160 the matter of the building code is something that has been discussed back and forth over time and
161 sees no need to remove it from the work plan. Moser asked how many hours have already been
162 spent on the building code issue. Hall stated that Susan Monte has already put 215 hours on this
163 project.
164

165 Petrie said she hasn't changed her mind since last year regarding the arrangement with
166 the County and RPC. She said it is inefficient and not best practice in relation to planning.
167 Ammons said it is important for the Board to provide information what they want done in 2013.
168 She didn't recommend spending the number of hours on some of the issues, such as recycling. It
169 was noted that the County needs to participate in order for County residents to be able to use it.
170 It is not the same weekly recycling event that the cities hold.
171

172 Notice of Upcoming Household Hazardous Waste Recycling

173
174 Provided for information.
175

176 Approval of a Resolution Approving a Partial Release of Judgment Lien on Property at 1211 W.
177 Washington, Champaign
178

179 **Motion** by James to recommend to the County Board approval of a Resolution
180 Approving a partial Release of Judgment Lien on property located at 1211 W. Washington,
181 Champaign, IL; seconded by Kibler. Joel Fletcher mentioned for the committee's information
182 there was an amended copy of the resolution on the desks this evening. The mover and second
183 accept the revisions mentioned by Mr. Fletcher. Ammons asked for an explanation of this
184 resolution. Fletcher said that Bernard Ramos is the holder of several parcels in the City of
185 Champaign. He said this is a problem property and the liens far exceed the value of that parcel
186 and his attorney has worked out a deal for the transfer of the property to be put into productive
187 use. In order to do so, the County must release the lien. It was noted that productive use meant
188 a residence being built and it can be added back onto the tax rolls. James said he sees holding
189 on to this property as a no win situation, so it is okay to let it loose. Betz stated he will abstain
190 from the vote because his office has a long standing litigation pattern with Mr. Zerrouki and Mr.
191 Ramos. **Motion carried with one abstained vote.**
192

193 Final recommendation for wind farm
194

195 **Motion** by Moser to recommend to the County Board final approval of a Text
196 Amendment to the Champaign County Zoning Ordinance in Zoning Case 701-AT-11 to Amend
197 Certain Wind Farm Standard Conditions; seconded by Schroeder. **Motion carried**
198 **unanimously.**
199
200

201 Direction to Zoning Administrator Regarding Proposed Zoning Ordinance Text Amendment to
202 Amend Limits on Vehicles and Equipment in Rural Home Occupations

203
204 Item removed from the agenda.

205
206 Monthly Report

207
208 No action taken.

209
210 Other Business

211
212 Consensus of committee is to not hold meeting in July.

213
214 Other Business

215 Approval of Closed Session Minutes – May 8, 2012 (Session 1 & 2)

216
217 **Motion** by Rosales to approve the two sets of closed session minutes from May 8, 2012;
218 seconded by Mitchell. **Motion carried.**

219
220 ADDENDUM

221 Policy, Procedures & Appointments

222 Closed Session

223
224 **Motion** by McGinty to enter into closed session at 6:51pm pursuant to 5 ILCS 120/2(c)3
225 to consider the performance of the occupant of a public office and that the following individuals
226 remain present: Recording Secretary; seconded by Alix. **Motion carried by roll call vote with**
227 **Alix, Ammons, Anderson, Bensyl, Berkson, Betz, Carter, Esry, Holderfield, James, Jay,**
228 **Kibler, Kurtz, Langenheim, Maxwell, McGinty, Michaels, Mitchell, Moser, O'Connor,**
229 **Petrie, Quisenberry, Richards, Rosales, Schroeder and Weibel voting yes.**

230
231 ADDENDUM II

232 Other Business

233 Closed Session

234
235 There was no need to hold this closed session.

236
237 Adjournment

238
239 Chair Weibel declared the meeting adjourned at 8:02pm.

240
241
242 Respectfully submitted,

243
244 Ranae Wolken
245 Recording Secretary

246
247 *Secretary's note – The minutes reflect the order of the agenda and may not necessarily reflect the order of*
248 *business conducted at the meeting.*

202 SOUTH ART BARTELL ROAD CONSTRUCTION PROJECT

Prepared By: E Boatz August, 2012

	ORIGINAL CONTRACT	CHANGE ORDERS	CONTRACT TOTAL	PAYMENTS THIS MONTH	PAYMENTS YEAR TO DATE	BALANCE TO FINISH
Original Project Budget						
Current Budget w/Change Orders	\$1,945,722.00					
Design/Build						
Roesler Construction	\$1,355,005.00	-\$8,655.00		\$0.00	\$1,346,350.00	\$0.00
Total Design/Build	\$1,355,005.00	-\$8,655.00	\$1,346,350.00	\$0.00	\$1,346,350.00	\$0.00
Licensing & Permitting (Includes Insurance)	\$14,700.00			\$0.00	\$7,035.54	\$7,664.46
Owner Items for New Building	\$46,000.00			\$0.00	\$35,409.22	\$10,590.78
Maintenance Area Build-Out for New Building	\$30,000.00			\$0.00	\$12,897.77	\$17,102.23
Complete Fiber Optic Loop for East Campus	\$33,560.00			\$0.00	\$33,560.00	\$0.00
Generator Back-Up System for Brookers Facility	\$14,000.00			\$0.00	\$4,866.01	\$9,133.99
ILEAS South Garage Lighting & Heating	\$5,000.00			\$0.00	\$4,149.25	\$850.75
East Campus Site Storm Water Project	\$447,457.00			\$341,226.86	\$405,129.26	\$42,327.74
Total Building Costs	\$590,717.00	\$0.00	\$590,717.00	\$341,226.86	\$503,047.05	\$87,669.95
PROJECT TOTAL	\$1,945,722.00	-\$8,655.00	\$1,937,067.00	\$341,226.86	\$1,849,397.05	\$87,669.95

% of Project Paid to Date

95.47%

LEASE RENEWAL AGREEMENT

1. **PARTIES:** This lease renewal, is made and entered into this 1st day of October, 2012, by and between Niemann Foods, Inc. "Lessor" and Champaign County Administrative Services, "Lessee".
2. **PREMISES:** Niemann Foods, Inc. agrees to lease to Champaign County Administrative Services, 50 parking spaces located at 220 North Broadway, Urbana, Illinois as further set out on "Exhibit A", attached hereto and made a part hereof.
3. **USE:** This space is to be used by the Lessee as parking spaces for 50 Champaign County employees, and is not intended for any type of retail or commercial uses. Spaces are being rented on a Monday through Friday, 7:30 a.m. – 5:30 p.m., 5 days a week time frame.
4. **TERM:** This lease shall be for the term of two years, beginning October 1st, 2012, and ending September 30, 2015.
5. **RENT:** Rent will be \$13,800 per year, payable at the rate of \$23.00 per space per month, to be paid to Niemann Foods, Inc., 1501 North 12th Street, Quincy, Illinois, 62301 by Lessee by the first day of each calendar month.
6. Lessee is responsible for any charges associated with the removal of 20 existing parking signs, chains, and sign poles; and any charges associated with the maintenance and repairs of the remaining 50 above noted items through the term of the lease. Upon the expiration of this lease, these improvements shall become Lessor's property unless Lessor gives Lessee a notice to remove them, whereupon Lessee shall remove them at Lessee's expense.
7. **INSURANCE:** Lessee shall carry general liability insurance coverage during the term of this lease with the following limits: coverage of \$1 million combined single limit, with Niemann Foods, Inc. named as additional insured. A copy of insurance certificate evidencing such coverage shall be furnished and delivered to Linda Rudicil at Niemann Foods, Inc., 1501 North 12th Street, Quincy, Illinois, 62301
8. Lessee will mark each space and have associates park in spaces designated on attached site plan Exhibit A. Lessor retains the right to alter the plan or reduce the number of spaces available with a 30 day written notice to Lessee. In such event, the rent shall be reduced on a pro-rata basis.
9. Lessor retains the right to approve (within Lessor's sole discretion) all signage or material changes before installation by Lessee.
10. Lessee is responsible, at Lessee's sole expense, for restriping of spaces on a yearly basis.

11. This lease agreement may be cancelled by either party through a 60 day prior written notice to the other party.

12. In the event Lessee defaults pursuant to the terms of this lease, upon written notice from Lessor to Lessee, this lease may be terminated and Lessor may maintain its claim for damages. In such event, Lessee shall immediately vacate the leased premises. In addition, in the event of Lessee's default, Lessor shall be entitled to any and all other remedies at law and in equity and shall include Lessor's right to enforce against Lessee its claim for rent owed pursuant to this lease and other charges as to attorney's fees and costs of suit incurred by it in connection with Lessee's default. In the event Lessor is in default on this lease, Lessee shall be entitled to all remedies at law and in equity, including the right to recoup its attorney's fees and costs of suit in relation thereto.

13. This lease shall be subordinate to any mortgage lien against the leased premises, whether now existing or hereafter arising, but, regarding any subsequent mortgages, Lessee's leasehold interest in the premises shall only be subordinate to such mortgages upon the mortgagee's execution of a non-disturbance agreement, pursuant to which mortgagee agrees not to disturb Lessee's leasehold interest or possession of the leased premises as long as Lessee is in compliance with the terms of this lease.

14. Any notices under this lease shall be personally delivered or mailed by certified mail, return receipt requested, and placed in the U.S. mail or faxed. Notices personally delivered shall be effective upon personal delivery. Notices which are mailed, shall be effective upon being deposited in the U.S. mail, postage prepaid, and mailed to the addresses set out below. Notices which are faxed shall be effective upon the sender's receipt of written confirmation thereof.

Lessor:
Niemann Foods, Inc.
1501 North 12th Street
P.O. Box C-847
Quincy, IL 62306-0847
Attn: Shan Clevenger
Phn: 217-221-5661
Fax: 217-221-5920

Lessee:
Champaign County Board
1776 East Washington

Urbana, IL 61801
Attn: Pius Weibel
Phn: 217-384-3776
Fax: 217-384-3896

Copy to:
David DeThorne
Champaign County State's Atty. Office
Civil Division
1776 East Washington Street
Urbana, IL 61802
Phn: 217-384-3776
Phn: 217-384-3896

Any address for the above mentioned parties may be changed through notice to the other party pursuant to the terms of this lease.

15. In the event any provision of this lease is held to be invalid or enforceable, the remaining terms of this lease shall remain in full force and effect. This lease shall be binding upon and inure to the benefit of the parties hereto, their heirs, legal representatives, successors and assigns. This lease shall be construed under and enforced under the laws of the State of Illinois. This lease may only be amended in writing and signed by the party against whom it is sought to be enforced. This lease is subject to all restrictions and covenants to which the leased premises are subject, whether or not of record.

Champaign County Board
Lessee

Niemann Foods, Inc.
Lessor

By: _____

By: _____

(print) _____
It's County Board Chair

Chris Niemann
Its Exec. Vice President / CFO

CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE
COUNTY ENGINEER

1605 E. MAIN STREET

(217) 384-3800
FAX (217) 328-5148

URBANA, ILLINOIS 61802

August 7, 2012

COUNTY MOTOR FUEL TAX CLAIMS FOR JUNE

Req No.	Payee	Description	Amount
48	The Traffic Sign Store	Signs	360.95
49	S Drain Engineering of Illinois	Engineering Services - CHS. 8 & 30 Section #11-00431-00-RS	3,500.00
50	Champaign County Treasurer	County Equipment Rental - April & May	13,810.07
51	Jeff Blue	Expenses - NCUTCD Meeting Orlando, FL 6/19-6/22/12	606.94
			<hr/> \$ 18,277.96 <hr/>

TOWNSHIP MOTOR FUEL TAX CLAIMS FOR JUNE

Req No.	Payee	Description	Amount
41	Illiana Construction	Scott Twp 11046gl HFE-90/400T spread	28,795.34
42	Grosso Trucking	Harwood Twp 273.01 tons CA-16	4,414.57
43	Osterbur Logistics	Kerr Twp 533.33 tons CA-15	10,000.00
44	Grosso Trucking	Compromise Twp 139.68 tons CA6/10	1,606.32
45	Grosso Trucking	Harwood Twp 87.10 tons CA-16	1,408.41
46	Grosso Trucking	Harwood Twp 70.71 tons CA-16	1,143.38
47	Grosso Trucking	Compromise Twp 71.68 tons Turk Grit	680.96
48	Grosso Trucking	Compromise Twp 294.13 tons CA6/10	3,382.50
49	Grosso Trucking	Harwood Twp 46.77 tons CA-16	756.27
50	Tuscola Stone	Tolono Twp 442.18 tons CA-15	6,380.66
51	Tuscola Stone	Urbana Twp 249.48 tons CA-15	3,724.74
52	Tuscola Stone	Raymond Twp 280.53 tons CA-14	3,753.49
53	Tuscola Stone	Hensley Twp 327.78 tons CA-16	5,024.87
54	Illiana Construction	Tolono Twp 14998.733gl HFE-90	34,347.10
55	Illiana Construction	Ayers Twp 14931.17gl HFE-90	33,963.39
56	Tuscola Stone	St Joseph Twp 134.87 tons CA-16	2,059.46
57	Tuscola Stone	Crittenden Twp 137.14 tons CA-14	1,803.39
58	Tuscola Stone	Philo Twp 563.69t CA-15/ 120.28t CA-16	10,030.32
			<hr/> \$153,275.17 <hr/>

CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE
COUNTY ENGINEER

1605 E. MAIN STREET

(217) 384-3800
FAX (217) 328-5148

URBANA, ILLINOIS 61802

August 7, 2012

COUNTY MOTOR FUEL TAX CLAIMS FOR JULY

Req No.	Payee	Description	Amount
52	Cargill, Inc.	204.7 T. De-icing Salt	14,073.12
53	Champaign County Treasurer	County Equipment Rental - June	17,197.91
			<hr/> \$ 31,271.03 <hr/>

TOWNSHIP MOTOR FUEL TAX CLAIMS FOR JULY

Req No.	Payee	Description	Amount
59	Illiana Construction	South Homer Twp 22,327.51gl HFE-90	51,130.00
60	Illiana Construction	Philo Twp 19,222.93gl SC-3000	64,396.83
61	Illiana Construction	Raymond Twp 35,061.44gl HFE-90	80,290.70
62	Illiana Construction	Sadorous Twp 234416gl HFE-90	56,129.39
63	Illiana Construction	Hensley Twp 1506gl HFE-90	3,448.74
64	Illiana Construction	Pesotum Twp 28,258gl HFE-90	64,710.82
65	Weber Trucking	Kerr Twp 212.67tons CA6-10	2,679.64
66	Illiana Construction	Urbana Twp 9,136.42gl HFE-90	20,922.40
67	Illiana Construction	Hensley Twp 3,143gl HFE-90	7,197.47
68	Illiana Construction	Hensley Twp 11,593gl HFE-90	27,772.72
69	Illiana Construction	Stanton Twp 38318.78gl HFE-90	87,750.00
70	Illiana Construction	St. Joseph Twp 35342.17gl HFE-90	80,933.57
71	Illiana Construction	Sidney Twp 37827.51gl HFE-90	86,625.00
72	Illiana Construction	Ogden Twp 22262gl HFE-90	50,979.98
73	Tuscola Stone	Crittenden Twp 22.34 tons CA-14	293.77
74	Grosso Trucking	Compromise Twp CA-16, CA-10, T Grit	4,142.36
			<hr/> \$689,403.39 <hr/>

RESOLUTION NO. _____

**RESOLUTION APPROPRIATING COUNTY MOTOR FUEL TAX FUNDS
FOR COUNTY ROADS MAINTENANCE
FOR THE PERIOD FROM
JANUARY 1, 2012 THRU DECEMBER 31, 2012
SECTION #12-00000-00-GM**

BE IT RESOLVED, The County Board of Champaign, that there is hereby appropriated the sum of Seven Hundred Fifty-three Thousand Eight Hundred Dollars (\$753,800.00) from the County's Motor Fuel Tax allocations for County Roads Maintenance and meeting the requirements of the Illinois Highway Code; and

BE IT FURTHER RESOLVED, That the above designated County Roads be maintained under the provisions of said Illinois Highway Code during the year ending December 31, 2012; and

BE IT FURTHER RESOLVED, That the County Engineer shall, as soon as practicable after the close of the period as given above, submit to the Illinois Department of Transportation, Division of Highways, on forms furnished by said Department, a certified statement showing expenditures from the balances remaining in the appropriation; and

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit two (2) certified copies of this resolution to the Illinois Department of Transportation, Division of Highways, Springfield, Illinois, through its District Engineer.

PRESENTED, ADOPTED, APPROVED AND RECORDED This 23rd day of August A.D., 2012.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Gordy Hulten, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

Resolution No.

I, Gordy Hulten, County Clerk in and for said County, in the State aforesaid and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Champaign County at its county Board Meeting held at Urbana, Illinois, on August 23, 2012.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Urbana in said County, this _____ day of _____ A.D., 2012.

(SEAL) _____ County Clerk

APPROVED

Date

Department of Transportation

District Engineer



Office of the Mayor
Laurel Lunt Prussing

400 S. Vine Street
Urbana, IL 61801
(217) 384-2456
Fax (217) 384-2426
lprussing@urbanaininois.us

July 10, 2012

RECEIVED

JUL 11 2012

**CHAMPAIGN COUNTY
ADMINISTRATIVE SERVICES**

C. Pius Weibel
Chairman
Champaign County Board
1776 E. Washington Street
Urbana, IL. 61802

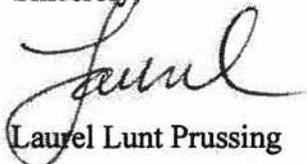
Re: County Board Resolution No. 8108 – Resolution in Support of a Standard Intersection at Olympian Drive and Lincoln Avenue

Dear Mr. Weibel:

The Urbana City Council considered County Board Resolution No. 8108 at its Committee of the Whole meeting on Monday, July 9, 2012. Respecting the concerns and wishes of the Champaign County Board, and in an effort to move the Olympian Drive project forward, the Urbana City Council agrees to follow the resolution's advice. The consulting engineer will be contacted and will revise the intersection design accordingly.

Please note that in the event the Illinois Department of Transportation revises its policies on intersection design to require a modern roundabout to be considered as a viable alternative, the city and county may have to revisit the Olympian Drive intergovernmental agreement and amend it to comply with IDOT policies and procedures.

Sincerely,



Laurel Lunt Prussing

cc: Champaign County Board
Jeff Blue, County Engineer





Date: July 17, 2012
To: ELUC/Committee of the Whole Members
From: Susan Chavarria, Regional Planning Manager
Regarding: Proposed FY13 County Planning Contract and Work Plan
Action Requested: Approval of County Planning Contract and Work Plan

BACKGROUND

CCRPC staff provided a proposed County Planning Contract Work Plan to the Committee of the Whole at its June 5th meeting. Since that time, input received from County Board members suggests that Items 11 and 12 in Attachment B regarding additional feasibility analysis for a countywide Building Code should not be considered for this fiscal year. In lieu of Items 11 and 12, we recommend including the following list of work tasks identified in consultation with John Hall, Zoning Director.

PROPOSED ADDITIONS TO THE JUNE 5TH DRAFT WORK PLAN

- **Item 2013-11n 60 hours**
Amend Champaign County Zoning Ordinance to include provisions of Policy 6.2.1 - The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Reason for recommendation: Formerly Item 2011-18, this item has been postponed from the current work plan due to the extra hours expended in the LESA/Best Prime Farmland definition process and from the previous year due to the EECBG grant. Counties are responsible for ensuring compliance with this State mandate; Champaign County currently does not do so.

- **Item 2013-12n 40 hours**
Priority Item 6.2.2 - Amend County Liquor Ordinance to reflect Policy 6.2.2: The County will require CC Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Reason for recommendation: Formerly Item 2012-15; this item has been postponed from the current work plan due to the extra hours expended in the LESA/Best Prime Farmland definition process. Counties are responsible for ensuring compliance with this State mandate; Champaign County currently does not do so.

- **Item 2013-13n 40 hours**
Priority Item 6.2.3 - Amend County Recreation and Entertainment Ordinance to reflect Policy 6.2.3: The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Reason for recommendation: Formerly Item 2012-16; this item has been postponed from the current work plan due to the extra hours expended in the LESA/Best Prime Farmland definition process. Counties are responsible for ensuring compliance with this State mandate; Champaign County currently does not do so.

- **Item 2013-14n** **30 hours**

Priority Item 8.7.4 - As a cooperative and adjunct effort to any similar action of the Champaign County Forest Preserve District or the Champaign County Soil and Water Conservation District, develop an information package regarding voluntary establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Reason for recommendation: The LRMP Goal for Natural Resources is to strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use. The specific objective for this Item is that the County will work to protect existing investments in rural parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

- **Item 2013-15n** **30 hours**

Priority Item 8.7.6 - As a cooperative and adjunct effort to any similar action of the Champaign County Forest Preserve District or the Champaign County Soil and Water Conservation District, develop an information package regarding site-specific natural resource management guidelines that landowners in CC may voluntarily adopt.

Reason for recommendation: The LRMP Goal for Natural Resources is to strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use. The specific objective for this Item is that the County will work to protect existing investments in rural parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

- **Item 2013-16n** **100 hours**

Priority Item 8.5.1 – Amend Zoning Ordinance to reflect Policy 8.5.1: *For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.*

Reason for recommendation: The LRMP Goal for Natural Resources is to strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use. The specific objective for this Item is that the County will encourage the maintenance and enhancement of aquatic and riparian habitats.

- **Item 2013-17n** **100 hours**

Priority Item 8.6.2 – Amend Zoning Ordinance to reflect Policy 8.6.2:

a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.

b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide

habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Reason for recommendation: The LRMP Goal for Natural Resources is to strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use. The specific objective for this Item is that the County will 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.

- **Add 50 hours to General Planning Services (removing 50 from LRMP Implementation).** Increase the 245 hours proposed in June under Attachment A to 295 hours.

Reason for recommendation: This will provide additional flexibility for the County to pursue initiatives approved by the County Board Chair and the County Administrator upon request by County Board members and County staff. Since June, County Board members and County staff have proposed using these hours to research funding Willard Airport and its administration, and to facilitate and report on a meeting with Wilbur Heights residents.

REQUESTED ACTION

Approve the FY2013 County Planning Contract in the amount of \$71,922 and the Work Plan items shown in Attachments A and B as revised and reflected by the recommendations in this memo.



COUNTY PLANNING CONTRACT FOR FY13 – PROPOSED
 December 1, 2012 through November 30, 2013

	<u>Hours</u>	<u>Cost</u>
LRMP Implementation		
Working with the County Board and staff, priority implementation items will be identified that CCRPC planners can implement given available time and resources.		
<i>Items 1 – 10 in Attachment B</i>	485	\$25,094
<i>Items 11 – 12 in Attachment B: continuing building code Research; part 1 was feasibility study completed earlier this year, part 2 is Needs Analysis (Attachment B Item 11), part 3 is Benefit-Cost Analysis (Attachment B Item 12)</i>	450	\$23,283
<u><i>Items 11-17 in Attachment B</i></u>	<u>400</u>	<u>\$20,696</u>
Recycling Events Coordination	150	\$7,761
Countywide recycling collection initiatives in coordination with local entities have been spearheaded through the County contract for the last couple of years. Current challenges include seeking means to accommodate the ongoing need for household hazardous waste collections.		
<i>Typical activities: Recycling events coordination, research on possible other recycling types and events</i>		
General Planning Services Requests	245 <u>295</u>	\$12,676 <u>\$15,263</u>
County Board and/or County departments may solicit research for funding sources, grant writing assistance, data analyses, and reports on topics of common interest to the Board or county administration.		
<i>Typical activities: 2007 Hazard Mitigation Plan grant application, searching for county facilities improvement funding, residential TIF research</i>		
Administration (budgeting, work plan, project management)	20	\$1,300
Non-staff expenses (Supplies, Services, Capital Outlay)		\$1,808
<i>Typical expenses: printing finished documents, purchasing research materials, office supplies, yearly subscriptions/memberships, etc.</i>		
TOTAL	1,350	\$71,922

Recommended LRMP work plan items for FY13 - PROPOSED

Overview

The following table provides an overview of the proposed FY13 LRMP Implementation work plan. More specific information on the implementation items is available on subsequent pages.

Work Plan ID	LRMP Objective/Priority Item	Hours	Cost
1	Update website for recycling events/information	10	\$517.40
2	Seek funding to implement GOPs	50	\$2,587.00
3	Participate in Greenways and Trails Committees	10	\$517.40
4	LRMP map changes recommendations	30	\$1,552.20
5	Review municipal service boundaries for map changes	30	\$1,552.20
6	NPDES required annual reporting	40	\$2,069.60
7	Intergovernmental annexation agreement feasibility	40	\$2,069.60
8	Amend Zoning Ordinance based on Policies 8.6.3 and 8.6.4	160	\$8,278.40
9	Identify water contamination and follow up as directed by CB	40	\$2,069.60
10	Finalize public approval process for NPDES	75	\$3,880.50
11	Building Code Needs Analysis	225	\$11,641.50
12	Building Code Benefit Cost Analysis and recommendations	225	\$11,641.50
11n	Office of State Fire Marshal life safety regulations for multi-family/purpose units	60	\$3,104.40
12n	Office of State Fire Marshal life safety regulations for liquor license premises	40	\$2,069.60
13n	Office of State Fire Marshal life safety regulations for recreation license premises	40	\$2,069.60
14n	Develop an information package to conserve woodlands and other habitats	30	\$1,552.20
15n	Develop an information package on natural resource management guidelines	30	\$1,552.20
16n	Amend Zoning Ordinance to reflect Policy 8.5.1	100	\$5,174.00
17n	Amend Zoning Ordinance to reflect Policy 8.6.2	100	\$5,174.00
Total		885	\$45,789.90

Yearly reports/updates – *These are items which are included in each year's work plan for implementing LRMP.*

1. Update Champaign County webpage to achieve provisions of Objective 9.4: *Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.*

Estimated planner hours to implement: 10
Estimated cost to implement: \$517.40
Resources needed to implement:
County planner will update content about recycling events and new relevant information; IT department will need to update county webpages

Estimated hours to administer once implemented: 10 per year
Estimated cost to administer: \$514.70 per year
Resources needed to administer:
Changes will be made as new information becomes available. This is a permanent item in the County planner work plan as long as the County prioritizes recycling events.

2. Monitor and pursue potential funding opportunities to achieve provisions of GOPs.

Estimated planner hours to implement: 50
Estimated cost to implement: \$2,587.00
Resources needed to implement:
Cost assumes researching funding sources and responding to one average grant opportunity. If more funding applications become available, each is unique and will consume a unique amount of time by the county planner; grant applications will require approval of County Committee of the Whole and full County Board.

Estimated hours to administer once implemented: Unknown
Estimated cost to administer: A portion of a grant is usually set aside for administration
Resources needed to administer:
Potential budget amendment and setting up account. This is a permanent item in the County Planner work plan.

3. Priority Item 7.2.4b - Participate in the Greenways and Trails Committees that are coordinated by CCRPC.

Estimated planner hours to implement: 10
Estimated cost to implement: \$517.40
Resources needed to implement: Cost assumes quarterly meetings.

Estimated hours to administer once implemented: none
Estimated cost to administer: none
Resources needed to administer: This is a permanent item in the County Planner work plan.

