

CHAMPAIGN COUNTY BOARD ENVIRONMENT and LAND USE COMMITTEE (ELUC)

County of Champaign, Urbana, Illinois Thursday, December 5, 2013 - 6:00 p.m.

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

Committee Members:

Ralph Langenheim – Chair Aaron Esry – Vice-Chair Astrid Berkson Stan Harper Alan Kurtz Pattsi Petrie Jon Schroeder

AGENDA

	AGLINDA	D
I.	Call to Order	<u>Pages</u>
II.	Roll Call	
III.	Approval of Minutes A. ELUC Committee meeting – November 7, 2013	1-4
IV.	Approval of Agenda/Addenda	
V.	Public Participation	
VI.	Communications	
VII.	<u>Presentation</u> Sustainable Water Management Plan by Scott Tess from Urbana Public Works	
VIII.	 For Information Only A. Public Review Period Now Open for Active Choices (Champaign County Greenways & Trails) Plan B. Public Hearing and Public Comment Period for Proposed Illinois 	5 6-7
IX.	Department of Natural Resources Administrative Guidelines for Hydraulic Fracturing ("fracking") Item to be Approved by ELUC for Recommendation to the County Board	
174.	A. Case 763-AM-13 – Recommendation to Approve a Zoning Map Amendment for David Anderson to change the zoning district from B-1 Rural Trade Center to AG-2 Agriculture on one acre – house and building located at 2270 CR 1300N, St. Joseph	8-13

CHAMPAIGN COUNTY BOARD ENVIRONMENT and LAND USE COMMITTEE (ELUC) Agenda

December 5, 2013

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X. <u>Item to be Approved by ELUC for Referral to ZBA</u>

A. Direction to Zoning Administrator regarding a proposed text amendment to the Zoning Ordinance to implement Land Resource Management Plan (LRMP) Policy 8.6.4 implementing Illinois Department of Natural Resources recommended management practices for discretionary development sites that contain endangered or threatened species

14-23

XI. Monthly Reports

A. October 2013

24-33

XII. Other Business

XIII. Chair's Report

XIV. Designation of Items to be Placed on the Consent Agenda

XV. Adjournment

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

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MINUTES – SUBJECT TO REVIEW AND APPROVAL

DATE: Thursday, November 7, 2013

TIME: 6:00 p.m.

PLACE: Lyle Shields Meeting Room

Brookens Administrative Center

1776 E Washington, Urbana, IL 61802

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Committee Members

Present	Absent
Ralph Langenheim (Chair)	
Aaron Esry (Vice Chair)	
Astrid Berkson	
Stan Harper	
Alan Kurtz	
Pattsi Petrie	
Jon Schroeder	

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17 County Staff:

Deb Busey (County Administrator), John Hall (Director of Planning & Zoning), Andy Kass (Planning & Zoning), Beth Brunk (Recording Secretary)

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24 25 Others Present:

John Jay (Champaign Co Board), Susan Monte & Andrew Levy (CCRPC)

21 **MINUTES**

I. Call to Order

Committee Chair Langenheim called the meeting to order at 6:01 p.m.

II. Roll Call

A verbal roll call was taken and a quorum was declared present.

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III. Approval of Minutes

A. ELUC Committee meeting – October 3, 2013

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MOTION by Mr. Kurtz to approve the minutes of the October 3, 2013 meeting as distributed; seconded by Mr. Esry. Upon vote, the **MOTION CARRIED** unanimously.

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IV. Approval of Agenda

35 36 Mr. Langenheim requested to move Item IX. to immediately follow Item VII A. so the interested public will not have to wait to hear the Committee's discussion of this issue. The Committee agreed with this change.

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MOTION by Mr. Esry to approve the agenda as amended; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

V. Public Participation

Kay Busboom supported changing the zoning district at 2501 CR 2100E, Thomasboro to R-1 Single Family Residence – Case 762-AM-13.

Larry Hall supported the proposed additions to the zoning ordinance regarding future approvals of Restricted Landing Areas (RLAs).

VI. Communications

None

VII. <u>Items to be Approved by ELUC for Recommendation to the County Board</u>

A. Case 762-AM-13 – Recommendation to Approve a Zoning Map Amendment for Edgar Busboom to change the zoning district from B-5 Central Business to R-1 Single Family Residence on a property located at 2501 CR 2100E, Thomasboro (Flatville)

MOTION by Mr. Schroeder to recommend for approval a map amendment to change the zoning district from B-5 Central Business to R-1 Single Family Residence for Edgar Busboom's property located at 2501 CR 2100E, Thomasboro; seconded by Mr. Kurtz.

Ms. Petrie noted that page 11, under #3, B-1 should be R-1. Ms. Petrie asked what the implications of this zoning change would be beyond this building project. Mr. Hall responded that there would be none. This will allow a replacement home to be built, and it is consistent with the Land Resource Management Plan (LRMP).

Upon vote, the MOTION CARRIED unanimously.

B. Case 732-AT-12 – Recommendation to Amend the Zoning Ordinance Requirements of Section 7.1.2 for Rural Home Occupations

MOTION by Mr. Esry to recommend for approval a zoning ordinance text amendment to the requirements of Section 7.1.2 for Rural Home Occupations; seconded by Mr. Schroeder.

Ms. Petrie would like a more detailed explanation of the Hensley Township protest. Mr. Hall could not explain the protest. He indicated that the Zoning Board of Appeals (ZBA) had actually relaxed some of the existing requirements including the screening of equipment. The protest was filed after the public hearing process. It will take a ¾ majority - 17 affirmative votes - to override the protest.

Upon vote:

Aye: 6 - Langenheim, Berkson, Esry, Kurtz, Schroeder, Harper

Nay: 1 - Petrie

MOTION CARRIED.

C. Case 756-AT-13 – Recommendation to Amend a Zoning Ordinance by adding a Requirement to Section 7.1.2 that any new Exterior Lighting of a Rural Home Occupation must be Full-Cutoff

MOTION by Mr. Esry to recommend for approval a zoning ordinance text amendment to Section 7.1.2 to add that any new exterior lighting of a Rural Home Occupation must be full-cutoff; seconded by Mr. Kurtz. Upon vote, the **MOTION CARRIED** unanimously.

