



**CHAMPAIGN COUNTY BOARD**  
**ENVIRONMENT and LAND USE COMMITTEE AGENDA**

County of Champaign, Urbana, Illinois  
Thursday, October 10, 2019 - 6:30 p.m.

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

**Committee Members:**

Aaron Esry – Chair  
Eric Thorsland – Vice-Chair  
Jodi Eisenmann

Stephanie Fortado  
Jim Goss  
Kyle Patterson

<b>Agenda</b>	<b>Page #'s</b>
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. June 6, 2019 – Closed Session	
B. August 8, 2019	1-3
V. Public Participation	
VI. Communications	
VII. New Business: For Information Only	
A. October Events: Residential Electronics Collection and IEPA-Sponsored One-Day HHW Collection	4-5
VIII. New Business: Items to be Approved by ELUC	
A. Recreation & Entertainment License: Illini BMX, Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana for September 28, October 5, 12,18,26, 2019	6-13
B. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027	14-25
IX. New Business: Items to be Recommended to the County Board	
A. <b>Zoning Case 931-AM-19.</b> A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to add the Rural Residential Overlay Zoning District designation to allow for the development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 932-S-19 on a 17.2 acre tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.	26-54

**CHAMPAIGN COUNTY BOARD  
ENVIRONMENT and LAND USE COMMITTEE (ELUC)  
October 10, 2019 Agenda**

- B. **Zoning Case 932-S-19.** A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to authorize a special use permit for a Rural Residential Development of 5 single family residential lots in the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 931-AM-19 on a 17.2 acre tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.
- C. **Zoning Case 934-AM-19.** A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to change the Zoning District designation from the current CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Proposed Lots 1,2,3,4, and 5 in the Preliminary Plat of Subdivision created by Berns, Clancy and Associates dated July 31, 2019, in order to establish and operate a proposed Event Center as a special use permit authorized by the Zoning Board of Appeals in related Zoning Case 935-S-19 and commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.
- D. **Zoning Case 955-FV-19.** Request by Brad and Simone Ribbe to authorize a variance from the Champaign County Special Flood Hazard Areas Ordinance for construction and use of a shed in the Special Flood Hazard Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Flood Protection Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before sloping below the Flood Protection Elevation on property located at 2176 CR2100N, St. Joseph. 55-74
- E. **Zoning Case 903-S-18.** A request by Nexamp, 101 Summer Street, 2<sup>nd</sup> Floor, Boston MA 02110, via Barton Pitts, Director of Business Development Midwest Region, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz to approve the Decommissioning and Site Reclamation Plan for a Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW), on approximately 11 acres in the AG-1 Agriculture Zoning District. The subject property is a 121.79-acre tract comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney. 75-101

**CHAMPAIGN COUNTY BOARD  
ENVIRONMENT and LAND USE COMMITTEE (ELUC)  
October 10, 2019 Agenda**

- |       |   |         |
|-------|---|---------|
| F.    | Proposed Fee Increase: Waste Hauler License   | 102-114 |
| G.    | Proposed Intergovernmental Agreement and Bylaws for Proposed East<br>Central Illinois Land Bank Authority | 115-131 |
| X.    | Other Business  |         |
| XI.   | Chair's Report  |         |
| XII.  | Designation of Items to be Placed on the Consent Agenda   |         |
| XIII. | Adjournment   |         |

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

**MINUTES – SUBJECT TO REVIEW AND APPROVAL**

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DATE: Thursday, August 8, 2019  
TIME: 6:30 p.m.  
PLACE: Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E Washington, Urbana, IL 61802

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**Committee Members**

Present	Absent
Aaron Esry (Chair)	
Jodi Eisenmann	
Stephanie Fortado	
Jim Goss	
	Tanisha King-Taylor
	Kyle Patterson
Eric Thorsland (Vice-Chair)	

**County Staff:** John Hall (Zoning Administrator), Susan Monte (Planner), Rita Kincheloe (Recording Secretary)  
**Others Present:** Giraldo Rosales (County Board Chair)

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**MINUTES**

**I. Call to Order**

Committee Chair Esry called the meeting to order at 6:30 p.m.

**II. Roll Call**

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

**III. Approval of Agenda**

**MOTION** by Mr. Goss to approve the agenda, seconded by Ms. Fortado. Upon vote, the **MOTION CARRIED** unanimously.

**IV. Approval of Minutes**

A. *ELUC Committee Meeting – June 6, 2019*

**MOTION** by Mr. Thorsland to approve the minutes of the June 6, 2019 ELUC meeting; second by Ms. Eisenmann. Upon vote, the **MOTION CARRIED** unanimously.

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**V. Public Participation**

Randy Huffman, who lives at 401C Co Rd 2600N, Mahomet, spoke regarding the maintenance of the lane that leads to the Foster Parcel. He stated that he would like to see maintenance of the lane included in an agreement that is approved prior to an increase in traffic.

