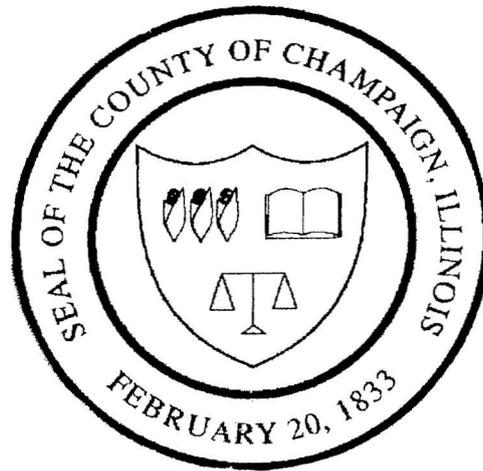


*Environment
& Land Use Committee
Meeting Agenda*

September 08, 2008



7:00 p.m.

*Lyle Shields Meeting Room
Brookens Administrative Center
1776 East Washington, Urbana, Il 61802
(217) 384-3708*

AGENDA

Champaign County Environment & Land Use Committee

Date: *September 08, 2008*
Time: *7:00 p.m.*
Place: *Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*
Phone: *(217) 384-3708*

Members:

*Jan Anderson, Chris Doenitz, Matthew Gladney,
Brad Jones, Ralph Langenheim, Carrie Melin, Steve
Moser, Jon Schroeder (VC), Barbara Wysocki (C)*

AGENDA ***Old Business shown in Italics***

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (August 11, 2008) 1 thru 18
4. Correspondence
 - A. Mahomet Aquifer Consortium Member Meeting No. 60, June 12, 2008, minutes 19 thru 20
 - B. Mahomet Aquifer Consortium Meeting No. 61, August 14, 2008, agenda 21
5. Public Participation
6. Updates
 - A. *Champaign County Land Resource Management Plan*
 - B. *Champaign County Hazard Mitigation Plan*
 - C. *Proposed Intergovernmental Agreement regarding development pursuant to Municipal annexation agreement that is more than one-and-one half miles From the municipality and House Bill 2518*
 - D. *Senate Bill 2022*
7. Proposed Resolution regarding procedure to replace a member of the Champaign County Land Resource Management Plan Steering Committee. 22
8. Subdivision Case: 193-08: Broken Arrow Subdivision. Subdivision Plat approval for a two-lot minor subdivision in the AG-1 Zoning District in Section 26, Crittenden Township. 23 thru 35
9. Enterprise Zone Boundary Amendment 36 thru 50
10. *Champaign County Zoning Ordinance requirements for wind turbine developments* 51 thru 67

CHAMPAIGN COUNTY
ENVIRONMENT AND LAND USE COMMITTEE AGENDA
SEPTEMBER 08, 2008
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11. *Requirement that a current land owner pay the zoning use permit fee for a structure built by a previous owner without a Zoning Use Permit.*
12. **Monthly Report (June, July and August, 2008)**
(to be distributed at meeting)
13. **Other Business**
14. **Determination of Items to be placed on the County Board Consent Agenda**
15. **Adjournment**

MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee	DATE:	August 11, 2008
Champaign County Brookens Administrative Center	TIME:	7:00 p.m.
Urbana, IL 61802	PLACE:	Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802

MEMBERS PRESENT: Jan Anderson, Chris Doenitz, Matthew Gladney, Brad Jones, Ralph Langenheim, Carrie Melin, Jon Schroeder (VC), Barbara Wysocki (C)

**OTHER COUNTY
BOARD MEMBERS**

PRESENT: Pius Weibel (County Board Chair)

DRAFT

MEMBERS ABSENT: Steve Moser

STAFF PRESENT: John Hall, Leroy Holliday, Susan Monte (Regional Planning Commission)

OTHERS PRESENT: Roger Meyer, Ed Peterson, Rex Bradfield, Tony Becker, Guadalupe Guzman, Carroll Goering

1. Call to Order, Roll Call

The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.

2. Approval of Agenda

Mr. Schroeder moved, seconded by Mr. Langenheim to approve that agenda. The motion carried by voice vote.

3. Approval of Minutes (June 9, 2008)

Mr. Doenitz moved, seconded by Ms. Anderson to approve the June 9, 2008, minutes as submitted. The motion carried by voice vote.

4. Correspondence

None

5. Public Participation

1 Mr. Anthony Becker, who resides at 3205 E. Airport Rd, Urbana, stated that he is the gentleman that Mr.
2 Guzman takes care of at the subject property in Zoning Case 606-FV-08. He said that it has been a long
3 three years that they have been trying to get the subdivision approved and apparently the property requires a
4 variance due to its location in the floodplain. He said that he is not sure what type of questions that the
5 Committee may have for him to answer.
6

7 Ms. Wysocki stated that when the Committee gets to Item #8 on the agenda the Committee will, at that time,
8 ask Mr. Becker any questions regarding Case 606-FV-08. She informed Mr. Becker that if he would like to
9 make any formal statement at this point then he was welcome to do it at this time.
10

11 Mr. Becker stated that a few months ago the area received one of the worst rains in 30 years and the water
12 did not make it up to the concrete on the left side of the house. He said that the water would have to rise
13 approximately 12 more inches above the concrete slab to reach the floor of the house. He said that he and
14 Mr. Guzman have spent a lot of time and money attempting to have the subdivision approved. He said that
15 they were not informed that the property was in violation of the County requirements when Mr. Guzman
16 purchased the house. He said that when a neighbor informed them of the violation they contacted Mr. Hall
17 and requested a copy of the violation and the required documentation for correcting it. He said that they had
18 a lawsuit with the previous owner of the property but it appears that the previous owner does not have very
19 much money therefore no money will be collected from the lawsuit.
20

21 Mr. Carroll E. Goering, who resides at 2606 N. Highcross Rd, Urbana, stated that he has lived at his current
22 residence for over 30 years and his property abuts Mr. Guzman’s property. He said that he has given
23 testimony three times regarding this matter and hopefully this will be the last. He said that the floodplain
24 variance that has been requested has two conditions attached: a. that the variance should be recorded with the
25 Recorder of Deeds; and b. no additional floor area in the subject dwelling shall be converted to living space.
26 He said that he agrees with both of the conditions because there is only a small risk of flooding in to the
27 apartment. He said that the present owners are willing to take the risk of flood damage but recording the
28 variance would protect any future owners. Mr. Goering stated that he supports both of the conditions for
29 approval and assuming that the case is approved it would resolve the problems that the owner and the
30 neighborhood has been dealing with for several years. He thanked the Committee for their time.
31

32 Mr. Rex Bradfield, a Licensed Professional Engineer in the State of Illinois who has been hired by the
33 petitioner, stated that he will defer his comments at this time and will present his testimony when the
34 Committee addresses Item #8 on the agenda.
35

36 Ms. Wysocki declared the Public Participation portion of the meeting closed.
37
38

39 **6. Updates:**

40 **A. Champaign County Land Resource Management Plan**
41
42

1 Ms. Monte of the Champaign County Regional Planning Commission stated that on July 24, 2008, a steering
 2 committee meeting was held and discussion occurred regarding the goals, objectives and policies that are
 3 being considered in Draft 1. She said that at the present time the Steering Committee has a very full agenda
 4 and there was not the amount of progress made at the July 24, 2008, meeting as was hoped therefore an
 5 additional meeting has been scheduled for September 4, 2008. She said that there will be two Steering
 6 Committee meetings held prior to the September 8th, ELUC meeting. She said that the next regularly
 7 scheduled meeting will occur on August 28, 2008 and at that time the very controversial topic of landowner
 8 interest, specifically “by-right” development allowance, will be considered under the goal that includes
 9 agricultural protection. She said that ELUC members will receive a packet which will include a draft of
 10 goals for agricultural protection and goals #3 and #5 which pertain to economic vitality, quality of life and
 11 urban types of land use, specifically focusing on transitional areas. She said that at the September 4, 2008,
 12 meeting the remaining goals, objective and policies will be considered which include one of the most
 13 controversial topics which pertains to natural resource protection.

14
 15 Ms. Wysocki stated that there are three appointments being considered at the Policy Committee meeting in
 16 August. She said that there are three members who need to resign from the Steering Committee due to
 17 relocation or unavailable time to commit to the Steering Committee. She said that all three of the open
 18 appointments represent the urban areas of the County which included incorporated areas that have
 19 comprehensive plans. She said that these areas include Savoy, Mahomet and St. Joseph. She said that she
 20 spoke to either the elected officials of the three communities or the heads of the planning commissions for
 21 each of the three communities and requested that they identify someone who would well represent their
 22 community on this particular committee. She said that she followed up with each of the suggested
 23 individuals and they expressed interest and desire to serve on the Steering Committee. She said that each of
 24 the appointments conforms to the original definition of Steering Committee members that was established
 25 when the committee was first formulated and if the Policy Committee approves their appointment request
 26 then the full County Board will consider the Policy Committee’s recommendation. She said that once
 27 approved the new members will take their seat at the August 28th meeting.

28
 29 Mr. Doenitz stated that it was his understanding that the County Board members would have a stake as to
 30 who would be placed on the Steering Committee.

31
 32 Ms. Wysocki stated that the County Board does have a stake as to who would be placed on the Steering
 33 Committee in the sense that they have to approve the appointments.

34
 35 Mr. Doenitz stated that he is speaking of the initiation of the applicants.

36
 37 Ms. Wysocki stated that this route could be taken.

38
 39 Mr. Doenitz stated that it appears that the rules of the game are being changed if the County Board is not
 40 involved in the initiation of the applicants.

41
 42 Ms. Anderson stated that it was her understanding that the appointee’s names were to be forwarded to Mr.

1 Weibel and once he approved those applications he was to forward those names to the County Board.
2
3 Ms. Wysocki stated that once Mr. Weibel made the choices then his recommendations are forwarded to the
4 County Board.
5
6 Mr. Langenheim asked how Mr. Weibel received the names of the appointees originally.
7
8 Ms. Wysocki stated that there was a process where the County Board members were invited to recommend
9 people who met one or more of the categories.
10
11 Mr. Langenheim asked Ms. Wysocki if these appointments differed from any other process which normally
12 occurs for such a committee.
13
14 Ms. Wysocki stated that in an essence no, but she does understand what Mr. Doenitz is saying. She said that
15 unlike a year ago the process is well under way and moving through a series of meetings and without those
16 three individuals the process will not be served well. She said that rather than devoting a period encouraging
17 27 County Board members to solicit individuals to submit an application the three new appointees were
18 recruited with the assistance of the administrators of their respective villages.
19
20 Mr. Doenitz asked Ms. Wysocki why the County Board members of those respective municipalities were not
21 notified of the three vacancies and solicited for recommendations.
22
23 Ms. Wysocki stated that the process can be backed up suspending the three approvals.
24
25 Mr. Doenitz stated that he would suggest that suspension.
26
27 Ms. Anderson stated that since substantial issues are to be discussed at the August 28th and September 4th
28 meetings it would be better to have representation from those areas.
29
30 Mr. Doenitz stated that the County Board members in the respective areas should have been informed of the
31 vacancies when the municipalities were informed.
32
33 Mr. Jones requested the names of the recommended appointees.
34
35 Ms. Wysocki stated that Dee Shonkwiler of Savoy, Tiffany McElroy-Smeltzer of St. Joseph and Jay Roloff
36 of Mahomet are the recommended appointees.
37
38 Ms. Melin stated that these recommendations have been forwarded to the Policy Committee and have been
39 considered.
40
41 Ms. Anderson stated that if a County Board member believes someone should be considered for the vacancy
42 then they should bring that recommendation to the County Board for review.

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Ms. Monte asked if there was a specific category or profile that Mr. Roloff fit into.

Ms. Wysocki stated that by definition the Steering Committee needs five urban people and Mr. Roloff fills that characteristic.

Mr. Langenheim stated that the County Board Chair has made these recommendations and the Policy Committee has approved those appointments therefore it is incumbent on this Committee to add comment because this issue will come before the County Board next week. He asked at which time it would be appropriate to address this procedural issue because it is not in the venue ELUC.

Mr. Doenitz stated that this issue is in the venue of ELUC because this Committee had a hand in the procedural process to begin with therefore how can ELUC change the rules in the middle of the game.

Mr. Langenheim asked Mr. Doenitz what he proposed to do about this issue.