D. Comments on Proposed Update to the Champaign County Greenways & Trails Plan by CUUATS Mr. Hall explained that this is included as a reminder to Committee members if they wanted to make a comment.

VIII. <u>Item to be Approved by ELUC for Referral to ZBA</u>

- A. Direction given to Zoning Administrator to amend the Zoning Ordinance to add Standard Conditions for minimum separation of Restricted Landing Area (RLA) & Heliport Restricted Landing Area (HRLA) from
 - 1. Dwelling under Other Ownership
 - 2. Property under Different Ownership
 - 3. Conservation Recreation (CR) District

Ms. Berkson believed that the standards from Larry Hall's proposal were excessively restrictive such as the 2,000' from a residential dwelling. Willard Airport would probably not be able to meet these criteria.

Ms. Petrie requested permission to ask Larry Hall a few questions. The Chair agreed. Ms. Petrie inquired if the Kane County Zoning Director indicated how the 2,000′ minimum distance between the RLA and a residential dwelling not related to the activities of the RLA was established in their ordinance. Larry Hall replied that the Zoning Director, Mark VanKerhoff, said that it was on the books when he came there, and there was no reason to change it. Ms. Petrie was curious how that 2,000′ distance was feasible in such a populous area. Ms. Petrie inquired if Larry Hall was satisfied with Mr. John Hall's proposal. Larry Hall indicated that he did not have an objection with the Planning & Zoning proposal. He noted that his proposal had public highway setback for safety reasons which was not in Mr. John Hall's proposal. Mr. John Hall commented that as long as the RLA meets IDOT standards, he did not see the necessity for the County to require a greater separation from the highway.

Ms. Petrie asked how 1,320' was formulated as the minimum distance from the RLA or HRLA to the nearest adjacent dwelling under different ownership. Mr. Hall explained that the typical separation in existing Champaign County RLAs from adjacent homes is approximately ¼ mile.

Mr. Schroeder thought the 1,500' setback from the CR District was too restrictive. Mr. Hall pointed out that this is a standard condition that could be waived. The petitioner for the RLA has to prove that less than 1,500' will not be a significant problem or will be mitigated somehow. Mr. Kurtz stated that this agenda item is not an action item but rather an opportunity to give Mr. Hall comments on the proposed amendment. Mr. Hall suggested a separation of 500' from the CR District if it is parallel with the RLA. Mr. Schroeder stated that the change would take care of his concern. Ms. Berkson thought there needs to be a reasonable separation to perserve the wildlife in Conservation Districts.

Mr. Hall stated that he had adequate direction from the Committee. Mr. Esry noted that one of the conditions of this amendment if adopted would be to see how it goes for one year then decide to continue it or let it go back the previous standards.

IX. Item to Receive & Place on File by ELUC to allow for 30-day Review Period

A. Preliminary review of proposed *Storm Water Management and Erosion Control Ordinance* to comply with Champaign County's MS4 Obligations

With the upcoming holidays, Ms. Petrie would like to request a 60-day review period to look over the materials.

MOTION by Ms. Petrie to receive and place on file the proposed *Storm Water Management and Erosion Control Ordinance* for a 60-day review; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

Ms. Petrie asked what models were used for this ordinance. The County already has a Stormwater Management Policy which was combined with the erosion sediment control component from the City of

1 2 3		Urbana. Ms. Petrie appreciated the sustainable aspects found on page 56. However, she would like to see some development on capturing potable water. Mr. Levy will discuss that topic with Ms. Petrie.
4	х.	Monthly Reports
5		A. September 2013
6		
7		MOTION by Mr. Esry to receive and place on file the Planning & Zoning Monthly Reports for September
8		2013; seconded by Mr. Kurtz. Upon vote, the MOTION CARRIED unanimously.
9		
10	XI.	Other Business
11		Mr. Hall announced that Andy Kass, Associate Planner, has accepted another job in Iowa and will be
12		leaving. He has been a very valuable employee.
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14	XII.	Chair's Report
15		None
16		
17	XIII.	Designation of Items to be Placed on the Consent Agenda
18		VII.A, VII.C
19		
20	XIV.	Adjournment
21		There being no further business, Mr. Langenheim adjourned the meeting at 6:42 p.m.



DATE: November 21, 2013

TO: Environment and Land Use Committee

FROM: Susan Monte

Public Review Period

RE: Draft Active Choices (Champaign County Greenways & Trails) Plan

ACTION

REQUEST: Information Only

The **Draft Active Choices (Champaign County Greenways & Trails) Plan** is available for public review at these two locations:

Online at http://www.cuuats.org/documents/active-choices-champaign-county-greenways-trails-plan-2013

For in-house review at:

Champaign County Regional Planning Commission (see RPC receptionist) Brookens Administrative Center, 1776 E. Washington Street, Urbana

The public comment period ends **Wednesday**, **December 18**, **2013**. Please submit comments to Gabe Lewis, CCRPC Transportation Planner, by email glewis@ccrpc.org or phone (217-328-3313).

Please share this information with your colleagues and constituents.

