

MARCH 12, 2015, GUIDE TO CASE 769-AT-13

The current Draft Ordinance consists of the following:

- Revised Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 (Att. AAA to Sup. Memo dated 12/5/14)*
- Miscellaneous Minor Edits (Att. III to Sup. Memo dated 1/15/15)*
- Revised Requirement for Stockpiles (Att. JJJ to Sup. Memo dated 1/15/15)*
- Proposed Revisions to Paragraphs 4.1 B. and C. (see Sup. Memo dated 3/6/15)

The current Draft Finding of Fact and all Draft evidence consists of the following:

- Preliminary Finding of Fact (Att. EEE to Sup. Memo. dated 1/9/15)*

The following handouts may be helpful in completing the Finding of Fact:

- Case 769-AT-14† Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance in Addition to Existing Requirements REVISED 12/11/14 (corrected March 6, 2015) (Att. BBB to Sup. Memo. dated 3/6/15; † The correct case number is 769-AT-13)
- Case 769-AT-13 Summary of Proposed Amendment Benefits and Costs REVISED DRAFT 3/6/15 (Att. LLL to Sup. Memo dated 3/6/15)

*copies of Attachments are available

MARCH 12, 2015, GUIDE TO CASE 773-AT-14

The current Draft Ordinance consists of the following:

- Revised Amendment (Att. A to Sup. Memo dated 3/12/15)

The current Draft Finding of Fact and all Draft evidence consists of the following:

- Preliminary Finding of Fact (Att. C to Sup. Memo dated 1/9/15)*
- Revised FOF Item 16.B.(3) (see Sup. Memo dated 3/6/15)

The following handouts may be helpful in completing the Finding of Fact:

- Case 773-AT-14⁶ Proposed Requirements for Typical Land Disturbance Under Proposed Ordinance in Addition to Existing Requirements and Related Case 769-AT-13¹ REVISED 12/11/14 (Att. B to Sup. Memo. dated 1/9/15)*
- Case 773-AT-14 Summary of Proposed Amendment Benefits and Costs DRAFT 3/06/15 (Att. B to Sup. Memo. dated 3/6/15)

*copies of Attachments are available

CASE NO. 773-AT-14

SUPPLEMENTAL MEMORANDUM

March 12, 2015

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator
Susan Chavarria, Senior Planner

Request:

Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject of a separate Zoning Case 769-AT-13, by adding the following:

- A. Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.
- B. Add fees for Grading and Demolition Permits.
- C. Add required information to be provided in the application for a Grading and Demolition Permit.
- D. Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR10 General Storm Water Permit for Construction.
- E. Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.
- F. Add prohibitions against changing the flow of water and blocking the flow of water.
- G. Add other requirements related to Grading and Demolition Permits.

STATUS

A Revised Amendment is included as Attachment A and briefly reviewed below.

Additional evidence is proposed for FOF Item 16.E.

REVISED AMENDMENT

A Revised Amendment is attached that has the following changes for the proposed Demolition Permit:

- Required documentation of sealing of any water well and removal or stabilization of any underground storage tank.
- Prohibition on burial of other than clean concrete debris, prohibition on burning of demolition debris except when authorized by IEPA permit, and a requirement to minimize fugitive dust.

NEW EVIDENCE FOR FINDING OF FACT ITEM 16.E.

The following evidence is proposed to be added for item 16.E. in the FOF:

- (3) Regulation of erosion control for grading and/ or demolition for one acre or more of land disturbance is already regulated by the IEPA under the ILR10 Permit and neighbors with complaints about erosion or sedimentation from adjacent grading or demolition can seek help from the IEPA.
- (4) Adding a requirement for Grading and/or Demolition Permits as proposed in this Case 773-AT-14 provides the following:
 - a. Recourse for neighbors with complaints about erosion or sedimentation activities when there is less than one acre of land disturbance and no IEPA requirements apply.
 - b. The County Board will have the option of a comprehensive approach to erosion and sedimentation regulations that was not explicitly detailed in the legal advertisement for related Case 769-AT-13.

ATTACHMENTS

A Revised Amendment

Revised Proposed Amendment (new text is underlined)

1. **Add the following to Sec. 3 Definitions of the Champaign County Storm Water Management and Erosion Control Ordinance:**
DEMOLITION PERMIT: A permit for DEMOLITION activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.