Mr. Doenitz stated that at a very minimum the County Board members from the affected districts should have the opportunity to submit names for the vacancies although since these particular appointments are already approved by the Policy Committee and forwarded to the County Board it is pointless to complain after the fact.

Ms. Wysocki stated that an option is to pull the nominations off of the full County Board agenda.

Mr. Langenheim asked Mr. Doenitz if he desired to take this option.

Mr. Doenitz stated that it is not only up to him because his district is not the only district affected by these vacancies.

Ms. Wysocki stated there are possibly only two districts affected by these vacancies.

Mr. Gladney asked why this issue was not placed on the County Board Consent Agenda.

Ms. Wysocki stated that one of the Policy Committee members did not believe that one of the three changes was appropriate for the vacancy. She requested the Committee's preference for this issue.

Mr. Doenitz stated that he would like see the approval of the appointments delayed to allow the original opportunity that we started with. He asked Ms. Wysocki when the vacancies occurred.

Ms. Wysocki stated that it is her understanding that the vacancies occurred in late June after the June County Board meeting. She said that there were no meetings held in July and her hope was that the vacancies could be filled shortly.

1 Mr. Doenitz stated that it is important to have the vacancies filled but it would have been nice to have known
2 about those vacancies at the time that they occurred because if the affected districts would have known then
3 recommendations could have been made and this matter would have been taken care of a long time ago.
4
5 Ms. Wysocki asked for the Committee's preference regarding this issue.
6
7 Mr. Hall stated that Ms. Monte made it very clear that the August 28th meeting will have a very full agenda
8 and the original schedule did not call for this but at a staff level it has been discussed that the Steering
9 Committee could recommend the policies and land use plan in January. He said that if this is a serious issue
10 he would not be concerned about the schedule at this point but be more concerned that we have support of
11 everyone going forward. He said that there will be a time when there will be no time for flexibility in the
12 schedule but we are not at that point yet.
13
14 Mr. Langenheim stated that it is very difficult to find candidates for these vacancies.
15
16 Mr. Doenitz stated that for lack of being able to come up with something better in light of what Mr. Hall said
17 about the time line he would move that we wait until the Policy meeting or give the County Board members
18 in the affected districts the opportunity for input.
19
20 Ms. Wysocki asked Mr. Doenitz if he desired to keep the three applications for the vacancies active.
21
22 Mr. Doenitz stated yes, because those applicants may be fine.
23
24 Ms. Anderson asked if there was any background information on the applicants.
25
26 Ms. Monte stated yes.
27
28 Mr. Schroeder stated that he is on the Policy Committee and he does agree with Mr. Doenitz. He said that he
29 is wondering if the policy for selection has any language for replacement of members of a particular
30 committee. He said that for some reason he reviewed the appointments and it didn't raise a red flag. He said
31 that perhaps those appointments should be suspended and double check on the policy before the County
32 Board meeting. He said that if the vacancies were made apparent in late June then a special ELUC meeting
33 should have been held before the July County Board meeting.
34
35 Mr. Jones stated that perhaps the applicant for Mahomet should be suspended and move forward with the
36 recommendations.
37
38 Mr. Langenheim stated that we should be concerned about the fact that these folks have committed
39 themselves to this committee.
40
41 Ms. Melin asked if it would be possible for the Policy Committee to hold a special meeting prior to the
42 County Board meeting.

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Ms. Wysocki stated that she would like to speak with the County Board Chair, the Policy Committee Chair and the County attorney. She said that she is getting the impression that ELUC would like time to review the credentials of the three recommendations for the vacancies to the steering committee and perhaps suggest additional recommendations prior to the County Board meeting. She said that if this could not be accomplished then ELUC would like to hold off the approval of these recommendations until September.

Mr. Doenitz stated that this would be fine but he is not only concerned with the vacancy for Mahomet.

Ms. Wysocki stated that she does not believe there was any consideration in the resolution regarding replacement of steering committee members.

Mr. Hall stated that, not to add more tasks, this may be the time to amend the original resolution so that it is very clear in moving forward.

Mr. Doenitz stated that he agrees with Mr. Hall in amending the resolution regarding replacement of the steering committee members because this is a situation that can happen again in the near future.

Mr. Hall stated that staff can come back in September with a recommendation for amending the resolution for future appointments.

Ms. Wysocki stated that she would like to await Mr. Weibel’s arrival to the meeting prior to making a decision on this matter.

B. Champaign County Hazard Mitigation Plan

Ms. Monte stated that the plan is nearly complete with the process of risk assessment and the goal for total completion is September. She said that the next meeting will be held September 4th. The risk assessment stage includes assessing vulnerability which includes identifying critical facilities and estimating potential losses. She said that the report that is being completed includes the first half of the project, documentation and risk assessment stages, and that draft will be circulated to the planning team shortly before the next meeting for their review.

Ms. Monte stated that after the risk assessment stage they will be moving in to implementation measures and during that stage we expect to have a public participation event in either an open forum or an open house.

Mr. Weibel arrived at the meeting.

Ms. Wysocki informed Mr. Weibel that the method that was used to replace the three vacancies on the Land Resource Management Plan Steering Committee is not consistent with the intention of the process that was originally lined out. She said that some ELUC members would like some additional time to identify some

1 other candidates in their perspective areas that may be interested in serving in this capacity.

2
3 Mr. Weibel stated that he would be willing to remove the item from the County Board Agenda for August
4 and delay the approval of these recommendations. He said that he would like to review the geography and
5 specialties of the applicants.

6
7 Ms. Wysocki stated that in this case these are all urban appointments.

8
9 Mr. Weibel stated that if ELUC would like to delay the approval of these appointments for one month then
10 he would be willing to remove this item from the agenda.

11
12 Mr. Doenitz stated that he just found out at tonight’s meeting that there was a vacancy in his district. He
13 said that he may not have a problem with the appointment of Mr. Roloff to the Steering Committee but he
14 does have a problem with the method of that recommendation.

15
16 **The consensus of the Committee was to request that the recommendations to fill the three vacancies**
17 **on the Land Resource Management Plan be removed from the August County Board Agenda and**
18 **deferred to the September County Board meeting.**

19
20 Mr. Weibel requested that any recommendations for appointment to the Steering Committee be submitted by
21 the end of August.

22
23 **C. Proposed Intergovernmental Agreement regarding development pursuant to municipal**
24 **annexation agreement that is more than one-and-one half miles from the municipality**
25 **and House Bill 2518**

26
27 Mr. Hall stated that no new information is available at this time.

28
29 **D. Senate Bill 2022**

30
31 Mr. Hall stated that no new information is available at this time.

32
33 Mr. Schroeder asked Mr. Hall what the status of House Bill 2518 and Senate Bill 2022 were at the present
34 time.

35
36 Mr. Hall stated that Senate Bill 2022 was sent to the Rules Committee and House Bill 2518 was passed at
37 the House of Representatives and forwarded to the Senate but as far as he knows it was not read.

38
39 Mr. Schroeder asked Mr. Hall if Mr. Frerichs is carrying the water on this issue.

40
41 Mr. Hall stated that he does not know.

1 Mr. Schroeder stated that he would have thought that Mr. Frerichs would be.

2
3 Mr. Hall stated that Mr. Frerichs, although arriving late, did make it to the event that was held at the
4 Champaign Library. He said that the only comments offered were from Senator Righter.

5
6 Mr. Doenitz asked Mr. Hall if any other municipality indicated interest other than the City of Champaign.

7
8 Mr. Hall stated no. He said that this does not mean that this is a non-issue because the representatives from
9 Sangamon County had proposed a bill that did not make it as far as ours and he had heard that McLean
10 County and Sangamon County were interested in being added to our bill. He said that the story that he is
11 receiving is that when the legislature amended the act last year one of the agreements to get that act passed
12 was to not make any changes for a couple of years to evaluate how the change worked out. He said that
13 apparently the bill from Champaign County, even with the support of the municipalities, was not enough to
14 break that agreement.

15
16
17 **7. Zoning Case 602-AM-07: Petitioner: Mark and Julie Hardy d.b.a. Hardy’s Reindeer Ranch**
18 **and Richard Hardy. Request: Amend the Zoning Map to change the zoning district**
19 **designation from AG-1 Agriculture Zoning District to AG-2 Agriculture Zoning District.**
20 **Location: The South 58.88 acres except for the South 233.71 feet of the West 203.71 feet in the**
21 **West Half of the Southeast Quarter of Section 5, Township 21 North, Range 9 East, Rantoul**
22 **Township and commonly known as Hardy’s Reindeer Ranch and the field north all located at**
23 **1356 CR 2900N, Rantoul.**

24
25 **Mr. Jones moved, seconded by Mr. Schroeder to recommend approval of Zoning Case 602-AM-07:**
26 **Petitioner: Mark and Julie Hardy. The motion carried by voice vote.**

27
28 **8. Zoning Case 606-FV-08 Petitioner: Guadalupe Guzman Request: Authorize as a variance**
29 **from the Champaign County Special flood Hazard Areas Ordinance the conversion into and**
30 **occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood**
31 **elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation and which**
32 **has an enclosed area below the Flood Protection Elevation that does not allow the automatic**
33 **entry and exit of flood waters in lieu of the requirement for the automatic entry and exit of**
34 **flood waters. Location: Lot 1 of Leonard’s Farmett’s Subdivision in Section 2 of Urbana**
35 **Township and commonly known as the structure south of the house at 3207 East Airport**
36 **Road, Urbana.**

37
38 **Mr. Schroeder moved, seconded by Mr. Gladney to recommend approval of Zoning Case 606-FV-08:**
39 **Petitioner: Guadalupe Guzman.**

40
41 Ms. Anderson stated that after reviewing the memorandum she wondered how this type of situation could
42 have happened. She said that she does support the request.

1
2 Mr. Doenitz asked Mr. Hall if there were any further issues which should be presented to the Committee.

3
4 Mr. Hall stated that this Zoning Case is only the tip of the iceberg on this case. He said that the Petitioner
5 has been required to apply for two variances and in order to divide the property the Petitioner is going
6 through the subdivision process with the City of Urbana. He said that this property was discussed at ELUC
7 on more than one occasion and the Committee decided not to amend the Ordinance to allow this type of
8 situation. He said that it could be said that the ball was dropped when ELUC finally decided that they did
9 not want to authorize two homes on one lot but it didn't take long for the previous owner to sell the property
10 therefore with the type of systems and regulations that the County currently has these type of situations will
11 periodically appear.

12
13 Mr. Hall stated that when all is said and done, pending County Board and City of Urbana approval, the
14 Petitioner will have two good zoning lots which will meet all of the *Ordinance* requirements as modified by
15 the variances.

16
17 Ms. Anderson stated that the property appears to be in a low spot.

18
19 Mr. Hall stated that he would not just say the property is located in a low spot but it is located in the mapped
20 flood plain. He said that the property is located in an old subdivision that was created before adoption of the
21 *Champaign County Zoning Ordinance*.

22
23 Ms. Melin asked if the Petitioner is aware of the possibility of flooding. She asked if the electric generator is
24 located in an area where it was safe from damage if a flood occurred.

25
26 Mr. Rex Bradfield, Engineer for the Petitioner stated that normally we speak of flooding events in terms of
27 50-year or 100-year events. He said that rain can be considered in two factors: 1. how much rain was
28 received; and 2. what effect did the rain have on the existing area during that event. Mr. Bradfield said that
29 in this case when the area received the two substantial rainfalls he spoke with Jim Angel of the Illinois State
30 Water Survey and Mr. Angel indicated that the two substantial rainfalls which were received were not 50-
31 year or 100-year events. Mr. Bradfield said that the conditions of the ground at the time of the rain events
32 almost made the ground impervious because the runoff was almost 90%. He said that the first rain event
33 came upon frozen ground which allowed the rain to immediately runoff and the second rain event came after
34 the area had received several previous rain storms therefore the ground was saturated. He said ub a 100-year
35 event the runoff would be 30% and the difference between the rainfall of a 50-year flood event and a 100-
36 year flood event is two-inches of rain. He said that he had estimated a particular flood elevation for the
37 subject property based upon the original FEMA maps and since then there have been other studies done for
38 water surface profiles. He said that he predicted that if the area received a very significant rainfall the water
39 would back up from the Saline Branch. He said that he has no personal or financial interest in the project
40 other than his fees as an engineer. He said that his clients have done everything that they can to rectify this
41 situation and have gone as far as to install flood vents which were recommended by the County to protect the
42 structure. He said that fill has also been placed around the structure to protect it from flood waters. He said

1 that he is confident in placing his professional seal on the project.