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Public Hearings

Public hearings regarding the proposed Hydraulic Fracturing Regulatory Act administrative rules has scheduled on the following dates at the following locations:

Updated November 20, 2013

Tuesday, November 26, 2013

6:30pm-8:30pm (Doors open at 5:30pm)
University of Illinois at Chicago (UIC)
726 S. Halsted Street, Student Center East, Room 302
Chicago, IL 60607
View Map

Tuesday, December 3, 2013

6:30pm-8:30pm (Doors open at 5:30pm) Rend Lake College Theater 468 North Ken Gray Parkway Ina, IL 62846 View Map

Thursday, December 5, 2013

6:30pm-8:30pm (Doors open at 5:30pm) Holiday Inn Effingham, Hotel Ballroom 1301 Avenue of MidAmerica Effingham, IL 62401 View Map

Tuesday, December 17, 2013

6:30pm-8:30pm (Doors open at 5:30pm)

Oil & Gas: Public Hearings Page 2 of 2

Decatur Civic Center, Auditorium #1 Gary K. Anderson Plaza Decatur, IL 62523 View Map

Thursday, December 19, 2013

6:00pm-8:00pm (Doors open at 5:00pm) Southern Illinois University at Carbondale (SIUC) Student Center, Ballroom B 1255 Lincoln Drive Carbondale, IL 62901 <u>View Map</u>

Procedures for the Public Hearings:

- The purpose of the public hearings is to facilitate the submission of views, and comments, regarding specific
 of the proposed administrative rules implementing the Hydraulic Fracturing Regulatory Act. The P
 Administrative Rules are available on this website for your review.
- The hearing will be conducted by a Hearing Officer. Staff from IDNR will be present to listen to comments, t probably will not be able to respond to each comment due to time limitations.
- The Department will have a sign-up sheet at each location for people who would like to make a public comme Hearing Officer will use a lottery system to determine the order of the speakers.
- In order to listen to as many comments as possible, the Hearing Officer will limit each person to four minut
 Department recommends that commenters reference the section of the proposed rules that relates to their cost that the Department can better understand the recommendation.
- Each person who intends to provide comments should bring a written copy of his or her remarks so t
 Department has a record of the testimony. If anyone is unable to speak due to time constraints, the Departm
 accept written comments at the end of the hearing.
- If you cannot attend either public hearing, the Department will continue to accept comments through
 January 3, 2014, via mail to the Department's Headquarters in Springfield, or through an online submitts
 Written comments carry the same weight as oral testimony at a hearing, and IDNR staff will consid
 equally during the rulemaking process.
- If you have questions regarding the rulemaking process, please visit the website of the Joint <u>Commi Administrative Rules of the General Assembly.</u>

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Champaign County Department of



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

(217) 384-3708 zoningdept@co.champaign.il.us www.co.champaign.il.us/zoning To: Environment and Land Use Committee

From: John Hall, Director & Zoning Administrator

Date: November 25, 2013

RE: Zoning Ordinance Map Amendment Case 763-AM-13

Request: Approve a Zoning Map Amendment to change the zoning

district designation from the B-1 Rural Trade Center Zoning District to the AG-2 Agriculture Zoning District on one acre commonly known as the house and building at 2270 CR 1300N,

St. Joseph.

Petitioner: David Anderson

STATUS

The Zoning Board of Appeals voted 5 to 0 (with one member absent) to RECOMMEND ENACTMENT of this amendment at the November 14, 2013, public hearing.

The ZBA found that the proposed map amendment will help achieve the Land Resource Management Plan; is consistent with the *LaSalle* and *Sinclair* factors; and will help achieve the Purpose of the Ordinance.

This amendment is ready for a final recommendation to the County Board for the meeting on December 19, 2013.

BACKGROUND

The subject property is approximately an acre in area and is triangular in shape with a railroad on the west and a public street on the south.

The property is considered best prime farmland with an LE of 100 but has not been in production since long before the Ordinance was adopted.

The subject property has been in the B-1 District since the adoption of the Zoning Ordinance in 1973 but has been in residential use for more than 20 years. The existing buildings are very old. The owner intends to sell the property and prospective buyers intend to demolish the existing home and construct a new home.

The area being proposed for rezoning will be contiguous with the existing AG-2 District on the east and west and will be large enough to accommodate a new septic system and meet all other Zoning Ordinance requirements.

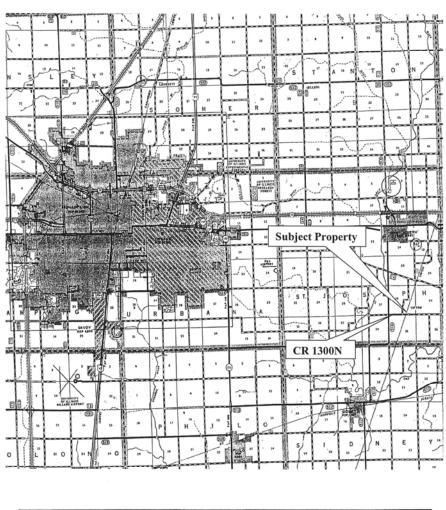
ATTACHMENTS

A Case Maps (Location, Land Use, Zoning)

B Summary Finding of Fact

Attachment A. Case Maps (Location, Land Use, Zoning) November 25, 2013

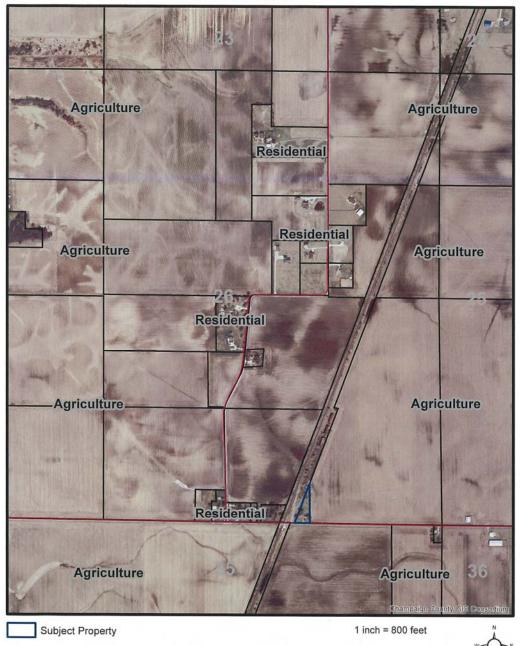
ATTACHMENT A. LOCATION MAP Case: 763-AM-13 November 8, 2013