4. Priority Item 1.3.1 - Based on the annually prepared report of trends and new developments (refer to Priority Item 1.2.1), provide a recommendation to ELUC regarding minor LRMP map changes each year. Provide public notice of LRMP changes and invite public input regarding proposed changes.
5. Priority Item 2.1.1 - Review municipal limits and contiguous urban growth area boundaries with municipal representatives on a regular basis in order to update LRMP Future Land Use Map and Land Management Area Map boundaries. Complete review and revisions to LRMP maps in time for preparation of the annual report to be provided to the County Board each January.

Items 4 and 5 can be grouped as permanent annual updates to the LRMP.

Estimated planner hours to implement: 30 + 30 = 60
 Estimated cost to implement: \$3,104.40
 Resources needed to implement: none

Estimated hours to administer once implemented: none
 Estimated cost to administer: none
 Resources needed to administer: none

6. Priority Item 8.4.5a – Complete required annual update reports revisions for the Phase II National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program.

Estimated planner hours to implement: 40
 Estimated cost to implement: \$2,069.60
 Resources needed to implement: None

Estimated hours to administer once implemented: None
 Estimated cost to administer: None
 Resources needed to administer: None

Postponed tasks – *These are items that were postponed from the previous work plan due to integration of the LESA document revisions and best prime farmland definition.*

7. Priority Item 5.1.8b - **(Postponed Item 2012-7)** Assess and report to ELUC the feasibility of developing an intergovernmental agreement with each municipality that has adopted a municipal comprehensive land use plan that includes Policy 5.1.8: *The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.*

Estimated planner hours to implement: 40
 Estimated cost to implement: \$2,069.60
 Resources needed to implement: Meetings with each municipality with a comprehensive plan will require travel expenses in some cases.

Estimated hours to administer once implemented: none
 Estimated cost to administer: none
 Resources needed to administer: none

8. Amend *Champaign County Zoning Ordinance* to include provisions of GOPs for Policy 8.6.3 and 8.6.4. **(Postponed Item 2012-12)**

- Policy 8.6.3 - *For discretionary development, the County will 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.*
- Policy 8.6.4 - *The County will require implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.*

Estimated planner hours to implement: 160

Estimated cost to implement: \$8,278.40

Resources needed to implement: All zoning ordinance amendments must go through Committee of the Whole, full County Board, and Zoning Board of Appeals. This particular proposed amendment is not anticipated to be controversial, so proposed costs are for an average zoning ordinance amendment.

The County Zoning Department will direct this proposed task. Administrative Assistant time will be necessary for meetings, publicizing advertisements, and mailings.

Estimated hours to administer once implemented: none

Estimated cost to administer: none

Resources needed to administer: none

9. Priority Item 8.1.9 - Monitor IEPA annual reports and available data from IEPA and the MAC to identify contaminated land or groundwater areas requiring remediation in Champaign County. Submit proposal regarding Champaign County action or response for ELUC review and County Board adoption. **(Postponed Item 2012-13)**

Estimated planner hours to implement: 40

Estimated cost to implement: \$2,069.60

Resources needed to implement: none

Estimated hours to administer once implemented: none

Estimated cost to administer: none

Resources needed to administer: none

New tasks for County Planner – These are new items proposed for completion based on the prioritization established in the LRMP.

10. Finalize public approval process for Phase II National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program.

Estimated planner hours to implement: 75
 Estimated cost to implement: \$3,880.50 plus Zoning Department and Administrative Assistant time, plus advertising, mailing, and printing costs
 Resources needed to implement: All zoning ordinance amendments must go through Committee of the Whole, full County Board, and Zoning Board of Appeals.

Estimated hours to administer once implemented: 40 hours annually (required update reports)
 Estimated cost to administer: \$2069.60 (current estimated cost – see Item 6 above)
 Resources needed to administer: none

- ~~11. Conduct a Building Code Needs Analysis to follow up the 2012 Building Code Feasibility Study. John Hall has commented that the 2012 Feasibility Study was a necessary first step, but that a Needs Analysis specific to Champaign County is another necessary piece to give county board members information to make the best decision possible as to whether to create a Building Code for Champaign County.~~

~~Estimated planner hours to implement: 225
 Estimated cost to implement: \$11,641.50
 Resources needed to implement: none~~

~~Estimated hours to administer once implemented: none
 Estimated cost to administer: none
 Resources needed to administer: none~~

- ~~12. Conduct a Building Code Cost/Benefit Analysis to follow up the 2012 Building Code Feasibility Study. John Hall has commented that the 2012 Feasibility Study was a necessary first step, but that a Cost/Benefit Analysis to determine best estimates of costs to create and maintain a Building Code is the third necessary piece to give county board members information to make the best decision possible as to whether to create a Building Code for Champaign County.~~

~~Estimated planner hours to implement: 225
 Estimated cost to implement: \$11,641.50
 Resources needed to implement: none~~

~~Estimated hours to administer once implemented: none
 Estimated cost to administer: none
 Resources needed to administer: none~~

- 11. PROPOSED NEW:** Priority Item 6.2.1 - Amend relevant Champaign County ordinances to include provisions of Policy 6.2.1: *The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent. (Postponed Item 2011-18)*

Estimated planner hours to implement: 60
 Estimated cost to implement: \$3,104.40
 Resources needed to implement: None

Estimated hours to administer once implemented: as needed by Zoning Director
 Estimated cost to administer: None
 Resources needed to administer: None

- 12. PROPOSED NEW:** Priority Item 6.2.2 - Amend County Liquor Ordinance to reflect Policy 6.2.2: *The County will require CC Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.*

Estimated planner hours to implement: 40
 Estimated cost to implement: \$2,069.60
 Resources needed to implement: None

Estimated hours to administer once implemented: as needed by Zoning Director
 Estimated cost to administer: None
 Resources needed to administer: None

- 13. PROPOSED NEW:** Priority Item 6.2.3 - Amend County Recreation and Entertainment Ordinance to reflect Policy 6.2.3: *The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.*

Estimated planner hours to implement: 40
 Estimated cost to implement: \$2,069.60
 Resources needed to implement: None

Estimated hours to administer once implemented: as needed by Zoning Director
 Estimated cost to administer: None
 Resources needed to administer: None

- 14. PROPOSED NEW:** Priority Item 8.7.4 - As a cooperative and adjunct effort to any similar action of the Champaign County Forest Preserve District or the Champaign County Soil and Water Conservation District, develop an information package regarding voluntary establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Estimated planner hours to implement: 30
 Estimated cost to implement: \$1,552.20
 Resources needed to implement: Coordination with relevant agencies

Estimated hours to administer once implemented: None
 Estimated cost to administer: None
 Resources needed to administer: None

15. **PROPOSED NEW:** Priority Item 8.7.6 - As a cooperative and adjunct effort to any similar action of the Champaign County Forest Preserve District or the Champaign County Soil and Water Conservation District, develop an information package regarding site-specific natural resource management guidelines that landowners in CC may voluntarily adopt.

Estimated planner hours to implement: 30
 Estimated cost to implement: \$1,552.20
 Resources needed to implement: Coordination with relevant agencies

Estimated hours to administer once implemented: None
 Estimated cost to administer: None
 Resources needed to administer: None

16. **PROPOSED NEW:** Priority Item 8.5.1 – Amend Zoning Ordinance to reflect Policy 8.5.1: *For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.*

17. **PROPOSED NEW:** Priority Item 8.6.2 – Amend Zoning Ordinance to reflect Policy 8.6.2:
- a. *For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.*
 - b. *With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.*

Estimated planner hours to implement items 16 and 17: 200
 Estimated cost to implement: \$10,348.00
 Resources needed to implement: These tasks would involve two draft reviews by Zoning, a Study Session, two ELUC meetings, and two County Board meetings. Additional drafts, ZBA and other additional meetings are not included in this estimate. Significant time is anticipated to research and gather public input on design guidelines, which are anticipated to be controversial.

Estimated hours to administer once implemented: As needed by Zoning Director
 Estimated cost to administer: None
 Resources needed to administer: None

Other LRMP Implementation Items

The following are the remainder of items listed for implementation within the first three years of the adopted LRMP Implementation Plan. Only those items in which CCRPC feel it can be of assistance are listed; other implementation items naturally fall under the Champaign County Zoning Director.

If the County Board desires, items from the work plan can be replaced with items in this list or from longer-term Priority Items listed in the LRMP.

Immediately upon LRMP adoption

- Multiple Priority Items – Review all zoning map amendments for conformance to relevant GOPs:
 - Policy 5.1.6 - *To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed urban development.*

RPC Task: Research types and appropriateness of buffers, provide report to Zoning
Estimate: 75 hours

- Policy 6.1.1 – *The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems. (Note: The priority item C for this policy seeks to amend the Champaign County Zoning Ordinance to reflect the requirements of the Champaign County Health Ordinance, and vice versa.)*

RPC Task: Research and make recommendations on minimum lot location and dimension requirements; provide a summary report to Zoning
Estimate: 40 hours

Near Term: Within 1-3 years

- Develop information package for public dissemination regarding Policy 9.1.2 – *The County will promote energy efficient building design standards.*

RPC Task: Research existing information and formulate a package relevant to Champaign County; provide draft to Zoning.
Estimate: 60 hours
Notes: This item does not require that the County adopt energy efficient building design standards for its jurisdiction; rather, it would promote existing best practices.

- Priority Item 10.1.1b - Develop proposal to identify historic structures, places and landscapes in the County. Submit proposal to ELUC, County Facilities Committee and County Board for review and approval.

RPC Task: Develop definitions of historic structures, places, and landscapes in the County, and then submit a memo to Boards to determine how they want to proceed with identifying such amenities.

Estimate: 60 hours

Notes: With no formal definition, the LRMP Steering Committee found creating policies to be contentious. In order to achieve Objective 10.1: "Champaign County will encourage the development and maintenance of cultural, educational, recreational and other amenities that contribute to the quality of life of its citizens", standard definitions will be necessary.

- Multiple Priority Items – Amend relevant *Champaign County Ordinance* to include provisions of GOPs:
 - Policy 4.1.5 –
 - a. *The County will allow landowner by right development that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:*
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of best prime farmland for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant good zoning lot provided that public health and safety standards are met.
 - b. *The County will not allow further division of parcels that are 5 acres or less in size.*
 - Policy 4.1.6 – *Provided that the use, design, site and location are consistent with County policies regarding:*
 - i. *suitability of the site for the proposed use;*
 - ii. *adequacy of infrastructure and public services for the proposed use;*
 - iii. *minimizing conflict with agriculture;*
 - iv. *minimizing the conversion of farmland; and*
 - v. *minimizing the disturbance of natural areas,*
then,
 - a) *on best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or*
 - b) *on best prime farmland, the County may authorize non-residential discretionary development; or*
 - c) *the County may authorize discretionary review development on tracts consisting of other than best prime farmland.*

- Policy 4.1.9 - *The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.*

RPC Task: Facilitate discussion at County Board level on the concepts in 4.1.5, 4.1.6 and 4.1.9, including public input. Finalize approval process for zoning ordinance changes.
Estimate: 200 hours

- Policy 5.1.1 - *The County will encourage new urban development to occur within the boundaries of incorporated municipalities.*
- Policy 5.2.1 - *The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.*

RPC Task: Identify potential incentives and information that might encourage such development; provide report to Zoning for both 5.1.1 and 5.2.1
Estimate: 40 hours

- Policy 5.2.2 – *The County will:*
 - a. *ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and*
 - b. *encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.*

RPC Task: Create design guidelines for urban development applicable to County jurisdiction; provide draft for consideration.
Estimate: 200 hours
Notes: This task would involve two draft reviews by Zoning, a Study Session, two ELUC meetings, and two County Board meetings. ZBA and other additional meetings are not included in this estimate. Significant time is anticipated to research and gather public input on design guidelines, which are anticipated to be controversial.

- Policy 5.2.3 - *The County will:*
 - a. *require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality; and*
 - b. *encourage, when possible, other jurisdictions to require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality.*

RPC Task: Define natural environmental quality based on best practices, local knowledge, and accepted standards; submit to Zoning for review; draft ordinance for 5.2.3a
Estimate: 80 hours
Notes: This task includes drafting and revision hours, but does not include any approval meetings with the County Board, Committees, or ZBA.

- Policy 5.3.1 - *The County will:*
 - a. *require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and*
 - b. *encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.*

- Policy 5.3.2 - *The County will:*
 - a. *require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and*
 - b. *encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.*

RPC Task: Research “undue public expense” and case studies. Draft ordinance language for use by Zoning Department in consultation with Zoning Administrator for Items 5.3.1 and 5.3.2.

Estimate: 120 hours

Notes: This task includes drafting and revision hours, but does not include any approval meetings with the County Board, Committees, or ZBA.

- Policy 8.3.1 - *The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:*
 - a) *the operation poses no significant adverse impact to existing land uses;*
 - b) *the operation creates no significant adverse impact to surface water quality or other natural resources; and*
 - c) *provisions are made to fully reclaim the site for a beneficial use.*

RPC Task: Draft ordinance language for use by Zoning Department in consultation with Zoning Administrator

Estimate: 80 hours

Notes: This task includes drafting and revision hours, but does not include any approval meetings with the County Board, Committees, or ZBA.

- Policy 8.4.2 - *The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.*

RPC Task: Research management designs and practices, gather public input especially from drainage districts, and draft ordinance language for use by Zoning Department in consultation with Zoning Administrator

Estimate: 200 hours

Notes: This task includes drafting and revision hours, but does not include any approval meetings with the County Board, Committees, or ZBA.

- Policy 8.4.3 - *The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.*

RPC Task: Research best management practices, provide report to Zoning.
Estimate: 60 hours

- Policy 8.5.2 - *The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.*
- Policy 8.7.1 - *The County will require that the location, site design and land management of discretionary development minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.*

RPC Task: Research what should be considered the definition of “minimal disturbance” for Items 8.5.2 and 8.7.1 and provide summary to Zoning.
Estimate: 30 hours
Notes: This task includes drafting and revision hours, but does not include any approval meetings with the County Board, Committees, or ZBA.

- Policy 8.7.3 - *The County will require that discretionary development provide a reasonable contribution to support development of parks and preserves.*

RPC Task: Research other areas such as Bloomington regarding development fees; provide summary report and recommendations to Zoning.
Estimate: 40 hours

- Policy 8.7.5 - *The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.*

RPC Task: Research incentives to encourage development and management regarding Policy 8.7.5; provide summary report to Zoning.
Estimate: 60 hours

- Policy 9.1.1 - *The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.*

RPC Task: Create informational materials regarding best management practices that can be distributed to land owners.
Estimate: 80 hours
Notes: This task does not include potential printing costs.

Items determined to be untimely for the FY13 Work Plan

- Priority Item 8.1.3 – (within 1-3 years) - As they become available, review MAC recommendations regarding measures to ensure that withdrawals from the Mahomet Aquifer and other aquifers in Champaign County do not exceed the long-term sustainable yield, as described in Policy 8.1.3. Amend relevant Champaign County ordinances (e.g., Zoning, Subdivision, etc.).

RPC Task: When MAC Plan/recommendations are complete, compare and draft text to amend relevant ordinances; provide draft text to Zoning for their use.

Estimate: 75 hours

Note: MAC still seeks funding; no recommendations are pending in the near future.

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**

From: **John Hall, Zoning Administrator
Andrew Kass, Associate Planner**

Date: **July 27, 2012**

RE: **Recommendation for rezoning Case 721-AM-12**

Request: **Amend the Zoning Map to change the designation from the AG-1 Agriculture Zoning District to the B-I Rural Trade Center Zoning District to allow expansion of the existing non-conforming grain elevator on a 2.54 acre tract in the Northwest Quarter of the Northeast Quarter of Section 17 of St. Joseph Township and commonly known as the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph.**

Petitioner: **Premier Cooperative Incorporated**

STATUS

The Zoning Board of Appeals (ZBA) voted unanimously to "RECOMMEND ENACTMENT" of this map amendment at their July 26, 2012, meeting.

This property has been a grain elevator since the 1940's and this zoning map amendment is intended to provide for the expansion of the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph. At the same meeting the ZBA also approved Case 726-S-12 (unanimously) which is the Special Use Permit for the proposed elevator due to the height of the existing elevator and the height of the proposed new grain bins.

No neighbor presented testimony at the public hearing.

The ZBA found that the rezoning achieved or conformed to all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan.

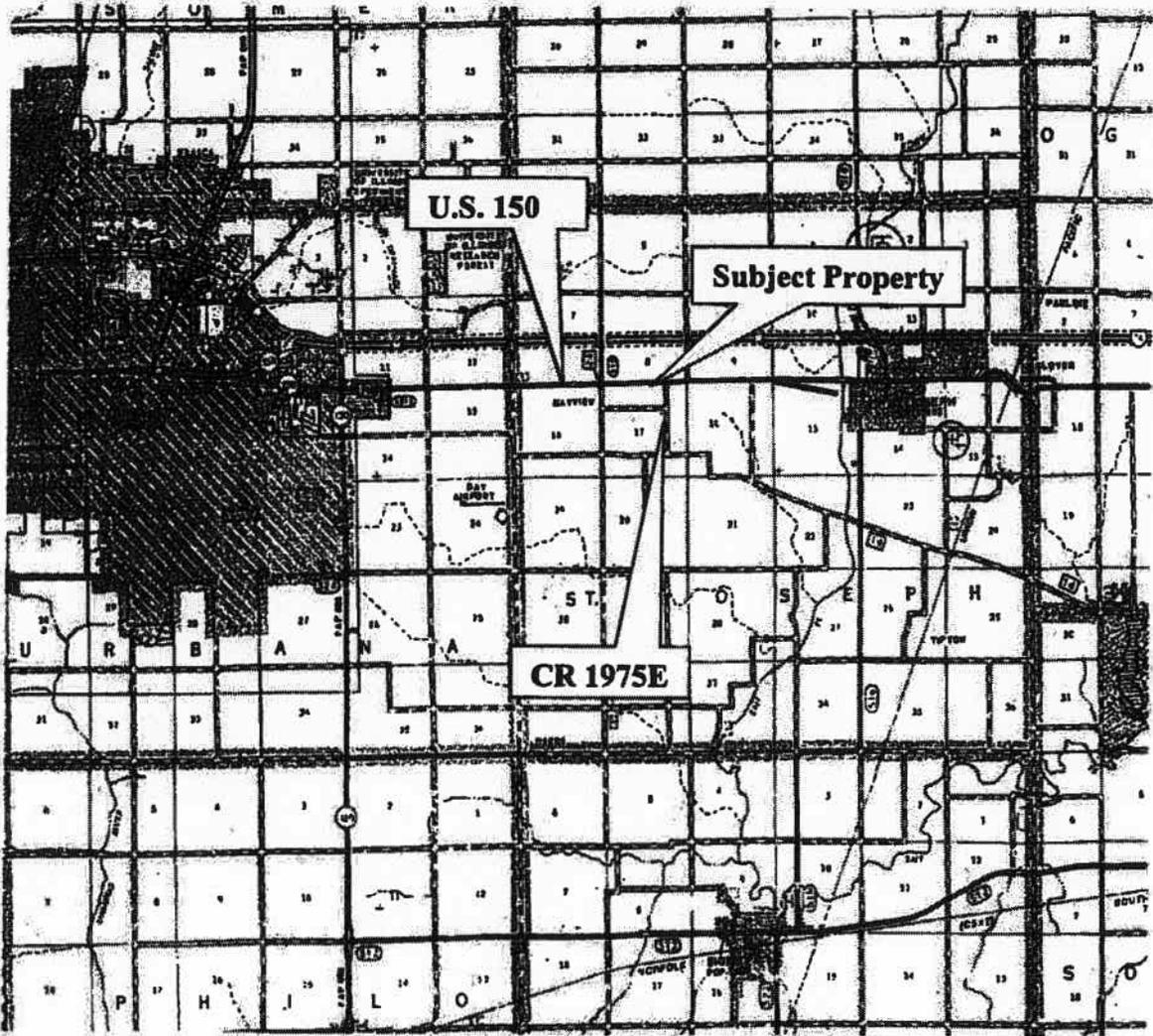
No special conditions of approval were recommended.

This case is not located within 1.5 miles of any municipality.

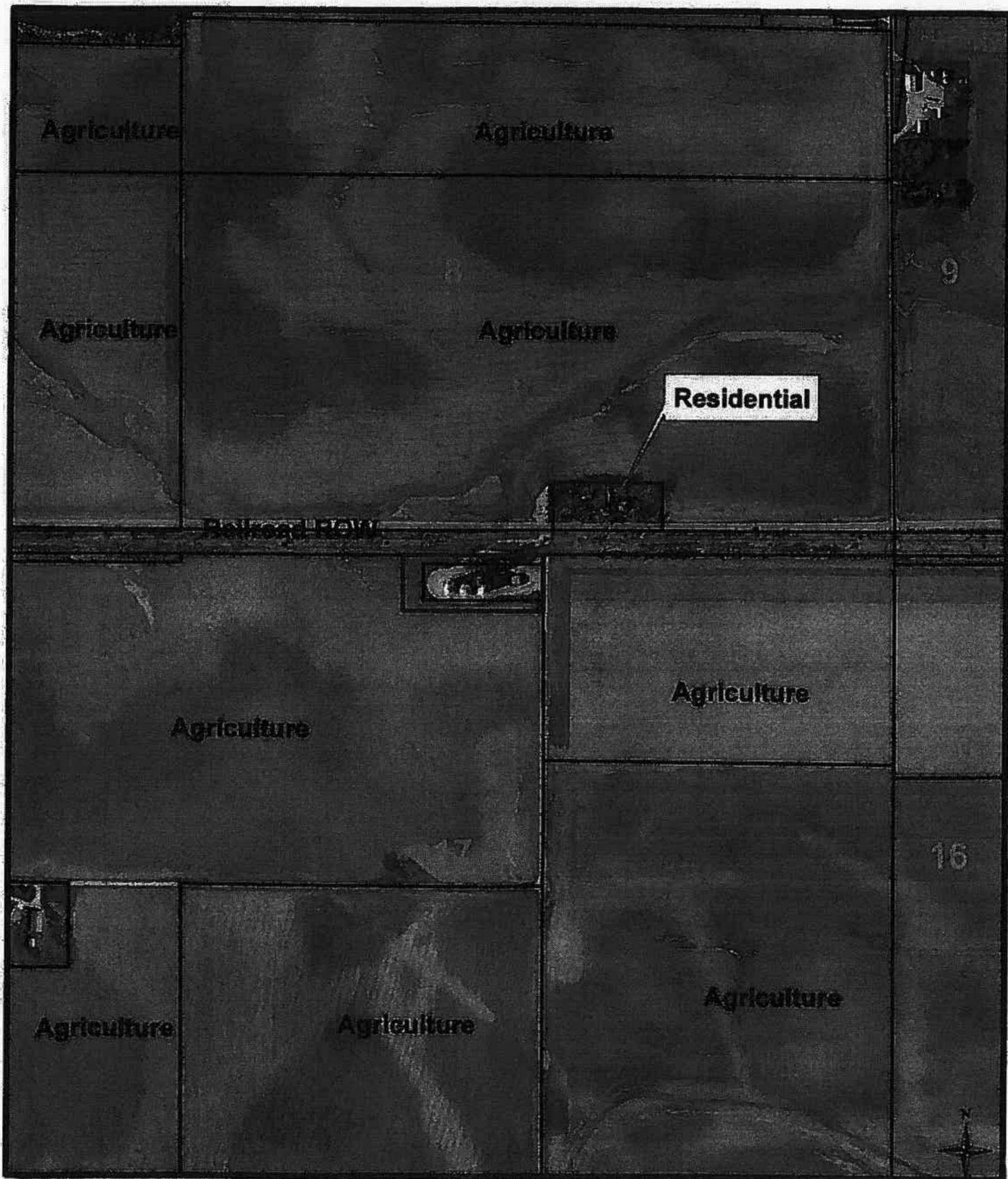
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plans
- C AS APPROVED Finding of Fact for Case 721-AM-12

