

CASE NO. 824-AM-15

SUPPLEMENTAL MEMORANDUM

MARCH 21, 2016

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

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

Petitioner: Dustin Ehler d.b.a. Ehler Bros Co.

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture District to the B-1 Rural Trade Center District in order to expand operations of a Farm Chemicals and Fertilizer Sales business including incidental storage and mixing of blended fertilizer.

Location: A tract in the Northeast Quarter of the Northwest Quarter of Section 19, Township 20N Range 11E of the Third Principal Meridian in Ogden Township located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100 N (CH 20), Thomasboro.

Site Area: 1.4 acres

Time Schedule for Development: As soon as possible

Prepared by: John Hall
Zoning Administrator

STATUS

The attached IDNR Consultation Termination Letter was received this morning. IDNR has determined that the proposed action (map amendment) is unlikely to have adverse effects on any protected resources (habitat) in the vicinity.

Based on the Consultation Termination Letter, all decisions points have been revised to “affirmative” recommendations.

ADDITIONAL EVIDENCE AND CHANGES TO DECISION POINTS

Revise the evidence under Policy 8.4.1 by revising item 18.A.(1)c. to read as follows:

- c. The Spoon River Drainage District and The subject property is located within the Ogden #10 Drainage District and a letter in support of the rezoning and permitting for the Ehler Bros expansion was submitted by the Ogden #10 Drainage District Trustees.

Add new evidence to LRMP Policy 8.6.2 and a recommendation for “**HELP ACHIEVE**” as follows:

- (1) Policy 8.6.2 states, “a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas. b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.”

The proposed rezoning will **HELP ACHIEVE** Policy 8.6.2 for the following reason:

- a. The subject property has been in agricultural production for many years and there is no existing habitat.
- b. The minimum required 50 feet separation between any land disturbance caused by the proposed development and the top of the adjacent unnamed tributary to the Spoon River offers an opportunity for the petitioner to establish appropriate vegetation that could provide habitat and require minimal maintenance once established provided that the vegetation is established as required by paragraph 6.4E. of The *Champaign County Storm Water Management and Erosion Control Ordinance*.
- c. The Spoon River Illinois Natural Area Inventory (INAI) site is a few miles downstream from the subject property and by definition, an INAI site is an existing area that provides habitat for native species. The proposed rezoning itself will not cause any disturbance to the Spoon River INAI site. However, the proposed rezoning will accommodate changes to the existing fertilizer facility including a more modern liquid fertilizer bulk storage tank with a much greater volume of storage. The new tank will be located somewhat further from the adjacent drainage ditch than is the existing bulk tank and should meet the minimum required 50 feet separation to the top of the bank. The new tank is also the style of tank that will offer the greatest possible security against leakage. Regarding other safety measures at the facility that help to minimize the risk of any possible leak that could impact the downstream Spoon River INAI site the petitioner has testified as follows:
 - (a) All operations are regulated by the State and include annual inspections.
 - (b) The proposed new bulk storage tank must be inspected every 5 years.
 - (c) "Our liquid containment building is completely diked. It holds 110% of the volume of herbicides and pesticides stored on premises at any time. As I stated at the last week's hearing, for liquid fertilizer in the event of a release the steel structure of the tank acts as containment as the actual storage portion of the tank is a rubber liner. This is all up to code and highly regulated by the IDOA and IEPA. The catch basins are solely in place to deal with storm water runoff."
 - (d) The entire fertilizer plant building is like a swimming pool. Trucks have to drive up a ramp then down into the building. When they are loading they are thus contained.
 - (e) In addition, there are sump pits that collect any spill. Any product going through those goes into a tank where it is reclaimed at the end of the season, diluted, and then sprayed on a farm field. This is the standard, legal practice.
 - (f) Trucks pull into the outside loading area. The pump and hose at the loading station are in contained areas.
 - (g) Applicators are loaded at the fields. It is illegal to load applicators at the subject property and put them on the road. Designated licensed tankers haul the liquid to the sites.
 - (h) When they had the fire and lost the entire plant, the only product lost was what was inside the rubber hoses. What was in those hoses was not enough to be a reportable spill.