Attachment A. Case Maps (Location, Land Use, Zoning) November 25, 2013

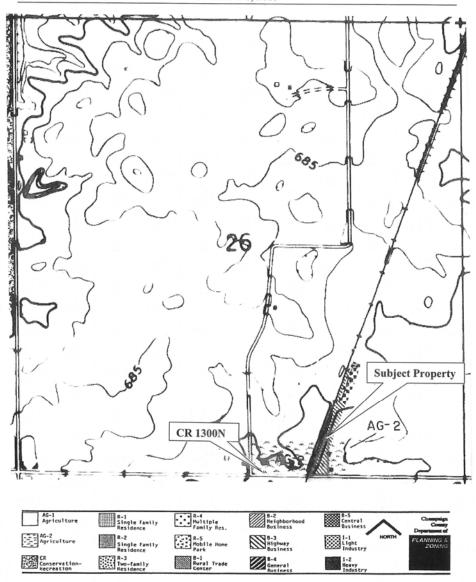
Attachment A: Land Use Map Case 763-AM-13 November 8, 2013



Attachment A. Case Maps (Location, Land Use, Zoning) November 25, 2013

ATTACHMENT A. ZONING MAP Case: 763-AM-13

November 8, 2013



Attachment B. Summary Finding of Fact

November 25, 2013

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 14, 2013,** the Zoning Board of Appeals of Champaign County finds:

- 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. Regarding Goal 4 Agriculture:
 - Objective **4.3 requiring any discretionary development to be on a suitable site** because it will *HELP ACHIEVE* the following:
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
 - Objective **4.2 requiring discretionary development to not interfere with agriculture** because it will *HELP ACHIEVE* the following:
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
 - Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will *HELP ACHIEVE* the following:
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
 - Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
 - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 4 Agriculture.
 - B. Regarding Goal 6 Public Health and Safety:
 - Objective **6.1 ensuring that development does not endanger public health or safety** because it will *HELP ACHIEVE* the following:
 - Policy 6.1.1 establishing minimum lot dimensions for rural residential development to provide adequate area for wastewater systems (see Item 15.A.(1)).

Attachment B. Summary Finding of Fact

October 25, 2013

- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 6 Public Health and Public Safety.
- C. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 3 Prosperity
 - Goal 5 Urban Land Use
 - Goal 7 Transportation
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
- D. Overall, the proposed map amendment will *HELP ACHIEVE* the Land Resource Management Plan.
- 2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - The amendment will allow the subject property to be redeveloped.
 - The subject property is suitable for the existing and proposed use.
 - The proposed amendment will help improve the condition of the property and the surrounding area.
- 3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance because:
 - Establishing the AG-2 District at this location will help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.I.).
 - Establishing the AG-2 District at this location will help divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification (Purpose 2.0 (j) see Item 21.J.).
 - Establishing the AG-2 District at this location will help fix regulations and standards to which buildings, structures, or uses therein shall conform (Purpose 2.0 (i) see Item 21.K.).
 - Establishing the AG-2 District at this location will help prohibit uses, buildings, or structures incompatible with the character of such districts (Purpose 2.0 (i) see Item 21.L.).
 - Establishing the AG-2 District at this location will help protect the most productive farmland from unplanned intrusions of urban uses (Purpose 2.0 (i) see Item 21.N.).
- 4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
 - The subject property has been zoned as it is since 1973 and the long term use of the property has been residential instead of commercial.



DATE: November 26, 2013

TO: Environment and Land Use Committee

FROM: Susan Monte John Hall

RE: Proposed zoning ordinance text amendment to include provisions of

Champaign County Land Resource Management Plan (LRMP) Policy 8.6.4

ACTION Authorize Proposed Text Amendment to proceed to a Public Hearing at the

REQUEST: Zoning Board of Appeals

This request is provided toward completion of FY2013 County Planning Contract Work Plan Item 8, "Amend *Champaign County Zoning Ordinance* to include provisions of LRMP Policies 8.6.3 and 8.6.4."

Staff recommends a proposed text amendment to implement only Policy 8.6.4 at this time. A request to consider inclusion of Policy 8.6.3 provisions is forthcoming.

The intent of the proposed Zoning Ordinance text amendment is to implement LRMP Policy 8.6.4:

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

Attachment A describes the context of LRMP Policy 8.6.4 under LRMP's Natural Resource Goal.

Background

The *Illinois Endangered Species Protection Act* (520 ILCS 10/11(b)) and the *Illinois Natural Areas Preservation Act* (525 ILCS 30/17) require units of local government to consider the potential adverse effects of proposed actions on the Illinois endangered and threatened species and sites listed on the Illinois Natural Areas Inventory. (Attachment B contains excerpts of these Acts.)

Illinois Department of Natural Resources (IDNR) is the state agency responsible for updating and maintaining the Illinois Natural Areas Inventory.

Ecological Compliance Assessment Tool (EcoCAT)

In 2006, IDNR implemented EcoCAT, an online system designed to facilitate the consultation process that provides information regarding potential for adverse effects of proposed actions on a property.

Ecological Compliance Assessment Tool (EcoCAT) (continued)

Using EcoCAT, an applicant submits an online inquiry to IDNR to initiate an Endangered Species Protection and Natural Areas Preservation consultation. In response, IDNR staff provides an Endangered Species and Natural Areas Preservation consultation report to the applicant. The report is intended for use by local government or other decision makers to assist with evaluation of a proposed project or request. An initial consultation report will:

- 1) terminate consultation if no listed resources are in the vicinity; or
- 2) list resources that may be in the vicinity and identify the IDNR staff who will review the proposed action.

In most cases (approximately 90% of the time on a statewide basis), the IDNR reviewer provides a follow-up report to the applicant to terminate consultation because adverse effects are unlikely. If resource conditions warrant, the IDNR reviewer may request additional information, or recommend methods to minimize potential adverse effects.

The State has authorized IDNR to assess a fee for processing of EcoCAT inquiries. The fee is not yet in place, but is planned to be implemented.

Related Existing Zoning Ordinance Provisions

Related existing Zoning Ordinance provisions are as follows:

- Item 5.4.3(C).2 requires the ZBA to review 12 environmental factors as it makes findings regarding a Rural Residential Overlay District request. One of the 12 environmental factors is "the amount of disturbance to wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat."
- Paragraph 5.4.5(D) requires each RRO application to include "... a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources."
- Paragraph 6.1.4 (J) for a wind farm County Board special use permit, includes a standard condition that the applicant shall apply for consultation with the Endangered Species Program of the IDNR and provide a copy of the consultation report from IDNR with the application.