2
3 Mr. Weibel asked how the County could ensure that the structure will not be expanded in the future.

4
5 Mr. Hall stated that the notice which would be recorded at the Champaign County Recorder’s Office could
6 include a notation indicating that the structure could not be further expanded. He said that the County does
7 not require a permit for interior remodeling although a permit is required when there is a conversion in the
8 use. He said that converting barn space to living space would require a permit. He said that the Notice of
9 Flood Variance could have the following additional statement: As a special condition of the approval, no
10 additional floor area in subject dwelling shall be converted to habitable living space.

11
12 Mr. Langenheim asked how habitable space and non-habitable space is determined in regard to this building.

13
14 Mr. Hall stated that he would go back to the records of the case. He said that the engineer has indicated the
15 current amount of space that has been converted to habitable space. He said that violations can never be
16 prevented but if this statement is added to the notice then there is no reason why someone would not know
17 about the condition.

18
19 Mr. Weibel stated that this would help a future buyer of the property.

20
21 Mr. Bradfield stated that it was his understanding that this statement was included in the previous approval.

22
23 Mr. Hall stated that the Notice of Flood Variance only indicates the flood insurance aspects but does not give
24 notice about no further interior conversion. He said that Item #12.B of the Finding of Fact would be added
25 to the notice.

26
27 **The motion carried with one opposing vote.**

28
29 **9. Subdivision Case 192-08: Hughes-Race Street First Subdivision. Minor Plat approval for a**
30 **one-lot subdivision in the AG-1 Zoning District in Section 17 of Philo Township with the**
31 **following waivers: a. Waive requirement of paragraph 9.1.2.q. for percolation test data at a**
32 **minimum frequency of one test hole for each lot; and b. Waive requirement of paragraph**
33 **9.2.2.r. for certification on the plat by a Registered Professional Engineer or Registered**
34 **Sanitarian that the proposed land use, the proposed lot, and the known soil characteristics of**
35 **the area are adequate for a private septic disposal system.**

36
37 **Mr. Doenitz moved, seconded by Mr. Schroeder to approve Subdivision Case 192-08: Hughes-Race**
38 **Street First Subdivision.**

39
40 Mr. Doenitz asked if the request is to remove the existing structure from the farm ground.

41
42 Mr. Hall stated yes.

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The motion carried by voice vote.

10. *Champaign County Zoning Ordinance* requirements for wind turbine developments.

Mr. Hall stated that he wanted to make the Committee aware that a wind turbine developer has contacted landowners in the northeastern part of the County with a proposal for a many thousand acre development which would stretch in to Vermillion County. He said that the *Ordinance* amendments, which the County Board approved in 2001, established requirements for wind turbine developments and as amended the *Ordinance* would allow up to three wind turbines on one parcel in the AG-1 zoning district as a simple Special Use Permit. He said that more than three wind turbines on one parcel would require rezoning to the I-2 zoning district and he can't imagine Champaign County approving the rezoning of thousands of acres to merely allow wind turbine development. He said that more than likely there will not be more than three wind turbines per parcel and the County could move forward with the existing *Ordinance* and not change a thing. He said that the ZBA would be presented with 50 to 70 Special Use Permits with one company being the co-petitioner for each landowner and a wind turbine development involving thousands of acres is going to be a logistical problem. He said that one thing that the current *Zoning Ordinance* would not allow, if left as it currently is written, would be that the County Board would have no say in the thousands of acres that are likely to end up with wind turbines. He asked if this is what the County Board really intended when they amended the *Ordinance* in 2001. He said that from what he understands McLean County has a density of one per 80 acres. He said that since the County amended its *Ordinance* the State added requirements in the statutes and grandfathered our existing *Ordinance* therefore the existing *Ordinance* stands on its own and it could be left as a Special Use Permit decided by the Zoning Board of Appeals.

Mr. Hall requested guidance from the Committee on how to proceed with this issue.

Mr. Doenitz stated that it appears that there is a flaw in the existing *Ordinance* because a 40 or 80 acre parcel has the same requirements as an entire section of ground. He asked Mr. Hall if he has any idea what McLean County did for their development.

Mr. Hall stated that McLean County has two wind farm developments one of which is underway and one which is involved in lawsuits. He said that McLean County required the development as a Special Use Permit approved by the McLean County Board under one case. He said that one case received approval and proceeded with construction but the other case has been tied up in a legal battle from the beginning.

Mr. Doenitz asked why the one project is involved in a legal battle.

Mr. Hall stated that there were enough disgruntled landowners on adjacent five and ten acre tracts that were not happy with the proposed development that they took the McLean County Board and the Zoning Administrator to court suing that the wind farm development did not meet the requirements of the *McLean*

1 *County Zoning Ordinance.*

2
3 Mr. Schroeder stated that he believes that the *Ordinance* does need to be reviewed and amended in regard to
4 this issue. He said that if we are looking at 400 acres as one parcel and someone wants to put more than
5 three wind turbines on 400 acres then the *Ordinance* would not allow that development without rezoning and
6 that does not make any sense. He said that we need to see what McLean County has done and make this a
7 County Board decision and not a ZBA decision.

8
9 Mr. Langenheim stated that the spacing that is currently being used may get stretched or tighter in the future
10 and some type of provision should be written for the removal of the wind turbines when they are not being
11 used. He said that he has traveled through several inactive wind farms that have decayed and were left
12 standing.

13
14 Mr. Weibel stated that he agrees with Mr. Langenheim regarding the spacing of the wind turbines on a
15 parcel. He said that if the wind turbines are abandoned or taken down the use of land should go back to
16 agriculture.

17
18 Mr. Doenitz asked Mr. Hall if he was aware of the spacing requirements in McLean County. He said that it
19 was his understanding that the wind farm close to Saybrook is one per 40 acres.

20
21 Mr. Hall stated that when he spoke with the main staff person at McLean County he was informed that the
22 spacing was one wind tower per 80 acres. He said that McLean County does have more detailed standards in
23 their ordinance than ours but our *Ordinance* frankly was drafted at a time when we wanted to leave things as
24 open as possible. He said that having the *Ordinance* as open as possible makes every case a very significant
25 research project and he would like to have things nailed down a little better so that the Petitioner and staff is
26 aware of what to expect. He said that in regard to the removal of the wind turbine most people are not
27 opposed to such a requirement and our *Ordinance* already includes this requirement in the form of a
28 reclamation agreement.

29
30 Mr. Weibel stated that there is an operating wind farm north of Mendota. He asked if spillage of hydraulic
31 fluid is a concern of the County or would that be an issue for the EPA.

32
33 Mr. Hall stated that he has not seen any discussion regarding concerns about the spillage of hydraulic fluid.
34 He said that the biggest concern is the damage that occurs to the roads during the construction process of the
35 wind turbines. He said that Jeff Blue, Champaign County Highway Engineer has contacted the McLean
36 County Engineer and has received a copy of the agreement that they required.

37
38 Mr. Doenitz stated that the road concern is not just with the trucks hauling in the turbines themselves and the
39 blades but also with the amount of concrete that is being hauled in to each site. He said that most of the time
40 there are on-site concrete plants near the proposed wind farm.

41
42 Ms. Wysocki asked Mr. Hall if this proposed site is materialized and it puts the wind farm within the reach

1 of Vermillion County would that mean that Champaign County and Vermillion County would have to be on
2 the same page on how these properties are being zoned.

3
4 Mr. Hall stated no. He said that when this proposed project is completed he would doubt that someone
5 could stand on the county line and tell a difference between either county.

6
7 Ms. Anderson requested the location of the proposed wind farm in Champaign County.

8
9 Mr. Hall stated that the proposed wind farm will be located north of Royal and east of Rantoul.

10
11 Mr. Doenitz stated that it is proposed mainly in Compromise Township.

12
13 Mr. Hall stated that he is not sure if the incorporated Village of Gifford is within the area of the proposed
14 wind farm but if it is they will have some input to this project.

15
16 Mr. Schroeder asked if the proposed wind farm is a continuation from Ford County.

17
18 Mr. Hall stated that any plans that he has seen does not clearly indicate that it is an obvious continuation.

19
20 Mr. Schroeder stated that it is his understanding that they want to keep the wind farm on the same power
21 grid. He said that staff should probably contact the counties of Ford, McLean and Vermillion counties to see
22 if they have anything regarding zoning for the wind farms so that there is some sort of continuity.

23
24
25 **11. Requirement that a current land owner pay the zoning fee for a structure built by a previous**
26 **owner without a permit.**

27
28 Mr. Hall stated that someone came to the office to apply for a Zoning Use Permit and during the background
29 research of the property it appeared that there was unauthorized construction. He said that the background
30 research is based on *Ordinance #650* which indicates “the Zoning Administrator shall not approve a Zoning
31 Use Permit on property in which there is a violation unless the construction is necessary to correct the
32 violation.” He said that subsequently it was discovered that there was a miscommunication and the
33 construction had been previously authorized. The new landowner contacted a County Board member and the
34 County Board member requested that this item be placed on the ELUC agenda for discussion.

35
36 Mr. Hall stated that what is at issue is that a person purchases a property with existing construction and
37 applies for a Zoning Use Permit for additional construction and they suddenly discover that there was
38 unauthorized construction on the property. He said that the State’s Attorney’s opinion is that the Zoning
39 Ordinance requires that the new owner is required to pay for the permit that should have been authorized at
40 the current fees. He said that in order to have a different practice regarding unauthorized construction the
41 *Zoning Ordinance* would have to be amended. He said that frankly the current rules act as a deterrent
42 because there is no incentive to by-pass the process because eventually staff will catch up with them and they

1 will be required to pay the current fees.
2

3 Mr. Weibel asked Mr. Hall why the new landowner would be required to pay the current fees rather than the
4 fees that existed when the construction took place.
5

6 Mr. Hall stated that such an issue was brought to ELUC in the past and the Committee determined that the
7 fee, for the unauthorized construction by a previous owner, should be based on the fee that would have
8 originally been charged.
9

10 Mr. Weibel asked Mr. Hall what the current fee is for an accessory structure.
11

12 Mr. Hall stated that the current fee is \$16 dollars per 100 square feet.
13

14 Mr. Gladney stated that he does not understand why a new owner is required to pay the permit fees for
15 unauthorized construction on the property.
16

17 Mr. Hall stated that in many instances it is not a new owner but the same owner.
18

19 Mr. Doenitz stated that he agrees with Mr. Gladney and he is the County Board member that brought this
20 issue to Mr. Hall. He said that if the current property owner is the person who failed to obtain a permit for
21 new construction then he would agree that they should be required to rectify the violation but if it is a
22 different property owner then it appears unfair for them to pay for the unauthorized construction.
23

24 Mr. Schroeder stated that when the new owner purchased the property he purchased it with the intent to
25 enjoy the existing structures. He said that he agrees that it doesn't seem fair to require the new owner to pay
26 for unauthorized construction but the old saying goes "buyer beware". He said that when someone buys real
27 estate the new owner needs to be responsible and make sure that everything is legal. He said that he is
28 opposed to amending the *Zoning Ordinance*.
29

30 Mr. Langenheim asked if the only recourse that the new owner has is to go back on the previous owner or the
31 real estate agent.
32

33 Mr. Hall stated that he would suppose that the new owner would have that option.
34

35 Ms. Anderson asked if the situation which originated this discussion was rectified.
36

37 Mr. Hall stated yes. He said that, after much research, staff finally tracked down a previous permit for the
38 structure and the applicant received his permit for his addition. He said that this is not a rare event and does
39 occur very often.
40

41 Ms. Melin asked if it is an easy process for a new owner to investigate whether all structures on their
42 property are authorized.

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Mr. Hall stated that everyday of the year people purchase property without checking on the zoning. He said that, for an example, as with the case that was before this Committee tonight the new owners had an attorney and that attorney trusted that if there were any problems with zoning status that there would be a record of it in the Champaign County Recorder's Office, but that is not the case. He said that the common sense thing to do is to call the Champaign County Planning and Zoning Office to see if all structures have been permitted.