GRADING PERMIT: A permit for GRADING activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.
2. **Add the following to Sec. 4. of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 4.5 GRADING and DEMOLITION PERMIT Exemptions
All GRADING and DEMOLITION meeting the following conditions are exempt from the requirement for a GRADING PERMIT and/or a DEMOLITION PERMIT:
 - A. Any GRADING or DEMOLITION pursuant to any of the exempted activities listed in Section 4.2.
 - B. GRADING and/or DEMOLITION that is not part of or related to other CONSTRUCTION and that will result in less than one acre of LAND DISTURBANCE and that is not part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD.
 - C. GRADING and/or DEMOLITION that is related to and authorized in a ZONING USE PERMIT or a Floodplain Development Permit.
3. **Add the following to 5.2 of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 5G. Approval of any required GRADING PERMIT or DEMOLITION PERMIT outside of the MS4 JURISDICTIONAL AREA.
4. **Add the following to Sec. 6 of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 6.6 DEMOLITION PERMIT and GRADING PERMIT
 - A. DEMOLITION or GRADING that will result in one acre or more of LAND DISTURBANCE or that is part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD which will disturb one acre or more of land, and that is not part of or related to other CONSTRUCTION and that is not located in the Champaign County MS4 JURISDICTIONAL AREA shall be subject to the requirement for either a DEMOLITION PERMIT or a GRADING PERMIT, whichever is applicable.
 - B. Paragraph 6.6A. notwithstanding, the requirements of paragraph 6.1F., Section 6.4, and Section 6.5 shall apply to any GRADING or DEMOLITION even though no DEMOLITION PERMIT or GRADING PERMIT may be required based on the amount of LAND DISTURBANCE.

Attachment A. Revised Amendment

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- C. GRADING that is related to DEMOLITION shall be authorized as part of a DEMOLITION PERMIT.
- D. Application for a DEMOLITION PERMIT or a GRADING PERMIT shall be filed in written form with the ZONING ADMINISTRATOR on such forms as the ZONING ADMINISTRATOR prescribes and shall include the following information:
1. Name and address of the OWNER, the APPLICANT, contractor, engineer and architect when applicable;
 2. Location, including township and section, street number, lot block and or tract comprising the legal description of the site;
 3. Permanent Index Number (PIN);
 4. LOT Area;
 5. ZONING DISTRICT;
 6. Special Flood Hazard Area, if applicable;
 7. USE of existing property and structures;
 8. Proposed USE and any proposed structures;
 9. Estimated cost of proposed construction, GRADING, and/or DEMOLITION;
 10. SITE PLAN indicating all existing and proposed USES and structures;
 11. Extent and nature of proposed LAND DISTURBANCE.
- E. In addition to the application information required by paragraph 6.6 C. for a DEMOLITION PERMIT, each application for a DEMOLITION PERMIT and each application for DEMOLITION pursuant to a LDEC PERMIT shall provide the following:
1. A copy of the completed State of Illinois Demolition/Renovation/Asbestos Project Notification Form. All DEMOLITION authorized under a DEMOLITION PERMIT or pursuant to a LDEC PERMIT shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.
 2. Either a written statement that no water well exists on the LOT or a copy of the Water Well Sealing Form pursuant to Public Act 85-0863 for any water well on the LOT.
 3. The Applicant is responsible for ending and turning off all utility service prior to DEMOLITION.
 4. Either a written statement that no underground storage tank exists on the LOT or evidence that any underground storage tank shall be removed or stabilized in accordance with all applicable laws. This requirement shall not apply to any septic tank.

Attachment A. Revised Amendment

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- F. All DEMOLITION debris shall be disposed of lawfully including but not limited to the following:
1. No DEMOLITION debris other than clean concrete debris with no exposed rebar may be buried on the LOT and all other DEMOLITION debris shall be removed from the LOT and taken to a duly approved solid waste disposal facility.
 2. No DEMOLITION debris shall be burned on the LOT unless all necessary approvals are received from the IEPA in which case a copy of said approval shall be provided with the application.
 3. Fugitive dust shall be minimized during DEMOLITION activities.
- F G. At the time the application is filed for a DEMOLITION PERMIT or a GRADING PERMIT a fee of \$50 shall be paid except that this fee shall be waived provided that a Notice of Intent shall have been submitted to the IEPA and a copy of the Notice of Intent is submitted with the application.