Proposed Zoning Ordinance Text Amendment

The proposed text amendment is intended to apply to discretionary development requests which include new development on a previously undeveloped site.

'Discretionary Development' is defined in the LRMP as: "A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County."

The proposed text amendment will:

1. Update terms used from 'Agency Action Report' to 'Endangered Species Protection and Natural Areas Preservation consultation report.'

Proposed Zoning Ordinance Text Amendment (continued)

- 2. Require an Endangered Species Protection and Natural Areas Preservation consultation report from IDNR as part of all eligible discretionary development applications, not just for Rural Residential Overlay District applications.
- 3. Require the applicant to be responsible for paying the fee required by IDNR to request a consultation for 'Endangered Species Protection and Natural Areas Preservation' for an eligible discretionary development application.
- 4. Require the application include documentation to demonstrate the proposed implementation of recommendations in the Endangered Species Protection and Natural Areas Preservation consultation report from IDNR.

Attachments

- A Policy Basis for LRMP Priority Item 8
- B Excerpts of Illinois Endangered Species Protection Act and Illinois Natural Areas Preservation Act
- C Threatened and Endangered Species Listed in Champaign County
- D Strikeout Version of Proposed Text Amendment

Policy Basis for LRMP Priority Item 8

Amend Champaign County Zoning Ordinance to include provisions of LRMP Goal, Objectives, and Policies for $\underline{\text{Policies 8.6.3}}$ and $\underline{\text{8.6.4}}$

Champaign County Land Resource Management Plan, adopted 4/22/2010

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Goal 8	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
Objectives	
8.1	Groundwater Quality & Availability
8.2	Soil
8.3	Underground Mineral & Energy Resource Extraction
8.4	Surface Water Protection
8.5	Aquatic & Riparian Ecosystems
8.6	Natural Areas & Habitat
8.7	Parks & Preserves
8.8	Air Pollutants
8.9	Natural Resources Assessment System

Objective 8.6	Objective 8.6 Natural Areas and Habitat							
	Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species.							
Policy 8.6.1	Policy 8.6.1 The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.							
Policy 8.6.2 a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts 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.							
Policy 8.6.3	For discretionary development, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.							
Policy 8.6.4 The County will require implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.								
Policy 8.6.5 The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized								
Policy 8.6.6	The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.							

Excerpt of *Illinois Endangered Species Protection Act* (520 ILCS 10/11(b))

(b) It is the public policy of all agencies of State and local governments to utilize their authorities in furtherance of the purposes of this Act by evaluating through a consultation process with the Department whether actions authorized, funded, or carried out by them are likely to jeopardize the continued existence of Illinois listed endangered and threatened species or are likely to result in the destruction or adverse modification of the designated essential habitat of such species... "

Illinois Natural Areas Preservation Act (525 ILCS 30/17)

Sec. 17. All public agencies shall recognize that the protection of nature preserves, buffer areas and registered areas is the public policy of the State and shall avoid the planning of any action that would adversely affect them.

It shall be the public policy of each agency of State or local government to utilize its authority in furtherance of the purposes of this Act, and to evaluate, through a process of consultation with the Department, whether the actions, including capital projects, that are authorized, funded, or carried out by the agency of State or local government are likely to result in the destruction or adverse modification of any natural area that is registered under this Act or identified in the Illinois Natural Areas Inventory.

The evaluation shall be conducted early in the planning of a proposed action. If the proposed action is found likely to have an adverse impact on a natural area, the agency shall study the proposed action to determine possible methods of eliminating or mitigating the adverse impact. Before implementing any action, the agency shall attempt to mitigate or eliminate any adverse impacts in a manner consistent with the planned action. The Department, Commission, or any affected person may seek a writ of mandamus to compel an agency of State or local government to engage in the evaluation and study required by this Section. (Source: P.A. 88-139.)

	State Protection	# of Occurances	Last Observed
FISH			
Bigeye Chub (Hybopsis amblop)	Endangered	4	8/29/2012
Bluebreast Darter (Etheostoma camurum)	Endangered	1	8/13/2012
Eastern Sand Darter (Ammocrypta pellucidum)	Threatened	2	8/27/2012
<u>Pallid Shiner</u> (Hybopsis amnis)	Endangered	2	8/18/1928
MOLLUSCA			
<u>Little Spectaclecase</u> (Villosa lienosa)	Threatened	3	8/19/2011
Northern Riffleshell (Epioblasma rangiana)	Endangered	1	8/8/2012
<u>Purple Wartyback</u> (Cyclonaias tuberculata)	Threatened	2	8/24/2011
<u>Salamander Mussel</u> (Simpsonaias ambigua)	Endangered	1	8/16/2000
<u>Slippershell</u> (Alasmidonta virdis)	Threatened	2	10/12/2010
<mark>Spike</mark> (Elliptio dilatata)	Threatened	2	8/20/1988
Wavy-rayed Lampmussel (Lampsilis fasciola)	Endangered	3	7/25/2006

1

Common Name	State Protection	# of Occurances	Last Observed
AMPHIBIANS			
<u>Mudpuppy</u> (Necturus maculosus)	Threatened	3	6/4/2012
REPTILES			
<u>Blanding's Turtle</u> (Emydoidea blandingii)	Endangered	1	5/1/1953
PLANTS			
Ear-leafed Foxglove (Tomanthera auriculata) Sangamon Phlox (Phlox pilosa	Threatened	1	9/19/1933
ssp. Sangamonensis) MAMMALS			
<u>Franklin's Ground Squirrel</u> (Spermophilus franklinii)	Threatened	4	6/22/2010
<u>Indiana Bat</u> (Myotis sodalis)	Endangered	1	2010/07

Common Name BIRDS	State Protection	# of Occurances	Last Observed
Barn Owl (Tyto alba)	Endangered	1	8/2/2005
<u>Least Bittern</u> (Ixobrychus exilis)	Threatened	1	8/1/1993
<u>Loggerhead Shrike</u> (Lanius ludovicianus)	Endangered	1	5/23/1990
Northern Harrier (Circus cyaneus)	Endangered	1	1994-SUM
<u>Upland Sandpiper</u> (Bartramia longicauda)	Endangered	2	1999

Definitions:

Threatened Species means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Protected by law.