Mr. Doenitz stated that there are a lot of farmsteads which are being divided from the farm ground therefore if someone from town moves out to the country are the farm buildings exempt or must the new owner pay a permit fee for those existing structures.

Mr. Hall stated staff does a lot of research during the processing of a Zoning Use Permit and at that time it is determined if the buildings were agricultural buildings and no fee is charged if the building were agricultural buildings. He said that staff understands the reaction that people are going to have therefore we do not treat this lightly when we inform someone that they need to pay a fee for an existing building. He said that this item could be continued to next month for additional discussion.

Ms. Wysocki stated that she agrees that this item should be on the September agenda for further discussion.

Mr. Doenitz asked Mr. Hall how frequently this situation occurs.

Mr. Hall stated that perhaps twice a month. He said that, for instance, he completed a site visit for the subdivision case tonight and during this visit he found a very large commercial building that had not received a permit and this particular large commercial building will require a lot more than a Zoning Use Permit.

Mr. Schroeder stated that it has been experience in the rural area that people have the belief that when they escape the urban area they escape everything including zoning. He said that the root cause for these occurrences is that, in some cases, people are ignorant of the *Zoning Ordinance* and in other cases some people just don't care whether they need a permit or not. He said that some people believe that if they move out in the rural areas of Champaign County then they can do whatever they want to do on their property. He said we can try to educate people until we are blue in the face and there will still be violators and what it is going to take is either someone is going to have to turn them in to the zoning office or staff discovers the violation.

Mr. Weibel stated that the big misconception is that if someone can get by with building a structure in Champaign County without getting caught then why not go ahead and build it. He said that if there is no incentive to obtain a permit then why get one. He said that if people would check in to the zoning status of a property then they would know up front if everything is legal and if it isn't then they could negotiate with the seller regarding the fees.

Mr. Schroeder stated that if enough disgruntled people start talking then perhaps people will realize that

1 there is zoning in the rural areas.

2
3 Mr. Jones stated that he doesn't understand why the County does not go back to the original owner rather
4 than the new owner for any unauthorized structures.

5
6 Ms. Anderson stated that the unauthorized construction could go back to several different owners of the
7 property over a period of several years or the owner may not even live in Illinois.

8
9 Mr. Hall stated that if that is the case it may not be worth the resources that the County would have to
10 expend in trying to obtain a permit for the unauthorized construction.

11
12 Mr. Gladney stated that if the building is not a safety hazard and was built by a different owner several years
13 ago then perhaps the issue should just be let go.

14
15 Mr. Hall asked Mr. Gladney how far that type of logic would go.

16
17 Mr. Gladney stated that he really does not understand the situation.

18
19 Mr. Jones asked Mr. Hall how much money is actually lost by unauthorized construction.

20
21 Mr. Hall stated that over a 20 year time span with this policy in place it is hard to say how much fees could
22 be lost. He said that in any given year it is probably hardly noticeable depending on if we start waiving fees
23 for residences. He said that he has not seen a fee for a residence that was less than \$500 dollars and if we
24 start talking about residences that are built without fees, \$500 dollars here and there at the end of the year
25 would degrade the whole program because we would literally not be enforcing it.

26
27 Mr. Doenitz stated that it was his understanding that we were talking about outbuildings not homes.

28
29 Mr. Hall stated that Mr. Gladney did not limit his comments to outbuildings.

30
31 Mr. Schroeder stated that if we begin waiving fees for one person then we will have to waive the fees for
32 everyone.

33
34 Mr. Doenitz stated that the County government is not very tax payer friendly.

35
36 Ms. Anderson stated that the tax payers need to be responsible.

37
38 Ms. Wysocki requested that this item be placed on the September agenda.

39
40
41 **12. Monthly Report (June and July, 2008)**

42

1 Mr. Hall apologized to the Committee but no monthly reports are available for review at this time. He said
2 that he will have June, July and August, 2008 available for the next ELUC mailing packet for September.
3
4

5 **13. Determination of Items to be placed on the County Board Consent Agenda**

6
7 Ms. Wysocki stated that Items #7 and #9 will be placed on the County Board Consent Agenda. She said that
8 Item #8 will be placed on the regular County Board agenda.
9

10
11 **14. Adjournment**

12
13 **Mr. Doenitz moved, seconded by Mr. Langenheim to adjourn the meeting. The motion carried by**
14 **voice vote.**

15
16 **The meeting adjourned at 8:45 p.m.**
17
18

Respectfully submitted,

Secretary to the Environment and Land Use Committee

Mahomet Aquifer Consortium
Member Meeting No. 60
June 12, 2008
Minutes

1. A meeting of the members of the Mahomet Aquifer Consortium (MAC) was held on June 12, 2008 at the offices of Illinois State Water Survey (ISWS) in Champaign, IL. Chairman Mel Pleines called the meeting to order at 10:07 a.m. Seventeen members and eight non-members were in attendance. (See attached attendance sheet for those present).
2. Approval of Agenda – Motion to approve the agenda was made by Tom Berns and seconded by Paul DuMontelle. The motion carried.
3. Roll Call was accomplished by signing the MAC mailing list and is attached to the official minutes for the record. Seventeen members and eight non-members for a total of twenty-five (25) people were in attendance.
4. Minutes of the April 15, 2008 meeting (Meeting No. 59) were e-mailed and distributed to all in attendance. Members were asked to look them over for a few minutes. Motion to accept and approve the minutes of the previous meeting, as corrected, was made by Tom Berns and seconded by Paul DuMontelle. Motion carried.
5. Treasurer's Report by Dorland W. Smith, Secretary-Treasurer for the period ending May 31, 2008 (blue sheet) was distributed showing a balance in the amount of \$517.86. He also reported on the IDNR Grant which has a balance of \$120,161.01 (The report is attached to these minutes). Motion to approve the Treasurer's report was made by Barry Suits and seconded by William Smith. Motion carried.
6. Committee Reports
 - a) Funding – Nothing new at this time. Still working with Representatives and Senators.
 - b) Education and Public Relations – Thirty-one teachers attend an education workshop on ground water, water systems and related subjects. An intern will be working on a model of the Mahomet aquifer.
 - c) Data & Scientific Assessment – Water levels are being measured in a number of wells in the Imperial Valley Water Authority Area as a supplement to the water supply study.
 - d) Regional Water Supply Planning Committee (RWSPC) - The Demand Scenario Report should be completed by the end of August.
7. Presentation – Theresa Landewe with Wittman Hydro Planning Associates gave a review of the tasks and preliminary results of the Water Demand Study that they have been working on for the Regional Water Supply Planning Committee
8. There was no old business to come before the meeting.

9. Under new business Gary Clark with Water Resources Division of IL Department of Natural Resources discussed with the membership the future of RWSPC and what role that the MAC might play. He is also looking for suggestions as to what the State should do in the future.
10. The next meeting will be held on Thursday, August 14, 2008 at 10:00 a.m. at Illinois State Water Survey, 2204 Griffith Dr., Champaign, IL.
11. Barry Suits moved the meeting adjourn and Tom Berns seconded the motion. Meeting adjourned at 12:08 p.m.

Respectfully submitted,

Dorland W. Smith
Secretary-Treasurer

Minutes08612

Mahomet Aquifer Consortium
Meeting No. 61
August 14, 2008, 10:00 a.m.

Illinois State Water Survey, Champaign, IL

AGENDA

1. Call to Order – Mel Pleines
2. Approval of Agenda
3. Roll Call – (Initial Attendance Sheet or sign in)
4. Minutes of – June 12, 2008 Meeting No. 60
5. Treasurer’s Report – Dorland W. Smith, Sec-Treas
6. Committee Reports
 - a) Funding – Mel Pleines
 - b) Education & Public Relations – Ed Mehnert, Chairman
 - c) Data & Scientific Assessment – George Roadcap, Chairman
 - d) Progress of RWSPC – Dorland W. Smith
 - i) Status of the Water Demand Study
 - ii) Status of funding for the 3rd year of the regional plan
7. Presentation – Review of “Water Class for Teachers” by Robbie Berg, Earth Partners
8. Old Business
9. New Business
10. Next Meeting Date – Meeting No. 62 - October ?? , 2008
11. Adjourn -

RESOLUTION NO. _____

RESOLUTION REGARDING PROCEDURE TO REPLACE A MEMBER OF THE CHAMPAIGN COUNTY LAND RESOURCE MANAGEMENT PLAN STEERING COMMITTEE

WHEREAS, the method by which to replace a member of such Steering Committee, as the need may occur, was not specified in Champaign County Board Resolution No. 6052 for the creation of Steering Committee to guide preparation of the Champaign County Land Resource Management Plan;

NOW THEREFORE BE IT RESOLVED that the Champaign County Board approve the following procedure to be followed in the replacement of a member of the Champaign County Land Resource Management Plan Steering Committee:

In the event that a Steering Committee member replacement is required, County Board members shall be provided a minimum period of two weeks within which to nominate one or more potential Steering Committee members meeting criteria listed in County Board Resolution No. 6052.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of September, 2008.

SIGNED:

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

ATTEST:

Mark Shelden, County Clerk and *Ex Officio*
Clerk of the Champaign County Board

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

TO: **Environment and Land Use Committee**
FROM: **J. R. Knight, Associate Planner**
John Hall, Zoning Administrator & Subdivision Officer
DATE: **September 4, 2008**
RE: **Case 192-08 Hughes – Race Street First Subdivision**

REQUESTED ACTION

Area General Plan and Final Plat approval for a two-lot minor subdivision of a 1.049 acre residential lot and a 1.0 acre residential lot out of an existing 2.643 acre parcel located in the AG-1 Zoning District in Section 26 of Crittenden Township located on the south side of CR 200N at the intersection CR 200N and IL Rt. 130. There is an existing dwelling on proposed Lot 1.

The existing lot received a variance for division of a lot less than five acres in area in Zoning Case 605-V-08, and the proposed lots meet all Zoning Ordinance requirements and the proposed subdivision appears to meet all of the minimum subdivision standards, but the Final Plat does require some waivers. Because there is an existing dwelling with a septic system on proposed Lot 1 there have been no percolation tests conducted and the results are not on the Final Plat and approval at this time requires the following waivers (See Draft Findings at Attachment F):

- 1. For proposed Lot 1, waive the requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**

<u>Subdivider</u>	<u>Engineer/Surveyor</u>
Wes Miller	ZAMCO, Inc.
602 Front Street	Rex A. Bradfield
Villa Grove, IL 61956	2101 ½ Pond Street
	Urbana, IL 61801

Location, Roadway Access, and Land Use

The subject property is an approximately 2.643 acre parcel in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 26 of Crittenden Township. See the Location Map. The existing property is a former farmstead that was divided from the adjacent agricultural land located on the south side of CR 200N at the intersection of CR 200N and IL Rt. 130.

The proposed subdivision is bordered by farmland on two sides, and by residential properties on the other two sides. See the Land Use Map.

Applicable Zoning Regulations

The subject property is zoned AG-1 Agriculture. See the attached Zoning Map. The proposed lots meet the

minimum lot requirements. See Table 1 for a summary.

Table 1. Review Of Minimum Lot Requirements

Lot Characteristic	Requirement (or Limit)	Proposed Lot 1	Proposed Lot 2	Notes
Lot Area (acres)	Minimum: 1.00 acre	1.049 acres	1.0 acre	MEETS MINIMUM REQUIREMENT
	Maximum ¹ : 3.00 acres			
Lot Frontage (feet)	20.00 (minimum)	202.25 feet	212.49 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	205.0 feet	205.0 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	222.8 feet	212.49 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth to Width	3.00 : 1.00 (maximum)	1.08 : 1.00	1.03 : 1.00	LESS THAN MAXIMUM ALLOWED

NOTES

NR= No Requirement (or limit)

1. The maximum lot size only applies when the new lots are Best Prime Farmland overall and when the tract to be divided was larger than 12 acres on 1/1/98. The subject property existed on 1/1/98 and so the maximum lot size does not apply.

Minimum Subdivision Standards and Area General Plan Approval

The Minimum Subdivision Standards were added to the Area General Plan section of the *Subdivision Regulations* on July 8, 2004, in Subdivision Case 175-04, Part B, which also added the requirement that any subdivision needed Area General Plan approval except for subdivisions pursuant to a Rural Residential Overlay (RRO) map amendment. Area General Plan approval is only by ELUC. The subject subdivision is not pursuant to an RRO amendment and so Area General Plan requirements are applicable.