**VI. Communications**

Mr. Thorsland spoke on the passing of Ralph Langenheim. He served on every committee and his honesty will be missed.

**VII. New Business: for Information Only**

*A. Champaign County Multi-Jurisdictional Hazard Mitigation Plan Update Project*

Ms. Monte stated that Champaign County was notified of its selection to receive a Pre-Disaster Mitigation grant totaling \$69,442.13, consisting of a Federal share of \$52,081.50, and a non-Federal share of \$17,360.63. We are still awaiting a formal agreement and will have a Budget Amendment going to the Finance Committee next week. The project began this July and will continue through June. One intern will be hired.

*B. IEPA-sponsored Unit of Local Government Tire Collection for August 2019*

The Illinois IEPA is willing to cover the costs of a Unit of Local Government Tire Collection in Champaign County during this August-September. Ms. Monte explained that Mr. Padgett, Champaign Township Road Commissioner, proposed the idea of a tire collection. Allocation of funds was confirmed today. Collections will begin in August and go through the week of September 16<sup>th</sup>. Notifications will be sent. No tire collection is planned for residents at this time.

*C. Prospect of IEPA-sponsored One-Day HHW Collection this Fall*

Ms. Monte stated after a seven year wait, we have been selected (unofficially), for a collection this fall. The tentative date is the weekend of October 26, 2019. A tentative location is located at the future Cosco parking lot area at Market Place Mall.

*D. Update on IHDA Abandoned Properties Program Grant*

Mr. Hall reminded the Committee that they applied for a grant through 2020 with IHDA. Approved for approximately \$70,000 for the first round. In December, they received notification that the first \$12,000 would be approved. At this time, the amount received has not been confirmed by the Treasurer's office. Mr. Hall stated that he is still working on additional demolitions to be submitted through the middle of 2020.

*E. Update on Recruitment of Zoning Officer*

Mr. Hall reminded the Committee that a Zoning Officer retired on June 28, 2019. Previous Champaign County employee, Charlie Campo, was hired for the vacant position. He has agreed to start on August 19, 2019.

**VIII. New Business: Items to be Approved by ELUC**

*A. Recreation & Entertainment License: Darren Tharp for live music festival, 905 East Perkins Road, Urbana, for September 14, 2019*

**MOTION** by Mr. Goss to approve; second by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

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**IX. New Business: Items to Receive and Place on File by ELUC Committee to Allow a Review Period Until October 10, 2019**

*A. Proposed Fee Increase: Waste Hauler License*

Ms. Monte stated that Ms. Ogden suggested increasing the waste hauler license fee. The fee has not increased since 1996 and they are not equitable across the board. A per vehicle rate is recommended over the flat fee. Eight other counties that were compared were also doing a per vehicle rate. Ms. Monte suggested a \$25 per vehicle fee and to not exceed \$50 per vehicle. There wasn't any feedback received from the waste haulers. She pointed out the City of Urbana has a fee of \$100 per vehicle. Motion was **RECEIVED and PLACED ON FILE**, unanimously.

**X. New Business: Items to be Recommended to the County Board**

*A. Subdivision Case 202-19: Foster Subdivision – Final Plat Approval of a One-Lot Minor Subdivision located in the West Half of the Northwest Quarter of Section 26 of T21N-R7E of the Third Principal Meridian in Newcomb Township and commonly known as the south half of the property located at 401B CR 2600N, Mahomet.*

Mr. Hall discussed the condition that was requested by Mr. Huffman. The ZBA did include the special condition that Mr. Huffman requested. Anyone that requests a permit must agree to participate in maintenance. Ms. Eisenmann received confirmation from Theresa Foster, who lives at 401B Co Rd 2600N, that the property will most likely be sold to someone outside of the family.

**MOTION** by Mr. Thorsland; seconded by Ms. Fortado. Upon vote, the **MOTION CARRIED** unanimously.

*B. Proposed Minor Amendments to the Land Resource Management Plan*

Ms. Monte spoke to the data from the 2017 agriculture census. There was an increase of small farms and large farms with a decrease in mid-size farms. The overall number of farms is decreasing.

**MOTION** by Mr. Thorsland to approve; seconded by Mr. Goss. Upon vote, the **MOTION CARRIED** unanimously

**XI. Other Business**

There was no other business.

**XII. Chair's Report**

There was no Chair's report.

**XIII. Designation of Items to be Placed on the Consent Agenda**

X. A and X. B

**XIV. Adjournment**

There being no further business, Mr. Esry adjourned the meeting at 7:00 p.m.

*Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*

**PLANNING &  
ZONING**

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

(217) 384-3708  
[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

DATE: September 24, 2019  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner, Recycling Coordinator for Champaign County  
RE: Two Residential Collection Events to be Held this October  
ACTION  
REQUESTED: Information Only

### **Residential Electronics Collection (REC) on October 12, 2019**

Champaign County and participating municipalities in Champaign County will hold the next REC event at Parkland College on October 12, 2019. Only residents of unincorporated Champaign County and residents of participating municipalities are eligible to register online to participate. Attachment A details which communities in Champaign County are participating in 2019.