Endangered Species means any species of fish, plant life, or wildlife which is in danger of extinction throughout all or a significant part of its range. Protected by law.

Strikeout Version of Proposed Text Amendment

- 1. Amend paragraph 5.4.5 D (relevant to submittals required for the Rural Residential Overlay Zoning District) as follows:
 - D. A copy of the Agency Action Report Endangered Species Protection and Natural Areas Preservation consultation report from the Illinois Department of Natural Resources, consistent with the requirements and procedures of paragraph 6.1.2 B.
- 2. Add new paragraph 6.1.2 B as a standard condition for all SPECIAL USES, as follows:
 - B. An application for a SPECIAL USE permit that does not involve land currently zoned, developed, and used in its entirety for commercial, industrial, or residential purposes, shall include a copy of an Endangered Species Protection and Natural Areas Preservation consultation report from the Illinois Department of Natural Resources (IDNR), as follows:
 - 1. The applicant shall apply for, on behalf of the COUNTY, an Endangered Species Protection and Natural Areas Preservation consultation report from the IDNR.
 - 2. The applicant shall pay the fee required by the IDNR for the Endangered Species Protection and Natural Areas Preservation consultation report.
 - 3. The application shall include sufficient documentation to demonstrate the proposed implementation of recommendations in the Endangered Species Protection and Natural Areas Preservation consultation report from the IDNR with regard to avoiding or mitigating potential adverse impacts to endangered or threatened species.
- 3. Amend paragraph 6.1.4 J (for a WIND FARM COUNTY BOARD SPECIAL USE Permit) as follows:
 - J. Standard Conditions for Endangered Species <u>Protection and Natural Areas</u> Preservation Consultation
 - 1. The applicant shall apply for, on behalf of the COUNTY, an Endangered Species Protection and Natural Areas Preservation consultation with the Endangered Species Program of the from of the Illinois Department of Natural Resources (IDNR). The applicant shall be responsible for paying the fee required by the IDNR to request such consultation.
 - 2. The application shall include a copy of the Agency Action Report, or, if applicable, a copy of the Detailed Action Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response Endangered Species Protection and Natural Areas Preservation consultation report from the IDNR.

continued

- 3. The application shall include sufficient documentation to demonstrate the proposed implementation of recommendations in the Endangered Species

 Protection and Natural Areas Preservation consultation report from the IDNR with regard to avoiding or mitigating potential adverse impacts to endangered or threatened species.
- 4. Add new paragraph 9.2.1 C (relevant to any map amendment) as follows, and reletter the remaining paragraphs as required:
 - C. An application for a zoning map amendment that does not involve land currently zoned, developed, and used in its entirety for commercial, industrial, or residential purposes, shall include a copy of an Endangered Species Protection and Natural Areas Preservation consultation report from the Illinois Department of Natural Resources (IDNR), as follows:
 - 1. The applicant shall apply for, on behalf of the COUNTY, an Endangered Species Protection and Natural Areas Preservation consultation report from the IDNR.
 - 2. The applicant shall pay the fee required by the IDNR for the Endangered Species Protection and Natural Areas Preservation consultation report.
 - 3. The application shall include sufficient documentation to demonstrate the proposed implementation of recommendations in the Endangered Species Protection and Natural Areas Preservation consultation report from the IDNR with regard to avoiding or mitigating potential adverse impacts to endangered or threatened species.
 - 4. If the map amendment application is submitted with an application for a proposed SPECIAL USE for the same property, the map amendment application need only include sufficient documentation to demonstrate the proposed implementation of recommendations in the Endangered Species Protection and Natural Areas Preservation consultation report from the IDNR with regard to avoiding or mitigating potential adverse impacts to endangered or threatened species that are specific to uses other than the proposed SPECIAL USE.

Champaign County Department of



Brookens Administrative Center

1776 E. Washington Street Urbana, Illinois 61802

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

Champaign County MONTHLY REPORT for OCTOBER 20131

Zoning Cases

The distribution of cases filed, completed, and pending is detailed in Table 1. One zoning case was filed in October and seven were filed in October 2012. The average number of cases filed in October in the preceding five years was 1.4.

One ZBA meeting was held in October and one case was finalized. Two ZBA meetings were held in October 2012 and six cases were finalized. The average number of cases finalized in October in the preceding five years was 1.8.

By the end of October there were 4 cases pending. By the end of October 2012 there were 17 cases pending.

Table 1. Zoning Case Activity in October 2013 & October 2012

Type of Case		ober 2013 A meeting		ober 2012 A meetings		
	Cases Filed	Cases Completed	Cases Filed	Cases Completed		
Variance	1	0	2	3		
SFHA Variance	0	0	0	0		
Special Use	0	0	2	2		
Map Amendment	0	1	0	1		
Text Amendment	0	0	3	0		
Change of Non-conforming Use	0	0	0	0		
Administrative Variance	0	0	0	0		
Interpretation / Appeal	0	0	0	0		
TOTALS	1	1	7	6		
Total cases filed (fiscal year)	26	cases	33	3 cases		
Total cases completed (fiscal year)	38 cases		27 cases			
Case pending*	4 cases		17 cases			
* Cases pending includes all cases continued and new cases filed <u>but not decided</u>						

¹ Note that approved absences and sick days resulted in an average staffing level of 84% or the equivalent of 4.2 staff members (of the 5 authorized) present for each of the 22 work days in October. At the end of October the average staffing level for FY2013 was 4.1 staff members (of the 5 authorized) present for each work day.

Subdivisions

There was no County subdivision application, review, or recording in October. One municipal subdivision was reviewed for compliance with County zoning in October.