Attachment C reviews the conformance of the proposed subdivision with those standards and the proposed subdivision appears to meet all of the minimum subdivision standards and so appears to comply with the Area General Plan requirements.

Soil Conditions / Natural Resource Report

The applicant has applied for a Section 22 Natural Resource Report but no report has been received as of yet. The Soil Survey of Champaign County indicates that the subject property contains one soil which is Kendall silt loam, which is considered best prime farmland.

Drainage, Stormwater Management Policy, and Flood Hazard Status

The subject property is not located in a drainage district. However, the existing property is within 500 feet of

the Embarrass River, which is a water course that serves an area of 640 acres or more.

No Subsidiary Drainage Plat has been received at this time. The requirement for a subsidiary drainage plat cannot be waived. A Subsidiary Drainage Plat has not yet been received but may be received by the meeting. There is some topographic information on the plat and an elevation certificate has been provided for proposed Lot 2.

The existing property is located in the Special Flood Hazard Area. However, the elevation certificate for proposed Lot 2 indicates that there is no part of that lot that is below the 100-year floodplain Base Flood Elevation (BFE). Also, the Flood Zone Certification on the plat indicates that the existing property is protected from the Embarrass River flooding by the roadway embankment of IL Rt. 130.

No Stormwater Drainage Plan is required for the subdivision due to the low development density (impervious area less than 16%).

Public Improvements

No public improvements are indicated or required in this subdivision.

Water Wells and Soil Suitability For Septic Systems

There is an existing dwelling on proposed Lot 1 which has an existing septic system and there have been no percolation tests performed on that lot. Percolation tests have been performed on proposed Lot 2 and the tests meet the minimum standard.

A waiver of the final plat requirement for percolations tests on Lot 1 is required and has been included.

NECESSARY FINAL PLAT WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The Required Findings are generally as follows:

- **Required Finding 1. Does the waiver appear to be detrimental or injurious to the public safety?**
- **Required Finding 2. Are there special circumstances unique to the property that are not generally applicable to other property and will granting the waiver provide any special privilege to the subdivider?**
- **Required Finding 3. Do particular hardships result to the subdivider by carrying out the strict letter of the regulations?**
- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

1. **For proposed Lot 1, waive the requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**

There is an existing dwelling with a septic system on the proposed lot and no percolation tests or soil

investigations have been performed at this time.

Draft Findings for these waivers are attached for the Committee's review.

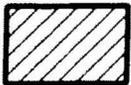
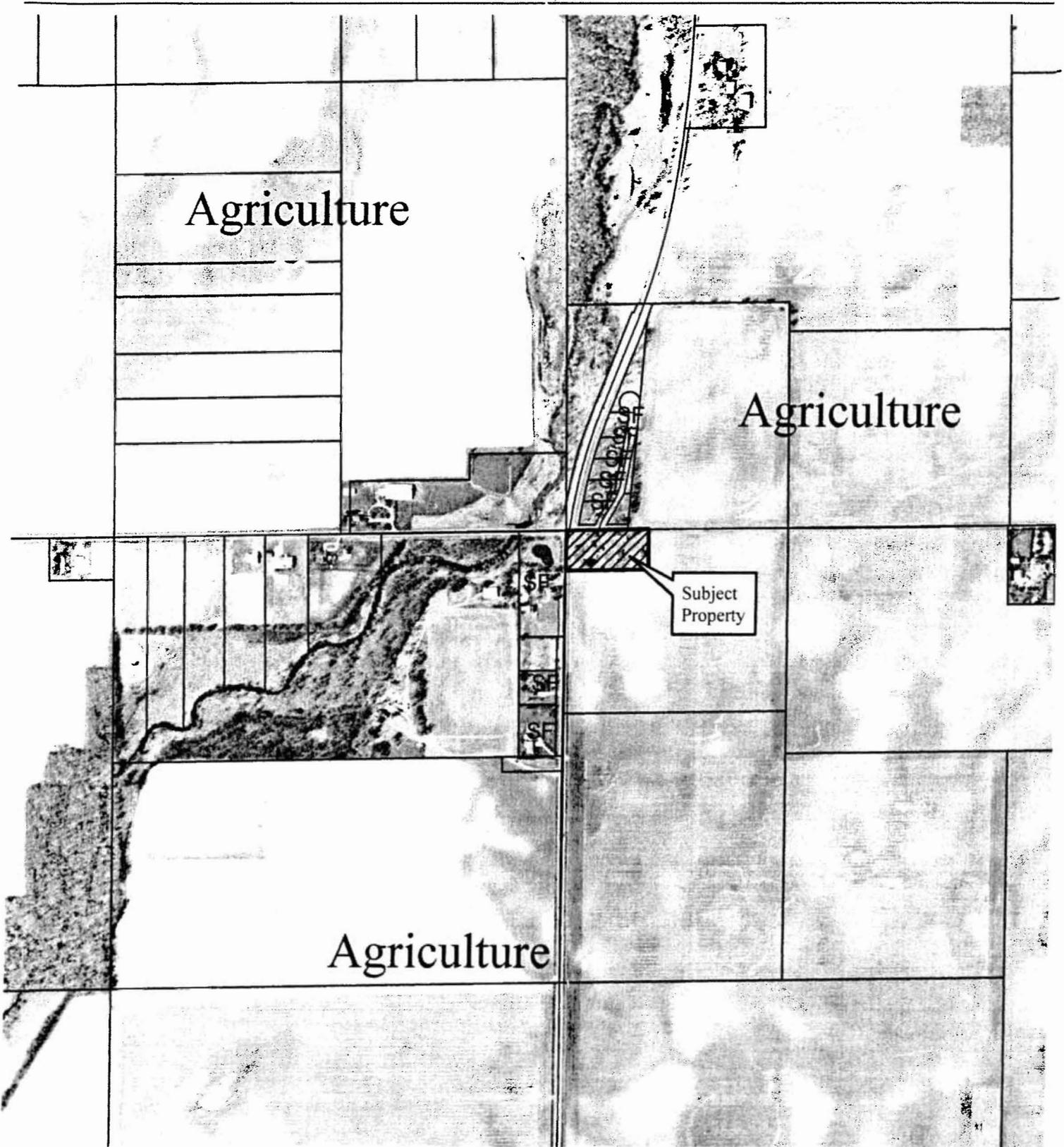
ATTACHMENTS

- A Subdivision Case Maps (Location, Land Use, Zoning) (Maps from Zoning Case 605-V-08)**
- B Final Plat of Broken Arrow Subdivision received August 27, 2008**
- C Ground Elevation Survey received March 7, 2008**
- D Excerpt of the Soil Survey of Champaign County**
- E Preliminary Assessment of Compliance with Minimum Subdivision Standards**
- F Draft Findings for Waivers of Final Plat Requirements**

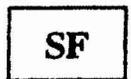
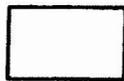
ATTACHMENT A. LAND USE MAP

Case #X-07

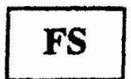
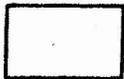
MONTH # 2007



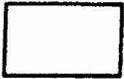
Area of Concern



Single Family



Farmstead



NORTH

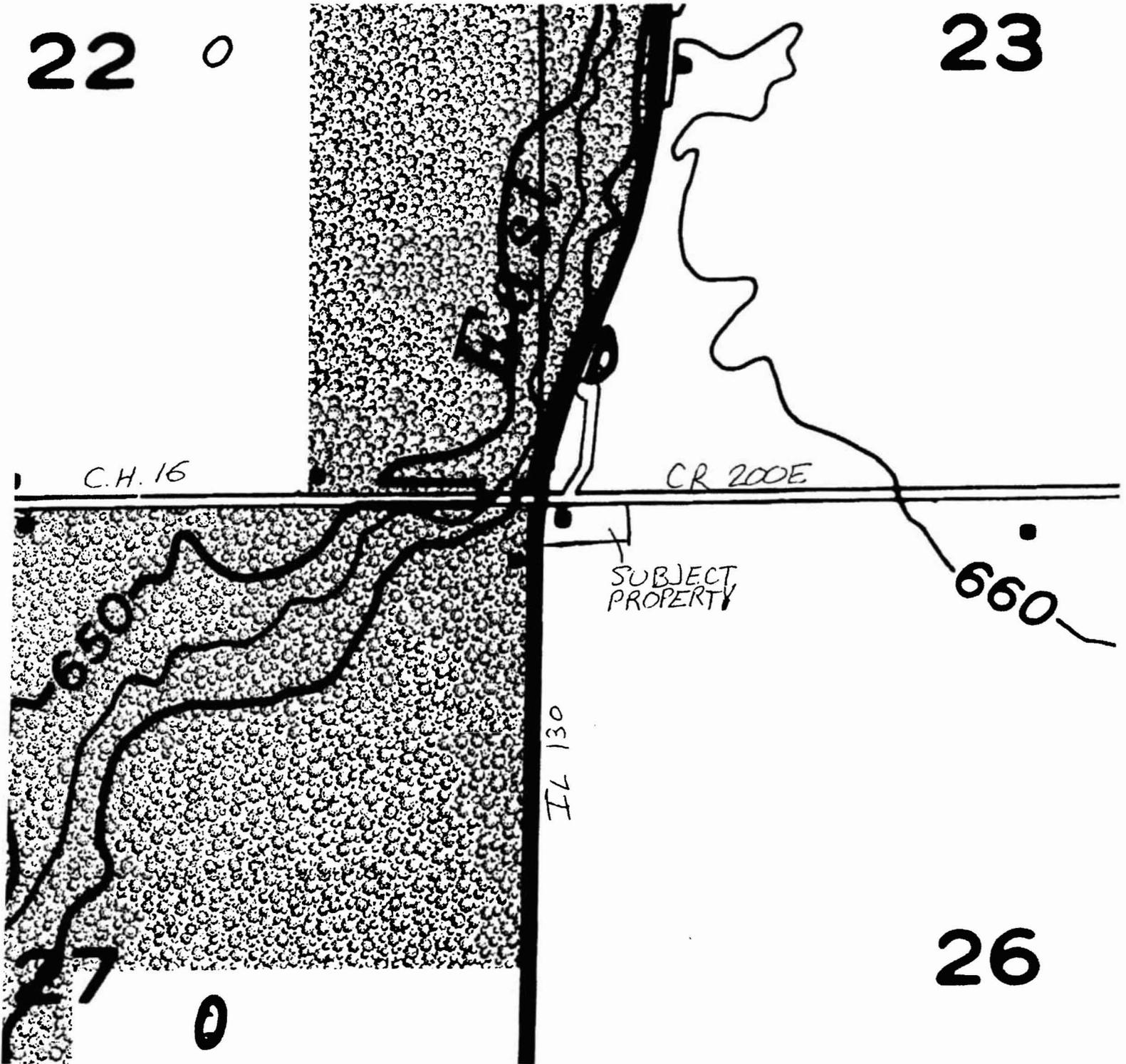
Champaign
County
Department of
**PLANNING &
ZONING**

1 inch equals 800 feet

ATTACHMENT A. ZONING MAP

Case 605-V-08

APRIL 11, 2008



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business
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 Tri Center	B-4 General Business	I-2 Heavy Industry



Champaign
County
Department of
**PLANNING &
ZONING**

WES MILLER
 1601 E. COUNTY ROAD 200 N.
 VILLA GROVE, ILLINOIS 61919
 LOCATED IN NW1/4, NW1/4, NW1/4, SECT. 26, T17N, R9E, 3rd PM
 CRITTENDEN TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

CO. RD. 200 N



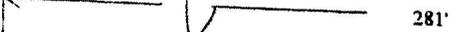
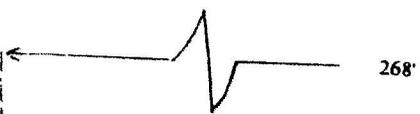
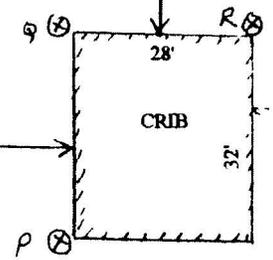
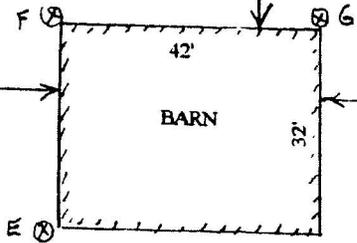
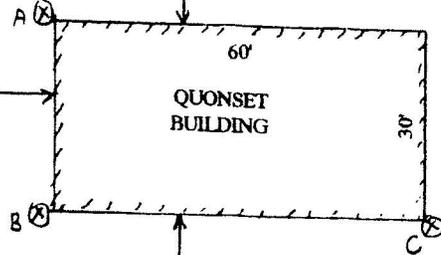
SCALE
 1" = 30'

