

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: **Champaign County Environment & Land Use Committee**

From: **John Hall, Zoning Administrator**
Susan Burgstrom, Senior Planner

Date: **February 7, 2017 (Supplemental Memorandum #1)**

RE: **Zoning Case 858-AM-16 - New information from Illinois Department of Resources for**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use with associated waiver in related Zoning Case 859-S-16.**

Petitioners: **Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart**

STATUS

On February 6, 2017, staff received a final response from the Illinois Department of Natural Resources regarding its evaluation and recommendations for protecting endangered species that could be affected by development on the subject property.

On February 7, 2017, staff received an email from Chris Marx, City of Urbana Planner, that stated the City will not protest the rezoning for Case 858-AM-16.

IDNR CONSULTATION AND RECOMMENDATIONS

As noted in the previous memorandum, on December 8, 2016, staff initiated a formal consultation process with the Illinois Department of Natural Resources (IDNR) regarding the impact of the proposed map amendment and special use on the Barnhart Prairie and the Franklin Ground Squirrel.

On January 11, 2017, IDNR representative Natalia Jones visited the subject property and adjacent Illinois Nature Preserve. She spoke with co-petitioner Abigail Frank during the visit regarding the Franklin Ground Squirrel habitat that is located where the grass parking area was proposed in the original Site Plan. The petitioners decided to propose a different parking area, northeast of the event center, and were told by IDNR that the proposed area would not be a concern.

On February 6, 2017, the Zoning Department received the Natural Resources Consultation Termination Letter from the Illinois Department of Natural Resources. The letter (see attachment) included a list of recommendations that would help protect the Franklin Ground Squirrel habitat on the subject property, as follows:

1. An ~8 foot buffer should be created between the proposed Bluestem Drive and the prairie boundary to minimize the possibility of species roadkill. The buffer should be mowed regularly and grass heights should not exceed ~4 inches with first mowing occurring before April 1st if weather conditions allow;
2. All personnel working on site should be advised of the species presence and taught to recognize juvenile and adult Franklin's Ground Squirrels. If the species is encountered, crews should stop work immediately and allow the squirrel to move away;

3. A speed limit sign should be installed by the entrance to Bluestem Drive;
4. Any disturbance to a vegetated strip on the East side of the property along the proposed parking lot will result in incidental taking which is a violation of the Illinois Endangered Species Protection Act;
5. If you wish to enhance the species habitat, construction of a berm or dirt pile will be beneficial. The species is likely to utilize any vegetated stockpiles (except clay). Please contact IDNR Biologist Eric Smith at 217-784-4730 ext. 225 for any additional information;
6. Strict adherence to best management practices for erosion and sedimentation control measures should be used to minimize the possibility of any adverse impacts to the Nature Preserve.

Staff forwarded the letter to petitioner Abigail Frank, and on February 6, 2017, staff received her response (see attachment). She indicated that she agrees to implement all recommendations.

Had this IDNR consultation been completed within the anticipated timeline, staff would have included a Special Condition of approval based on these recommendations. As it stands, the Special Use Permit for the event center was approved by the ZBA without this condition. Nonetheless, a condition can still be added to the rezoning if ELUC and the County Board desire.

PROPOSED SPECIAL CONDITIONS

The following special condition was recommended by the ZBA for Case 848-AM-16:

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with Land Resource Management Plan Policy 4.2.3.

Based on the IDNR recommendations, the following Special Condition of approval is recommended for the rezoning. All special conditions must be agreed to by the petitioner and that agreement should be reflected in the meeting minutes.

- B. **The petitioner shall abide by the recommendations of the Illinois Department of Natural Resources (IDNR) Endangered Special Consultation letter dated February 6, 2017, for Bluestem Hall (IDNR Project Number 1705136 [858-AM-16], which are the following:**
 - (1) **An ~ 8 foot buffer should be created between the proposed Bluestem Drive and the prairie boundary to minimize the possibility of species roadkill. The buffer should be mowed regularly and grass heights should not exceed ~ 4 inches with first mowing occurring before April 1st if weather conditions allow.**
 - (2) **All personnel working on site should be advised of the species presence and taught to recognize juvenile and adult Franklin's Ground Squirrels. If the**

species is encountered, crews should stop work immediately and allow the squirrel to move away.

- (3) A 15 mile per hour or less speed limit sign should be installed by the entrance to Bluestem Drive;
- (4) There will be no disturbance to an existing vegetated strip on the east side of the property along the proposed parking lot; disturbance will result in incidental taking which is a violation of the Illinois Endangered Species Protection Act.
- (5) Strict adherence to best management practices for erosion and sedimentation control measures should be used to minimize the possibility of any adverse impacts to the Nature Preserve.

The special condition stated above is required to ensure the following:

The establishment of the proposed use shall be compliant with Illinois Department of Natural Resources regulations and recommendations.

ATTACHMENTS

- A Consultation Termination Letter from the Illinois Department of Natural Resources received February 6, 2017
- B Email string between IDNR representative Natalia Jones, County Planner Susan Burgstrom, and petitioner Abigail Frank dated February 6, 2017
- C Email from City of Urbana Planner Chris Marx received February 7, 2017



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

February 06, 2017

Susan Chavarria
Champaign County Planning & Zoning
1776 E Washington St
Urbana, IL 61802

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FEB 06 2017

CHAMPAIGN CO. P & Z DEPARTMENT

RE: Bluestem Hall
Project Number(s): 1705136 [858-AM-16]
County: Champaign

Dear Ms. Chavarria:

This letter concerns the Endangered Species Consultation for the project noted above, located in Champaign County, Township 18 North, Range 9 East, Sections 4. This project was submitted for consultation in accordance with the Illinois Endangered Species Protection Act [520 ILCS 10/11], the Illinois Natural Areas Preservation Act [525 ILCS 30/17], and Title 17 Illinois Administrative Code Part 1075.