ATTACHMENT A. LOCATION MAP
Cases 721-AM-12 & 726-S-12
July 20, 2012



**Attachment A: Land Use Map
Cases 721-AM-12 & 726-S-12
July 20, 2012**



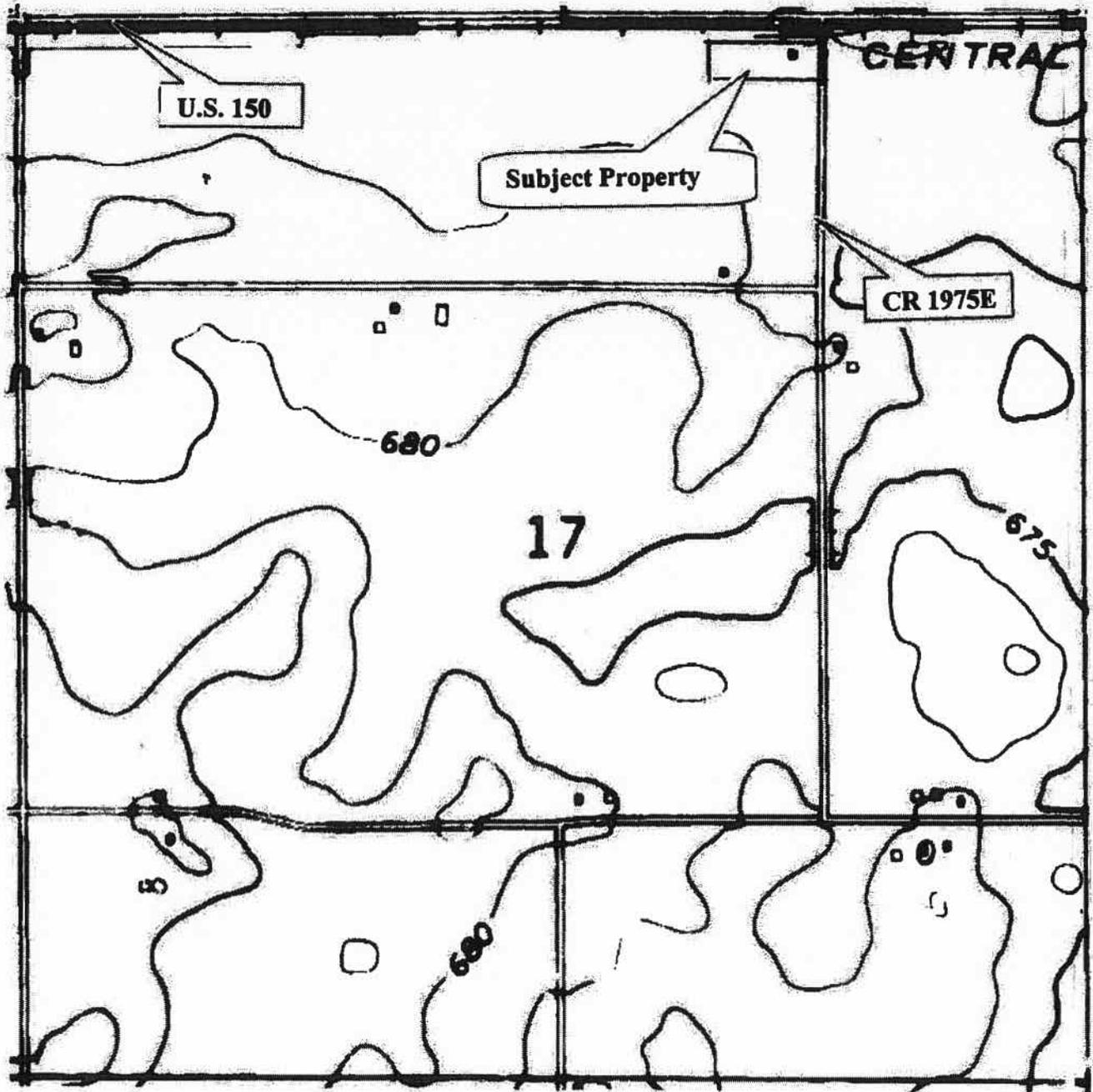
 Subject Property

1 inch = 500 feet

ATTACHMENT A. ZONING MAP

Cases: 721-AM-12 & 726-S-12

July 20, 2012

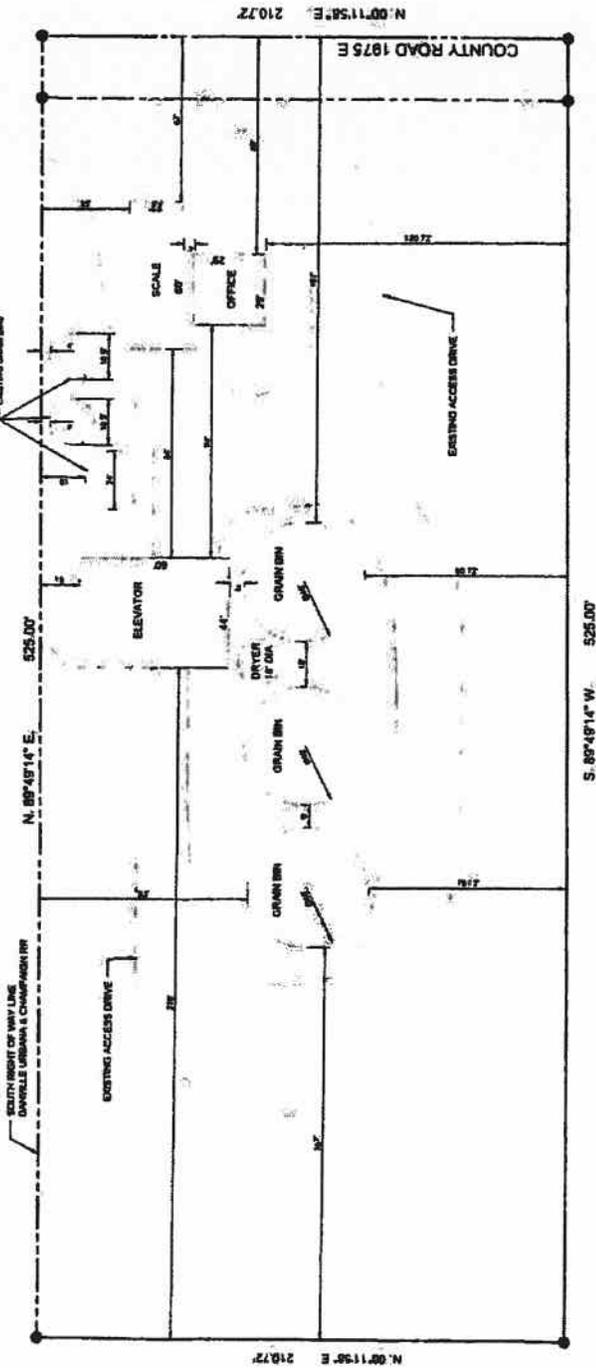


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-3 Central Business	NORTH Orange County Department of Planning and Economic Development
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation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

PREMIER COOPERATIVE
FULLS SIDING SITE
 CHAMPAIGN COUNTY, ILLINOIS
 EXISTING SITE PLAN

U.S. ROUTE 150

COAST RAILROAD



Foath
 ARCHITECTS
 1000 N. WASHINGTON ST.
 CHAMPAIGN, ILL. 61701
 (309) 231-1111
 www.foath.com

SHEET NO. 1
 OF 1 SHEETS
 J. J. BROWN



EXISTING BUILDING, 11,475 SF

RECEIVED

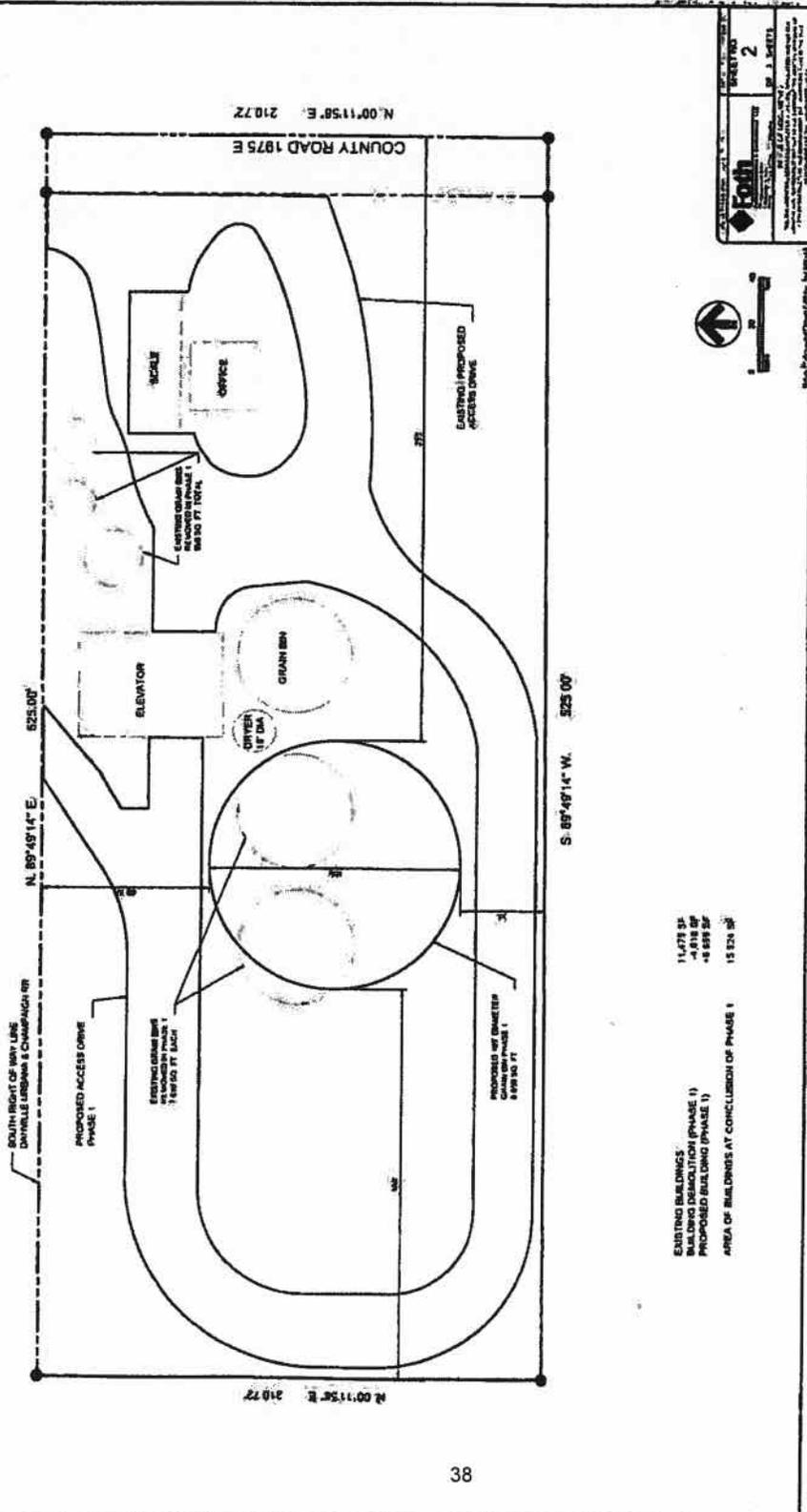
JUN 29 2012

CHAMPAIGN CO. P. & Z. DEPARTMENT

PREMIER COOPERATIVE
FULLS SIDING SITE
 CHAMPAIGN COUNTY, ILLINOIS
 PROPOSED PHASE 1 SITE PLAN

U.S. ROUTE 150

CENT RAILROAD



EXISTING BUILDINGS:
 14,078 SF
 18,898 SF
 18,898 SF

BUILDING DEMOLITION (PHASE 1)
 PROPOSED BUILDING (PHASE 1)

AREA OF BUILDINGS AT CONCLUSION OF PHASE 1
 15,828 SF



	SOUTH COUNTY ROAD 1875 E 210.72'
	NORTH COUNTY ROAD 1875 E 210.72'
EAST COUNTY ROAD 1875 E 525.00'	WEST COUNTY ROAD 1875 E 525.00'
SOUTH COUNTY ROAD 1875 E 525.00'	NORTH COUNTY ROAD 1875 E 525.00'

RECEIVED

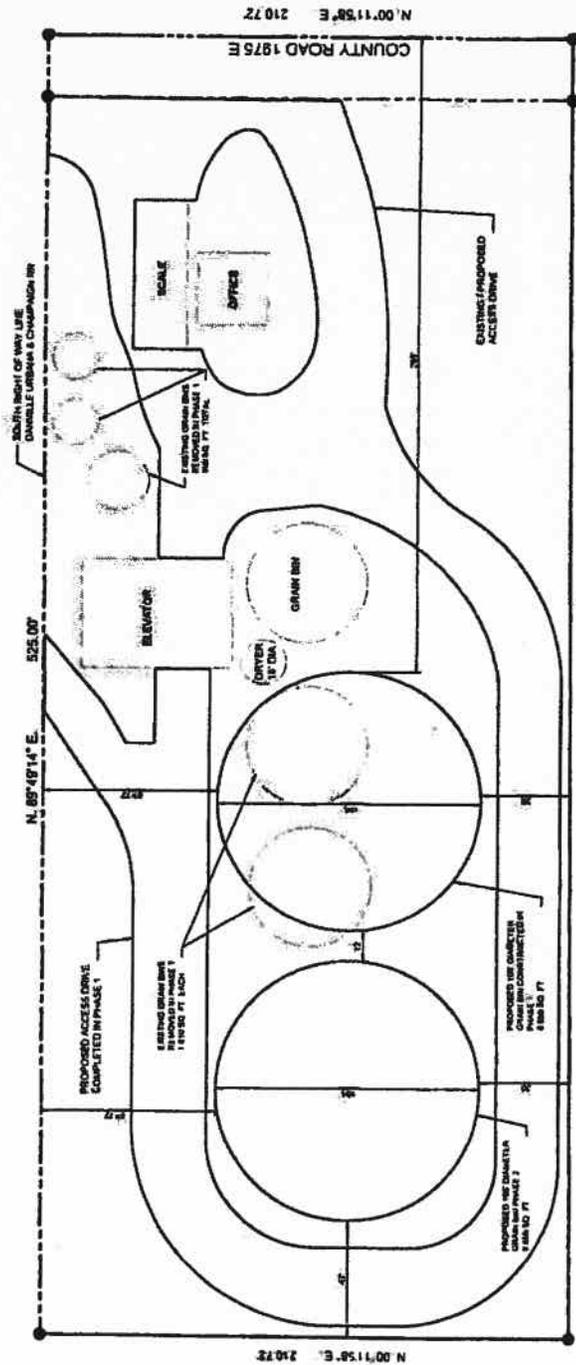
JUN 29 2012

CHAMPAIGN CO. P. & Z DEPARTMENT

PREMIER COOPERATIVE
FULLS SIDING SITE
 CHAMPAIGN COUNTY, ILLINOIS
 PROPOSED PHASE 2 SITE PLAN

U.S. ROUTE 150

CEST RAILROAD



- EXISTING BUILDINGS
- BUILDING DEMOLITION (PHASE 1)
- PROPOSED BUILDING (PHASE 1)
- PROPOSED BUILDING (PHASE 2)
- AREA OF BUILDINGS AT CONCLUSION OF PHASE 2

- 11,875 SF
- 14,850 SF
- 14,850 SF
- 24,183 SF



PREPARED BY
 FOTH
 1000 N. WASHINGTON ST.
 CHAMPAIGN, IL 61701
 PHONE: 219.244.1111
 FAX: 219.244.1112
 WWW.FOTH.COM

PROJECT NO.
3
 DATE OF SHEET
 06.03.2012

RECEIVED
 JUN 29 2012

CHAMPAIGN CO. P & Z DEPARTMENT

APPROVED

721-AM-12

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

Final Determination: RECOMMEND ENACTMENT

Date: July 26, 2012

Petitioners: Premier Cooperative Incorporated

**Request: Amend the Zoning Map to change the zoning district designation from AG-1
Agriculture to B-1 Rural Trade Center.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Premier Cooperative Incorporated, 2104 West Park Court, Champaign, with board members Art Farley, 274 CR 1300N, Seymour; Joseph Kuntz, 37603 N 370E, Ranking; Richard Wilkin 502 E Washington, Monticello; Kim Jolley, 304 E South St, Fairmount; Kenneth Heiser, 741 CR 3450N, Foosland; Stephen Hettinger, 440 CR 1000E, Philo; Roger Miller, 2046 CR 2000E, Urbana; Pat Feeney, 1474 E CR 1500N, Monticello; Doug Bialeschki, 753 CR 600N, Sadorus; Douglas Hansens, 2822 CR 800E, Dewey; John G. Murray, 2607 CR 1000E, Champaign; Dwight Huffstutler, 1132 E 2750 N RD, Mansfield; Maury Busboom, 217 W Main St, Royal; and corporate officers Roger Miller, General Manager; Louis Schwing, Assistant General Manager; and James Deters, Chief Financial Officer, 2104 West Park Court, Champaign, owns the subject property.
2. The subject property is a 2.54 acre tract in the Northwest Quarter of the Northeast Quarter of Section 17 of St. Joseph Township and commonly known as the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, but St. Joseph Township does have a plan commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

The petitioner did not indicate a response to the question.

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

“The property has been in use as a grain elevator since 1940. We feel this change to be justified by allowing Premier Cooperative to expand to better serve the farmers needs of today.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is used for the operation of a grain elevator.
 - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - (1) Land on the north is railroad right-of-way and a dwelling is located to the northeast.
 - (2) Land on the south is in agricultural production.

- (3) There is a Restricted Landing Area approximately one-half mile to the southeast of the subject property.
 - (4) Land west of the subject property is in agricultural production.
7. Previous zoning cases in the vicinity are the following:
- A. Case 268-V-00 was a request by Scott Weaver for a side yard of 0 feet for an accessory structure in the R-1 District.
8. Regarding site plan and operations of the Grain Elevator:
- A. The site plan received June 29, 2012, shows the entirety of the subject property and includes the following:
 - (1) An existing 44' × 60' grain elevator that is 175 feet in height and existed prior to the adoption of the *Zoning Ordinance* on October 10, 1973.
 - (2) Three small grain bins in the northeast corner of the subject property. These bins will be removed.
 - (3) A 29' × 29' office.
 - (4) A 22' × 60' scale.
 - (5) Three 96' diameter grain bins in the center of the subject property. Two of these bins will be removed. All of these bins are less than 100 feet in height.
 - (6) An existing access drive off of CR 1975E.
 - (7) An 18' diameter grain dryer that is less than 100 feet in height.
 - (8) A proposed 105' diameter grain bin that is 130 feet in height.
 - (9) The grain legs are typically not ground mounted and are therefore not shown on the site plan, but they are of heights of 130 feet, 165 feet, and 175 feet.
 - B. A Phase 2 site plan was received June 29, 2012, and indicates an additional 105' diameter grain bin that is 130 feet in height. The Petitioner anticipates that this bin could be built in the future.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of

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AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.

- (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 25 types of uses authorized by right in the B-1 District:
 - (a) The following 5 uses are authorized by right in the AG-1 District and are not authorized at all in the B- District:
 - Single family dwelling;
 - Roadside Stand operated by Farm Operator;
 - Plant Nursery;
 - Off-premises sign within 660 feet of interstate highway; and
 - Off-premises sign along federal highway except interstate highways;
 - (b) The following 6 uses are authorized by right in both the AG-1 District and B-1 District:
 - Subdivisions of three lots or less;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Township Highway Maintenance Garage (must meet separations or SUP is required);
 - Christmas Tree Sales Lot;
 - Temporary Uses
 - (c) The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
 - Parking garage or lot;
 - Telegraph Office;
 - Roadside Produce Stand;
 - Farm Equipment Sales and Service;
 - Feed and Grain (sales only);

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- Locker, Cold Storage for Individual Use;
 - Major Automobile Repair;
 - Minor Automobile Repair;
 - Antique Sales and Service;
- (d) The following 9 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- Major Rural Specialty Business;
 - Municipal or Government Building;
 - Small Scale Metal Fabricating Shop
 - Telephone Exchange;
 - Farm Chemicals and Fertilizer Sales;
 - Grain Storage Elevators and Bins;
 - Police Station or Fire Station;
 - Library, Museum or Gallery;
 - Public park of recreational facility
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- (a) The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- (b) The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;

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- Radio or Television Station;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- Riding Stable;
- Commercial Fishing Lake;
- Cemetery or Crematory;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital;
- Off-premises sign farther than 660 feet from an interstate highway;
- Contractors Facilities with no outdoor operations or storage;
- Contractors Facilities with outdoor operations and/or storage;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- WIND FARM (County Board SUP)
- Sawmills Planing Mills, and related activities; and
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

- (c) The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
 - Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons;
 - Liquefied Petroleum Gases Storage;

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

B. The LRMP defines Goals, Objectives, and Policies as follows:

- (1) Goal: an ideal future condition to which the community aspires
- (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
- (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

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

REGARDING LRMP GOALS & POLICIES

11. LRMP Goal 1 is entitled "Planning and Public Involvement" and states that as follows:

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

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise **NOT RELEVANT** to the proposed rezoning.

(Note: bold italics typeface indicates staff's recommendation to the ZBA)

12. LRMP Goal 2 is entitled "Governmental Coordination" and states as follows:

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

Goal 2 has two objectives and three policies. The proposed amendment is **NOT RELEVANT** to Goal 2.

13. LRMP Goal 3 is entitled "Prosperity" and states as follows:

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

Goal 3 has three objectives and no policies. The proposed amendment **PARTIALLY ACHIEVES** Goal 3 for the following reason:

A. The three objectives are as follows:

- (1) Objective 3.1 is entitled "Business Climate" and states, Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

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- (2) Objective 3.2 is entitled "Efficient County Administration" and states, "Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals."
- (3) Objective 3.3 is entitled "County Economic Development Policy" and states, "Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRPM."

B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow Premier Cooperative Incorporated to continue operations at the Fulls-Siding site with proper zoning and to continue to serve the needs of the farmers of Champaign County and therefore the proposed rezoning can be said to **PARTIALLY ACHIEVE** the Goal.

14. LRMP Goal 4 is entitled "Agriculture" and states as follows:

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment **ACHIEVES** Goal 4 for the following reasons:

A. Objective 4.1 is entitled "Agricultural Land Fragmentation and Conservation" and states, "Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland."

The proposed rezoning **ACHIEVES** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.4, 4.1.5, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, "**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.**"

The proposed rezoning **ACHIEVES** Policy 4.1.1 because the subject property has not been in agricultural production since the 1940s and the B-1 District is intended to provide agriculture related businesses to rural residents.

- (3) Policy 4.1.3 does not appear to be relevant to any specific rezoning.
- (4) Policy 4.1.6 states, "**Provided that the use, design, site and location are consistent with County policies regarding:**

- i. Suitability of the site for the proposed use;**
- ii. Adequacy of infrastructure and public services for the proposed use;**
- iii. Minimizing conflict with agriculture;**
- iv. Minimizing the conversion of farmland; and**
- v. Minimizing the disturbance of natural areas; then**
 - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning **ACHIEVES** Policy 4.1.6 for the following reasons:

- (a) The soils on the subject property constitute best prime farmland and consists of Flanagan silt loam and Drummer silty clay and would have an average LE of approximately 99.
 - (b) The existing grain elevator on the subject property has been in operation since the 1940s.
 - (c) The proposed rezoning will not remove any additional best prime farmland from production.
- (4) Policy 4.1.7 states, **“To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development on best prime farmland.*”**

The proposed rezoning **IS CONSISTENT** with Policy 4.1.7 for the following reasons:

- (a) The amount of land proposed for zoning is the minimum feasible amount of land that would allow for productive use of the subject property. A small area is used for agricultural production, but no plans to take this area out of agricultural production are indicated. The 2.54 acres consists of the existing elevator, grain bins, and office.

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- (b) The proposed rezoning removes the land from the AG-1 District and the maximum lot size does not apply, but that does not change the fact that the amount of land being rezoned is the minimum feasible amount.

B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning **ACHIEVES** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning **ACHIEVES** Policy 4.2.1 for the following reason:

- (a) Premier Cooperative Incorporated is an agricultural support service. The subject property has been used as a grain elevator since the 1940s and supports agriculture and is a service better provided in a rural area.
- (b) The B-1 District is intended to allow siting of agriculture related businesses to serve rural residents.

- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
 - a. is a type that does not negatively affect agricultural activities; or**
 - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning **ACHIEVES** Policy 4.2.2 for the following reasons:

- (a) The use of the subject property which is directly related to agriculture and is neither affected by nor does it hinder agricultural activities.
- (b) The elevator and bins are sited on land that is not in crop production and will not interfere with agricultural activities.
- (c) The traffic generated by the proposed use or any future use should be consistent with its current traffic and should not increase as a result of this rezoning. The

petitioner merely seeks proper zoning classification in order to replace outdated grain storage bins on the subject property.

- (d) The B-1 District is intended to allow siting of agriculture related businesses to serve rural residents.
- (3) **Policy 4.2.3 states, "The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land."**

The proposed rezoning ACHIEVES Policy 4.2.3 for the following reasons:

- (a) The Petitioner's understand that this is a rural area where agricultural activities take place and the petitioners business depends upon agricultural activities.
- (b) The B-1 District is intended to allow siting of agriculture related businesses to serve rural residents.
- (4) **Policy 4.2.4 states, "To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary."**

The proposed rezoning ACHIEVES Policy 4.2.4 for the following reason:

- (a) The use on the subject property is directly related to agricultural activities and is not in operation year-round. A buffer between the use and nearby agriculture is not warranted.
 - (b) The B-1 District is intended to allow siting of agriculture related businesses to serve rural residents.
- C. Objective 4.3 is entitled "Site Suitability for Discretionary Review Development" and states, "Champaign County will require that each discretionary review development is located on a suitable site."

The proposed rezoning ACHIEVES Objective 4.3 because of the following:

- (1) **Policy 4.3.2 states, "On best prime farmland, the County may authorize a *discretionary review development* provided the site with proposed improvements is well-suited overall for the proposed land use."**

The proposed rezoning ACHIEVES Policy 4.3.2 for the following reasons:

- (a) The land is best prime farmland and consists of Drummer silty clay soil that has a Land Evaluation score of 98 and Flanagan silt loam that has a Land Evaluation Score of 100 and the average Land Evaluation score is approximately 99.

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- (b) The subject property fronts and has access to CR 1975E which is a township road. U.S. 150 is approximately 125 feet from the entrance to the subject property.
 - (c) The subject property is not served by sanitary sewer and is not a large generator of wastewater.
 - (d) The subject property was converted out of agricultural production prior to zoning and has existing equipment and facilities well-suited to the purposes of Premier Cooperative's Incorporated operations, making the subject property well-suited overall.
 - (e) There is only one nearby dwelling which is located to the northeast and across U.S. 150, and appears to have adequate separation from the subject property.
 - (f) The B-1 District is intended to allow siting of agriculture related businesses to serve rural residents.
- (2) **Policy 4.3.3 states, "The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense."**

The proposed rezoning ACHIEVES Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 2.7 miles from the St. Joseph Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (3) **Policy 4.3.4 states, "The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense."**

The proposed rezoning ACHIEVES Policy 4.3.4 for the following reason:

- (a) The subject property has access to CR 1975E and U.S. 150 is approximately 125 feet from the subject property.
 - (b) No significant traffic increase is anticipated as a result of this rezoning.
- (4) **Policy 4.3.5 states, "On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it."**

The proposed rezoning **ACHIEVES** Policy 4.3.5 for the following reasons:

- (a) The proposed use serves surrounding agriculture and is an existing use and cannot be located elsewhere.
- (b) The B-1 District is intended to allow siting of agriculture related businesses to serve rural residents.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment is **NOT RELEVANT** to Goal 5 because the existing use on the subject property is not an urban land use.

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

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

Goal 6 has 4 objectives and 7 policies. The proposed amendment **CONFORMS** to Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning **CONFORMS** to Objective 6.1 because of the following:

- (1) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

The proposed rezoning **CONFORMS** to Policy 6.1.2 for the following reasons:

- (a) The proposed use is not of a type to require processing of large amounts of wastewater.
- (b) The use of the property will not be changing nor will the use of the property intensify.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment **CONFORMS** to Goal 7 for the following reason:

- A. Objective 7.1 is entitled "Traffic Impact Analysis" and states, "Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted."

The proposed rezoning **CONFORMS** to Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, "The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation."

The proposed rezoning **CONFORMS** to Policy 7.1.1 for the following reasons:

- (a) CR 1975E is a township road with an oil and chip surface. U.S. 150 is a federal highway and is approximately 125 feet from the entrance of the subject property.
- (b) The existing use does not operate year-round. Employees report to the site during harvest season.
- (c) No significant traffic increase is anticipated as a result of the rezoning.

18. LRMP Goal 8 is entitled "Natural Resources" and states as follows:

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

Goal 8 has 9 objectives and 36 policies. The proposed amendment is **NOT RELEVANT** Goal 8.

19. LRMP Goal 9 is entitled "Energy Conservation" and states as follows:

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

The proposed amendment **PARTIALLY ACHIEVES** Goal 9 because the proposed elevator improvements will reduce seasonal traffic and therefore reduce energy use.

20. LRMP Goal 10 is entitled "Cultural Amenities" and states as follows:

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

Goal 10 is **NOT RELEVANT** to the proposed amendment.

GENERALLY REGARDING THE LaSalle Factors

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

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

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Grain Elevator	AG-1 Agriculture
North	Railroad Right-of-Way <hr/> Residential	AG-1 Agriculture
East	Agriculture <hr/> Restricted Landing Area	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
- (3) This area is primarily an agricultural area and the subject property has been a grain elevator since the 1940s.