BASE FLOOD ELEVATION = 654.8

ROUTE 130

EXISTING ELEVATIONS

"A"-NW COR. OF BLDG.	654.9
"B"-SW COR. OF BLDG.	655.0
"C"-SE COR. OF BLDG.	655.2
"D"-40' S. OF POINT "B"	654.9
"E"-SW COR. OF BARN	655.2
"F"-NW COR. OF BARN	654.9
"G"-NE COR. OF BARN	655.7
"H"-40' S. OF POINT "C"	655.1
"I"-40' S. & 80' N OF "Q"	655.2
"J"-100' N. OF "Q"	655.7
"K"-NE PROP. CORNER	655.8
"L"-40' W & 40' N OF "Q"	655.0
"M"-50' N OF POINT "Q"	655.4
"N"-40' W OF POINT "Q"	655.3
"O"-50' W OF POINT "P"	655.6
"P"-SW COR. OF CRIB	655.6
"Q"-NW COR. OF CRIB	655.7
"R"-NE COR. OF CRIB	656.0
"S"-60' S OF POINT "K"	655.9
BASE FLOOD ELEV.	654.8

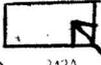
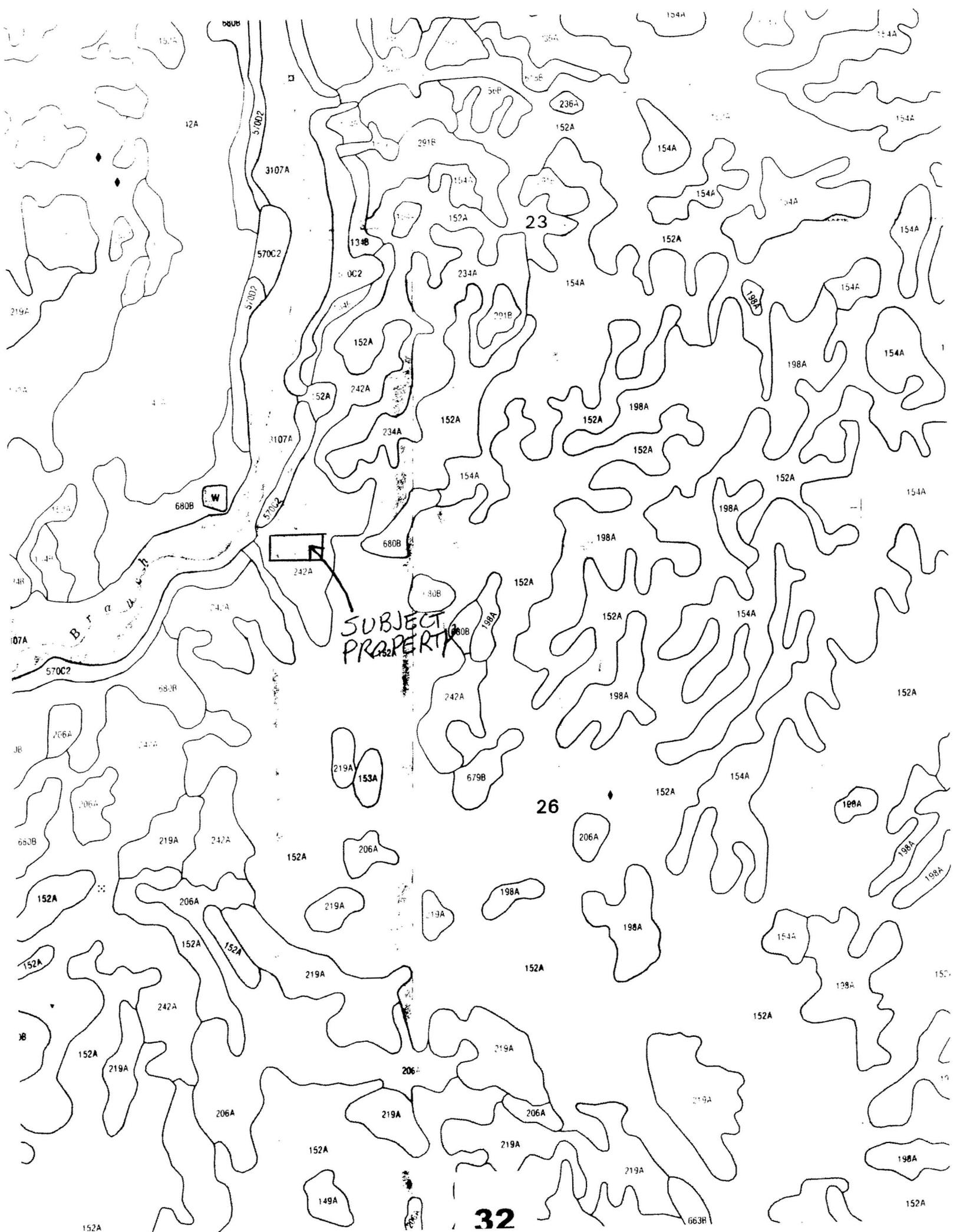


31

F. Wayne Ward
 F. WAYNE WARD P.E., NO. 027405

MARCH 6, 2008
 DATE

SURVEYED AND PLATTED BY
 WAYNE WARD ENGINEERING
 977 N. COUNTY ROAD 1500 E.
 CAMARGO, ILLINOIS 61919



SUBJECT PROPERTY

23

26

32

152A, 154A, 198A, 206A, 219A, 242A, 234A, 236A, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**ATTACHMENT E. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 193-08 Broken Arrow Subdivision

SEPTEMBER 4, 2008

Standard	Preliminary Assessment ¹
SUITABILITY STANDARDS (Section 6.1.5 a.)	
1) No part of a minimum required LOT AREA ² shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A)	APPEARS TO CONFORM. No Natural Resource Report is available, but the Soil Survey of Champaign County indicates the subject property contains one soil type: Kendall silt loam (No. 242A).
2) No part of a minimum required LOT AREA ² shall contain an EASEMENT for an interstate pipeline	APPEARS TO CONFORM. No pipeline is included in the area proposed for subdivision.
3) No part of a minimum required LOT AREA ² shall be within a runway primary surface or runway clear zone	APPEARS TO CONFORM. No runway is known to be in the vicinity of the subject property.
4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA ² shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).	APPEARS TO CONFORM. The BFE for this location is 654.8 feet mean sea level. An elevation certificate has been provided for proposed Lot 2 that indicates the lowest part of the proposed lot is 654.9 feet mean sea level, and basic topographic information provided on the plat indicates Lot 1 is no lower than Lot 2.
5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.	APPEARS TO CONFORM. As indicated by the Soil Survey of Champaign County the existing property contains only one soil type.
6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each LOT must be minimized as much as possible.	APPEARS TO CONFORM. The soil on this lot is a best prime farmland soil and the proposed lots comply with the maximum lot size limitation.
7) A minimum required LOT AREA ² for any LOT must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any LOT that is likely to experience ponding of stormwater is noted on the FINAL PLAT.	APPEARS TO CONFORM. No Subsidiary Drainage Plat has been received as of yet but drainage information provided on the plat seems to indicate conformance. Additional information should be available at the meeting.
8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.	APPEARS TO CONFORM.
AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)	
1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good	APPEARS TO CONFORM. The proposed house on proposed Lot 2 will utilize the existing gravel drive.

**ATTACHMENT E. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 193-08 Broken Arrow Subdivision

SEPTEMBER 4, 2008

Standard	Preliminary Assessment ¹
engineering practice.	
2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from: i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves	APPEARS TO CONFORM. The subject property is the location of an existing house, and there are no public parks, natural areas, or nature preserves adjacent to the subject property.
3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.	APPEARS TO CONFORM. The subject property is contiguous to the existing farmstead and does not border any existing small residential lots.
<p>Notes</p> <p>1. This preliminary assessment is subject to review by the Environment and Land Use Committee. A waiver is required for any Minimum Subdivision Standard to which the Committee determines that the Plat does not conform.</p> <p>2. The minimum required lot area is one acre (43,560 square feet).</p>	

DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **August 11, 2008**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of final plat requirements **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:

The farmstead house on the proposed Lot 1 already has a septic system.

2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of final plat requirements will not confer any special privilege to the subdivider because:

This is a two lot subdivision of an existing farmstead that will not result in a new dwelling or the need for a new septic system on proposed Lot 1.

This waiver is not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.

3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because:

This is a two lot subdivision of an existing farmstead that will not result in the need for a new septic system on proposed Lot 1 and requiring percolation test data for this lot would increase the subdivider's costs and slow down the approval process with no gain to public health or safety.

4. The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the subdivider because:

The existing house on proposed Lot 1 was constructed before the adoption of the Subdivision Ordinance and percolation tests have been provided for proposed Lot 2.

TO: Environment & Land Use Committee

FROM: Brent Rose

DATE: September 8, 2008

SUBJECT: Joint Champaign County-City of Champaign Enterprise Zone:
Boundary Amendment

A. Introduction: The purpose of this proposal is to amend the boundaries of the joint City of Champaign/Champaign County Enterprise Zone by adding 1.031 acres of property, commonly addressed at 1400 W. Anthony Drive, Champaign, the site of the International Society of Arboriculture (ISA). The site is immediately adjacent to the current boundaries of the Enterprise Zone.

B. Prior County Board Action:

- The County Board passed Ordinance No. 255, entitled “An Ordinance Establishing an Enterprise Zone.”
- From time to time since then, the Champaign County Board and the Champaign City Council have expanded the boundaries for specific developments.
- The most recent amendments to the boundaries of the Enterprise Zone were in 2006 for the Clearview development and the Andersons ethanol plant.

C. Summary:

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

- The proposed addition is to include a developed site with one building constructed in the 1960's.
- The addition of this property will be consistent with the original goals of the Enterprise Zone by creating/retaining jobs in the county and stimulating commercial revitalization.

D. County Policy:

- The County Board adopted Resolution No. 3542 on March 21st, 1995.

E. Attachments



REPORT TO CITY COUNCIL

FROM: Steven C. Carter, City Manager

DATE: August 29, 2008

SUBJECT: EXPLANATION OF COUNCIL BILL NO. 2008 – 183

A. Introduction: The purpose of this Council Bill is to amend the boundaries of the joint City of Champaign/Champaign County Enterprise Zone by adding 1.031 acres of property, commonly addressed as 1400 W. Anthony Drive, Champaign, the site of the International Society of Aboriculture (ISA). The site is immediately adjacent to the current boundaries of the Enterprise Zone.

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

C. Prior Council Action:

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

D. Summary:

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

- Currently, the total area of the Enterprise Zone is approximately 9 square miles. The Enterprise Zone Act limits the total size of this Zone to 12 square miles.
- The proposed addition is to include a developed site with one building constructed in the 1960's.
- The addition of this property will be consistent with the original goals of the Enterprise Zone by creating/retaining jobs in the community and stimulating commercial revitalization.

E. Background:

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

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

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

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

3. Request to Amend the Enterprise Zone Boundaries and Proposed Project. The City has received a written request (see attached letter dated August 4, 2008 from ISA) to amend the boundaries of the Enterprise Zone to include the property located at 1400 W. Anthony. The current owners of the subject site, the International Society of Aborigiculture, have relocated to 2101 W. Park Court, the former Farm Credit Services

building to accommodate their growing business and are making this property on Anthony available for sale. The property owners represent that the building was originally constructed in the 1960's and is in need of significant upgrades to the heat and air system, information technology infrastructure and general design to enhance work flow. Several potential buyers have inquired about the possibility of adding this property to the Enterprise Zone to primarily take advantage of sales tax and property taxes abatements. One of the interested buyers has also provided a letter of support for the request to amend the boundaries of the Zone to relocate their corporate offices, i.e. F.E. Moran, Inc. from Fox Drive. F.E. Moran, Inc. is also currently located in the Interstate Research Park and plan to continue their warehousing operation in the Park.