The project consists of conversion of a barn to a wedding/event center.

The Department has completed its review of the project and determined that, with the exception below, the resources identified by EcoCAT in the vicinity are unlikely to be affected.

The state-threatened Franklin's Ground Squirrel (*Poliocitellus franklinii*) is known to occur in the vicinity of the proposed project area. To minimize possible impact to the species, the Department recommends the following measures be incorporated into the project:

- An ~ 8 foot buffer should be created between the proposed Bluestem Drive and the prairie boundary to minimize the possibility of species roadkill. The buffer should be mowed regularly and grass heights should not exceed ~ 4 inches with first mowing occurring before April 1st if weather conditions allow;
- All personnel working on site should be advised of the species presence and taught to recognize juvenile and adult Franklin's Ground Squirrels. If the species is encountered, crews should stop work immediately and allow the squirrel to move away;
- A speed limit sign should be installed by the entrance to Bluestem Drive;
- Any disturbance to a vegetated strip on the East side of the property along the proposed parking lot will result in incidental taking which is a violation of the Illinois Endangered Species Protection Act;

- If you wish to enhance the species habitat, construction of a berm or dirt pile will be beneficial. The species is likely to utilize any vegetated stockpiles (except clay). Please contact IDNR Biologist Eric Smith at 217-784-4730 ext. 225 for any additional information;
- Strict adherence to best management practices for erosion and sedimentation control measures should be used to minimize the possibility of any adverse impacts to the Nature Preserve.

Consultation under 17 Ill. Adm. Code Part 1075 is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

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.

Sincerely,

Natalia Jones
Impact Assessment Section
217-785-5500
natalia.jones@illinois.gov

Susan Burgstrom

From: Jones, Natalia <Natalia.Jones@illinois.gov>
Sent: Monday, February 06, 2017 3:01 PM
To: Susan Burgstrom
Subject: RE: IDNR consultation for Bluestem Hall

Susan, thank you and Abigail for such a quick response!

I didn't specify mph for a speed limit in my letter but in my opinion ~15 mph will be reasonable.

Thank you for cooperating with us and best wishes to Abbie with her project.

Natalia

Natalia Jones
Impact Assessment Section
IDNR-Division of Ecosystems & Environment
One Natural Resources Way
Springfield, IL 62702
217-557-0483
natalia.jones@illinois.gov

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FEB 06 2017
CHAMPAIGN CO P & Z DEPARTMENT

From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Monday, February 06, 2017 2:47 PM
To: Jones, Natalia
Subject: [External] FW: IDNR consultation for Bluestem Hall

Hi Natalia,

Please see Abigail Frank's response below regarding your recommendations.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

From: Abigail Frank [mailto:abigail.k.frank@gmail.com]
Sent: Monday, February 06, 2017 2:44 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Re: IDNR consultation for Bluestem Hall

Susan Burgstrom

From: Susan Burgstrom
Sent: Monday, February 06, 2017 2:47 PM
To: natalia.jones@illinois.gov
Subject: FW: IDNR consultation for Bluestem Hall

Hi Natalia,

Please see Abigail Frank's response below regarding your recommendations.

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
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From: Abigail Frank [mailto:abigail.k.frank@gmail.com]
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Subject: Re: IDNR consultation for Bluestem Hall

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CHAMPAIGN CO. P & Z DEPARTMENT

Susan,

Thank you for sharing and good to know before this weeks meeting!

I am happy comply with the recommendations. The 8' buffer is an area we historically kept mowed anyway so that will be easy to continue. I will be sure all personnel coming into the property knows about the franklin ground quirels. As you saw in my traffic mitigation plan I plan on having road signs warning of prairie crossing as well as reduced speed limits. There is no reason we would disturb the vegetation strip on the east side of the new proposed parking lot. So I think we're all good there! Like I said, I am happy to comply and all of these recommendations make perfect sense to me.

Thank you!
Abbie

On Mon, Feb 6, 2017 at 2:03 PM, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Abbie,

Attached you'll find the IDNR consult termination letter from Natalia Jones. There are recommendations listed, and she asks that I notify her department of your decision regarding these recommendations.

Thanks,

Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
[217-819-4086](tel:217-819-4086)
www.co.champaign.il.us

From: Jones, Natalia [<mailto:Natalia.Jones@illinois.gov>]
Sent: Monday, February 06, 2017 1:30 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Cc: Njapa, Valerie <Valerie.Njapa@Illinois.gov>; Smith, Eric L. <Eric.L.Smith@Illinois.gov>
Subject: EcoCAT_1705136. Bluestem Hall

Susan,

Your consultation termination letter is attached.

Natalia Jones
Impact Assessment Section
IDNR-Division of Ecosystems & Environment
One Natural Resources Way
Springfield, IL 62702
[217-557-0483](tel:217-557-0483)
natalia.jones@illinois.gov

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Susan Burgstrom

From: Marx Christopher <cdmarx@urbanaininois.us>
Sent: Tuesday, February 07, 2017 9:29 AM
To: Susan Burgstrom
Subject: City Council Meeting

Susan,

Regarding any possible Resolution of Protest from the City for the Map Amendment, the City Council voted last night to defeat the resolution. Therefore, there will be no protest from the City. Please feel free to contact me if you have any questions.

-Chris

Christopher Marx
Planner I
City of Urbana
cdmarx@urbanaininois.us
(217) 384-2440

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FEB 07 2017

CHAMPAIGN CO. P & Z DEPARTMENT