C. *LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

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- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
The gain to the public of the proposed rezoning is positive because the proposed amendment would allow Premier Cooperative Incorporated to upgrade its grain storage facilities in order to support surround agricultural activities.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and there is an existing grain elevator occupying the subject property that is suitable for the existing and future uses.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are three buildings on the subject property. The existing grain elevator was built in the 1940s which was prior to zoning in Champaign County.
- G. **Sinclair factor: The need and demand for the use.**
The petitioner needs adequate grain storage to serve the needs of its customers and members. The current storage facilities on the subject property are outdated and inadequate to accommodate the storage required for modern farming.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The special conditions should ensure that the proposed rezoning also conforms to the LRMP.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. No Special Conditions of Approval are proposed at this time

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Louis Schwing Jr. (Assistant Manager) received on May 31, 2012 with attachments:
 - A Legal Description
 - B Boundary Survey
2. Application for Special Use Permit signed by Jeff Breen (Regional operations Manager) received July 3, 2012, with attachments:
 - A Site Plan
 - B Legal Description
3. Site Plan (Current Conditions) received June 29, 2012
4. Site Plan (Phase 1) received June 29, 2012
5. Site Plan (Phase 2) received June 29, 2012
6. List of Premier Cooperative Board Members received June 29, 2012
7. Email from Louis Schwing Jr. dated June 29, 2012
8. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
9. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
10. Email from Jeff Breen dated July 3, 2012
11. Preliminary Memorandum for Case 721-AM-12 dated July 20, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plans
 - C LRMP Land Use Goals, Objectives, and Policies
 - D LRMP Appendix of Defined Terms
 - E Draft Finding of Fact and Final Determination
12. Preliminary Memorandum for Case 726-S-12 dated July 20, 2012, with attachments:
 - A Draft Summary of Evidence, Finding of Fact, and Final Determination
13. Finding of Fact corrections for Case 721-AM-12 submitted by Cathe Capel at the July 26, 2012, public hearing.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2012**, 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. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
 - 3, 4, and 9
 - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of all other LRMP goals.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

APPROVED

**Cases 721-AM-12
Page 19 of 19**

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 721-AM-12 should **BE ENACTED** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**

From: **John Hall, Zoning Administrator
Andrew Kass, Associate Planner**

Date: **July 27, 2012**

RE: **Recommendation for rezoning Case 723-AM-12**

Request: **Amend the Zoning Map to change the designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District, subject to a special condition, to allow sale of the property and reuse of the vacant building at 3515 North Cunningham Ave, Urbana.**

Petitioner: **The Estate of Jon Buerkett with co-executors Thomas Fiedler and Dennis Buerkett**

STATUS

The Zoning Board of Appeals (ZBA) voted unanimously to "RECOMMEND ENACTMENT" of this map amendment at their July 26, 2012, meeting.

This property was formerly the tavern known as "The Stop" and received an annual Liquor License from Champaign County. The Estate of owner Jon Buerkett seeks rezoning so that the vacant building can be sold and reused as a merchandise outlet store, a use that is not authorized under the current B-3 Highway Business Zoning District.

The subject property is not connected to a public sanitary sewer and is not within proximity to a public sewer. The B-4 District is not greatly different than the existing B-3 District in terms of the sewer needs of authorized principal uses and therefore the rezoning will not worsen the current situation.

A special condition of approval is recommended to ensure that any future use that has a greater wastewater loading must document that the County Health Department has approved the septic system.

With the special condition of approval, the ZBA found that the rezoning achieved or conformed to all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan.

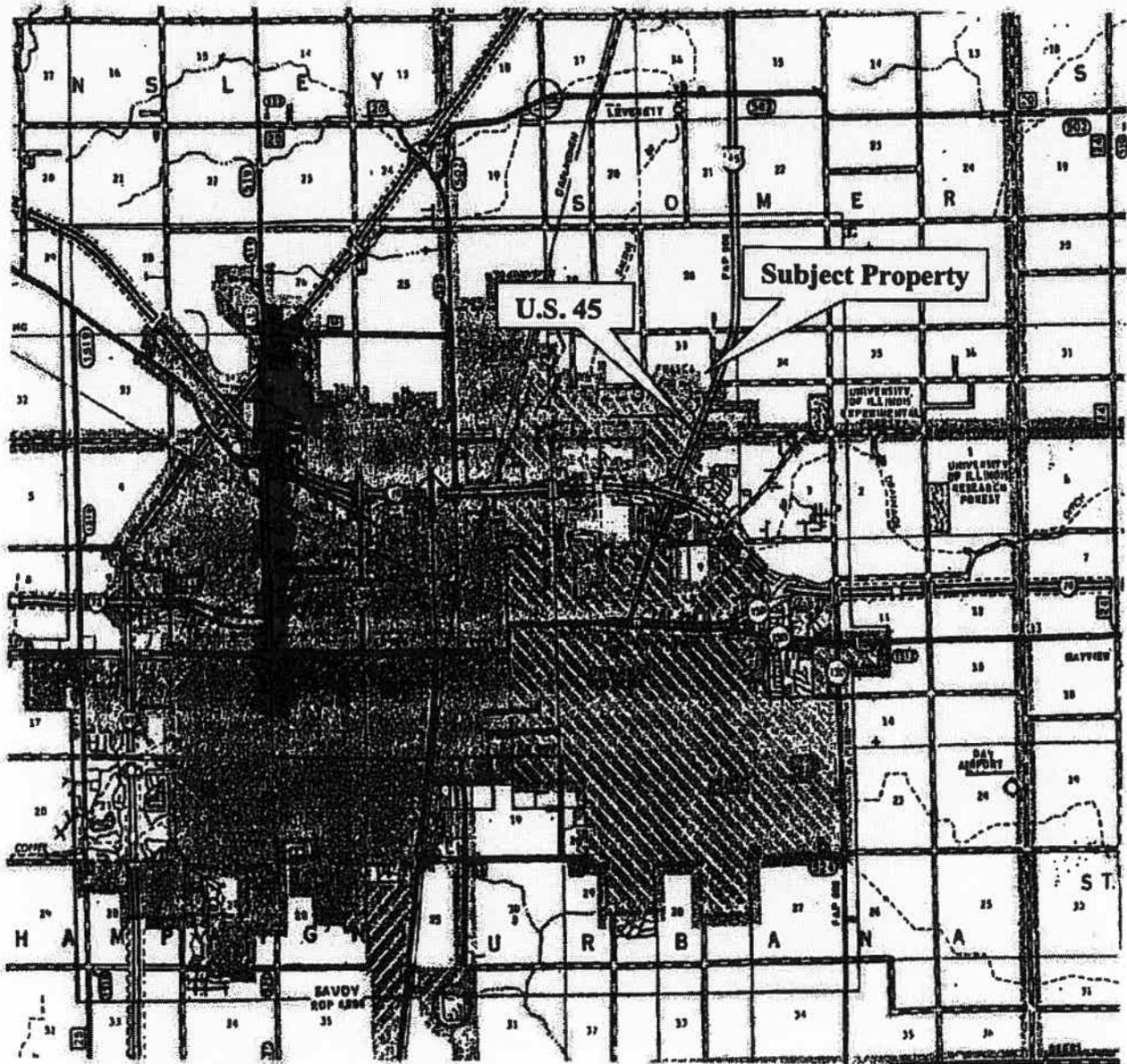
No neighbor presented testimony at the public hearing.

This case is located within the City of Urbana ETJ and the City has received notice but neither the City Plan Commission nor the City Council has yet heard the case.

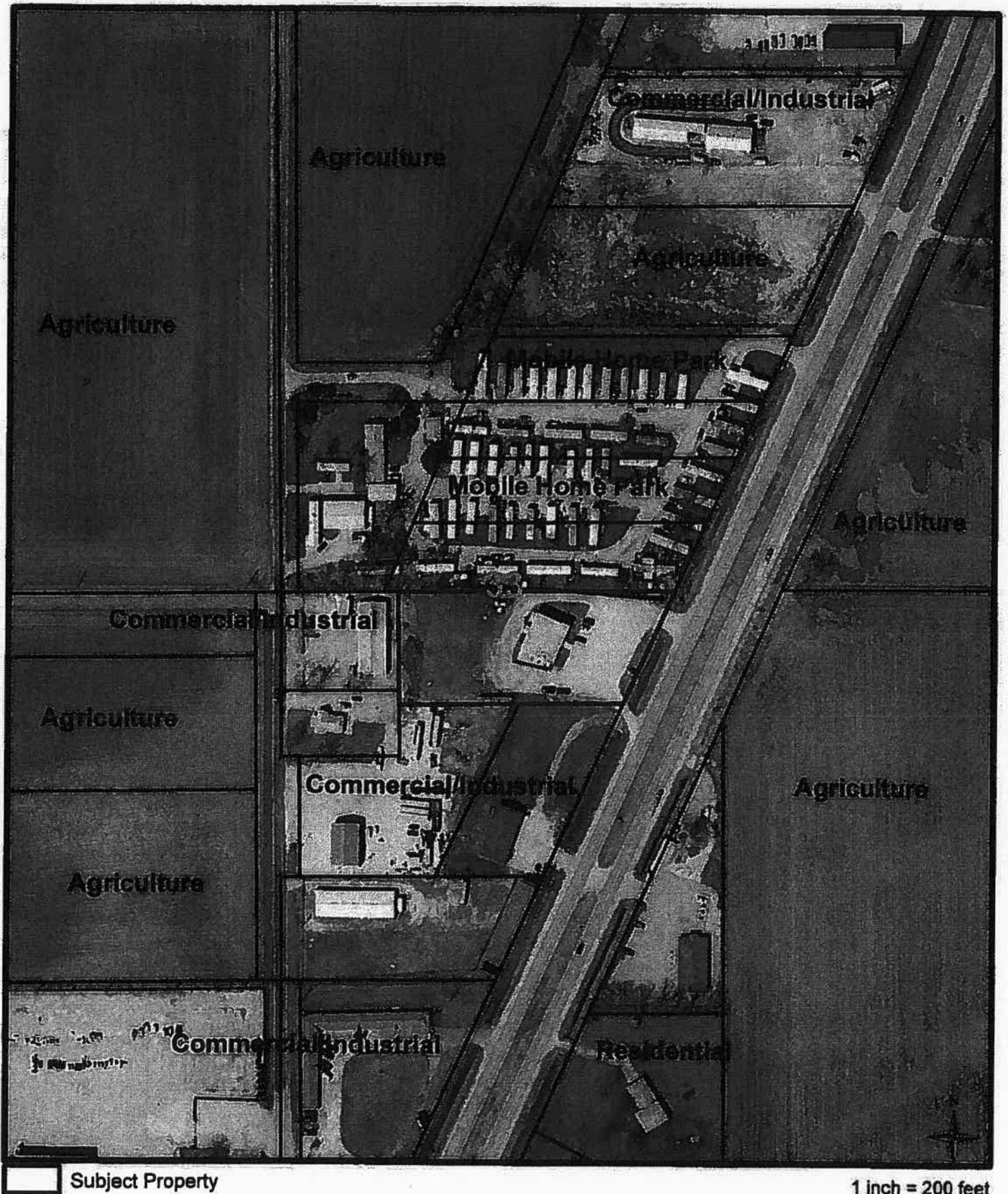
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Building Sketch
- C AS APPROVED Finding of Fact for Case 723-AM-12

ATTACHMENT A. LOCATION MAP
Cases 723-AM-12
July 20, 2012



**Attachment A: Land Use Map
Case 723-AM-12
July 20, 2012**



 Subject Property

1 inch = 200 feet

ATTACHMENT A. ZONING MAP

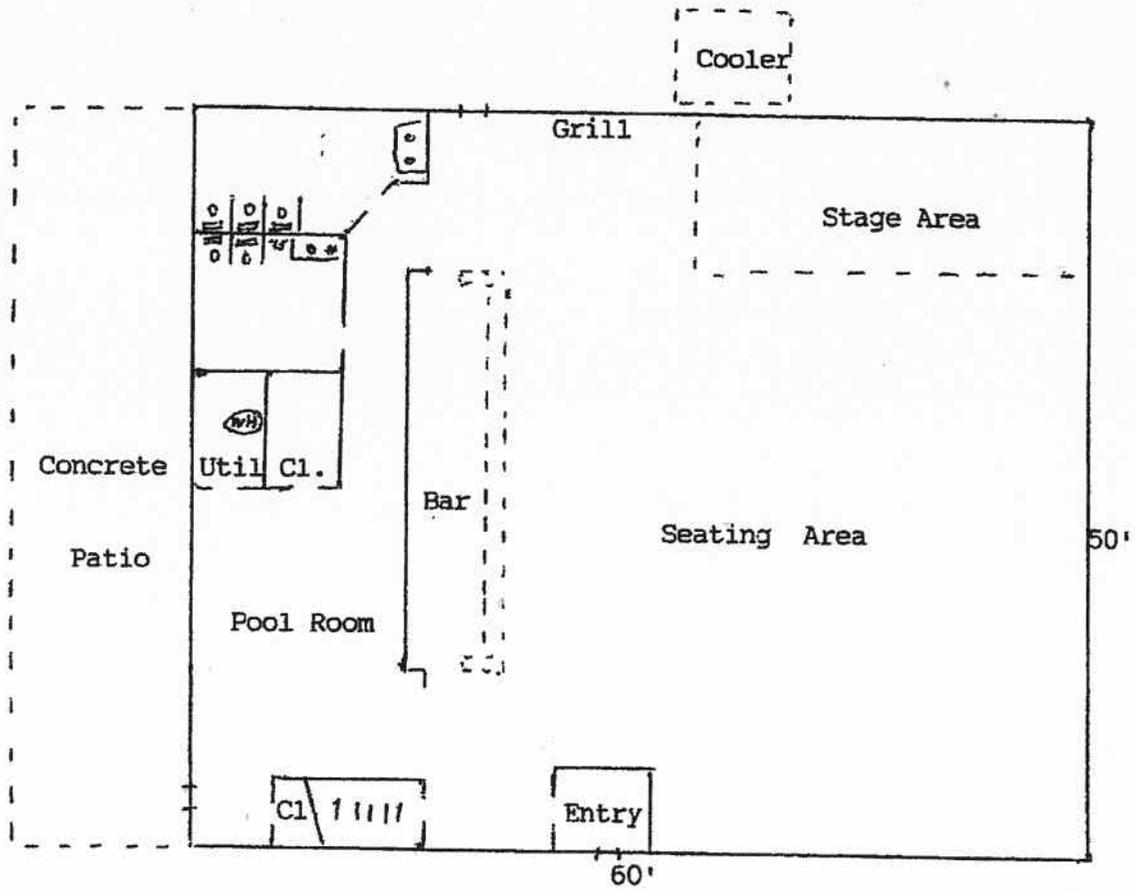
Case 723-AM-12

July 20, 2012



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH
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	

BUILDING SKETCH:



Parking

Parking

APPROVED

723-AM-12

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

Final Determination: RECOMMEND ENACTMENT

Date: July 26, 2012

Petitioners: The Estate of Jon Buerkett with co-executors Thomas Fiedler and Dennis Buerkett

Request: Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on July 26, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. The subject property is owned by the Estate of Jon Buerkett, 602 North Country Fair Drive, Champaign and the co-petitioners Thomas Fiedler and Dennis Buerkett, 602 North Country Fair Drive, Champaign are co-executors of the estate.
2. The subject property is a 1.5 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 33 of Somer Township and commonly known as the building at 3515 North Cunningham Avenue, Urbana that was formerly The Stop.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. The City has been notified of this case. The Future Land Use Map in the 2005 Comprehensive Plan for the City of Urbana identifies the subject property and the area surrounding the subject property as Light Industrial/Office which the plan describes as: Land use intended for planned developments that typically do not generate the intensity of heavy industrial land uses.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“Current zoning does not allow for the type of retail sales intended by the purchaser.”
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“The current zoning allows for sale of mowers and antiques. Changing that would have a positive impact on neighboring properties.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned B-3 Highway Business and the building on the property was formerly used as a bar. The proposed use is a merchandise outlet store.
 - B. Land on the north is zoned R-5 Manufactured Home Park and is in use as a mobile home park.
 - C. Land on the south is zoned B-4 General Business and is in commercial/industrial use.
 - D. Land on the east is zoned AG-2 Agriculture and is in agricultural use.
 - E. Land on the west is zoned B-4 General Business and is in commercial/industrial use.

7. Previous zoning cases in the vicinity are the following:
- A. Case 357-AM-79 was a request by Tom Davis and Carroll Hall to rezone .63 acre from B-3 to B-4 immediately west of the subject property.
 - B. Case 660-AM-88 was a request by Harlan and Vivian Lee to rezone 2.5 acres from B-3 to B-4 immediately south of the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The B-3, Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
 - (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The B-3 District is generally located throughout the county near major thoroughfares.
 - (2) The B-4 District is generally located in areas adjacent to urbanized areas suitable for commercial activity.
 - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 48 types of uses authorized by right in the B-3 District and there are 114 types of uses authorized by right in the B-4 District:
 - (a) The following 45 uses are authorized by right in both the B-3 District and the B-4 District:
 - Hotel – no more than 15 lodging units;
 - Hotel – over 15 lodging units;
 - Subdivisions of three lots or less;
 - Subdivisions totaling more than three lots or with new streets or private accessways;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Major Rural Specialty Business;
 - Commercial Greenhouse;
 - Greenhouse (not exceeding 1,000 square feet);
 - Garden Shop;

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- Plant Nursery;
- Municipal Government Building;
- Township Highway Maintenance Garage (must meet separation requirements of Special Use Permit in B-3);
- Police Station or Fire Station;
- Public Park or Recreational Facility;
- Parking Garage or Lot;
- Telephone Exchange;
- Telegraph Office;
- Motor Bus Station;
- Roadside Produce Stand;
- Artists Studio;
- Restaurant (indoor service only);
- Supermarket or Grocery Store;
- Drive-In Restaurant;
- Tavern or Night Club;
- Bakery (less than 2,500 square feet);
- Dairy Store;
- Delicatessen;
- Confectionary Store;
- Retail Liquor Store;
- Locker, Cold Storage for Individual Use;
- Major Automobile Repair;
- Minor Automobile Repair;
- Gasoline Service Station;
- Automobile Washing Facility;
- Automotive Accessories (new);
- Antique Sales and Service;
- Lawnmower Sales and Service;
- Bait Sales;
- Outdoor Commercial Recreational Enterprise (except amusement park);
- Private Indoor Recreational Development;
- Commercial Fishing Lake;
- Christmas Tree Sales Lot;
- Off-Premises Sign; and
- Temporary Uses

(b) The following 3 uses are authorized by right in the B-3 District but not in the B-4 District:

- TRAVEL TRAILER Camp;
- Roadside Stand operated by Farm Operator; and

- Public CAMP or Picnic Area

- (c) The following 69 uses are authorized by right in the B-4 District but not in the B-3 District:
 - Institution of an Educational, Philanthropic or Eleemosynary Nature;
 - Church, Temple or church related Temporary Uses of Church Property;
 - Library, Museum or Gallery;
 - Radio or Television Station;
 - Railway Station;
 - Truck Terminal;
 - Barber Shop;
 - Beauty Shop;
 - Reducing Salon;
 - Dressmaking Shop;
 - Drycleaning Establishment;
 - Laundry and/or Drycleaning Pick-up;
 - Millinery Shop;
 - Self-Service Laundry;
 - Shoe Repair Shop;
 - Tailor and Pressing Shop;
 - Diaper Service Establishment;
 - Clothing Repair and Storage;
 - Mortuary or Funeral Home;
 - Medical and Dental Clinic;
 - Farm Equipment Sales and Service;
 - Feed and Grain (sales only);
 - Banks, Savings and Loan Associations;
 - Insurance and Real Estate Offices;
 - Business Office;
 - Professional Office;
 - Private Kindergarten or Day Care Facility;
 - Vocational, Trade or Business School;
 - Meat and Fish Market;
 - Automobile, Truck, Trailer and Boat Sales Room (all indoors)
 - Automobile or Trailer Sales area (open lot);
 - Building Materials Sales (excluding concrete or asphalt mixing);
 - Hardware Store;
 - Electrical or Gas Appliance Sales and Service
 - Department Store;
 - Apparel Shop;
 - Shoe Store;

APPROVED

- Jewelry Store;
- Stationery-Gift Shop-Art Supplies;
- Florist;
- Newsstand-Bookstore;
- Tobacconist;
- Variety-Drygoods Store;
- Music Store;
- Drugstore;
- Photographic Studio and Equipment Sales and Service;
- Furniture Store – Office Equipment Sales
- Used Furniture Sales and Service;
- Pet Store;
- Bicycle Sales and Service;
- Fuel Oil, Ice, Coal, Wood (sales only);
- Monument Sales (excluding stone cutting);
- Pawn Shop;
- Sporting Goods Sales and Service;
- Heating, Ventilating, Air Conditioning Sales and Service;
- Billiard Room;
- Bowling Alley;
- Dancing Academy or Hall;
- Lodge or Private Club;
- Indoor Theater;
- VETERINARY HOSPITAL (no outdoor areas and no animal boarding);
- Wholesale Business;
- Warehouse;
- Self-Storage Warehouse, providing heat and utilities to individual units;
- Self-Storage Warehouse, not providing heat and utilities to individual units;
- Auction House (non-animal);
- Sexually Oriented Business (subject to minimum separation requirements including no less than 1,000 feet from a residential District);
- Contractors Facilities (with no outdoor storage nor outdoor operations); and
- Small Scale Metal Fabricating Shop

(2) There are 11 types of uses authorized by Special Use Permit (SUP) in the B-3 District and 11 types of uses authorized by SUP in the B-4 District:

(a) The following 4 uses may be authorized by SUP in both the B-3 District and B-4 District:

- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Electrical Substation; and
 - HELIPORT-RESTRICTED LANDING AREAS
- (b) The following 7 uses may be authorized by SUP in the B-3 District but not in the B-4 District:
- Radio or Television Station (by right in B-4);
 - VETERINARY HOSPITAL (by right in B-4);
 - Warehouse (by right in B-4);
 - Self-storage Warehouses, providing heat and utilities to individual units (by right in B-4);
 - Self-storage Warehouses, not providing heat and utilities to individual units (by right in B-4);
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons; and
 - Liquefied Petroleum Gases Storage
- (b) The following 7 uses may be authorized by SUP in the B-4 District but not in the B-3 District:
- HOSPITAL;
 - Bakery (more than 2,500 square feet);
 - Amusement Park;
 - Kennel;
 - Recycling of Non-Hazardous materials (all storage and processing indoors);
 - Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS; and
 - LIGHT ASSEMBLY

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and

economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:"

- B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

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

REGARDING LRMP GOALS & POLICIES

- 10. LRMP Goal 1 is entitled "Planning and Public Involvement" and states that as follows:

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

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise **NOT RELEVANT** to the proposed rezoning.

(Note: bold italics typeface indicates staff's recommendation to the ZBA)

- 11. LRMP Goal 2 is entitled "Governmental Coordination" and states as follows:

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

Goal 2 has two objectives and three policies. The proposed amendment is **NOT RELEVANT** to Goal 2.

- 12. LRMP Goal 3 is entitled "Prosperity" and states as follows:

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

Goal 3 has three objectives and no policies. The proposed amendment **PARTIALLY ACHIEVES** Goal 3 for the following reason:

- A. The three objectives are as follows:
 - (1) Objective 3.1 is entitled "Business Climate" and states, Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
 - (2) Objective 3.2 is entitled "Efficient County Administration" and states, "Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals."
 - (3) Objective 3.3 is entitled "County Economic Development Policy" and states, "Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRPM."
- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the petitioners to sell the property to a buyer who will put the vacant building on the subject property to productive use.

13. LRMP Goal 4 is entitled "Agriculture" and states as follows:

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment is **NOT RELEVANT** to Goal 4 because the subject property already has B-3 zoning and is adjacent to an urbanized area.

14. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

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

The existing building would not generally be expected under typical "rural" development and is representative of what is generally considered to be urban development. B-4 is also generally considered to be an urban zoning district requiring a connected public sanitary sewer system. For these reasons the proposed rezoning has been reviewed for compliance with Goal 5.

Goal 5 has 3 objectives and 15 policies. The proposed amendment **ACHIEVES** Goal 5 for the following reasons:

- A. Objective 5.1 is entitled "Population Growth and Economic Development" and states "Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers."

The proposed rezoning **ACHIEVES** Objective 5.1 because of the following:

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- (1) Policy 5.1.1 states, **“The County will encourage new urban development to occur within the boundaries of incorporated municipalities.”**

The proposed rezoning **ACHIEVES** Policy 5.1.1 for the following reasons:

- (a) The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
 - (b) The subject property is not served by sanitary sewer and is assumed to have an adequate septic system.
 - (c) The subject property is already developed.
 - (d) The land uses allowed under the proposed B-4 District are very similar to the land uses allowed under the existing B-3 District in terms of wastewater loading and the ability to use a septic system.
- (2) Policies 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 are **NOT RELEVANT** to the proposed rezoning.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment **ACHIEVES** Objective 5.2 for the following reason:

- (1) Policy 5.2.1 states, **“The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.”**

The proposed rezoning **ACHIEVES** Policy 5.2.1 for the following reasons:

- (a) The proposed rezoning will allow reuse of the subject property.
- (2) Policy 5.2.2 states, **“The County will:**
- a. **ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and**
 - b. **encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.”**

The proposed rezoning **ACHIEVES** Policy 5.2.2 for the following reasons:

- (a) The existing building on the subject property was constructed in 1986 as a restaurant/lounge. The subject property has not been in agricultural production since before 1972.
 - (b) The subject property is not proposed to be increased in size and no additional best prime farmland is proposed to be taken out of production.
- (3) Policy 5.2.3 states, **“The County will:**
- a. **require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality.”**

The proposed rezoning **ACHIEVES** Policy 5.2.3 because there are no areas with significant natural environmental quality on the subject property.

- C. Objective 5.3 is entitled **“Adequate Public Infrastructure and Services”** and states, **“Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”**

The proposed amendment **ACHIEVES** Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, **“The County will:**
- a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning **ACHIEVES** Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.
 - (b) The subject property is located approximately 2.7 miles from the Carroll Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
 - (c) The proposed rezoning will not have any greater need for fire protection services than the previous use.
- (2) Policy 5.3.2 states, **“The County will:**

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- a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
- b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning **ACHIEVES** Policy 5.3.2 because the only public infrastructure serving the subject property is U.S. 45/Cunningham Avenue. This road has adequate capacity to handle traffic generated and no significant traffic increase as a result of the rezoning is anticipated.

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

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

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, and 6.4 are **NOT RELEVANT** to the proposed rezoning. The proposed amendment **ACHIEVES** Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning **ACHIEVES** Objective 6.1 because of the following:

- (1) Policies 6.1.1, 6.1.3, and 6.1.4 are not relevant to the proposed rezoning.
- (2) Policy 6.1.2 states, **“The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”**

The proposed rezoning **ACHIEVES** Policy 6.1.2 for the following reasons:

- (a) The proposed use is not of a type to require processing of large amounts of wastewater.
- (b) The subject property is already developed.
- (c) A special condition has been proposed to ensure that the septic system will be considered with any expansion of building area, parking area, or wastewater loading.

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

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

Goal 7 has 2 objectives and 7 policies. Objective 7.2 is **NOT RELEVANT** to the proposed rezoning. The proposed amendment **CONFORMS** to Goal 7 for the following reason:

- A. Objective 7.1 is entitled "Traffic Impact Analysis" and states, "Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted."

The proposed rezoning **CONFORMS** to Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, "**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**"

The proposed rezoning **CONFORMS** to Policy 7.1.1 for the following reasons:

- (a) U.S. 45/Cunningham Avenue is a State 4-lane highway in front of the subject property.

17. LRMP Goal 8 is entitled "Natural Resources" and states as follows:

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

Goal 8 has 9 objectives and 36 policies. Goal 8 is **NOT RELEVANT** to the proposed amendment.

18. LRMP Goal 9 is entitled "Energy Conservation" and states as follows:

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

The proposed amendment is **NOT RELEVANT** to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

19. LRMP Goal 10 is entitled "Cultural Amenities" and states as follows:

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

Goal 10 is **NOT RELEVANT** to the proposed amendment.