F. Alternatives:

1. Approve the Council Bill amending the boundaries of the Enterprise Zone to add the property commonly addressed as 1400 W. Anthony.
2. Do not approve the Council Bill.

G. Discussion of Alternatives:

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

a. Advantages

- Is consistent with the original objectives of the Enterprise Zone to encourage creation and retention of jobs and to stimulate commercial rehabilitation.
- Is consistent with current City goals of encouraging infill development and retaining and expanding existing businesses.
- May allow for occupancy in near term given current interest expressed in the building (please refer to the attached letters dated August 4, 2008 from F.E. Moran and Sperry Van Ness/Ramshaw Real Estate).

b. Disadvantages

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

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

a. Advantages

- It may be possible that this building be purchased, rehabilitated and occupied by a viable business without Enterprise Zone incentives thereby allowing the City and the County to benefit immediately in any increased assessed value.

b. Disadvantages

- May delay investment and re-use of an unoccupied building with Interstate 74 visibility.

H. Community Input: A public hearing is scheduled for September 2, 2008 to provide the public with an opportunity to comment on the proposed Council Bill.

I. Budget Impact: The owner represents that the potential buyer is anticipating investing between \$1M and \$1.5M into the structure. The estimated sales tax benefit to the buyer is \$31,000 to \$46,500. Given the type and scope of improvements that may be made to the building, it is difficult to estimate the revised assessed value of the property and thereby the new tax revenues. The current taxing value of the property is \$229,600 with an estimated fair cash value of \$716,442. The City will receive \$2,971 in property taxes on this parcel in FY 08/09; the County \$1,697.

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

Prepared by:

Teri Legner
Economic Development Manager

Reviewed by:

Craig Rost
Deputy City Manager
For Development



1400 West Anthony Drive

August 20, 2008



City of Champaign
Planning Department

Champaign City Limit Enterprise Zone

Proposed Enterprise Zone Addition



P.O. Box 3129
Champaign, IL 61826-3129
(217) 355-9411
(217) 355-9516 Fax
Email: isa@isa-arbor.com
www.isa-arbor.com

August 4, 2008

Teri Legner
City Manager's Office
102 North Neil Street
Champaign, IL 61820

Teri,

International Society of Arboriculture (ISA) has requested of the City of Champaign and Champaign County consideration for amending the Champaign County Enterprise Zone, in order to include the property located at 1400 W. Anthony Drive, Champaign, Illinois.

The purpose of the Enterprise Zone is to stimulate economic growth and neighborhood revitalization, and to encourage private investment in areas targeted for development, redevelopment or rehabilitation.

Upon marketing the property at 1400 W. Anthony Drive for sale, it has become evident that there is a need for a significant capital improvement to be made into the facility to rehabilitate and remodel the existing structure. With the exposure the building has along Interstate 74 and the new construction going on along Anthony Drive, an investment in this property would further enhance the development of this area.

Why the amendment is is being requested?

The property being considered is an older facility built in the late 1960's. While it is unique in having both office space and warehouse space, the building is dated and needs significant upgrades to the heat and air system, information technology infrastructure and general design to enhance work flow. The party showing the greatest interest will not purchase the facility and make the needed upgrades without this amendment. This party was anticipating investing between \$1MM and \$1.5MM into the structure. By adding this property to the zone, construction jobs will be created short term, and the end-user will be able to consolidate their staff into one location, and improve the feasibility of future expansion of their employee base.

Eligibility:

Describe how, and the extent to which, the above described project impacts at least one of the following:

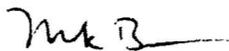
- **job creation or retention;**
 - At this time the possible buyer has not provided specific data in this area. They have indicated they will consolidated their offices into one and have the capability of expanding their business in the future
- **removal or correction of an impediment to economic development that exists in the established zone (describe the obstacle to economic activity and indicate the cause, nature, extent, and how the obstacle is impacting economic development);**
 - The property being considered is an older facility built in the late 1960's. While it is unique in having both office space and warehouse space, the building is dated and needs significant upgrades to the heat and air system, information technology infrastructure and general design to enhance work flow. With the newer construction going on in the immediate area, insuring that an existing building can meet the demands of the current business environment
- **stimulation of neighborhood residential or commercial revitalization.**
 - A business wishing to invest such funds into this facility is very timely. With the new hotel construction to the east, the investment Pepsi-Cola Champaign-Urbana Bottling Co. has made in their exterior appearance, the construction of the office space and business strip at Mattis Ave. and Anthony Drive (to the west), along with the Steve and Barry's occupying the old Wal-Mart and the demolition of the Weberg Furniture showroom, this highly visible area is experiencing significant revitalization within the Champaign community.

Community support:

Attached to this communication are two letters from the realtor and prospective buyer respectively, in support of this application.

If you have further questions related to the request or need additional information, please contact Mark Bluhm, Director of Finance and Operations at (217) 531-2832 or mbluhm@isa-arbor.com .

Sincerely,



Mark Bluhm
 Director of Finance and Operations
 International Society of Arboriculture



F.E. MORAN, INC.

Alarm and Monitoring Services

2202 Fox Drive, Champaign IL 61820

P 217-403-6444 • F 217-403-6442

August 4, 2008

Ms. Teri Legner
Economic Development Manager
City of Champaign
102 North Neil Street
Champaign, IL 61820

**RE: 1400 W Anthony Drive, Champaign, IL
Enterprise Zone Status**

Dear Ms. Legner:

I am writing today as a party with potential interest in the property at 1400 West Anthony Drive, Champaign. My company is growing rapidly and is aggressively looking for space to relocate our corporate offices. We are considering this property, but understand that it is not currently part of the Enterprise Zone. While we are looking at many different options, this property would be a viable option only if it is included in the Enterprise Zone.

The improvements are quite dated and in need of substantial remodeling to provide suitable space for any company. The frontage road and interstate exposure are desirable, but without a significant capital investment, the benefits of this exposure are greatly outweighed by the condition of the building. We feel that the area along West Anthony Drive is in the initial stages of revitalization. This property could be a significant contributor to that revitalization if made a part of the Enterprise Zone.

If you wish to discuss this matter with me, please don't hesitate to call.

Sincerely,
F.E. Moran, Inc. Alarm and Monitoring Services

Brett D. Bean
President

July 29, 2008

Teri Legner
City Manager's Office
102 North Neil Street
Champaign, IL 61820

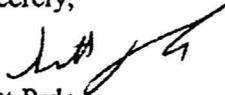
Teri,

I'm writing you to express my support for amending the Champaign County Enterprise Zone to include the property located at 1400 W. Anthony Drive, Champaign, Illinois

Upon listing the for sale property at 1400 W. Anthony Drive, a few interested parties have asked about enterprise zone status. Currently, we are in negotiation with one of these parties, who would make a significant investment into the property to rehabilitate and remodel the existing structure if this property was included in Enterprise Zone. The recent redevelopment east and west of the property along Anthony Drive makes this an ideal location for a regional employer to be located. With the current building structure, most companies would require significant capital to bring this building up to office standards. Not including this location on the Enterprise Zone would diminish our ability to find a quality business that would fit the revitalization of this area.

I am confident this endeavor will be a huge success for the City of Champaign and future businesses. I would respectfully request your approval amending the Champaign County Enterprise Zone.

Sincerely,



Scott Ryle
Advisor
Sperry Van Ness/ Ramshaw Real Estate



P.O. Box 3129
Champaign, IL 61826-3129
(217) 355-9411
(217) 355-9516 Fax
Email: isa@isa-arbor.com
www.isa-arbor.com

CITY MANAGERS OFFICE
RECEIVED

JUN 26 2008

International Society of Arboriculture

June 23, 2008

Teri Legner
City Manager's Office
102 North Neil Street
Champaign, IL 61820

Teri,

Please allow this letter to serve as a formal request from the International Society of Arboriculture (ISA) to the City of Champaign and Champaign County for consideration amending the Champaign County Enterprise Zone to include the property located at 1400 W. Anthony Drive, Champaign, Illinois (legal description attached)

The purpose of the Enterprise Zone is to stimulate economic growth and neighborhood revitalization, and to encourage private investment in areas targeted for development, redevelopment or rehabilitation.

Due to continued growth, ISA is purchasing a larger facility on the west side of Champaign. Upon listing the property at 1400 W. Anthony Drive, a couple interested parties have asked about enterprise zone status. These parties were looking to make a significant investment into the property to rehabilitate and remodel the existing structure. With the exposure the building has along Interstate 74 and the new construction going on along Anthony Drive, an investment in this property would further enhance the development of this area.

Under the Rehabilitation Enterprise Zone Application Packet, to be eligible for incentives, three basic criteria must be met: location, timing, and project definition.

Location - A project must be located within the area designated as the City of Champaign-Champaign County Enterprise Zone. This property is just outside the current zone.

Project Timing - For eligible projects, applications **must** be submitted with building-related permit applications prior to any site preparation, site improvements or construction of any buildings. Prior to any major renovations the owner of this facility would submit a proper application.

Project Definition - The improvements of any part of an existing building that does not result in an increase in any exterior dimension of the building would be considered rehabilitation of existing space, regardless of the use, and would qualify for local incentives.

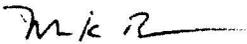
The incentives the interested parties have mentioned are included in the Enterprise Zone details, which are:

Real Estate Tax Abatement - Upon completion of improvements to the property and reassessment by the Township Assessor, the City and County will abate 100% of the taxes on the increase in assessment resulting from the improvement. The abatement is for a 5 year period, beginning with the tax year in which the total new assessment is in effect.

Sales Tax Exemption - In order to receive the sales tax exemption, the purchaser would be buying building materials within the State of Illinois through a legitimate building materials retailer or distributor, and permanently affixing these to the real estate. This would of course be subject to the proper Certificates being applied for and received.

ISA understands there is a detailed process to be followed in considering this request. If you have further questions related to the request or need additional information, please contact Mark Bluhm, Director of Finance and Operations at (217) 531-2832 or mbluhm@isa-arbor.com .

Sincerely,



Mark Bluhm
Director of Finance and Operations
International Society of Arboriculture

ORDINANCE NO. _____

**AMENDING ORDINANCE NO. 255,
ORDINANCE ESTABLISHING AN
ENTERPRISE ZONE**

WHEREAS, on December 17, 1985, the County Board of Champaign County adopted Ordinance No. 255, entitled “An Ordinance Establishing an Enterprise Zone”; and

WHEREAS, the County Board now finds in necessary and desirable to amend the terms of the Ordinance pursuant to Section 5.4 of the *Illinois Enterprise Zone Act*; and

WHEREAS, a public hearing on proposed additions to the Enterprise Zone was held on September 2, 2008 at a location within the boundaries of the Enterprise Zone for which notice had been published on August 25, 2008 in the *Champaign-Urbana News Gazette*, a newspaper of general circulation within the certified Enterprise Zone and Champaign County.

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

1. That Section 1 of the Ordinance entitled “Designation and Description of Zone Area; Term” be amended to alter the boundaries of the Zone by adding the following contiguous territory:

Lots 4, 5 and 6 in Stern’s Industrial Subdivision, a subdivision in Champaign County, Illinois as per plat recorded in Plat Book “L” at page 129, commonly known as 1400 Anthony Drive, Champaign Illinois.

2. That this Ordinance shall not become effective until the proposed amendment is approved by the Illinois Department of Commerce and Economic Opportunity and the Department issues an amended certificate for the Enterprise Zone established by the Ordinance pursuant to the Act, in which event this amending ordinance shall become effective on the first day of the calendar month following the date in which the amended certificate, together with the Ordinance as hereby amended, shall be filed, recorded, and transmitted as provided in Section 5.3 of the *Illinois Enterprise Zone Act*

3. That if any section, paragraph or provision of this Ordinance is held to be invalid or unenforceable, such invalidity of unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or of any other County Ordinance.

4. That provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance in conflict with the provisions of this Ordinance.

5. That the County Clerk is hereby directed to send a copy of this Ordinance to Bruce Knight, Director, City of Champaign Planning Department, 102 N. Neil St., Champaign, Illinois, 61820.

PRESENTED, PASSED, APPROVED AND RECORDED, this 18th. day of September, A.D. 2008.