- d. As reviewed under Policy 8.6.4, the Illinois Department of Natural Resources (IDNR) has stated in the Consultation Termination Letter for IDNR Project Number 1608384 dated 3/21/16 that the proposed action (map amendment) is unlikely to have adverse effects on any protected resources (habitat) in the vicinity.

Add new evidence to LRMP Policy 8.6.2 and a recommendation for "**HELP ACHIEVE**" as follows:

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

The proposed rezoning will **HELP ACHIEVE** Policy 8.6.4 for the following reasons:

- a. On March 2, 2016, staff contacted the Illinois Department of Natural Resources regarding the proposed expansion as it relates to the Spoon River tributary that runs on the west side of the existing Ehler Bros facility. No comments have been received.
- b. On March 11, 2016, staff initiated a formal consultation process with the Illinois Department of Natural Resources (IDNR). ~~An initial letter stating if more analysis is needed can be expected within 30 days.~~ A Consultation Termination Letter for IDNR Project Number 1608384 dated 3/21/16 was received on March 21, 2016. The letter stated that IDNR has determined that the proposed action (map amendment) is unlikely to have adverse effects on any protected resources (habitat) in the vicinity.

For Goal 8 on page 14 the recommendation is "**HELP ACHIEVE**".

For LRMP Policy 4.1.6 on page 12 the recommendation is "**HELP ACHIEVE**". Note that item h. for this policy on page 13 should be "**DOES**".

For LRMP Policy 4.1.8 on page 13 the recommendation was already "**HELP ACHIEVE**" and new evidence is proposed to make the discussion of Policy 4.1.8 read as follows:

- (5) Policy 4.1.8 states, "**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**"

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 149A Brenton silt loam, and has an average Land Evaluation (LE) of 100.
- b. ~~Further evidence on the LESA rating will be provided at the hearing.~~ The Site Assessment (SA) portion of the LESA analysis scored 154 out of 200 points.

- c. The total LESA Score of 254 receives the highest protection rating in LESA which is “very high rating for protection.” Even though the LESA score indicates a “very high rating for protection” this facility is an important agricultural support facility and the LESA score should not guide the County Board in this instance.

For LRMP Objective 4.1 on page 11 the recommendation is “**HELP ACHIEVE**”.

For LRMP Goal 4 on page 8 the recommendation is “**HELP ACHIEVE**”.

For item 21.H. on page 20 the recommendation is “**DOES CONFORM**” to the Land Resource Management Plan.

For item 22 on page 20 the recommendation is “**HELP ACHIEVE**” the purpose of the Zoning Ordinance and item 22.J. should be revised to read as follows:

- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses. Regarding this purpose:
- (1) The subject property has never been forested.
 - (2) Regarding the adjacent watercourse:
 - a. The Natural Resource Report received on February 18, 2016 from the Champaign County Soil and Water Conservation District states: “The Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location: Spoon River INAI Site.” The Spoon River Illinois Natural Areas Inventory (INAI) site is 29 acres under INAI Category VI, which indicates “unusual concentrations of flora or fauna and high quality streams.” This INAI site is not protected by the State of Illinois.
 - b. As reviewed under Policy 8.6.4, the Illinois Department of Natural Resources (IDNR) has stated in the Consultation Termination Letter for IDNR Project Number 1608384 dated 3/21/16 that the proposed action (map amendment) is unlikely to have adverse effects on any protected resources in the vicinity.
 - c. Based on the results of the Consultation with IDNR, the proposed map amendment will **NOT IMPEDE** the achievement of this Purpose.

ATTACHMENTS

- A IDNR Consultation Termination Letter for IDNR Project Number 1608384 dated 3/21/16

RECEIVED

MAR 21 2016

CHAMPAIGN CO. P & Z DEPARTMENT



Illinois Department of
Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Bruce Rauner, Governor

Wayne Rosenthal, Director

March 21, 2016

Susan Chavarria
Susan Chavarria
Champaign County Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

RE: Ehler Bros. Facility
Project Number(s): 1608384 [824-AM-15]
County: Champaign

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Natalia Jones
Division of Ecosystems and Environment
217-785-5500