GENERALLY REGARDING THE LaSalle Factors

20. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were

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added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

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

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Commercial	B-3 Highway Business
North	Mobile Home Park	R-5 Manufactured Home Park
East	U.S. 45/Cunningham Avenue Agriculture	AG-2 Agriculture
West	Industrial/Commercial	B-4 General Business
South	Industrial/Commercial	B-4 General Business

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect. In the past there have been complaints about noise on the subject property which were apparently from residents of the mobile home park to the north. The proposed rezoning should not result in any worsening of the situation.
- (3) In regards to the value of the subject property the requested map amendment will allow productive use of the building.

C. *LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

D. *LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.

The gain to the public of the proposed rezoning is positive because the proposed amendment would allow the petitioner to sell the subject property.

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and there is a building occupying the subject property that is suitable for the proposed use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The B-3 District was planned in 1973 and thus was intended for commercial areas near major thoroughfares. Currently, there is one building on the subject property. This building was built in 1986 for use as a restaurant and lounge. The B-3 District is generally considered to be a zoning district that is no longer useful because the types of uses authorized are too limited for contemporary society.
- G. **Sinclair factor: The need and demand for the use.**
Currently the subject property and building are vacant. The proposed rezoning and use will allow the subject property to be put to productive use.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The special conditions should ensure that the proposed rezoning also conforms to the LRMP.

REGARDING SPECIAL CONDITIONS OF APPROVAL

21. Proposed Special Conditions of Approval:

- A. **No Zoning Use Permit for expansion of building area or parking area and no Change of Use Permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.**

The above special condition is required to ensure:

That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Thomas Fiedler (co-executor) and Dennis Buerkett (co-executor) received on June 13, 2012, with attachment:
 - A Legal Description
2. Summary Appraisal Report received June 15, 2012
3. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
4. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
5. Preliminary Memorandum dated July 20, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Building Sketch
 - C LRMP Land Use Goals, Objectives, and Policies and Appendix of Defined Terms
 - D Urbana Comprehensive Plan Future Land Use Map #1
 - E Sewer Map
 - F Draft Finding of Fact and Final Determination

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2012**, 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. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
 - 3, 5, and 6
 - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of all other LRMP goals.

2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

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 723-AM-12 should **BE ENACTED** by the County Board in the form attached hereto and **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

No Zoning Use Permit for expansion of building area or parking area and no Change of Use Permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.

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:	July 31, 2012
TO:	Champaign County Board Committee of the Whole
FROM:	Susan Monte, CCRPC Planner
REQUEST:	Approve the Proposed Champaign County Solid Waste Management Plan 2012 Five-Year Update

Background

The Solid Waste Management Act (Public Act 85-1319) and the Solid Waste Planning and Recycling Act (Public Act 85-1198), passed by the Illinois General Assembly by 1988, assigned to counties the responsibility for conserving remaining landfill space by requiring the counties to develop, adopt, and implement plans to reduce reliance on landfills for waste disposal and to establish solid waste management directions for a 20-year period.

Champaign County adopted the *Champaign County Solid Waste Management Plan* by Resolution Number 3077 on February 19, 1991.

Five-Year Update Requirement

The Solid Waste Planning and Recycling Act (SWPRA) requires each county's waste management plan to be reviewed and updated every five years, and any necessary or appropriate revisions be submitted to the Illinois Environmental Protection Agency (IEPA) for review and comment. To date, the County adopted 5-year updates to the *Champaign County Solid Waste Management Plan* in 1996, 2002, and 2007.

To assist counties in preparing the five-year plan update, IEPA provided the form shown in Attachment A. The IEPA will consider submission of the completed form to meet plan update requirements of the SWPRA. Attachment B is the completed form containing the information requested by IEPA for the required five-year update. Proposed changes from the previous 5-year update form in 2007 are underlined and highlighted.

Attachments

- A Form provided by IEPA to facilitate 5-year update
- B Completed IEPA form

Illinois Environmental Protection Agency Form to Assist Local Governments with the 5-Year Update**General Information**

Local Government ; Contact Person; Address ; Telephone; Plan Adoption Date; Re-Adoption Date(s); Plan Update Due

1) Recommendation and Implementation Schedule Contained in the Adopted Plan

Briefly describe the recommendations and implementation schedule for each alternative in the adopted plan below.

- a. Source Reduction
- b. Recycling and Reuse
- c. Combustion for Energy Recovery
- d. Combustion for Volume Reduction
- e. Disposal in landfills

2) Current Plan Implementation Efforts

- a. Which recommendations in the adopted plan have been implemented?

Briefly describe which recommends were not implemented and the reasons why these were not implemented.

- b. Which recommendations in the adopted plan have been implemented according the plan's schedule?

Briefly describe which recommends were not implemented according the adopted plan's schedule, and attach a revised implementation schedule.

3) Recycling Program Status

Because the Agency's annual landfill capacity report includes data on each adopted plan's recycling status, information on your recycling percentages is not being requested on this form. This will avoid duplication of efforts.

- a. Has the program been implemented throughout the county or planning area?
- b. Has a recycling coordinator been designated to administer the program?
- c. Does the program provide for separate collection and composting of leaves?
- d. Does the recycling program provide for public education and notification to foster understanding of and encourage compliance with the program?
- e. Does the recycling program include provisions for compliance, including incentives and penalties?
- f. Does the program include provisions for recycling the collected materials, identifying potential markets for at least three materials, and promoting the use of products made from recovered or recycled materials among businesses, newspapers, and local governments?
- g. Provide any other pertinent details on the recycling program.

4) Current Needs Assessment Information (optional)**5) New Recommendations and Implementation Schedule**

Due to political, fiscal, or technological changes, a local government may choose to recommend different waste management options for the review plan. It should be noted, however, that the recycling program requirements of the SWPRA must be followed. Discuss any new recommendations included in the revised plan, and the implementation schedule to be followed.

General Information

Local Government: County of Champaign, Illinois
 Contact Person: Susan Monte, CCRPC Planner
 Address: Champaign County Regional Planning Commission (CCRPC)
 1776 East Washington Street
 Urbana, IL 61802
 Telephone: (217) 328-3313

Plan Adoption Date: February 19, 1991
 Re-Adoption Date: May 31, 1996 (5-year update)
 Re-Adoption Date: January 23, 2002 (10-year update)
 Re-Adoption Date: August 23, 2007 (15-year update)
 Plan Update Due: August 27, 2012 (20-year update)

1. Recommendations and Implementation Schedule Contained in the Adopted Plan

The following recommendations appear in the original version of the *Champaign County Solid Waste Management Plan* (adopted by Resolution Number 3077 on February 19, 1991). In total, approximately 46 recommendations were featured in the 1991 Champaign County Solid Waste Management Plan. These included both specific and general recommendations directed at Champaign County, the City of Urbana, the City of Champaign and interested parties in the private and non-profit sector. The implementation schedule for most of these suggestions was left to the discretion of the implementing agency, the Intergovernmental Solid Waste Disposal Agency.

a. Source Reduction

Source Reduction recommendations can be divided into four different areas:

- post-consumer source reduction
- toxicity reduction
- increasing 'recyclability' of waste stream
- industrial source reduction

No specific implementation schedule was associated with the 18 Source Reduction recommendations.

Post-Consumer Source Reduction

- 1) An education coordinator should be part of the implementing agency's staff.
- 2) The County and municipal governments, as well as other municipal agencies, should encourage source reduction activities whenever possible.
- 3) County and municipal governments, as well as other municipal agencies, should encourage State and Federal officials and representatives to address the issue of source reduction in whatever means possible.
- 4) County and municipal governments, as well as other municipal agencies, should require that all departments complete a waste audit.
- 5) County and municipal governments should require that the ultimate disposal costs be calculated as part of their procurement process.

Toxicity Reduction and Increasing 'Recyclability' of Waste Stream

- 6) The education coordinator should develop materials to inform consumers of the type of hazardous waste in their home.
- 7) A separate publication on the alternatives to hazardous waste should be made available through local offices.

1. Recommendations and Implementation Schedule Contained in the Adopted Plan**a. Source Reduction (continued)**

- 8) Implementation of toxicity reduction should be coordinated with other community groups.
- 9) County and municipal governments should encourage the introduction and passage [of legislation] at the State and Federal level that addresses the issue of toxicity reduction.
- 10) If the State or Federal governments do not pass legislation addressing the proper disposal of hazardous materials, or if no private firm establishes a comprehensive program for proper disposal of hazardous materials within 5 years, review of this plan should include consideration of banning these materials from any municipality owned or operated facilities or a review of the way and means of adding taxes on select hazardous materials.
- 11) If there has been no State or Federal legislation enacted to address problem components of the waste stream within five years of this plan's adoption, re-evaluation of deposits, surcharges and product bans and other related activities should be undertaken.
- 12) The education coordinator should include information on the recyclability of items in all program material as well as making sure retail and wholesale outlets use proper bags for the conveyance of purchases.

Industrial Source Reduction

- 13) The implementing authority should develop a waste audit program that would consist of staff visits to facilities to assist businesses and industries in determining where and how they may be able to reduce their waste generation and toxicity levels or to alter their waste to make it more easily processed.
- 14) Development of a waste audit disclosure report should be included as part of the review process within the economic development and planning departments of member governments.
- 15) The County and municipal governments should encourage efforts to reuse existing structures in the community as much as possible.
- 16) Demolition permits should have a 30-day waiting period.
- 17) The creation of a construction material recycling center should be investigated.
- 18) There should be a municipally sponsored Small Quantity Generator Program.

b. Recycling and Reuse

The 21 recommendations for recycling and reuse were divided into two separate implementation schedules: 17 recommendations for the next five years (1990-1995) and four long-term recommendations. The recommendations for 1990-1995 were divided into five categories: General, Residential, Yardwaste, Commercial, and Community Recycling Center.

1990-1995 Recommendations: General

- 19) The Cities and County should develop a unified recycling system and agency to operate the recycling programs.
- 20) The Cities and County, through their membership in the association, should develop a material recovery facility to 'mainstream' recycling in Champaign County.
- 21) The Cities and the County should consider altering the current licensing structure for haulers.

1990-1995 Recommendations: Residential

- 22) The City of Urbana should add HDPE/PET collection to their curbside routes.
- 23) The City of Champaign and the City of Urbana should expand their curbside collection programs to service buildings with 5-9 units with a targeted participation rate of 30%.
- 24) Both Cities should use educational and promotional means to raise participation rates to a targeted range of 45% - 55%.
- 25) Both Cities should add the collection of cardboard/paperboard to the curbside programs (including the 5-9 unit buildings).
- 26) The County should maintain their current number of drop-offs.

1990-1995 Recommendations: Yardwaste

- 27) The City of Champaign should begin a nine-month yard waste collection program.
- 28) The City of Urbana should maintain their U-Bag and U-Tie Program
- 29) Both Cities should investigate the development of residential backyard composting programs.

1. Recommendations and Implementation Schedule Contained in the Adopted Plan**b. Recycling and Reuse (continued)***1990-1995 Recommendations: Commercial*

- 30) There should be no municipally sponsored programs intended to service large commercial and industrial firms in the County.
- 31) A partnership between the private haulers and the implementing authority should be developed to increase the recycling opportunities for small to medium sized businesses.
- 32) Both the Cities and the County should review their zoning, building codes, health and safety codes or any other ordinance or regulation that may hinder recycling activity in the commercial and industrial sector.

1990-1995 Recommendations: Community Recycling Center

- 33) CRC should re-evaluate its operations and determine whether collection or processing should be its primary function.
- 34) The in-town drop-off sites should be upgraded.
- 35) CRC should determine how to optimize its current capacity without any major improvements.

Long-Term Recommendations

- 36) The database of waste generation recycling and disposal information should be routinely updated.
- 37) The municipal programs should continuously adapt the materials collected to the changing mix of recyclable materials.
- 38) Studies on how to service 10+ unit residential structures should be undertaken.
- 39) The recycling programs should be amended to accommodate generator-based waste reduction programs when appropriate.

c. Combustion for Energy Recovery n/a**d. Combustion for Volume Reduction**

Ten scenarios were considered within the body of Champaign County's Solid Waste Management Plan. Two of the 10 scenarios included the construction of a combustion facility. This facility was to be located in the vicinity of the University of Illinois' Abbott Power Plant. In the final analysis, these scenarios were not recommended to be the most effective way to achieve Champaign County's solid waste management goals.

e. Disposal in Landfills

Scenario #6 was chosen as the most cost-effective way to achieve Champaign County's solid waste management goals. This proposal calls for:

- 40) the construction of an in-county transfer station with a material recovery component, and the construction of an in-county landfill.

Scenario #6 states that the previously mentioned expanded curbside program (see residential recommendations) be implemented in 1992, the Transfer Station with material recovery will be operational by 1992, and the new landfill open in 1995.

The following six recommendations associated with the implementation of Scenario #6 are separated into four categories: Ownership; Operation and Procurement; Implementing Agency; Flow Control; and Financing.

Ownership, Operation and Procurement

- 41) Local government should own the facilities.
- 42) Local government should develop a public/private partnership for the operation of the solid waste facilities.

Implementing Agency

- 43) Designate the Intergovernmental Solid Waste Disposal Association as the implementing agency.
- 44) Local municipal recycling programs should continue under the direction of the member governments until such time as ISWDA can consolidate service.

1. Recommendations and Implementation Schedule Contained in the Adopted Plan

e. Disposal in Landfills (continued)

Flow Control

- 45) Flow Control should be enacted immediately after the adoption of the Solid Waste Management Plan to insure demand for services for the future in-county landfill and reduce the municipality's liability with regard to out-of-county disposal sites.

Financing

- 46) In Champaign County, solid waste facilities should be financed with revenue bonds.

2. Current Plan Implementation Efforts

a. Which recommendations in the adopted plan have been implemented?

The following recommendations from the 1991 *Champaign County Solid Waste Management Plan* have been implemented:

a. Source Reduction

- 2) The County and municipal governments, as well as other municipal agencies, should encourage source reduction activities whenever possible.
- 8) Implementation of toxicity reduction should be coordinated with other community groups.
- 15) The County and municipal governments should encourage efforts to reuse existing structures in the community as much as possible.

b. Recycling and Reuse

Refer to 'Current Recycling Program' for details on how some of the initiatives below were implemented.

- 21) The Cities and County should consider altering the current licensing structure for haulers.
- 22) The City of Urbana should add HDPE/PET collection to its curbside routes. This change in curbside service was adopted in 1996.
- 23) The City of Champaign and City of Urbana should expand their curbside collection programs to service buildings with 5-9 units. ~~Although municipally run curbside recycling has been discontinued in Champaign, some buildings with 5-9 units are receiving recycling services from independent haulers. The City of Urbana U-cycle program services both multi-family and single residences. The City of Champaign requires by ordinance that haulers provide service to residences of 1-4 units.~~
- 25) Both Cities should add the collection of cardboard/paperboard to the curbside programs. Urbana provides this service. Although municipally run curbside recycling has been discontinued in Champaign, some independent haulers may supply these recycling services.
- 29) Both Cities should investigate the development of residential backyard composting programs. The City of Champaign ran a Pilot program whereby they would supply a resident with \$20.00 to begin their own backyard composting programs. The City ran an ad in the local newspaper and attracted approximately 30 participants.
- 33) CRC should re-evaluate its operations and determine whether collection or processing should be its primary function.
- 34) ~~The in-town drop-off sites should be upgraded.~~
- 35) CRC should determine how to optimize its current capacity without any major improvements.
- 37) The municipal programs should continuously adapt the materials collected to the changing mix of recyclable materials.
- 38) Studies on how to service 10+ unit residential structures should be undertaken.

2. Current Plan Implementation Efforts

Briefly describe which recommendations were not implemented and the reasons why these were not implemented.

Over the past 20 years, few of the 46 recommendations from the Plan adopted in 1991 were implemented. The primary reason for this is due to the community's rejection of the Solid Waste Management Plan's implementing agency, the Intergovernmental Solid Waste Disposal Association (ISWDA). ISWDA was comprised of members from Champaign County, the City of Champaign, and the City of Urbana.

ISWDA was recommended to be the implementing agency because an intergovernmental agency would, according to the Solid Waste Management Plan, "... allow the broadest county representation,... allow multiple points for public input, and will .. offer a checks and balances system." One may infer from these statements that ISWDA's purpose was to develop a consensus between the various local municipalities, the private and non-profit sector, and the larger citizenry of Champaign County. Once plans moved forward, however, to centralize authority of Champaign County's solid waste management in the hands of ISWDA, it became apparent that there were many philosophical and practical barriers to ISWDA acting as the implementing agency. Large projects such as locating, financing and managing the recommended transfer and landfill facilities fostered disagreement and dissension. In addition, initiatives to standardize collection and processing procedures throughout the County through flow control measures met with resistance.

ISWDA proposed actions met with opposition mainly from four stakeholders. The farming community in Homer objected to the placement of a landfill in an area that was once farmland. The independent waste haulers who operated in the Urbana-Champaign area formed a Waste Haulers Association in August 1992 and lobbied for the privatization of solid waste management services in the City of Champaign and the City of Urbana. The Waste Haulers Association objected to the type of flow control restrictions suggested by ISWDA. These restrictions on where the haulers could take their solid waste were an integral part of the ISWDA plan to pay for the operation of a Champaign County landfill and transfer station. Local municipalities and regional nonprofit corporations raised doubts that ISWDA would operate these facilities as efficiently as would a private and/or nonprofit company.

In the Spring of 1992, after opposition was met from the farming community in Homer, and amidst negotiations with waste haulers to privatize collection of solid waste, the City of Champaign decided to withdraw from ISWDA. Champaign County had already relaxed its support for the inter-jurisdictional agency. The agency lost its original authority and its power to implement aspects of the Solid Waste Management Act became severely limited. Consequently, the following recommendations did not get implemented:

a. Source Reduction

Post-Consumer Source Reduction

- 1) An education coordinator should be part of the implementing agency's staff.
- 3) County and municipal governments, as well as other municipal agencies, should encourage State and Federal officials and representatives to address the issue of source reduction in whatever means possible.
- 4) County and municipal governments, as well as other municipal agencies, should require that all departments complete a waste audit.
- 5) County and municipal governments should require that the ultimate disposal costs be calculated as part of their procurement process.

Toxicity Reduction and Increasing 'Recyclability' of Waste Stream

- 6) The education coordinator should develop materials to inform consumers of the type of hazardous waste in their home.
- 7) A separate publication on the alternatives to hazardous waste should be made available through local offices.
- 9) County and municipal governments should encourage the introduction and passage [of legislation] at the State and Federal level that addresses the issue of toxicity reduction.

2. Current Plan Implementation Efforts

Briefly describe which recommendations were not implemented and the reasons why these were not implemented. (continued)

a. Source Reduction (continued)

Toxicity Reduction and Increasing 'Recyclability' of Waste Stream

- 12) The education coordinator should include information on the recyclability of items in all program material as well as making sure retail and wholesale outlets use proper bags for the conveyance of purchases.

Industrial Source Reduction

- 13) The implementing authority should develop a waste audit program that would consist of staff visits to facilities to assist businesses and industries in determining where and how they may be able to reduce their waste generation and toxicity levels or to alter their waste to make it more easily processed.
- 14) Development of a waste audit disclosure report should be included as part of the review process within the economic development and planning departments of member governments.
- 16) Demolition permits should have a 30-day waiting period.
- 17) The creation of a construction material recycling center should be investigated.
- 18) There should be a municipally sponsored Small Quantity Generator Program.

b. Recycling and Reuse

1990-1995 Recommendations: General

- 19) The Cities and County should develop a unified recycling system and agency to operate the recycling programs.
- 20) The Cities and County, through their membership in the association, should develop a material recovery facility to 'mainstream' recycling in Champaign County.

1990-1995 Recommendations: Residential

- 23) ~~The City of Champaign and the City of Urbana should expand their curbside collection programs to service buildings with 5-9 units with a targeted participation rate of 30%.~~
- 24) Both Cities should use educational and promotional means to raise participation rates to a targeted range of 45% - 55%.
- 26) The County should maintain their current number of drop-offs.

1990-1995 Recommendations: Yardwaste

- 27) The City of Champaign should begin a nine-month yard waste collection program.
- 28) The City of Urbana should maintain their U-Bag and U-Tie Program

1990-1995 Recommendations: Commercial

- 31) A partnership between the private haulers and the implementing authority should be developed to increase the recycling opportunities for small to medium sized businesses.

1990-1995 Recommendations: Commercial

- 32) Both the Cities and the County should review their zoning, building codes, health and safety codes or any other ordinance or regulation that may hinder recycling activity in the commercial and industrial sector.

Long-Term Recommendations

- 36) The database of waste generation recycling and disposal information should be routinely updated.
- 37) ~~The municipal programs should continuously adapt the materials collected to the changing mix of recyclable materials.~~
- 38) ~~Studies on how to service 10+ unit residential structures should be undertaken.~~
- 39) The recycling programs should be amended to accommodate generator-based waste reduction programs when appropriate.

e. Disposal in Landfills

- 40) Scenario #6 was chosen as the most cost-effective way to achieve Champaign County's solid waste management goals. This proposal calls for:

2. Current Plan Implementation Efforts

Briefly describe which recommendations were not implemented and the reasons why these were not implemented. (continued)

e. Disposal in Landfills (continued)

- 40) the construction of an in-county transfer station with a material recovery component, and the construction of an in-county landfill.

Scenario #6 states that the previously mentioned expanded curbside program (see residential recommendations) be implemented in 1992, the Transfer Station with material recovery will be operational by 1992, and the new landfill open in 1995.

The following six recommendations associated with the implementation of Scenario #6 are separated into four categories: Ownership; Operation and Procurement; Implementing Agency; Flow Control; and Financing.

Ownership, Operation and Procurement

- 41) Local government should own the facilities.
42) Local government should develop a public/private partnership for the operation of the solid waste facilities.

Implementing Agency

- 43) Designate the Intergovernmental Solid Waste Disposal Association as the implementing agency.
44) Local municipal recycling programs should continue under the direction of the member governments until such time as ISWDA can consolidate service.

Flow Control

- 45) Flow Control should be enacted immediately after the adoption of the Solid Waste Management Plan to insure demand for services for the future in-county landfill and reduce the municipality's liability with regard to out-of-county disposal sites.

Financing

- 46) In Champaign County, solid waste facilities should be financed with revenue bonds.

2. Current Plan Implementation Efforts

b. Which recommendations in the adopted plan have been implemented according to the plan's schedule?

As stated in the preceding pages, the implementation schedule for most of these recommendations was left to the discretion of the implementing agency, the Intergovernmental Solid Waste Disposal Agency. As a result of the agency's failure, there were not scheduled implementation dates for most of the 46 recommendations outlined in the Solid Waste Management Plan adopted in 1991.

2. Current Plan Implementation Efforts

Briefly describe which recommendations were not implemented according to the adopted plan's schedule, and attach a revised implementation schedule.

The reasons for no implementation of the above-cited recommendations according to schedule is covered in the above section entitled 'Briefly describe which recommendations were not implemented and the reasons why these were not implemented.'

3. Recycling Program Status

Because the Illinois Environmental Protection Agency's annual landfill capacity report includes data on each adopted plan's recycling status, information on recycling percentages is not being requested on this form.

a. Has the program been implemented throughout the County or planning area?

Yes No

b. Has a recycling coordinator been designated to administer the program?

Yes No

If yes, when? April 20, 2006 (Champaign County Resolution No. 5337)

c. Does the program provide for separate collection and composting of leaves?

Yes No

d. Does the recycling program provide for public education and notification to foster understanding of and encourage compliance with the program?

Yes No

e. Does the recycling program include provisions for compliance, including incentives and penalties?

Yes No If yes, please describe.

f. Does the program include provisions for recycling the collected materials, identifying potential markets for at least three materials, and promoting the use of products made from recovered or recycled materials among businesses, newspapers, and local governments?

Yes No If yes, please describe.

g. Provide any other pertinent details on the recycling program.

The following six recommendations regarding recycling were adopted as part of the Solid Waste Management Plan 10-Year Update (County Resolution No. 4497 dated January 23, 2002):

1. Champaign County shall, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.
2. The County should consider using any excess funds from waste hauler licensing to promote recycling efforts.
3. The County should encourage all departments to promote and educate staff on office recycling efforts.
5. The County should monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.
6. The County should, as possible, encourage landscape waste recycling efforts.
7. The County should, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.

The County Board adopted the above-noted recommendations subsequent to the decline and failure of the ISWDA (as indicated in both the 10-Year Update and 5-Year Update reports to the Illinois EPA). The failure of the ISWDA was considered an indicator of a total lack of support and rejection of centralized government

3. Recycling Program Status

g. Provide any other pertinent details on the recycling program (continued)

intervention in solid waste and recycling activities in Champaign County during the early to mid-1990's. (For additional discussion regarding ISWDA failure, refer to the text beginning on Page 4 under the heading 'Briefly describe which recommendations were not implemented and the reasons why these were not implemented').

Recycling is not mandatory in unincorporated Champaign County, and business and institutions are free to choose whether or not to institute a recycling program. Residential recycling is also not mandatory in Champaign County. Recycling programs within the County have been established at the University of Illinois. Curbside recycling service is available to residents of the ~~two~~ largest municipalities within the County. The City of Champaign requires local haulers to provide curbside recycling pickup service to city residents and the City of Urbana Public Works Department provides curbside recycling service to its residents. In other communities within the County, private haulers may elect to provide recycling services to residents for an additional charge.

In 2011, Champaign County posted the Champaign County Reduce Reuse Recycle webpage at <http://www.co.champaign.il.us/rrr>. The 'Champaign County RRR' webpage contains local community recycling/reuse collection information and a comprehensive listing of known local reduce/reuse/recycling options available to County residents.