SIGNED: _____

C. Pius Weibel, Chairman
Champaign County Board, Champaign
County, Illinois

ATTEST: _____

Mark Shelden, County Clerk &
Ex-Officio Clerk of the County Board

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

TO: **Environment and Land Use Committee**
FROM: **September 4, 2008**
DATE: **John Hall, Zoning Administrator**
RE: **Zoning Ordinance requirements for wind farms**

STATUS

This topic was on the agenda and discussed at the August 11, 2008, Committee meeting. The consensus of the Committee was to amend the Zoning Ordinance to require County Board approval for wind farm development in the rural zoning districts. Staff seeks direction regarding such an amendment. Basic considerations relevant to a possible amendment to the Zoning Ordinance are reviewed below.

BACKGROUND

A wind farm developer has begun discussions with landowners regarding a proposed wind farm in northeastern Champaign County in the AG-1 Agriculture Zoning Districts. The proposed wind farm appears to include approximately 14 square miles of land in Champaign County for a gross area of approximately 8,960 acres. The wind farm developer has not yet submitted any applications nor formally contacted the Department of Planning and Zoning.

Current Champaign County Zoning Ordinance requirements for wind turbines were added on October 24, 2000, and allow up to three wind turbines per parcel in the AG-1 and AG-2 Districts by Special Use Permit but more than three turbines require rezoning to the I-2 Heavy Industry District. All Special Use Permits are currently approved by the Zoning Board of Appeals (ZBA) with no County Board review. There are no specific site development requirements for wind turbines in the Zoning Ordinance but any wind turbine will be considered a "non-adaptable structure" and a reclamation agreement with a letter of credit to fund reclamation of the site will be required.

In discussion at the August 11, 2008, meeting the consensus of the Environment and Land Use Committee (ELUC) was that any wind farm development should be approved by the Champaign County Board and not simply the Zoning Board of Appeals. Thus, the Zoning Ordinance will have to be amended to provide for County Board approval of wind farm development in the AG-1 and AG-2 Districts. This memorandum reviews basic considerations relevant to that amendment.

PROPOSED ZONING ORDINANCE AMENDMENT

In addition to adding a requirement for a County Board approval for wind farm development, the amendment to the Zoning Ordinance should also add more specific requirements for wind farms. Both concerns are briefly reviewed below.

Alternatives For County Board Approval

The statutes do not specify the type of County Board approval required for a wind farm. The Model Ordinance (see attached) also makes no recommendation for the

Zoning Administrator
Regulation of Wind Farms in Champaign County
SEPTEMBER 4, 2008

type of county board approval that should be required for a wind farm. The obvious alternatives for County Board approval of wind farms are the following:

- **County Board Special Use Permit.** Special use permits are appropriate for land uses that are generally acceptable in a zoning district but that may need site specific review for any specific location. The Zoning Ordinance already authorizes up to three turbines per parcel by special use permit in the AG-1 and AG-2 Districts. However, a wind farm will involve tens of thousands of acres and hundreds of land owners and the Committee should consider if a wind farm is materially different than a few isolated wind turbines. There are no other uses in the Zoning Ordinance that are authorized by special use permit and that involve tens of thousands of acres owned by hundreds of land owners. There are no protest rights for special use permits but special conditions may be imposed when necessary to address the concerns of neighbors and to meet the criteria in the Zoning Ordinance.

This is the type of approval required for wind farms in McLean County and most other counties. In McLean County each wind farm is a single special use permit involving tens of thousands of acres of land and a few hundred wind turbines and each wind turbine site is reviewed as part of the public hearing and the approval is specific to these sites.

- **Zoning map amendment (overlay rezoning) and County Board Special Use Permit.** If the Committee believes that a wind farm is materially different than a few isolated wind turbines then a map amendment approach involving an overlay rezoning district would be more appropriate in combination with a County Board special use permit. An overlay map amendment is similar to the approach currently used for rural residential development in the Rural Residential Overlay Zoning District. A map amendment will be subject to protest rights by adjacent land owners and any relevant municipality or township with a plan commission. A map amendment could be simultaneous with a County Board special use permit so it should not slow down the approval process.

Specific Standards For Wind Farms

The McLean County Building and Zoning Department reports that the McLean County Zoning Ordinance requirements for wind power generation facilities are based on the *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois* published on May 5, 2003, by the Chicago Legal Clinic, Inc. See attached. This is a widely accepted model ordinance and the various requirements in the *Model Ordinance* should be added to the Champaign County Zoning Ordinance. Other requirements that could also be added include landscape assessment requirements to illustrate the appearance of the wind farm on the landscape.

ATTACHMENTS

- A *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois*
- B **Items To Be Included In A Proposed Zoning Ordinance Text Amendment**

RECEIVED

20 000

CHAMPAGNE COUNTY & Z DEPARTMENT

CHICAGO LEGAL CLINIC, Inc.

South Chicago • Pilsen • Austin • Downtown

Rev. Thomas Paprocki, President
Edward Grossman, Executive Director
Marta C. Bukata, Deputy Director*
Keith I. Harley
Veronique Baker
Holly D. Gordon
Jason Townsend
Greta M. Doumanian

Downtown Office
205 W. Monroe St., 4th Floor
Chicago, IL 60606

Phone (312) 726-2938
Fax (312) 726-5206
TDD (773) 731-3477

*Also admitted in Indiana

**MODEL ORDINANCE REGULATING THE SITING OF
WIND ENERGY CONVERSION SYSTEMS IN ILLINOIS**

To Whom It May Concern:

We are pleased to provide the attached Model Ordinance Regulating the Siting of Wind Energy Conversion Systems in Illinois. This model ordinance seeks to encourage further wind energy development in Illinois by providing a common set of standards for wind energy developers, local governments and residents. We believe the best way to promote the long-term success of wind energy in Illinois is to establish balanced, uniform ground rules for the siting of wind energy projects.

The process for developing this model ordinance was funded by a grant from the Illinois Clean Energy Community Foundation. The law firm of Baker & McKenzie donated *pro bono* assistance in drafting the ordinance. It was drafted after consultation with a wide group of stakeholders, including wind energy developers, technical consultants, environmental non-profit organizations, government, third party certifying agencies and private environmental attorneys. As a model, this ordinance is intended to be integrated with existing local zoning laws, either as the substance for a special or conditional use permit, a separate chapter within the existing zoning code, or as a stand alone zoning ordinance. Further questions about this ordinance should be directed to Holly Gordon at the phone number above or by email at hgordon@kentlaw.edu.

**MODEL ORDINANCE
REGULATING THE SITING OF
WIND ENERGY CONVERSION SYSTEMS
IN ILLINOIS**

**Drafted by:
The Chicago Environmental Law Clinic and
Baker & McKenzie**

**Funded by:
The Illinois Clean Energy Community Foundation**

**ORDINANCE REGULATING THE SITING OF
WIND ENERGY CONVERSION SYSTEMS IN ILLINOIS**

- I. INTRODUCTION
 - A. TITLE
 - B. PURPOSE
- II. DEFINITIONS
- III. APPLICABILITY
- IV. PROHIBITION
- V. SITING APPROVAL APPLICATION
- VI. DESIGN AND INSTALLATION
 - A. DESIGN SAFETY CERTIFICATION
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 - D. COLOR
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- VII. OPERATION
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 - D. MATERIALS HANDLING, STORAGE AND DISPOSAL
- VIII. NOISE LEVELS
- IX. BIRDS
- X. PUBLIC PARTICIPATION
- XI. LIABILITY INSURANCE
- XII. DECOMMISSIONING PLAN
- XIII. REMEDIES

I. INTRODUCTION

A. *Title*

This Ordinance shall amend the _____ County/Municipality Zoning Ordinance and be known, cited and referred to as the _____ County/Municipality Wind Energy Siting Ordinance.

B. *Purpose*

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in _____ County/Municipality is safe and effective;
2. To facilitate economic opportunities for local residents;
3. To promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

II. DEFINITIONS

- A. "Applicant" means the entity or person who submits to the County/Municipality, pursuant to Section V of this Ordinance, an application for the siting of any WECS or Substation.
- B. "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
- D. "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.
- E. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in any state in the United States.

- F. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- G. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- H. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).
- I. "WECS Project" means the collection of WECSs and Substations as specified in the siting approval application pursuant to Section V of this Ordinance.
- J. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- K. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

III. APPLICABILITY

This Ordinance governs the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

IV. PROHIBITION

No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed, or located within _____ County/Municipality, unless prior siting approval has been obtained for each individual WECS and Substation pursuant to this Ordinance.

V. SITING APPROVAL APPLICATION

- A. To obtain siting approval, the Applicant must first submit a siting approval application to the County/Municipality.
- B. The siting approval application shall contain or be accompanied by the following information:

1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
 2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known;
 3. A site plan for the installation of WECSs showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
 4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; and
 5. Any other information normally required by the County/ Municipality as part of its Zoning Ordinance.
- C. The Applicant shall notify _____ County/Municipality of any changes to the information provided in Section V.B. above that occur while the siting approval application is pending.

VI. DESIGN AND INSTALLATION

A. *Design Safety Certification*

1. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
2. Following the granting of siting approval under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is

within accepted professional standards, given local soil and climate conditions.

B. *Controls and Brakes*

1. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

C. *Electrical Components*

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

D. *Color*

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.

E. *Compliance with the Federal Aviation Administration*

The Applicant for the WECS shall comply with all applicable FAA requirements.

F. *Warnings*

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

G. *Climb Prevention*

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.

H. Setbacks

1. All WECS Towers shall be set back at least 1000 feet from any Primary Structure. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height.
2. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from public roads, third party transmission lines, and communication towers. The County/Municipality may waive this setback requirement.
3. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
4. The Applicant does not need to obtain a variance from the County/Municipality upon waiver by either the County/Municipality or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

I. Compliance with Additional Regulations

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

J. Use of Public Roads

1. An Applicant, Owner, or Operator proposing to use any [county, municipality, township or village] road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:
 - a. Identify all such public roads; and
 - b. Obtain applicable weight and size permits from relevant government agencies prior to construction.

2. To the extent an Applicant, Owner, or Operator must obtain a weight or size permit from the [county, municipality, township or village], the Applicant, Owner, or Operator shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 - b. Secure Financial Assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.

VII. OPERATION

A. *Maintenance*

1. The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County/Municipality. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County/Municipality reasonably requests.
2. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI(A)(1) of this Ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in Section VI(A)(1) of this Ordinance to determine whether the physical modification requires re-certification.

B. *Interference*

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section V.B.1. and V.B.3. of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take reasonable steps to respond to the complaint.

2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

C. *Coordination with Local Fire Department*

1. The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. *Materials Handling, Storage and Disposal*

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

VIII. NOISE LEVELS

Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.

IX. BIRDS

A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of WECSs will have a substantial adverse impact on birds.

X. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

XI. LIABILITY INSURANCE

The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate.

XII. DECOMMISSIONING PLAN

Prior to receiving siting approval under this Ordinance, the County/Municipality and the Applicant, Owner, and/or Operator must formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS Project;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- C. Provisions for the restoration of the soil and vegetation;
- D. An estimate of the decommissioning costs certified by a Professional Engineer;
- E. Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs;
- F. Identification of and procedures for County/Municipality access to Financial Assurances;
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
- H. A provision that the County/Municipality shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.

XIII. REMEDIES

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.
- B. Prior to implementation of the existing County/Municipal procedures for the resolution of such default(s), the appropriate County/Municipal body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and

Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).

- C. If the County/Municipality determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County/Municipal ordinance provisions addressing the resolution of such default(s) shall govern.

ATTACHMENT B: Items To Be Included In A Proposed Zoning Ordinance Text Amendment
SEPTEMBER 4, 2008

The following requirements from the *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois* are recommended to be added to the Champaign County Zoning Ordinance (the following is not the actual amendment):

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

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structure. (Note: Participating residence or structure refers to residences or structures owned by landowners who are participating in the special use permit.)

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

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

Additional requirements not included in the *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois* that seem reasonable are the following:

24. Landscape visual assessment including photographic images of the subject property before the proposed development and simulated images of the subject property after the proposed development.
25. Zoning case application fees and Zoning Use Permit fees specific to Wind Energy Developments. (Note: A specific proposal for application fees will be available at the meeting.)
26. A description of the applicants's proposed emergency response plan for natural disasters.