Zoning Use Permits

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

- 7 permits for 7 structures were approved in October compared to 18 permits for 18 structures in October 2012. The five-year average for permits in October in the preceding five years is 13.2. Five other permit applications were received in October and were still under review at the end of the month.
- 14 months out of the last 37 months have equaled or exceeded the five-year average for number of permits (including August 2013, July 2013, May 2013, December 2012, October 2012, September 2012, May 2012, April 2012, January 2012, December 2011, August 2011, February 2011, January 2011, September 2010).
- 5.3 days was the average turnaround (review) time for complete initial residential permit applications in October.
- \$482,500 was the reported value for the permits in October compared to a total of \$989,712 in October 2012. The five-year average reported value for authorized construction in October is \$873,809.
- 21 months in the last 57 months have equaled or exceeded the five-year average for reported value of construction (including September 2013, August 2013, July 2013, June 2013, February 2013, January 2013, November 2012, August 2012, September 2012, May 2012, April 2012, February 2012, January 2012, December 2011, November 2011, August 2011, June 2011, February 2011, August and May 2010 and March 2009).
- \$889 in fees were collected in October compared to a total of \$4,418 in October 2012. The five-year average for fees collected in October is \$2,798.
- 15 months in the last 53 months have equaled or exceeded the five-year average for collected permit fees (including August 2013, July 2013, February 2013, January 2013, October 2012, September 2012, May 2012, April 2012, February 2012, January 2012, December 2011, June 2011, August 2010, and December and March 2009).
- There were also 14 lot split inquiries and 220 other zoning inquiries in October.
- Minutes were completed for five ZBA meetings.
- The new Special Flood Hazard Areas Ordinance and new floodplain maps were implemented.

Table 2. Zoning Use Permits Approved in October 2013

	CURRENT MONTH			FISCAL YEAR TO DATE		
PERMITS	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL: Residential	1	N/A	190,000	4	N/A	1,190,000
Other	2	N/A	240,500	20	N/A	2,137,955
SINGLE FAMILY Residential: New - Site Built				11	8,861	3,417,662
Manufactured				1	269	115,088
Additions	1	129	8,000	24	3,729	715,420
Accessory to Residential	3	760	44,000	38	8,175	724,454
TWO-FAMILY Residential						
Average turn-around time for permit approval			5.3 days			
MULTI - FAMILY Residential						
HOME OCCUPATION: Rural				1	33	0
Neighborhood		N/A		7	N/A	0
COMMERCIAL: New				7	7,028	6,730,000
Other				5	2,407	662,352
INDUSTRIAL: New				1	1,513	407,380
Other						
OTHER USES: New				1	0	5,900,000
Other				1	0	932,000
SIGNS				1	66	200
TOWERS (Includes Acc. Bldg.)						
OTHER PERMITS				18	1,530	531,000
TOTAL APPROVED	7	\$889	\$482,500	140/114	\$33,431	\$23,463,511

^{*7} permits were issued for 7 structures during October 2013; 7 permits will require Compliance Certificates (and inspections)

^{\$\}delta 140 \text{ permits have been issued for 114 structures since December 1, 2012 (FY2013)}

NOTE: Home occupations and other permits (change of use, temporary use) total 26 since December, 2012, (this number is not included in the total number of structures).

Of the 11 Zoning Use Permits received in October 2013, 6 were approved.

There was 1 Zoning Use Permit approved in October 2013 that was received in prior months.

Conversion of Best Prime Farmland

Table 3 summarizes conversion of Best Prime Farmland as a result of any County zoning approval so far in FY2013.

Table 3. Best Prime Farmland Conversion

	October 2013	FY 2013 to date
Zoning Cases authorizing a new principal use on Best Prime Farmland that was previously used for agriculture	0.0 acres	5.5 acres
Subdivision Plat Approvals authorizing new Best Prime Farmland lots smaller than 35 acres: Outside of Municipal ETJ areas ¹	0.0 acre	0.0 acre
Within Municipal ETJ areas ²	0.0 acre	0.0 acre
Zoning Use Permits authorizing new non- agriculture uses on lots that were not previously authorized in either a zoning case or a subdivision plat approval.	0.0 acre	1.0 acre
Agricultural Courtesy Permits	1.0 acre	2.0 acre
TOTAL	1.0 acres	8.5 acres
NOTES		

- 1. Plat approvals by the County Board.
- 2. Municipal plat approvals.

Zoning Compliance Inspections

- Four compliance inspections were made in October for a total of 57 compliance inspections so far in FY2013.
- Four compliance certificates were issued in October for a total of 39 compliance certificates so far in FY2013. The FY2013 budget anticipated a total of 510 compliance inspections for an average of 9.8 inspections per week.

Zoning and Nuisance Enforcement

Table 3 contains the detailed breakdown of enforcement activity for October 2013 and can be summarized as follows:

- 2 new complaints were received in October compared to 3 new complaints in October 2012. No complaints were referred to other agencies in October and none were referred to other agencies in October 2012.
- 55 enforcement inspections were conducted in October compared to 48 in October 2012. Six of the October 2013 inspections were for the 2 new complaints received in October.
- No contacts were made prior to written notification in October and none were made in October 2012.

- 55 initial investigation inquiries were made in October for an average of 12.0 per week in October and 9.9 per week for the fiscal year. The FY2013 budget had anticipated an average of 8.4 initial investigation inquiries per week.
- 5 First Notices and 2 Final Notice were issued in October compared to 5 First Notices and 2 Final Notices in October 2012. The FY2013 budget anticipated a total of 30 First Notices.
- No cases were referred to the State's Attorney in October and none were referred in October 2012.
- 15 cases were resolved in October (none of the resolved cases were received in October) and 9 cases were resolved in October 2012.
- 405 cases remain open at the end of October compared to 441 open cases at the end of October 2012.
- Miscellaneous activities for enforcement in October included answering phones, helping
 customers; helping with calls regarding Floodplain Development; helped with the
 adoption of the new Special Flood Hazard Areas Ordinance; and coordinated with the
 State's Attorney regarding enforcement cases;

APPENDICES

- **A** Zoning Use Permits Authorized
- **B** Zoning Compliance Certificates Issued