In 2009 the State of Illinois passed the Electronic Products Recycling & Reuse Act. The Act requires manufacturers of certain electronic items to register with the State and to meet recycling goals established by the State. The Act also includes a landfill ban on certain electronic items, beginning January 1, 2012. Recently, the Act was expanded by the State and the list of items to be banned from landfills now includes:

- computers
- computer monitors
- televisions
- printers
- electronic keyboards
- facsimile machines
- videocassette recorders
- portable digital music players
- digital video disc players
- electronic mice
- scanners
- digital converter boxes
- cable receivers
- satellite receivers
- digital video disc recorders
- small-scale servers
- video games consoles

At present, local opportunities exist for residents to recycle the electronics items listed above, with no fee or cost required, at the following IEPA registered locations:

Free Drop Off at designated times only at these Local Nonprofits:	
<u>No fee required for drop off of electronics products</u>	<p>Habitat for Humanity Restore if questions, phone 217-355-6460</p> <p><u>Drop-Off Times:</u> Monday – Saturday, 10 am – 5 pm</p> <p><u>Location:</u> 119 East University Avenue, Champaign</p> <p><u>NOTE:</u> During Habitat business hours only, employees accept electronics items at the rear loading dock of the store. The electronics items accepted can be either non-working (broken) or functioning electronics.</p>
	<p>Goodwill if questions, phone 217-355-6460</p> <p><u>Drop-Off Times:</u> Monday - Saturday, 9 am - 7 pm, Sundays, noon - 6 pm</p> <p><u>Location:</u> 912 W. Anthony Drive, Champaign</p> <p><u>NOTE:</u> The electronics items accepted can be either non-working (broken) or functioning electronics.</p>

3. Recycling Program Status

g. Provide any other pertinent details on the recycling program (continued)

Free Drop Off (for Residents) at designated times only at these Local Businesses:	
<u>No fee required for drop off of electronics products** by a resident</u>	<p>Green Purpose LLC if questions, phone 217-954-1450</p> <p>Location: 807 Pioneer Street, Champaign Drop Off Times: Saturday 11 am – 3 pm only</p>
	<p>Marco Steel if questions, phone 217-352-4707</p> <p>Location: 302 S. Market Street, Champaign Drop-Off Times: Monday - Friday, 8 am - 4 pm Saturday 8 am – 11:30 am</p>

Drop Off at designated times only at these Local Businesses – restrictions apply, or purchase of a voucher may be required	
	<p>Best Buy if questions, phone 217-352-8883</p> <p>Location: 2117 N. Prospect Avenue, Champaign Drop off Times: Best Buy business hours</p> <p>NOTE: 3 – item limit per day.</p> <p>Best Buy does not accept:</p> <ul style="list-style-type: none"> • console TVs of any size • tube TVs and monitors larger than 32" • disassembled TVs or monitors
	<p>Office Depot if questions, phone 217-373-5202</p> <p>Location: 111 Convenience Center Road, Champaign Drop off Times: Office Depot business hours</p> <p>NOTE: If dropping off electronics items at Office Depot, residents pay a shipping fee of \$5, \$10, or \$15 for small, medium or large box for Office Depot shipping of electronics items to be recycled or refurbished.</p> <p>Office Depot does not accept TVs.</p>
	<p>Staples if questions, phone 217-373-8490</p> <p>Location: 2005 N. Prospect Avenue, Champaign Drop off Times: Staples business hours</p> <p>NOTE: Only computers and printers are accepted from residents for free. Exception: Dell monitors are additionally accepted for free.</p> <p>Staples does not accept TVs.</p>

3. Recycling Program Status

g. Provide any other pertinent details on the recycling program (continued)

The following is a description of recycling programs in various Champaign County communities and at the University of Illinois.

City of Champaign

The City strongly supports recycling and encourages all citizens to take part in waste reduction. Citizens may take part by participating in the City's curbside recycling service or by bringing materials to the public drop-off site operated by the City of Champaign.

City ordinances provide for curbside recycling to all citizens who live in a single to four-plex residence. This service is provided by the waste hauler who is required to provide recycling as part of basic service and must accept the following materials: newspaper, glass jars or bottles, tin cans, aluminum cans and HDPE plastic containers. Haulers must provide curbside collection of recyclables at least once a week and can not count materials toward the "per container cost" of service.

On December 1, 2010, the City of Champaign began a recycling program for multifamily properties. This program includes buildings with five or more units (apartments, condos, co-ops) and all shared housing, which includes fraternities, sororities, and other shared living arrangements.

The City of Champaign operates a recycling drop-off site, with Champaign County and the Village of Savoy annually contributing to offset a portion of the recycling drop-off site operating costs. The recycling drop-off site is open 24 hours, 7 days a week, and is free to the public. The recycling drop-off site is located at 1701 Hagan Drive, Champaign, Illinois, just east of the Home Depot shopping center on Bloomington Road.

The recycling drop-off site operates a two-sort program in which materials should be separated into two types, containers and fibers. Materials recycled at the drop-off site include most plastic, glass and metal food & beverage containers. Plastic food & beverage containers with the #1 through #8, but not styrofoam, are accepted. All glass & metal food & beverage containers can also be recycled at this site. Large plastic objects such as lawn furniture and toys are not accepted; only those items listed above are accepted at the recycling drop-off site.

The City had previously established a public 24-hour recycling drop off site in 1998 to provide a recycling outlet for multi-family residents in the City because multi-family residents were not part of the City's residential curbside recycling program at that time. Use of the City's recycling drop-off site had dramatically increased in recent years.

With the implementation of its new multi-family recycling program in 2010, the City chose to permanently close the public recycling drop off site on December 31, 2010.

Since August, 2011, the City of Champaign has partnered with the University of Illinois at Urbana-Champaign to sponsor move-in and move-out recycle events each year. The goal of the event is to provide students living in multifamily buildings (apartments with 5 or more units), fraternities, sororities, and Private Certified housing the opportunity to properly dispose of cardboard that doesn't fit in their 'Feed the Thing' carts. This helps reduce the amount of materials entering the waste stream. Participants in the Feed the Thing recycling program can take their items either to any of the following locations:

1. Stoughton and Fifth St
2. Healey and Fourth St
3. 301 E Daniel
4. Third St and Chalmers
5. Daniel and First St

3. Recycling Program Status

g. Provide any other pertinent details on the recycling program (continued)

City of Champaign (continued)

The City maintains a website containing information about the program at www.FeedtheThing.org.

In November, 2011, the City installed public receptacles for recycling of paper, plastic, and glass materials along major streetscapes including downtown, campus area, and public parks.

City of Urbana

The City of Urbana offers two recycling programs for residents. Urbana's residential curbside recycling program, U-CYCLE, began in 1986 and was one of the first citywide recycling programs offered in Illinois. Urbana's residential recycling program provides service to all residents in single-family through fourplex dwellings. The program serves an estimated 18,000 residents throughout the city.

The City of Urbana's recycling program expanded in 1999 when recycling was offered to all residents in apartment buildings, dormitories, fraternities/sororities, rooming houses and condominiums. The multifamily program now serves buildings with 5 or more dwelling units. The multifamily recycling program serves an estimated 15,000 residents in Urbana. Because of these programs, every resident in the City of Urbana has an opportunity to recycle.

In 2011, the City of Urbana required local waste haulers to provide recycling service to its commercial customers.

University of Illinois

In the fall of 1997 the University's new Material Recovery Facility opened for business. This facility allows the campus to capture recyclable materials that formerly ended up in a landfill and to market it at a higher price. The facility is expected to enable the campus to improve its recycling rate to over 50% of its waste stream, exceeding a State-mandated goal of 40%. The value added by baling the material, a step necessary to prepare it for sale in the market, will now be retained by the campus. The new Material Recovery Facility will result in reduced disposal costs and extra revenue generated from the sale of materials.

The current campus recycling/diversion rate is 48.8% for non-construction & demolition (C&D) waste and 41.1% when including C&D waste.

Recycling Drop-Off Sites

Champaign County has encouraged local recycling drop sites that collect plastic, glass and metal food & beverage containers. In 1993, Champaign County applied for and received a Hometown Assistance Grant to establish public recycling drop-off sites in six communities within the County including: Homer, Ogden, Philo, Tolono, Sidney, and St. Joseph. During 1994-1995, funds from this Grant were subsequently used by Champaign County to establish additional recycling drop-off sites in the communities of Thomasboro, Gifford, and Fisher. The County used the Grant funds received (approximately \$22,000) to offset the start-up costs such as fencing, collection containers and signage. At least five four of the community public recycling drop-off sites remain in operation today:

- 1) The Village of Ogden and Ogden Township jointly fund a recycling drop-off site in the Village of Ogden. A private waste hauler is paid monthly to service the Ogden drop-off site.
- 2) The Village of St. Joseph and St. Joseph Township jointly fund a recycling drop-off site in the Village of St. Joseph. A private waste hauler is paid monthly to service the St. Joseph drop-off site.
- 3) ~~The Village of Sidney and Sidney Township jointly fund a recycling drop-off site, which is serviced by a private waste hauler.~~

g. Provide any other pertinent details on the recycling program (continued)**Recycling Drop-Off Sites (continued)**

- 3) The Village of Homer and South Homer Township jointly fund a recycling drop-off site in the Village of Homer. A private waste hauler is paid monthly to service the Homer recycling drop-off site.
- 4) The Village of Philo and Philo Township jointly fund a recycling drop-off site in the Village of Philo, which is serviced by a private waste hauler.

Opened in January, 2004, the Allied Waste Transfer Station located approximately one mile north of I-74 on Lincoln Avenue at 915 W. Saline Court in Urbana, operates a Recycling Drop Off Center which is intended only for current Allied Waste customers. Allied Waste customers may drop off ~~provides a free public drop-off area for~~ the following recyclable materials: food and beverage glass and plastic bottles (Codes 1-7, all colors); aluminum cans; cardboard; and paper products. The Allied Waste customer recycling center hours are Monday through Friday, 7:00 a.m. – 3:30 p.m. and Saturday, 7:00 a.m. – 12:00 noon.

Since 2011, Illini Recycling has operated a free public drop off recycling site, with drop off containers located at on the south side of the Illini Recycling Center at 420 Paul Ave. in Champaign. Public drop off hours are Monday through Friday from 8am to 5pm. The Illini Recycling free public drop off accepts the following items:

<u>cardboard</u>	<u>#1 -#7 plastic bottles</u>
<u>magazines</u>	<u>tin food cans</u>
<u>newspaper</u>	<u>aluminum cans</u>
<u>office paper</u>	<u>aluminum foil/pans</u>
<u>clear, green or brown glass bottles</u>	

In 2011, Green Purpose, LLC began operation of an alternative recycling center for the residents and businesses of Champaign and the surrounding areas, offering access to a recycling center to individuals who pay a low monthly membership fee, and to implement a points system as a further incentive to members to recycle.

Recycling Landscape Waste

The Landscape Recycling Center is operated by the City of Urbana on behalf of the City of Urbana, the City of Champaign and Champaign County. The Landscape Recycling Center (LRC) is a not-for-profit facility operated by the Urbana Public Works Department. The LRC is the only Illinois EPA permitted landscape recycling center in Champaign County. (The Village of Rantoul previously operated a landscape recycling center, but closed the facility in the fall of 1995 when the Illinois EPA imposed stricter regulations on landscape waste management.)

Materials accepted by the LRC include: trees, shrubs, bulkwood, leaves, grass clippings, brush, plant cuttings, sod, woodchips, and clean soil. The LRC sells processed materials (such as fertile mulch and composts) to both the public and to private firms.

Community Collection Events**Countywide Residential Electronics Collections**

Beginning in 2007, a coalition of local area governments in East Central Illinois (including Champaign County, the Cities of Champaign and Urbana, and Village of Savoy) pooled resources to better and more efficiently provide information to the public regarding the importance of recycling electronics and to jointly promote and support a series of drop-off electronics collections known as the 'Countywide Residential Electronics Collections' (CREC).

3. Recycling Program Status

g. Provide any other pertinent details on the recycling program (continued)

Community Collection Events (continued)

The CREC events were held once a year during 2007-2009. Prior to the Illinois ban of electronics items in Illinois landfills, the 2010 and 2011 CREC events were expanded as follows:

- The number of CREC events increased to quarterly.
- The News-Gazette, Inc. became a primary private sponsor, and provided use of The News-Gazette Distribution Center premises as a convenient ideally located host site. The News-Gazette, Inc. also provides pre-event print advertising for each CREC.
- The Champaign County Probation and Court Services became a key partner, supplying 60 or more community service workers plus supervisory staff to assist in collections and traffic control at each CREC event.
- Additional private sponsors provide support and promote the CREC events.

The CREC events serve to increase public awareness of the importance of responsibly recycling or reusing electronics items, the ban on electronics items in Illinois landfills, and local options available to recycle or reuse electronics items.

At present, three CREC events are planned for 2012.

IEPA Sponsored Household Hazardous Waste Collection

The Illinois EPA will conduct a one-day household hazardous waste (HHW) collection event locally on Saturday, September 29, from 8 a.m. – 3 p.m. at The News-Gazette Distribution Center on Apollo Drive in Champaign. The HHW collection event (to be held rain or shine) is free and is open to the public.

There has not been a hazardous waste collection event in the Champaign-Urbana area since 2006, and a large response is anticipated. Traffic will enter the collection at the intersection of East Olympian Drive and Market Street. Residents are encouraged to carpool and combine loads, use alternative modes of transportation, and be prepared for wait times.

Event co-sponsors are the City of Urbana, City of Champaign, Village of Savoy, Champaign County, Champaign County Probation and Court Services, Champaign County Regional Planning Commission, Prairie Rivers Network, Sierra Club Prairie Group, and MTD. The News-Gazette will host the event.

4. Current Needs Assessment Information (optional)

A comprehensive needs assessment regarding Champaign County solid waste and recycling needs has not occurred since the original Plan was prepared prior to the County's adoption of the *Champaign County Solid Waste Management Plan* in 1991.

Based on the ~~most current~~ information available as of January 17, 2007, the 19th edition of the Illinois EPA annual report Nonhazardous Solid Waste Management and Landfill Capacity in Illinois: 2005 describes the management of nonhazardous municipal solid waste by the State's solid waste landfills, transfer stations and compost facilities. Region 4 includes East Central Illinois counties. From this publication, an estimated 17 years remains as the landfill life expectancy of landfills serving Region 4.

5. New Recommendations and Implementation Schedule

The revised Recommendations and Implementation Schedule from the Champaign County Solid Waste Management Plan ~~10-15~~-Year Update adopted ~~January 23, 2002~~ August 27, 2007 are provided below:

“Recognizing the demonstrated lack of political sentiment for centralized government-administered countywide solid waste management, Champaign County should pursue a practical approach to solid waste management in the next five years. At this time, Champaign County has no further plans to construct a transfer or landfill facility. The County will focus its limited resources upon providing support for the current source reduction and recycling efforts initiated by local municipalities, and by the private and nonprofit sectors. The central goal of the County should be to reduce the amount of municipal waste that is landfilled outside of the County by reducing the waste stream and improving the ratio of waste recycled to waste generated.

The following recommendations are intended to improve the reduction of the amount of waste generated and to increase the amount of waste recycled:

1. Champaign County will, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.
2. The County will consider using any excess funds from waste hauler licensing to promote recycling efforts.
3. The County will encourage all departments to promote and educate staff on office recycling efforts.
4. The County should, as possible, encourage volume-based collection fees.
5. The County will monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.
6. The County will, as possible, encourage landscape waste recycling efforts.
7. The County will, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.
8. The County will, as possible, encourage volume-based collection fees.

The following recommendations from the *Champaign County Solid Waste Management Plan ~~10-15~~-Year Update* adopted ~~January 23, 2002~~ August 27, 2007 have been implemented, as limited resources have permitted:

1. Champaign County will, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.

Contributions to advertising & staffing of recycling collection events... ~~In recent years,~~ Prior to 2009, Champaign County ~~has~~ contributed toward the advertising cost of local recycling hazardous waste collection and tire collection drop-off events held once annually, most typically, and typically organized by the City of Champaign or the City of Urbana. The County typically provided staff, as ~~may be~~ possible, to assist at collection events.

Since 2010, the majority of costs associated with the jointly sponsored Countywide Residential Electronics Collections have been the responsibility of the contractor hired for those events. Since 2011, the County cost to participate in the Countywide Residential Electronics Collection was limited to staff time as provided for in the annual County Planning contract.

5. New Recommendations and Implementation Schedule

1. Champaign County will, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups. (continued)

Coordinate 2007 Electronics and Computer Recycling Event... The 2007 collection was coordinated by the appointed Champaign County Recycling Coordinator and co-sponsored by Champaign County, City of Urbana, City of Champaign and Village of Savoy. Three prior computer electronics collections have been held (2002, 2005 and 2006) and those were coordinated by the City of Champaign and co-sponsored by the County, City of Champaign and City of Urbana. This year's Computer Electronic Recycling Collection event held on Saturday, April 21st was the most successful countywide event held to date.

The 2007 collection amounted to over 72,000 pounds of equipment. Included in this total were: 688 monitors; 577 printers and over 300 TVs. Previous collections held in 2005 and 2006 yielded totals of 51,000 pounds and 40,000 pounds of electronics respectively.

Host Zero Waste Grant Workshop... On October 6, 2006, the County hosted a workshop held by the Illinois Department of Economic Opportunity for representatives of local area schools.

2. The County will consider using any excess funds from waste hauler licensing to promote recycling efforts.

The primary revenue sources for the Solid Waste Management Fund are the fees collected from local waste hauler licensing and investment interest earned on the current fund balance. This fund pays the administrative costs associated with the licensure of waste haulers in Champaign County and provides contributions to intergovernmental recycling and drop-off events. Over the past five years, the County has contributed a portion of the advertising costs of occasional hazardous waste and tire collection drop-off events alternately coordinated by the Cities of Urbana and Champaign.

Based on data available as of January 17, 2007, July 31, 2012, the following table indicates the amount of revenue from annual waste hauler licenses and total revenues of the Solid Waste Management Fund 676-011 over the past five years.

Solid Waste Management Fund 676-011 Revenues Since 2002-2007

Fiscal Year	Revenue from Waste Hauler Licenses	Total Revenue
2002	\$ 1,400	\$ 2,834
2003	\$ 1,550	\$ 2,406
2004	\$ 1,650	\$ 2,697
2005	\$ 1,600	\$ 3,794
2006	\$ 1,500*	\$ 5,000*

* Projected

3. The County will encourage all departments to promote and educate staff on office recycling efforts.

At the present time, most County offices practice recycling on a variable and limited basis. No comprehensive or countywide effort to promote office recycling and to educate staff has occurred to date, possibly due, in part, to limited resources available and to the lack of a countywide policy in place. The County Board also lacks the authority to impose operational mandates on the elected department heads who oversee the preponderance of County employees.

5. New Recommendations and Implementation Schedule

3. The County will encourage all departments to promote and educate staff on office recycling efforts.
(continued)

Over the past several years, aluminum can recycling containers have been distributed by the County at locations in County buildings. Additionally the County has hired a local recycling company to collect and recycle computer paper, large documents, and office paper from recycling containers provided throughout the County campus and Courthouse site. Most County offices utilize recycled printer cartridges as a cost-saving measure. Some County offices order recycled paper for use in copiers and some County offices encourage employees to print double-sided copies as often as possible. Some County office employees voluntarily recycling office items such as portfolios, binders, folders, recording tapes, etc by placing these items in the supply room for others to re-use.

6. The County will, as possible, encourage landscape waste recycling efforts.

At present, County groundskeepers compost grass clippings that result from maintenance of County campuses. Additional landscape waste from County campuses is hauled to the Landscape Recycling Center on an as-needed basis.

7. The County will, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.

The County Board adopted Ordinance No. 361 dated June 19, 1990 to amend the County Purchasing Policy (Ordinance No. 323) to adopt the following Item J, Section II Policy Statement:

“J. In order to help provide a stable market for recycled goods, the County of Champaign will make a concerted effort to purchase and use recycled/recyclable/reclaimable goods when recycled/recyclable/reclaimable goods quoted are of comparable quality to County-specified requirements and are quoted at a price competitive for the quality specified.”

The County Board adopted Ordinance No. 365 dated August 21, 1990 to amend the County Purchasing Policy (Ordinance No. 323) generally as follows:

“.. to indicate that the policy of the County Board is to help maintain stable markets for recycled and recyclable products;” and

“.. to encourage the IMS/Purchasing Division [of the County] to cooperate to the greatest extent feasible with other government bodies in the joint procurement of recycled products and products designed to be recycled ... upon approval of the Champaign County Board.”

The following recommendations from the *Champaign County Solid Waste Management Plan 10-15-Year Update* adopted ~~January 23, 2002~~ August 27, 2007 have not yet been implemented:

4. The County will, as possible, encourage volume-based collection fees.

Ordinance #522, the ‘Waste Haulers Licensure Ordinance’ was adopted by the County on November, 19, 1996. The Ordinance regulates the storage, collection, transportation and disposal of solid waste occurring within County jurisdiction. A fixed annual fee is assessed to each waste hauler operating within the County jurisdiction, based on the number of vehicles used for collection and transportation of solid waste. The collection fee schedule has not been modified since its adoption in 1996.

The County lacks the authority to tax waste generation or to impose fees that are unrelated to the costs of operating the licensing program itself. The County’s lack of statutory authority makes volume-based fees impractical.

5. New Recommendations and Implementation Schedule

5. The County will monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.

Based on data available as of January 17, 2007, an estimate of the recycling rate for Champaign County is 22.6% (from the Illinois EPA annual report entitled Nonhazardous Solid Waste Management and Landfill Capacity in Illinois: 2005).

Proposed Recommendations and Implementation Schedule for the 15-20-Year Update

The Recommendation and Implementation Schedule of the ~~2007~~ 2012 Update to the Champaign County Solid Waste Management Plan is intended to further address the central County goal of reducing the amount of waste generated and improving the ratio of waste recycled to waste generated.

The seven recommendations adopted as a part of the ~~10- 15-Year Update in 2002~~ 2007 are proposed to be retained as a part of the Recommendation and Implementation Schedule of the ~~2007- 2012~~ Update to the Champaign County Solid Waste Management Plan. ~~As a part of the 2007 Recommendation and Implementation Schedule, one additional newly proposed recommendation is to, as possible, encourage improved countywide monitoring, collection and reporting of recycling rates.~~ Each of the following recommendations is to be implemented, as resources permit and as possible, on an ongoing basis. The ~~2007~~ 2012 Update Recommendation and Implementation Schedule follows:

1. Champaign County will, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.
2. The County will consider using any excess funds from waste hauler licensing to promote recycling efforts.
3. The County will encourage all departments to promote and educate staff on office recycling efforts.
4. The County will monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.
5. The County will, as possible, encourage countywide monitoring, collection and reporting of recycling rates.
6. The County will, as possible, encourage landscape waste recycling efforts.
7. The County will, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.
8. The County will, as possible, encourage volume-based collection fees.

RECEIVED

JUL 13 2012

Illinois Environmental Protection Agency

**CHAMPAIGN COUNTY
ADMINISTRATIVE SERVICES**

Public Notice

**Proposed Renewal of the Clean Air Act Permit Program Permit
Guardian West & Flex-N-Gate Manufacturing in Urbana**

Guardian West & Flex-N-Gate Manufacturing has requested that the Illinois Environmental Protection Agency (Illinois EPA) renew the Clean Air Act Permit Program (CAAPP) permit regulating air emissions from its coating and plating operations located at 601 Guardian Drive and 1306 East University Avenue in Urbana. Based on its review of the application, the Illinois EPA has made a preliminary determination that the application meets the standards for issuance and has prepared a draft permit for public review.

The Illinois EPA is accepting comments on the draft permit. Comments must be postmarked by midnight August 11, 2012. If sufficient interest is expressed in the draft permit, a hearing or other informational meeting may be held. Requests for information, comments, and questions should be directed to Brad Frost, Division of Air Pollution Control, Illinois Environmental Protection Agency, PO. Box 19506, Springfield, Illinois 62794-9506, phone 217/782-2113, TDD phone number 217/782-9143.

Persons wanting more information may obtain copies of the draft permit and project summary at <http://www.epa.gov/reg5oair/permits/ilonline.html>. The repositories for these documents and the application are at the Illinois EPA's offices at 2125 South First Street, Champaign, 217/278-5800 and 1340 North Ninth St., Springfield, 217/782-7027 (please call ahead to assure that someone will be available to assist you). Copies of the documents will be made available upon request.

The CAAPP is Illinois' operating permit program for major sources of emissions, as required by Title V of the Clean Air Act (Act). The conditions of CAAPP permits are enforceable by the public, as well as by the USEPA and Illinois EPA. In addition to implementing Title V of the Act, CAAPP permits may contain "Title I Conditions," i.e., conditions established under the permit programs for new and modified emission units, pursuant to Title I of the Act. The permit contains T1 conditions in section 4.4.2 that were established in previously issued permits. The permit contains T1 conditions in sections 3.4 and 5.1 that are being revised by this application. The permit contains no T1 conditions that are being newly established by this application.

The beginning of this public comment period also serves as the beginning date of the USEPA 45 day review period, provided the USEPA does not seek a separate proposed period.



PLANNING & COMMUNITY DEVELOPMENT

1776 East Washington Street
Urbana, IL 61802

Phone 217.328.3313

Fax 217.328.2426

www.ccrpc.org

TO: Environmental & Land Use Committee Members
FROM: Rita Morocoima-Black, CCRPC/CUUATS Transportation Planning Manager & Eileen Sierra, HSTP Coordinator
DATE: August 7, 2012
RE: FY13 Grant Application for Rural Public Transportation
REQUESTED ACTION: Approve ordinance, resolution, special warranty and joint assurance agreements for the Section 5311 & Downstate FY 13 rural transportation application

BACKGROUND:

As the selected Champaign County provider through the ICCT primer process, CRIS Rural Transportation (CRIS) has been providing general public transportation in Rantoul and Countywide Champaign's Senior Service Transportation since February 15, 2010. Additionally, the appointed Rural Transportation Advisory Group (RTAG) has met quarterly to discuss the service and progress the system has made. This rural transportation service is provided under Section 5311 and Downstate operating and capital grants, as well as through various other funding sources available.

For FY 2013, the Illinois Department of Transportation – Division of Public and Intermodal Transportation (IDOT-DPIT) requested CRIS to prepare and submit an application for Champaign County's 5311/Downstate rural transportation operating funding (see summary attached). In order to submit the application, the attached documents need to be approved and authorized by the Champaign County Board:

1. Board Resolution authorizing application for Public Transportation Financial Assistance
2. Ordinance for Continued Public Transportation by CRIS
3. Acceptance of Special Warranty for Application to the Small Urban and Rural Program
4. IDOT and FTA Assistance Programs Joint Certifications and Assurances for Grantees

We are requesting the Environmental and Land Use Committee (ELUC) to approve the enclosed documents in order for CRIS to continue to provide transportation services to Champaign County residents.

FY13 Champaign County Rural Transportation Application Summary

Background

CRIS Rural Transportation (CRIS) was identified as the rural public transit provider through a three year process lead by CCRC/CUUATS in collaboration with local service agencies because of their numerous years of experience in Vermillion County and their resources/expertise in providing rural public, senior, and Paratransit transportation. Since February 15th, 2011, CRIS Rural Transportation (CRIS) has provided rural public transportation – curb-to-curb demand response with call-ahead reservations required - to the northern areas of Champaign County (Rantoul, Ludlow, Thomasboro, and Gilford) through federal technical assistance funding passed through the Illinois Department of Transportation – Division of Public and Intermodal Transportation (IDOT-DPIT). Additionally, CRIS has become the county-wide Champaign County Area Agency on Aging transportation provider for seniors (+60 years of age). If you would like to see additional information on CRIS as a provider, go to their Champaign County website at: <http://ruraltransits.org/champaign/index.html>.

Since starting the service, demand for service has greatly increased as demonstrated in the quarterly and annual reports provided to the Rural Transit Advisory Board (RTAG). Additionally, funding from a rural planning grant is being utilized by CCRPC to develop a comprehensive mobility plan to examine all transportation resources currently being used in the north-east quadrant of the county and determine how those resources could be more effectively used to expand available services.