Table 3. Enforcement Activity During October 2013

	FY2012	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sep.	Oct.	Nov.	TOTALS ¹
	TOTALS ¹	2012	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	FY2013
Complaints	80	1	9	6	2	4	5	5	15	8	3	2		60
Received														
Initial Complaints	10	0	0	1	0	0	1	1	2	0	0	0		5
Referred to Others														
Inspections	515	35	49	29	29	43	38	18	46	57	69	55 ⁴		468 ⁵
Phone Contact	13	0	0	0	0	0	1	2	0	1	1	0		5
Prior to Notice														
First Notices	24	0	7	1	2	0	1	2	6	2	2	5		28
Issued														
Final Notices	8	0	1	2	0	1	0	0	0	0	1	2		7
Issued														
Referrals to State's	5	2	0	0	0	2	0	0	0	0	0	0		4
Attorney														
Cases Resolved ²	69	0	8	9	2	7	11	6	2	7	28	15 ⁶		95 ⁷
Open Cases ³	440	441	442	439	439	436	430	429	442	443	418	405		4058

Notes

- 1. Total includes cases from previous years.
- 2. Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.
- 3. Open Cases are unresolved cases and includes any case referred to the State's Attorney or new complaints not yet investigated.
- 4. 6 inspections of the 55 performed were for the 2 complaints received in October, 2013.
- 5. 114 inspections of the 468 inspections performed in 2013 were for complaints received in 2013.
- 6. None of the resolved cases for October, 2013, were received in October, 2013 and 11 of the resolved cases for October, 2013 were for complaints received from 2000 to 2006.
- 7. 26 of the 95 cases resolved in FY 2013 were for complaints that were also received in FY 2013.

8. Total open cases include 29 cases that have been referred to the State's Attorney, some of which were referred as early as 2001.

APPENDIX A. ZONING USE PERMITS ACTIVITY DURING OCTOBER, 2013

ALLENDIA	A A. ZUNING USE FERMI	IBACIIVII	ODER, 2013	
Permit Number	Zoning District; Property Description; Address; PIN	Owner Name	Date Applied, Date Approved	Project (Related Zoning Case)
269-13-01	A parcel of land being a part	James	09/26/13	Place a manufactured
	of the NW 1/4 of the NE 1/4 of	Welch/ Tim	10/08/13	home on the subject
AG-1	Section 20, St. Joseph	Odom		property as an
	Township; 1496A CR			agriculture dwelling
	1950E, Urbana, Illinois			
077 10 01	PIN: 28-22-20-200-007	N 12 1	10/02/12	0 1 . 1 . 1
275-13-01	Lot 7 in Block 2 of Irvin's	Melinda	10/02/13	Construct a detached
R-1	Addition to the Town of Prairieview, now Longview,	Skinner	10/11/13	garage/storage shed for personal use only
K-1	Section 34, Raymond			personal use only
	Township; 108 Sheridan,			
	Longview, Illinois			
	PIN: 21-34-34-302-007			
276-13-01	A tract in the W ½ of the NE	Neal Clem	10/03/13	Construct an addition to
	¹ / ₄ of Section 20, Stanton		10/11/13	an existing single family
AG-1	Township; 1967 CR 2100N,			home
	Urbana, Illinois			
	PIN: 27-16-20-200-008	G	10/02/12	
276-13-02	Lot 22, Park Hills	Christopher	10/03/13	Construct garage
R-1	Subdivision, Section 11, Mahomet, Township; 1006	Phillips	10/11/13	additions to an existing
K-1	Forestview Drive, Mahomet,			single family home
	Illinois			
	PIN: 15-13-11-279-004			
276-13-03	Lot 105 of Trailside	Gary Johnson	10/03/13	Construct a detached
	Subdivision #3, Section 13,		10/11/13	garage
R-1	Mahomet Township; 2104 E.			
	Trailside Drive, Mahomet,			
	IL			
202 12 01	PIN: 15-13-13-376-001	D1.1 1	10/00/12	C
282-13-01	The E ½ of the SE ¼ and the	Donald and	10/09/13	Construct a single family home with attached
AG-1	S ½ of the SE ¼ of the NE ¼ in Section 6, East Bend	Debra Unzicker	10/17/13	garage
AG-1	Township; 3527 CR 700E,	Oliziekei		garage
	Foosland, Illinois			
	PIN: 10-02-06-400-001			
282-13-02	Lot 78, Wiltshire 6 th	Damon	10/08/13	Construct a detached
	Subdivision, Section 13, St.	Fairbanks	10/17/13	garage
R-1	Joseph Township; 1403			
	Brunswick Ct., St. Joseph,			
	IL			
	PIN: 28-22-13-304-025			

APPENDIX A. ZONING USE PERMITS ACTIVITY DURING OCTOBER, 2013

Permit Number	Zoning District; Property Description; Address; PIN	Owner Name	Date Applied, Date Approved	Project (Related Zoning Case)
*298-13-01	Accessibility requirements			
*298-13-02	Issued in November			
*301-13-01	Under review			
*303-13-01	Under review			
*303-13-02	Under review			

^{*}received and reviewed, however, not approved during reporting month

APPENDIX B. ZONING COMPLIANCE CERTIFICATES ISSUED DURING OCTOBER, 2013

Date	Permit Number	Property Description; Address; PIN	Project (Related Zoning Case)
10/09/13	232-13-01	A tract of land being the S ½ of the NW ¼ of Section 11, Stanton Township; 2268 CR 2200E, St. Joseph, Illinois PIN: 27-16-11-100-004	A detached storage shed for agriculture equipment
10/16/13	233-13-01	Lot 6, Sandwell Subdivision, Section 33, Philo Township; 1468H CR 600N, Tolono, Illinois PIN: 19-27-33-476-009	A detached garage (with conditions)
10/24/13	255-00-03	The N ½ of Block 3 of Lamar Foos Addition to the Town of Foosland, Section 17, Brown Township PIN: 02-01-17-255-001	A Community Center CASES: 251-S-00 & 252-V-00
10/24/13	130-13-01	The N ½ of Block 3 of Lamar Foos Addition to the Town of Foosland, Section 17, Brown Township PIN: 02-01-17-255-001	An addition to a Community Center