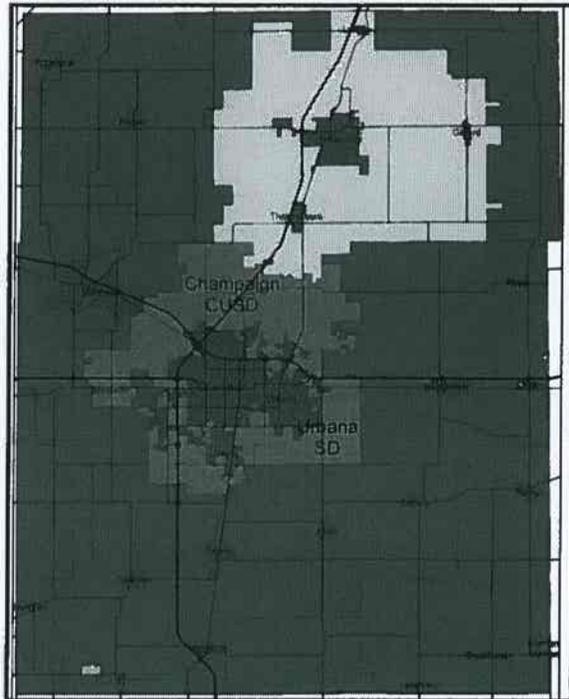
Purpose

The purpose of this grant application is to continue to provide accessible and affordable transportation options for the rural area, in particular the populations with the greatest needs. For FY13, CRIS projects 16,000 trips will be provided in rural Champaign County.

Funding

This grant application is a combine application for federal Non-Urbanized (Rural) Section 5311 and IL's Downstate operating transportation technical assistance for FY13. The application's total expenses are \$807,908, which would be funded through various sources, including federal (\$153,871), state (\$525,140), local (East Central Area Agency on Aging + Nursing Home contracts = \$93,897 approximately) as well as fare revenue generated by trips (\$3,500 approximately). Note approximates are based on experience from last year as well as trip demand projections as services increase and more vehicles are awarded by IDOT-DPIT.

Service area and fares



Champaign County Fare Schedule	
Over Age 60 or Disabled:	
All Zones - \$2.00 each way	
Clients under age 60:	
Yellow	to Yellow
\$2.00 each way	
Yellow	to Green
\$5.00 each way	
Yellow	to Blue
\$5.00 each way	
Blue	to Green
Service not available	
Children 12 and under:	
All Zones - \$1.00 each way	
(when Accompanied by an adult)	

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING FY13 APPLICATION FOR PUBLIC
TRANSPORTATION ASSISTANCE UNDER SECTION 5311
OF THE FEDERAL TRANSIT ACT 1991, AS AMENDED (49 U.S.C. § 5311)**

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311), makes funds available to help offset certain operating deficits and administrative expenses of a system providing public transit service in non-urbanized areas; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311).

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board:

Section 1. That an application be made to the Division of Public and Intermodal Transportation, Illinois Department of Transportation, for financial assistance grant under Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311), for the purpose of off-setting a portion of the public transportation operating deficits of the County of Champaign.

Section 2. That while participating in said operating assistance program, the County of Champaign will provide all required local matching funds.

Section 3. That the CEO of CRIS Rural Transit is hereby authorized and directed to execute and file on behalf of the County of Champaign such application.

Section 4. That the CEO of CRIS Rural Transit is authorized to furnish such additional information as may be required by the Division of Public and Intermodal Transportation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 5. That the CEO of CRIS Rural Transit is hereby authorized and directed to execute and file on behalf of the County of Champaign all required Grant Agreements with the Illinois Department of Transportation, in order to obtain grant assistance under the provisions of the Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311).

Section 6. That the CEO of CRIS Rural Transit is hereby authorized to provide such information and to file such documents as may be required to perform the Grant Agreement and to receive the grant.

PRESENTED, PASSED, APPROVED, AND RECORDED this 23rd day of August, 2012 by the Champaign County Board.

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Gordy Hulten, County Clerk and
Ex-officio Clerk of the County Board

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING FY13 APPLICATION FOR PUBLIC
TRANSPORTATION ASSISTANCE UNDER SECTION 5311
OF THE FEDERAL TRANSIT ACT 1991, AS AMENDED (49 U.S.C. § 5311)**

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, Article II of the Illinois Downstate Public Transportation Act, (30 ILCS 740/2 1 et seq.) makes funds available to help off-set certain operating deficits and administrative expenses for systems providing public transit service in non-urbanized areas; and

WHEREAS, the grant for said funds will impose certain obligations on the County of Champaign; including provisions that the County provide local matching funds necessary to cover costs not covered by funds provided under Section 5311 of the Federal Transit Act of 1991; and

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board:

Section 1. That an application be made to the Division of Public and Intermodal Transportation, Illinois Department of Transportation, for a financial assistance grant under the Downstate Operating Assistance Program , for the purpose of off-setting a portion of the Public Transportation Program operating deficits of rural Champaign County; and

Section 2. That the CEO of CRIS Rural Transit is hereby authorized and directed to execute and file on behalf of the County of Champaign, the aforementioned grant application

Section 3. That the CEO of CRIS Rural Transit is authorized and directed to execute and file on behalf of the County of Champaign all agreements, assurances, and contracts with the State of Illinois and any transportation provider, which may arise as a result of this grant application; including any agreements of indemnification necessary to provide all required local matching funds.

Section 4. Such authorization shall continue throughout the application period of the grant application process and shall further continue throughout the life of any resulting contract or agreement.

Section 5. That the CEO of CRIS Rural Transit is authorized and directed to furnish such additional information and file such documents as may be required by the Division of Public and Intermodal Transportation, Illinois Department of Transportation, and the Federal Transit Administration in connection with the aforesaid application for the grant, to perform the Grant Agreement and to receive the Grant.

PRESENTED, PASSED, APPROVED, AND RECORDED this 23rd day of August, 2012 by the Champaign County Board.

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Gordy Hulten, County Clerk and
Ex-officio Clerk of the County Board

ORDINANCE NO. _____

**AN ORDINANCE TO PROVIDE FOR PUBLIC TRANSPORTATION IN RURAL
CHAMPAIGN COUNTY, ILLINOIS**

WHEREBY, public transportation is an essential public purpose for which public funds may be expended under Article 13, Section 7 of the Illinois Constitution; and

WHEREAS, the County of Champaign wishes to continue to provide public transportation for its citizens and become eligible for grants from the State of Illinois or any department or agency thereof, from any unit of local government, from the Federal government or any department or agency thereof; and

WHEREAS, Illinois Compiled Statutes 740/2-1 et seq. authorizes a county to provide for public transportation within the (county or counties) limits:

NOW, THEREFORE, BE IT ORDAINED by the Chair and the County Board of Champaign County that:

Section 1. Champaign County shall hereby facilitate public transportation within the Champaign County limits.

Section 2. The County Clerk of the County of Champaign shall file a certified copy of this Ordinance, within sixty days after passage of this ordinance.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as required by law.

Section 4. That the CEO of CRIS Rural Mass Transit District is hereby authorized and directed to execute and file on behalf of the County of Champaign a Grant Application to the Illinois Department of Transportation.

Section 5. That the CEO of CRIS Rural Mass Transit District of the County of Champaign is hereby authorized and directed to execute and file on behalf of the County of Champaign all required Grant Agreements with the Illinois Department of Transportation.

PRESENTED, PASSED, APPROVED, AND RECORDED this 23rd day of August, 2012 by the Champaign County Board.

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Gordy Hulten, County Clerk and
Ex-officio Clerk of the County Board

RESOLUTION NO. _____

**Acceptance of the Special Warranty FY13 Combined Grant Application for Section 5311
Non-Urban Public Transportation Assistance and Downstate Operating Assistance**

WHEREAS, Section 5311 of the Federal Transit Act of 1964, as amended, makes funds available to help offset certain operating deficits of a system providing public transit service in non-urbanized areas; and

WHEREAS, 49 U.S.C. § 5333(b) requires that fair and equitable arrangements must be made to protect the interests of employees affected by such assistance as a condition of receipt of funds under Section 5311; and

WHEREAS, A simplified process for assuring employee protections that accommodates the needs of participants in the Section 5311 program has been agreed upon by the U.S. Department of Labor and the U.S. Department of Transportation by allowing execution of a Special Section 5333(b) Warranty for Section 5311 projects (Special Warranty), which the Secretary of Labor certified on May 31, 1979;

NOW, THEREFORE, BE IT RESOLVED BY THE CHAMPAIGN COUNTY BOARD:

Section 1. That an application be made to the Division of Public Transportation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 of the Federal Transit Act of 1964, as amended.

Section 2. As a condition of the receipt of Section 5311 funds, County Board of Champaign County, IL hereby agrees in writing to the terms and conditions of the Special Warranty (attached) regarding fair and equitable arrangements to protect the interests of employees affected by such assistance.

PRESENTED, PASSED, APPROVED, AND RECORDED This 23rd day of August, 2012 by the Champaign County Board.

C. Pius Weibel, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and
Ex-officio Clerk of the County Board

SPECIAL SECTION 5333(b) WARRANTY FOR APPLICATION TO THE SMALL URBAN AND RURAL PROGRAM

The following language shall be made part of the contract of assistance with the State or other public body charged with allocation and administration of funds provided under 49 U.S.C. Section 5311:

A. General application

The Public Body ("COUNTY OF CHAMPAIGN") agrees that, in the absence of waiver by the Department of Labor, the terms and conditions of this warranty, as set forth below, shall apply for the protection of the transportation related employees of any employer providing transportation services assisted by the Project ("Recipient"), and the transportation related employees of any other surface public transportation providers in the transportation service area of the Project.

The Public Body shall provide to the Department of Labor and maintain at all times during the Project an accurate, up-to-date listing of all existing transportation providers which are eligible Recipients of transportation assistance funded by the Project, in the transportation service area of the Project, and any labor organizations representing the employees of such providers.

Certification by the Public Body to the Department of Labor that the designated Recipients have indicated in writing acceptance of the terms and conditions of the warranty arrangement will be sufficient to permit the flow of Section 5311 funding in the absence of a finding of non-compliance by the Department of Labor.

B. Standard Terms and Conditions

(1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees of the Recipient and of any other surface public transportation provider in the transportation service area of the Project. It shall be an obligation of the Recipient and any other legally responsible party designated by the Public Body to assure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of affected employees. The term "Project," as used herein, shall not be limited to the particular facility, service or operation assisted by Federal funds, but shall include any changes, whether organizational, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project," shall when used in this arrangement, include events related to the Project occurring in anticipation of, during, and subsequent to the Project and any program of efficiencies or economies related thereto; provided, however, that volume rises and falls of business, or changes in volume and character of employment brought about by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this arrangement.

An employee covered by this arrangement, who is not dismissed, displaced or otherwise worsened in his position with regard to his employment as a result of the Project, but who is dismissed, displaced or otherwise worsened solely because of the total or partial termination of the Project, discontinuance of Project services, or exhaustion of Project funding shall not be deemed eligible for a dismissal or displacement allowance within the meaning of paragraphs (6) and (7) of the Model agreement or applicable provisions of substitute comparable arrangements.

(2) (a) Where employees of a Recipient are represented for collective bargaining purposes, all Project services provided by that Recipient shall be provided under and in accordance with any collective bargaining agreement applicable to such employees which is then in effect.

(2) (b) The Recipient or legally responsible party shall provide to all affected employees sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangements of the working forces. In the case of employees represented by a union, such notice shall be provided by certified mail through their representatives. The notice shall contain a full and adequate statement of the proposed changes, and an estimate of the number of employees affected by the intended changes, and the number and classifications of any jobs in the Recipient's employment available to be filled by such affected employees.

(2) (c) The procedures of this subparagraph shall apply to cases where notices involve employees represented by a union for collective bargaining purposes. At the request of either the Recipient or the representatives of such employees negotiations for the purposes of reaching agreement with respect to the applications of the terms and conditions of this arrangement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this warranty. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protections including those specifically mandated by 49 U.S.C. Section 5333(b)1, the public Body will assure as a condition of the release of funds that the Recipient agrees to be bound by the terms and conditions of the National (Model) Section 5333(b) Agreement executed July 23, 1975, identified below, provided that other comparable arrangements may be substituted therefor, if approved by the Secretary of Labor and certified for inclusion in these conditions.

(4) Any dispute or controversy arising regarding the application, interpretation, or enforcement of any of the provisions of this arrangement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be referred by any such party to any final and binding disputes settlement procedure acceptable to the parties, or in the event they cannot agree upon such procedure, to the Department of Labor or an impartial third party designated by the Department of Labor for final and binding determination. The compensation and expenses of the impartial third party, and any other jointly incurred expenses, shall be borne equally by the parties to the proceeding and all other expenses shall be paid by the party incurring them.

In the event of any dispute as to whether or not a particular employee was affected by the Project, it shall be his obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of either the Recipient or other party legally responsible for the application of these conditions to prove that factors other than the Project affected the employees. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee.

(5) The Recipient or other legally responsible party designated by the Public Body will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employee, may file claim of violation of these arrangements with the Recipient within sixty (60) days of the date he is terminated or laid off as a result of the Project, or within eighteen (18) months of the date his position with respect to his employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitation shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this arrangement shall be construed as depriving any employee of any rights or benefits which such employee may have under existing employment or collective bargaining

agreements, nor shall this arrangement be deemed a waiver of any rights or any union or of any represented employee derived from any other agreement or provision of federal, state or local law.

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position within the control of the Recipient for which he is, or by training or retraining within a reasonable period, can become qualified. In the event training or retraining is required by such employment or reemployment, the Recipient or other legally responsible party designated by the Public Body shall provide or provide for such training or retraining at no cost to the employee.

(8) The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under 49 U.S.C. Chapter 53 and has agreed to comply with the provisions of 49 U.S.C. Section 5333(b). This notice shall also specify the terms and conditions set forth herein for the protection of employees. The Recipient shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the proper application, administration, and enforcement of these arrangements and to the proper determination of any claims arising thereunder.

(9) Any labor organization which is the collective bargaining representative of employees covered by these arrangements, may become a party to these arrangements by serving written notice of its desire to do so upon the Recipient and the Department of Labor. In the event of any disagreement that such labor organization represents covered employees, or is otherwise eligible to become a party to these arrangements, as applied to the Project, the dispute as to whether such organization shall participate shall be determined by the Secretary of Labor.

(10) In the event the Project is approved for assistance under 49 U.S.C. Chapter 53, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds; provided, however, that this arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by an upon the parties thereto, and by any covered employee or his representative, in accordance with its terms, nor shall any other employee protective agreement merge into this arrangement, but each shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

C. Waiver

As part of the grant approval process, either the Recipient or other legally responsible party designated by the Public Body may in writing seek from the Secretary of Labor a waiver of the statutory required protections. The Secretary will waive these protections in cases, where at the time of the requested waiver, the Secretary determines that there are no employees of the Recipient or of any other surface public transportation providers in the transportation service area who could be potentially affected by the Project. A 30-day notice of proposed waiver will be given by the Department of Labor and in the absence of timely objection, the waiver will become final at the end of the 30-day notice period. In the event of timely objection, the Department of Labor will review the matter and determine whether a waiver shall be granted. In the absence of waiver, these protections shall apply to the Project.

1 Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired

mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training and retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employments which shall in no event provide benefits less than those established pursuant to 49 U.S.C. Section 11347 [the codified citation of Section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended].
Return to original reference point.

2 For purposes of this warranty agreement, paragraphs (1); (2); (5); (15); (22); (23); (24); (26); (27); (28); and (29) of the Model Section 5333(b) Agreement, executed July 23, 1975 are to be omitted.

RESOLUTION NO. _____

**RESOLUTION ACCEPTANCE AND EXECUTION OF
JOINT CERTIFICATIONS AND ASSURANCES**

WHEREAS, Section 5311 of the Federal Transit Act of 1964, as amended, makes funds available to help offset certain operating deficits of a system providing public transit service in non-urban areas; and

WHEREAS, the acceptance of Section 5311 grant funding requires that each Grantee will execute applicable assurances and certifications to cover all applications and government agreements that include federal capital and operating assistance as listed in Exhibit C: Illinois Department of Transportation's (IDOT) and Federal Transit Administration's (FTA) Assistance Programs' Joint Certifications and Assurances for Grantees;

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board authorizes the Chair to execute Exhibit C and agrees to comply with all the applicable requirements of IDOT's and FTA's Assurance Programs' Joint Certifications and Assurances for Grantees.

PRESENTED, PASSED, APPROVED, AND RECORDED this 23rd day of August, 2012 by the Champaign County Board.

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Gordy Hulten, County Clerk and
Ex-officio Clerk of the County Board

Exhibit C

**Illinois Department of Transportation (IDOT) and Federal Transit Administration (FTA)
Assistance Programs Joint Certifications and Assurances for Grantees**

Name of Grantee: Champaign County

Each Grantee will execute the following applicable assurances and certifications to cover all applications and government agreements that include federal capital and operating assistance. The fifteen categories of certifications and assurances are listed by roman numerals I through XV. All Grantees must make all certifications and assurances in Category I. Categories II through XIII will apply to some, but not all Grantees. The categories correspond to the following description or circumstances mandating submission of specific certifications,

The Grantee agrees to comply with all the applicable requirements of IDOT and FTA Assurance Programs Joint Certifications and Assurances for Grantees hereinafter listed.

(The Grantee may make this selection instead of individual selections below.)

OR

The Grantee agrees to comply with the applicable requirements of the following categories it has selected:

Certifications and Assurances Required of Each Grantee	<input checked="" type="checkbox"/>
Lobbying Certification (if applicable exceeds \$100,000)	<input checked="" type="checkbox"/>
Effects on Private Mass Transportation Companies	<input checked="" type="checkbox"/>
Public hearing Certification for Projects with Substantial Impacts	<input checked="" type="checkbox"/>
Certification for the Purchase of Rolling Stock	<input checked="" type="checkbox"/>
Bus Testing Certification	<input checked="" type="checkbox"/>
Charter Service Agreement	<input checked="" type="checkbox"/>
School Transportation Agreement	<input checked="" type="checkbox"/>
Certification for Demand Responsive Service	<input checked="" type="checkbox"/>
Substance Abuse Certifications	<input checked="" type="checkbox"/>
Certification for a Project involving interest or Other Financing Costs	<input checked="" type="checkbox"/>
Certification regarding Intelligent Transportation System Program	<input checked="" type="checkbox"/>
Certifications for the Urbanized Area Formula Program, Job Access and Reverse Commute Program, and the Clean Fuels Program	N/A
Certifications and Assurances for the Elderly and Persons with Disabilities Program	<input checked="" type="checkbox"/>
Certifications for the Non-urbanized Area Formula Program	<input checked="" type="checkbox"/>
Certifications and Assurances for the State Infrastructure Bank Program (Not applicable in Illinois)	N/A

The last page of the Joint Certifications and Assurances as well as the Affirmation of the Grantee's Attorney must be appropriately completed, signed and attached with this application.

1. Certifications and Assurances Required of Each Grantee

A. Authority of Grantee and Its Representatives

The authorized representative of the Grantee and legal counsel who sign these certifications, assurances, and agreements attest that both the Grantee and its authorized representative have adequate authority under state and local law and the by-laws or internal rules of the Grantee organization to:

- (1) Execute and file the applications for Federal assistance on behalf of the Grantee,
- (2) Execute and file the required certifications, assurances and agreements on behalf of the Grantee binding the Grantee; and
- (3) Execute grant agreements and cooperative agreements with FTA or IDOT on behalf of the Grantee

B. Standard Assurances

The Grantee assures that:

1. It has sufficient authority under its State, local, or Indian tribal law, regulations by-laws and internal rules to carry out each FTA funded project as required by Federal laws and regulations,
2. It will comply with all applicable Federal statutes and regulations to carry out any FTA funded project,
3. It is under a continuing obligation to comply with the terms and conditions of the FTA Grant Agreement or Cooperative Agreement for the project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to Grant Agreement or Cooperative Agreement,
4. It recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation,
5. It understands that Presidential executive orders and Federal directives, including Federal policies and program guidance, may be issued concerning matters affecting the Grantee or its project, and
6. It agrees that the most recent Federal laws, regulations, and directives will apply to the project, unless FTA determines otherwise in writing.

C. Debarment, Suspension, and Other Responsibility Matters for Primary Covered Transactions

The Grantee agrees that:

- (1) It will not engage third party participants that are debarred or suspended except as authorized by:
 - (a) U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 C.F.R. Part 1200, which adopt and supplement the following U.S. Office of Management and Budget (U.S. OMB) Guidelines and Executive Order,
 - (b) U.S. OMB, "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 C.F.R. Part 180, and
 - (c) Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note,
- (2) It will review the "Excluded Parties Listing System" at <http://epls.gov/>, if required by U.S. DOT regulations, 2 C.F.R. Part 1200, and
- (3) It will include, and require its third party participants to include a similar condition in each lower tier covered transaction, assuring that the lower tier third party participant will comply with:
 - (a) Federal debarment and suspension requirements, and
 - (b) Review the "Excluded Parties Listing System" at <http://epls.gov/>, if needed for compliance with U.S. DOT regulations, 2 C.F.R. Part 1200.

D. Drug-Free Workplace Certification

Until new U.S. DOT Drug-Free Workplace regulations that rescind the requirements for a Drug-Free Workplace certification are promulgated, and in accordance with Illinois and U.S. DOT regulations on Drug-Free Workplace Requirements (Grants) at 30 ILCS 580/1 *et seq.* and 49 CFR Part 29 at Subpart F, as amended by 41 U.S.C. Section 702 the Grantee certifies that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (2) Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace
 - (b) The Grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and,
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
- (3) Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (1).
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment financed with federal and state assistance provided by the grant or cooperative agreement, the employee will:
 - (a) Abide by the terms of the statement, and
 - (b) Notify the employer in writing of her or her conviction of a criminal drug statute occurring in the workplace no later than 5 calendar days after such conviction.
- (1) Notifying IDOT in writing, within 10 calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to ever project officer or other designee on whose project activity the convicted employee was working. Notice shall include the identification number(s) of each affected grant or cooperative agreement.
- (2) Taking one of the following actions, within 30 calendar days of receiving notice number paragraph (4)(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by federal, state or local health law enforcement, or other appropriate agency.
 - (c) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6). The Grantee has or will provide to IDOT a list identifying its headquarters location and each workplace it maintains in which project activities supported by IDOT are conducted.

E. Drug-Free Workplace Certification

If required, the Grantee assures that each project application submitted to IDOT for assistance has been or will be submitted, as required by each state, for intergovernmental review to the appropriate state and local agencies. Specifically, the Grantee assures that it has fulfilled or will fulfill the obligations imposed on FTA by U.S. DOT regulations, "Intergovernmental Review of Department of Transportation Programs and Activities: 49 CFR Part 17.

F. Nondiscrimination Assurance

1. The Grantee assures that it will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in any U.S. DOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits on the basis of race, color, national origin, creed, sex, or age:
 - a. Federal transit law, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age, and in employment or business opportunity),
 - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and
 - c. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21.
2. As required by 49 CFR 21.7, the Grantee assures that:
 - a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:
 - (1) It conducts each project,
 - (2) It undertakes property acquisitions, and
 - (3) It operates the project facilities, including:
 - (a) Its entire facilities, and
 - (b) Its facilities operated in connection with its project,
 - b. This assurance applies to its entire project and entire facilities, including facilities operated in connection with its project,
 - c. It will promptly take the necessary actions to carry out this assurance, including:
 - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
 - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
 - d. If it transfers FTA funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
 - (1) While the property is used for the purpose that the Federal funding is extended,
 - (2) While the property is used for another purpose involving the provision of similar services or benefits,
 - e. The United States has a right to seek judicial enforcement of any matter arising under:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) This assurance,
 - f. It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to comply with:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) Federal transit law, 49 U.S.C. 5332,
 - g. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party participant, including:
 - (1) Any subrecipient,
 - (2) Any transferee,
 - (3) Any third party contractor or subcontractor at any tier,
 - (4) Any successor in interest,
 - (5) Any lessee, or
 - (6) Any other participant in the project,

h. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including:

- (1) Each subagreement,
 - (2) Each property transfer agreement,
 - (3) Each third party contract or subcontract at any tier,
 - (4) Each lease, or
 - (5) Each participation agreement,
- i. The assurances it has made will remain in effect for the longest of the following:
- (1) As long as Federal funding is extended to the project,
 - (2) As long as the Project property is used for a purpose for which the Federal funding is extended,
 - (3) As long as the Project property is used for a purpose involving the provision of similar services or benefits, or
 - (4) As long as the Grantee retains ownership or possession of the project property.

G. Assurances of Nondiscrimination on the Basis of Disability

The Grantee assures that it and its project implementation and operations will comply with all applicable requirements of:

- a. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
 - b. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
 - c. U.S. DOT regulations, specifically 49 CFR parts 27, 37, and 38, and
 - d. Any other applicable Federal laws that may be enacted or Federal regulations that may be promulgated,
2. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, the Grantee assures that:
- a. The following prohibition against discrimination on the basis of disability is a condition to the approval or extension of any FTA funding awarded to:
 - (1) Construct any facility,
 - (2) Obtain any rolling stock or other equipment,
 - (3) Undertake studies,
 - (4) Conduct research, or
 - (5) Participate in or obtain any benefit from any FTA administered program,
 - b. In any program or activity receiving or benefiting from Federal funding FTA or any entity within U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be:
 - (1) Excluded from participation,
 - (2) Denied benefits, or
 - (3) Otherwise subjected to discrimination.

H. Procurement Compliance

The Grantee certifies that its procurements and procurement system will comply with all applicable Federal laws and regulations in accordance with applicable Federal directives, except to the extent FTA has approved otherwise in writing.

I. Certifications Prescribed by the Office of Management and Budget (SF-424B and SF-424D)

1. **Administrative Activities.** The Grantee assures that:
 - a. For every project described in any application it submits, it has adequate resources to properly plan, manage, and complete the project, including:
 - (1) The legal authority to apply for Federal funding, and
 - (2) The institutional capability,
 - (3) The managerial capability, and

- (4) The financial capability (including funds sufficient to pay the non-Federal share of project cost).
- b. It will give access and the right to examine project-related materials, including but not limited to:
 - (1) FTA,
 - (2) The Comptroller General of the United States, and,
 - (3) If appropriate, the State, through any authorized representative,
- c. It will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- d. It will establish safeguards to prohibit employees from using their positions for a purpose that:
 - (1) Results in a personal or organizational conflict of interest, or personal gain, or
 - (2) Presents the appearance of a personal or organizational conflict of interest or personal gain.
- 2. *Project Specifics*. The Grantee assures that:
 - a. Following receipt of FTA award, it will begin and complete Project work within the applicable time periods,
 - b. For FTA funded construction projects:
 - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications
 - (2) It will to the extent practicable provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
 - (3) It will include a covenant in the title of federally funded real property acquired to assure nondiscrimination during the useful life of the project,
 - (4) To the extent FTA requires, it will record the Federal interest in the title to FTA assisted real property or interests in real property, and
 - (5) To the extent practicable, without permission and instructions from FTA, it will not alter the site of the FTA funded construction project or facilities by:
 - (a) Disposing of the underlying real property or other interest in the site and facilities,
 - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
 - (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
 - c. It will furnish progress reports and other information as FTA or the State may require.
- 3. *Statutory and Regulatory requirements*. The Grantee assures that:
 - a. It will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to the:
 - (1) Prohibitions against discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) Prohibitions against discrimination on the basis of sex of:
 - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
 - (b) U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25,
 - (3) Prohibitions against discrimination on the basis of age in federally assisted programs of the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability,
 - (5) Prohibitions against discrimination on the basis of disability of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
 - (6) Nondiscrimination requirements relating to the sale, rental, or financing of housing of Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
 - (7) Prohibitions against discrimination on the basis of drug abuse of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
 - (8) Prohibitions against discrimination on the basis of alcohol abuse of the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
 - (9) Confidentiality requirements for the records of alcohol and drug abuse patients of the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
 - (10) Nondiscrimination provisions of any other statute(s) that may apply to the project,

b. Regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes, it will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally assisted programs, and:

(1) It has the necessary legal authority under State and local law to comply with:

(a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 *et seq.*, as specified by sections 210 and 305 of that Act, 42 U.S.C. 4630 and 4655, respectively, and

(b) U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, specifically 49 CFR 24.4.

(2) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations including but not limited to doing the following:

(a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,

(b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, it will provide fair and reasonable relocation payments and assistance for displacement, resulting from any FTA funded project, of:

1 Families and individuals,

2 Partnerships, corporations, or associations,

(c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in to the U.S. DOT regulations to such displaced:

1 Families and individuals,

2 Partnerships, corporations, or associations,

(d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement it will make available comparable replacement dwellings to families and individuals,

(e) It will:

1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and

2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,

(f) It will be guided to the greatest extent practicable under State law, by the real property acquisition policies of 42 U.S.C. 4651 and 4652,

(g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631,

(h) It will execute the necessary implementing amendments to third party contracts and subagreements financed with FTA funding, and

(i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances, and

(j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA funded project involving relocation or land acquisition, and

(k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,

c. To the extent practicable, it will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,

d. It will, to the extent practicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:

(1) The National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 *et seq.*, and

(2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,

e. It will, to the extent practicable, comply with the labor standards and protections for federally funded projects of:

(1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*,

(2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively,

(3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,

f. It will, to the extent practicable, comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders, including but not limited to the following:

- (1) It will comply with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
- (2) It will comply with notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note,
- (3) It will comply with protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note,
- (4) It will comply with evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note,
- (5) It will comply with an assurance of project consistency with the approved State management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
- (6) It will comply with Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
- (7) It will comply with protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
- (8) It will comply with protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544, and
- (9) It will comply with environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation project as required by 49 U.S.C. 303(b) and 303(c),
- (10) It will comply with protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
- (11) It will comply with and facilitate compliance with
 - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
 - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
 - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,

g. To the extent practicable, it will comply with Federal requirements for the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal funding of:

- (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
- (2) U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4,

h. To the extent practicable, before accepting delivery of any FTA funded building it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, "Seismic Safety," 49 CFR part 41, specifically 49 CFR 41.117(d),

i. To the extent practicable, it and its subrecipients located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:

- (1) Participating in the Federal flood insurance program,
- (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,

j. To the extent practicable, it will comply with:

- (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement, and
- (2) 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding to whom the Hatch Act does not otherwise apply,

- k. It will have performed the financial and compliance audits as required by:
- (1) The Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
 - (2) U.S. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and
 - (3) The most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT, and It will, to the extent practicable, comply with all applicable provisions of all other Federal laws or regulations, and follow Federal directives governing the project, except to the extent that FTA has expressly approved otherwise in writing.

2. Lobbying Certification Required for Each Application Exceeding \$100,000

As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110, the Grantee understands that:

- a. The lobbying restrictions of your certification apply your Grantee's requests for:
 - (1) \$100,000 or more in Federal funding for a grant or cooperative agreement, and
 - (2) \$150,000 or more in Federal funding for a loan, line of credit, or loan guarantee,
- b. Its certification covers the lobbying activities of:
 - (1) It,
 - (2) Its principals, and
 - (3) Its first tier subrecipients:

Therefore, on behalf of your Grantee, you certify to the best of your knowledge and belief, that:

1. No Federal appropriated funds have been or will be paid by or on its behalf to any person:

a. To influence or attempt to influence:

- (1) An officer or employee of any Federal agency,
- (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress,

b. Regarding the award of a:

- (1) Federal grant or cooperative agreement, or
- (2) Federal loan, line of credit, loan guarantee, or loan insurance

2. It will submit a complete OMB Standard Form-LLL, "Disclosure of Lobbying Activities (Rev. 7-97)," in accordance with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person:

a. To influence or attempt to influence:

- (1) An officer or employee of any Federal agency,
- (2) A Member of Congress, an employee of a Member of Congress, or an officer or employee of Congress, or

b. Regarding any application for a:

- (1) Federal grant or cooperative agreement,
- (2) Federal loan, line of credit, loan guarantee, or loan insurance, and

3. It will include the language of this certification in the award documents for all subawards at all tiers including, but not limited to:

a. Subcontracts,

b. Subgrants,

c. Subagreements, and

d. Third party contracts under a:

- (1) Federal grant or cooperative agreement, or
- (2) Federal loan, line of credit, loan guarantee, or loan insurance, and

4. It understands that:

a. This certification is a material representation of fact that the Federal Government relies on, and

b. It must submit this certification before the Federal Government may award funding for a transaction covered by 31 U.S.C. 1352, including a:

- (1) Federal grant or cooperative agreement, or
- (2) Federal loan, line of credit, loan guarantee, or loan insurance, and

5. It also understands that any person who does not file a required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. Effects on Private Mass Transportation Companies

As required by 49 U.S.C. 5323(a)(1), the Grantee certifies that:

1. Before it:

a. Acquires the property or an interest in the property of a private provider of public transportation, or

b. Operates public transportation equipment or facilities:

(1) In competition with transportation service provided by an existing public transportation company, or

(2) In addition to transportation service provided by an existing public transportation company,

2. It has or will have:

a. Determined that the funding is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306,

b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and

c. Paid just compensation under State or local law to the company for any franchise or property acquired.

4. Public Hearing Certification For A Capital Project That Will Substantially Affect a Community or Its Transit Service

As required by 49 U.S.C. 5323(a)(1), the Grantee certifies that:

1. Before it:

a. Acquires the property or an interest in the property of a private provider of public transportation, or

b. Operates public transportation equipment or facilities:

(1) In competition with transportation service provided by an existing public transportation company, or

(2) In addition to transportation service provided by an existing public transportation company,

2. It has or will have:

a. Determined that the funding is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306,

b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and

c. Paid just compensation under State or local law to the company for any franchise or property acquired.

5. Bus Testing Certification Required for the Acquisition of New Buses

Complete the bus testing required by:

(a) Federal transit law, specifically 49 U.S.C. § 5318(e), and

(b) FTA regulations, "Bus Testing," 49 C.F.R. Part 665.

6. Charter Service Agreement

The Grantee understands and agrees that:

a. Applicability. To the extent required by Federal law and regulations, FTA's "Charter Service" requirements apply to it and any third party participant involved in a Project funded under:

(1) Federal transit laws, 49 U.S.C. chapter 53,

(2) 23 U.S.C. § 133, or

(3) 23 U.S.C. § 142.

b. Prohibition. Neither it nor any third party participant involved in its Project will engage in charter service operations, except as permitted under:

(1) Federal transit law, specifically 49 U.S.C. § 5323(d),

(2) FTA regulations, "Charter Service," 49 C.F.R. Part 604,

(3) Any other Federal Charter Service regulations, or

(4) Federal directives, except as FTA determines otherwise in writing.

c. Charter Service Agreement. The Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference and made part of the underlying Agreement.

d. Violations.

(1) If:

- (a) It has failed to select the Charter Service Agreement in its latest annual Certifications and Assurances, and
- (b) It or any subrecipient has conducted charter service operations prohibited by FTA's Charter Service regulations:

(2) Then:

- (a) FTA's Charter Service regulations and any amendments to these regulations will apply to any charter service it or its third party participants provide,
- (b) The definitions in FTA's Charter Service regulations will apply to it and its third party participants that conduct charter operations, and
- (c) A pattern of violations of FTA's Charter Service regulations may require corrective measures and imposition of remedies, including:
 - 1 Barring it or any third party participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds, or
 - 2 Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations.

7. School Transportation Agreement

The Grantee understands and agrees that:

a. Applicability. To the extent required by Federal law and regulations, FTA's "Charter Service" requirements apply to it and any third party participant involved in a Project funded under:

- (1) Federal transit laws, 49 U.S.C. chapter 53,
- (2) 23 U.S.C. § 133, or
- (3) 23 U.S.C. § 142.

b. Prohibition. Neither it nor any third party participant involved in its Project will engage in charter service operations, except as permitted under:

- (1) Federal transit law, specifically 49 U.S.C. § 5323(d),
- (2) FTA regulations, "Charter Service," 49 C.F.R. Part 604,
- (3) Any other Federal Charter Service regulations, or
- (4) Federal directives, except as FTA determines otherwise in writing.

c. Charter Service Agreement. The Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference and made part of the underlying Agreement.

d. Violations.

(1) If:

- (a) It has failed to select the Charter Service Agreement in its latest annual Certifications and Assurances, and
- (b) It or any subrecipient has conducted charter service operations prohibited by FTA's Charter Service regulations:

(2) Then:

- (a) FTA's Charter Service regulations and any amendments to these regulations will apply to any charter service it or its third party participants provide,
- (b) The definitions in FTA's Charter Service regulations will apply to it and its third party participants that conduct charter operations, and
- (c) A pattern of violations of FTA's Charter Service regulations may require corrective measures and imposition of remedies, including:
 - 1 Barring it or any third party participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds, or
 - 2 Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations.

8. Certification Required for the Direct Award of FTA Assistance to a Grantee for its Demand Response Service

In accordance with U.S. DOT regulations, "Transportation service for Individuals with Disabilities (ADA)," AT 49 CFR Part 37.77, the Grantee certifies that its demand

responsive service offered to persons with disabilities, including persons who use wheelchairs, is equivalent to the level and quality of service offered to persons without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to: (1) response time; (2) fares; (3) geographic service area; (4) hours and days of service; (5) restrictions on trip purpose; (6) availability of information and reservation capability ; and (7) constraints on capacity or service.

9. Prevention of Alcohol Misuse and Prohibited Drug Use Certification

As applicable to the Grantee pursuant to federal regulations "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR Part 665, Subpart I, the Grantee certifies that it has established and implemented an anti-drug and alcohol misuse program, and has complied with or will comply with the applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR Part 665"

10. Certification for a Project Involving Interest or Other Financing Costs

As required by 49 U.S.C. Section 5307(g), 49 U.S.C. Section 5309(g)(2)(B), 49 U.S.C. Section 5309(g)(3)(A), and 49 U.S.C. Section 5309(3), the Grantee certifies that it will not seek reimbursement for interest and other financing costs unless its records demonstrate it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA might require.

11. Intelligent Transportation System Program Assistance

1. As provided in subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note:

a. "Intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, [will] conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a) [of section 5307 of SAFETEA-LU]."

b. ITS standards will not apply if it obtains an exception to subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note.

2. It will use its best efforts to assure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region, if supported with Federal funding not derived from:

a. Title 49, United States Code, or

b. Title 23, United States Code.

3. To facilitate compliance with subsection 5307(c) of 23 U.S.C. 512 note, except as the Federal Government determines otherwise in writing, the Grantee assures that it will comply with:

a. FTA Notice, "FTA National ITS Architecture Policy on Transit Projects," 66 FR 1455, January 8, 2001, specifically:

(1) Applicable provisions of Section V (Regional ITS Architecture, and

(2) Section VI (Project Implementation), and

b. Other FTA policies that may be issued in connection with any ITS project it undertakes financed with funds authorized under Title 49 or Title 23, United States Code

12. Certifications for the Urbanized Area Formula Program, The Job Access and Reverse Commute Program, and the Clean Fuels Program

The following certifications apply to the Grantee funding under the Urbanized Area Formula Program authorized under 49 U.S.C. 5307. The Grantee certifies that:

1. As required by 49 U.S.C. 5307(d)(1)(A), it has or will have the:

- a. Legal capacity to carry out its proposed projects,
- b. Financial capacity to carry out its proposed projects,
- c. Technical capacity to carry out its proposed projects,
- d. Safety aspects of its proposed projects, and
- e. Security aspects of its proposed projects,
- 2. As required by 49 U.S.C. 5307(d)(1)(B), it has or will have satisfactory continuing control over the use of project equipment and facilities,
- 3. As required by 49 U.S.C. 5307(d)(1)(C), it will maintain the project equipment and facilities adequately,
- 4. As required by 49 U.S.C. 5307(d)(1)(D), it will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 49 U.S.C. 5307:
 - a. Elderly individuals,
 - b. Individuals with disabilities, or
 - c. Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 *et seq.* or 42 U.S.C. 1395 *et seq.*),
- 5. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under 49 U.S.C. 5307, it will:
 - a. Use competitive procurement (as defined or approved by FTA),
 - b. Not use exclusionary or discriminatory specifications in its procurements,
 - c. Comply with applicable Buy America laws, and
 - d. Comply with the:
 - (1) General provisions for FTA programs of 49 U.S.C. 5323, and
 - (2) Third party procurement requirements of 49 U.S.C. 5325,
- 6. As required by 49 U.S.C. 5307(d)(1)(F), it has complied with or will comply with 49 U.S.C. 5307(c) because it:
 - a. Has informed or will inform the public of the amounts of its Urbanized Area Formula Program funds available under 49 U.S.C. 5307, and the projects it proposes to undertake,
 - b. Has developed or will develop, in consultation with interested parties including private transportation providers, the projects proposed to be funded,
 - c. Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
 - d. Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
 - e. Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal Government source other than U.S. DOT,
 - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
 - g. Has made or will make the final list of projects available to the public,
- 7. As required by 49 U.S.C. 5307(d)(1)(G), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - c. Will provide the local share funds when needed,
- 8. As required by 49 U.S.C. 5307(d)(1)(H), it will comply with:
 - a. The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (1) Maximize the safe, secure, and efficient mobility of people,
 - (2) Minimize environmental impacts, and,
 - (3) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - b. The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (1) Design public transportation for elderly individuals and individuals with disabilities, and
 - (2) Provide public transportation for elderly individuals and individuals with disabilities, and
 - c. The requirements of 49 U.S.C. 5303 – 5306 for:
 - (1) Metropolitan and State Planning, and
 - (2) Private enterprise participation,

9. As required by 49 U.S.C. 5307(d)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation,
10. As required by 49 U.S.C. 5307(d)(1)(J), if it serves an urbanized area with a population of at least 200,000:
 - a. Each fiscal year, it will spend at least one (1) percent of its 49 U.S.C. 5307 funding for public transportation security projects (limited to capital projects in the case of an Grantee serving an urbanized area with a population of 200,000 or more), or
 - b. That fiscal year, it will certify that such expenses for transportation security projects are not necessary,
 - c. Public transportation security projects include:
 - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other project intended to increase the security and safety of an existing or planned public transportation, and
11. As required by 49 U.S.C. 5307(d)(1)(K), if it serves an urbanized area with a population of at least 200,000:
 - a. Each fiscal year, it or all the Recipients of 49 U.S.C. 5307 funding in its urbanized area will spend at least one (1) percent of that funding for transit enhancements, as defined in 49 U.S.C. 5302(a),
 - b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year a list of the projects during that Federal fiscal year using those 49 U.S.C. 5307 funds, and the report of its transit enhancement projects is or will be incorporated by reference and made part of its certifications and assurances.

The following certifications apply to each Grantee for funding under the Clean Fuels Grant Program authorized under 49 U.S.C. 5308:

1. As required by FTA regulations, "Clean Fuels Grant Program, 49 CFR part 624, specifically 49 CFR 624.7, the Grantee certifies it will operate vehicles purchased with Federal funding provided under the Clean Fuels Grant Program, 49 U.S.C. 5308 only with clean fuels.
2. Under 49 U.S.C. 5308(d)(1), the requirements of 49 U.S.C. 5307 apply to the Clean Fuels Grant Program. To comply with those requirements, as specified under 49 U.S.C. 5307(d)(1), the Grantee certifies that:
 - a. As required by 49 U.S.C. 5307(d)(1)(A), it has or will have the:
 - (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its proposed projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects,
 - b. As required by 49 U.S.C. 5307(d)(1)(B), it has or will have satisfactory continuing control over the use of project equipment and facilities,
 - c. As required by 49 U.S.C. 5307(d)(1)(C), it will maintain the project equipment and facilities adequately,
 - d. As required by 49 U.S.C. 5307(d)(1)(D), it will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 49 U.S.C. 5308:
 - (1) Elderly individuals,
 - (2) Individuals with disabilities, or
 - (3) Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 *et seq.* or 42 U.S.C. 1395 *et seq.*),
 - e. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under 49 U.S.C. 5308, it will:
 - (1) Use competitive procurement (as defined or approved by FTA),
 - (2) Not use exclusionary or discriminatory specifications in its procurements,
 - (3) Comply with applicable Buy America laws, and

(4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
(5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
f. As required by 49 U.S.C. 5307(d)(1)(F), it has complied with or will comply with 49 U.S.C. 5307(c) because it:

- (1) Has informed or will inform the public of the amounts of its Clean Fuels Grant Program funds available under 49 U.S.C. 5308, and the projects it proposes to undertake,
- (2) Has developed or will develop, in consultation with interested parties including private transportation providers, the projects proposed to be funded,
- (3) Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
- (5) Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal government source other than U.S. DOT,
- (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
- (7) Has made or will make the final list of projects available to the public,

g. As required by 49 U.S.C. 5307(d)(1)(G), it:

- (1) Has or will have the amount of funds required for the local share,
- (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
- (3) Will provide the local share funds when needed,

As required by 49 U.S.C. 5307(d)(1)(H), it will comply with:

- (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
- (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
- (3) The requirements of 49 U.S.C. 5303 – 5306 for:
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation, and

i. As required by 49 U.S.C. 5307(d)(1)(I), it has a locally developed process to solicit and consider public comment before:

- (1) Raising a fare, or
- (2) Implementing a major reduction of public transportation.

The following certifications and assurances apply to each State or State organization serving as the Grantee for funding under the Nonurbanized Area Formula Program authorized under 49 U.S.C. 5311. The Grantee assures that:

1. It has or will have the necessary legal, financial, and managerial capability to:
 - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
 - b. Carry out each project, including the:
 - (1) Safety aspects of its proposed projects, and
 - (2) Security aspects of its proposed projects,
2. It has or will have satisfactory continuing control over the use of project equipment and facilities,
3. The project equipment and facilities will be adequately maintained,
4. As required by 49 U.S.C. 5311(b)(2)(C)(i), its program has provided for a fair distribution of Federal funding authorized for 49 U.S.C. 5311 within the State, including Indian reservations within the State,
5. As required by 49 U.S.C. 5311(b)(2)(C)(ii), its program provides or will provide the maximum feasible coordination of public transportation service to receive funding under 49 U.S.C. 5311 with transportation service assisted by other Federal sources,
6. The projects in its Nonurbanized Area Formula Program are included in:

- a. The Statewide Transportation Improvement Program, and
- b. To the extent applicable, a metropolitan Transportation Improvement Program,
- 7. It has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g), and
- (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
- (3) Will provide the local share funds when needed, and
- 8. As required by 49 U.S.C. 5311(f), each fiscal year:
 - a. It will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus shelters,
 - (3) Joint-use stops and depots,
 - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects, and
 - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
 - b. It will provide to the Federal Transit Administrator a certification of the State's chief executive officer that:
 - (1) After consulting with the affected intercity bus service providers about the intercity bus needs of the State,
 - (2) The State's intercity bus service needs are being met adequately.

13. Certifications and Assurances for the Elderly and Persons with Disabilities Program

The following certifications and assurances apply to each State or State organization serving as Grantee for funding and each subrecipient of funding under the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized under 49 U.S.C. 5310, and the Elderly Individuals and Individuals with Disabilities Pilot Program authorized under subsection 3012(b) of SAFETEA-LU.

- 1. The State or State organization Grantee assures that:
 - a. Each subrecipient is:
 - (1) Recognized under State law as a private nonprofit organization with the legal capability to contract with the State to carry out the proposed project, or
 - (2) A public body that has met the statutory requirements to receive Federal funding authorized for 49 U.S.C. 5310,
 - b. The State or State organization Grantee can conclude from information in a private nonprofit subrecipient's application for 49 U.S.C. 5310 funding that:
 - (1) The transit service provided or offered to be provided by existing public or private transit operators cannot meet the special needs of elderly individuals and individuals with disabilities, because it is:
 - (a) Unavailable,
 - (b) Insufficient, or
 - (c) Inappropriate,
 - c. As required by 49 U.S.C. 5310(d)(2)(A) and subsection 3012(b)(2) of SAFETEA-LU, the State certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, the project has been or will have been coordinated with private nonprofit providers of services under 49 U.S.C. 5310,
 - d. As required by 49 U.S.C. 5310(d)(2)(C), the Grantee certifies that allocations to subrecipients 49 U.S.C. 5310 funding or subsection 3012(b) funding will be distributed on a fair and equitable basis, and
 - e. As required by 49 U.S.C. 5310(d)(2)(B) and subsection 3012(b)(2) of SAFETEA-LU, the Grantee certifies that:
 - (1) The projects it has selected or will select for funding under that program were derived from a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated, and
 - (2) That locally developed, coordinated plan was produced through a process that included:

- (a) Representatives of public, private, and nonprofit transportation providers,
- (b) Representatives of public, private, and nonprofit human services providers, and
- (c) Participation by the public.

2. As permitted by 49 U.S.C. 5310(d), the Federal Transit Administrator has selected certain requirements of 49 U.S.C. 5307 to be appropriate for the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized by 49 U.S.C. 5310, and the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, of which some require certifications. Therefore, as specified under 49 U.S.C. 5307(d)(1), the State or State organization Grantee certifies that:

- a. As required by 49 U.S.C. 5307(d)(1)(A), it and each subrecipient has or will have the:
 - (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its proposed projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects,
- b. As required by 49 U.S.C. 5307(d)(1)(B), it and each subrecipient has or will have satisfactory continuing control over the use of project equipment and facilities,
- c. As required by 49 U.S.C. 5307(d)(1)(C), it and each subrecipient will maintain the project equipment and facilities adequately,
- d. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized by 49 U.S.C. 5310, or the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, it and each subrecipient will:
 - (1) Use competitive procurement (as defined or approved by FTA),
 - (2) Not use exclusionary or discriminatory specifications in its procurements,
 - (3) Comply with applicable Buy America laws, and
 - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
 - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
- e. As required by 49 U.S.C. 5307(d)(1)(G), it and each subrecipient:
 - (1) Has or will have the amount of funds required for the local share,
 - (a) As required by 49 U.S.C. 5310(c), and
 - (b) Subsections 3012(b)(3) and (4) of SAFETEA-LU, if applicable,
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed, and
- f. As required by 49 U.S.C. 5307(d)(1)(H), it and each subrecipient will comply with:
 - (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
 - (3) The requirements of 49 U.S.C. 5303 – 5306 for:
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation.

14. Certifications and Assurances for the Nonurbanized Area Formula Program

The following certifications and assurances apply to each State or State organization serving as the Grantee for funding under the Nonurbanized Area Formula Program authorized under 49 U.S.C. 5311. The Grantee assures that:

- 1. It has or will have the necessary legal, financial, and managerial capability to:
 - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
 - b. Carry out each project, including the:
 - (1) Safety aspects of its proposed projects, and
 - (2) Security aspects of its proposed projects,

2. It has or will have satisfactory continuing control over the use of project equipment and facilities,
3. The project equipment and facilities will be adequately maintained,
4. As required by 49 U.S.C. 5311(b)(2)(C)(i), its program has provided for a fair distribution of Federal funding authorized for 49 U.S.C. 5311 within the State, including Indian reservations within the State,
5. As required by 49 U.S.C. 5311(b)(2)(C)(ii), its program provides or will provide the maximum feasible coordination of public transportation service to receive funding under 49 U.S.C. 5311 with transportation service assisted by other Federal sources,
6. The projects in its Nonurbanized Area Formula Program are included in:
 - a. The Statewide Transportation Improvement Program, and
 - b. To the extent applicable, a metropolitan Transportation Improvement Program,
7. It has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g), and
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed, and
8. As required by 49 U.S.C. 5311(f), each fiscal year:
 - a. It will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus shelters,
 - (3) Joint-use stops and depots,
 - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects, and
 - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
 - b. It will provide to the Federal Transit Administrator a certification of the State's chief executive officer that:
 - (1) After consulting with the affected intercity bus service providers about the intercity bus needs of the State,
 - (2) The State's intercity bus service needs are being met adequately.

**15. Certifications and Assurances for the State Infrastructure Bank Program
(Not applicable in Illinois)**

CHAMPAIGN COUNTY NURSING HOME BOARD of DIRECTORS

Mary Ellen O'Shaughnessey, Chair

Members: Jan Anderson, Ron Bensyl, Peter Czajkowski, Catherine Emanuel, LaShunda Hambrick, Robert Palinkas

July 9, 2012

C. Pius Weibel, County Board Chair and
Members of the Champaign County Board
1776 East Washington
Urbana, IL 61802

RE: Nursing Home Ballot Questions

Dear Deputy Chair McGinty and Members of the Champaign County Board,

At our meeting on July 9, 2012, the Nursing Home Board of Directors considered the two nursing home ballot questions proposed by a group of Champaign County Board Members. The following documents the Nursing Home Board of Directors' advice to the County Board regarding these questions, which represents the consensus of the members, with one dissenting vote by Ron Bensyl.

Question #1 – Shall the maximum rate of the tax levied by Champaign County for the purpose of maintaining a County Nursing Home and for providing maintenance, personal care and nursing services therein, be increased from .03% to .1%?

As a Board, we cannot justify the need for such a tax levy increase. The Nursing Home has operated now for four years without the need for loans from the County's General Corporate Fund, and at or near a balanced position. While we recognize that we have severe challenges with regard to cash flow, we cannot support asking for an additional \$2.3 million in property taxes from the citizens of Champaign County for the operation of the Home.

Question #2 – Shall the Champaign County Board be authorized to sell, dispose of, or lease for any term the Champaign County Nursing Home properties in such manner and upon such terms as the County Board deems best for the interest of the County?

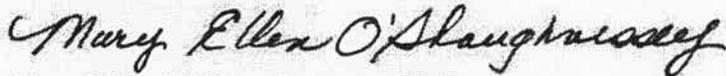
As a Board, we cannot support an action that would jeopardize the current operations of the Champaign County Nursing Home. We believe placing this question on the ballot will generate a public perception of uncertainty regarding the future of the Champaign County Nursing Home, which in turn will severely impede our ability to recruit and retain an appropriate census to ensure the ongoing viability of the Nursing Home's financial operation. We further believe that, even if the voters approved this question, it is highly unlikely that there are private businesses

who would be interested in procuring the Nursing Home and maintaining the current mission of serving the Medicaid population currently served by the Champaign County Nursing Home.

We want the County Board to know that we share in your concerns regarding the current uncertainty of the long-term financial future of the Nursing Home, and the potential risk and liability the County Board faces as a result of this uncertainty. We understand this risk has led County Board members to consider going to the voters with these questions. However, for the reasons stated above, we request the County Board consider instead that we work together to continue in the development of a strategic plan and appropriate programming of services to address the financial challenges of operating a county-owned nursing home in today's environment.

Thank you for your consideration of our opinions and advice with regard to this issue.

Respectfully submitted,



Mary Ellen O'Shaughnessey, Chair
Champaign County Nursing Home Board of Directors

xc: Members of the Nursing Home Board of Directors
Management Performance Associates
Karen Noffke, Interim Administrator-Champaign County Nursing Home