Online Registration for the October 12, 2019 REC is open at **[ecycle.simplybook.me](http://ecycle.simplybook.me)**. Eligible residents who register online at **[ecycle.simplybook.me](http://ecycle.simplybook.me)** to attend may bring up to four TVs per household to the REC event. The four TVs may be any type or size, functioning or non-functioning. Each TV brought to the REC event must be intact and not in pieces.

Carpooling is encouraged. Simply bring the postcard from each registered household.

### **IEPA-Sponsored One-Day Household Hazardous Waste (HHW) Collection on October 26, 2019**

This IEPA-sponsored One-Day HHW Collection event is open to all Illinois residents. The event is co-sponsored by Champaign County, City of Champaign, City of Urbana, and Village of Savoy.

Residents must register to attend this event!

The online registration is open at **[hhwevent.simplybook.me](http://hhwevent.simplybook.me)**.

The IEPA One-Day HHW Collection event will be held at a designated Market Place Mall parking lot. Participants registering will select a 15-minute appointed time to arrive, at a time between 8 am and 3pm. An entry ticket and details will be provided to all those who register online to attend.

### **Additional Information**

Information about items accepted at the REC event or at the HHW event is available at the [Champaign County RRR webpage](#). The Recycling Coordinator for Champaign County, Susan Monte, will accept inquiries about the events at [smonte@co.champaign.il.us](mailto:smonte@co.champaign.il.us) or (217) 819-4127.

### **Attachment**

A Communities in Champaign County Contributing to Support of the Residential Electronics Collection Events in 2019

Communities in Champaign County Contributing to Support of the Residential Electronics Collection  
Events in 2019

<b><u>Participating Communities in 2019</u></b>	<b><u>Communities not Participating in 2019</u></b>
Unincorporated Champaign County Bondville Broadlands City Champaign Fisher Gifford Homer Ivesdale Longview Ludlow Mahomet Ogden Rantoul Royal Sadorus St. Joseph Savoy Sidney Thomasboro Tolono Urbana	Foosland Pesotum Philo



STATE OF ILLINOIS,  
Champaign County  
Application for:  
Recreation & Entertainment License

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. 2019-ENT-40

Date(s) of Event(s) 9/28, 10/5, 10/12, 10/19, 10/26

Business Name: ILLINI BMX

License Fee: \$ 50.00

Filing Fee: \$ 4.00

TOTAL FEE: \$ 54.00

Checker's Signature: \_\_\_\_\_

Filing Fees: **FILED**  
 SEP 09 2019  
 Per Year (or fraction thereof): \$ 100.00  
 Per Single-day Event: \$ 10.00  
 Clerk's Filing Fee: \$ 4.00

Checks Must Be Made Payable To: Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A. 1. Name of Business: ILLINI BMX
- 2. Location of Business for which application is made: Champaign County Fair Grounds, 1302 N. Coler Avenue, Urbana, IL 61803
- 3. Business address of Business for which application is made: 305 S. East St. Manassett, IL 61854
- 4. Zoning Classification of Property: \_\_\_\_\_
- 5. Date the Business covered by Ordinance No. 55 began at this location: 4, March 2019
- 6. Nature of Business normally conducted at this location: Annual county fair and facilities rentals.
- 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): Bicycle Motocross Racing or BMX.
- 8. Term for which License is sought (specifically beginning & ending dates): Five, single day race events to be held on Saturdays begin on 5, Oct. 2019  
 (NOTE: All annual licenses expire on December 31st of each year)  
12, Dec 2019 then to end on 2, April 2019 or 9, Nov 2019.
- 9. Do you own the building or property for which this license is sought? No
- 10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: Champaign County Fair Association, 1302 N. Coler Avenue, Urbana, IL 61803. Lease to end: 10, March 2021

SEPT 28  
OCT 5  
OCT 12  
OCT 19  
OCT 26

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE AND WILL BE RETURNED TO APPLICANT

B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: N/A Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
Citizenship: \_\_\_\_\_ If naturalized, place and date of naturalization: \_\_\_\_\_

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_ Citizenship: \_\_\_\_\_  
If naturalized, state place and date of naturalization: \_\_\_\_\_
2. Residential Addresses for the past three (3) years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:  
ILLINI BMX
2. Date of Incorporation: 4, March 2019 State wherein incorporated: Illinois

3. If foreign Corporation, give name and address of resident agent in Illinois:

N/A

Give first date qualified to do business in Illinois: \_\_\_\_\_

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

305 S. East St. Mansfield, IL. 61854

5. Objects of Corporation, as set forth in charter: Athletic

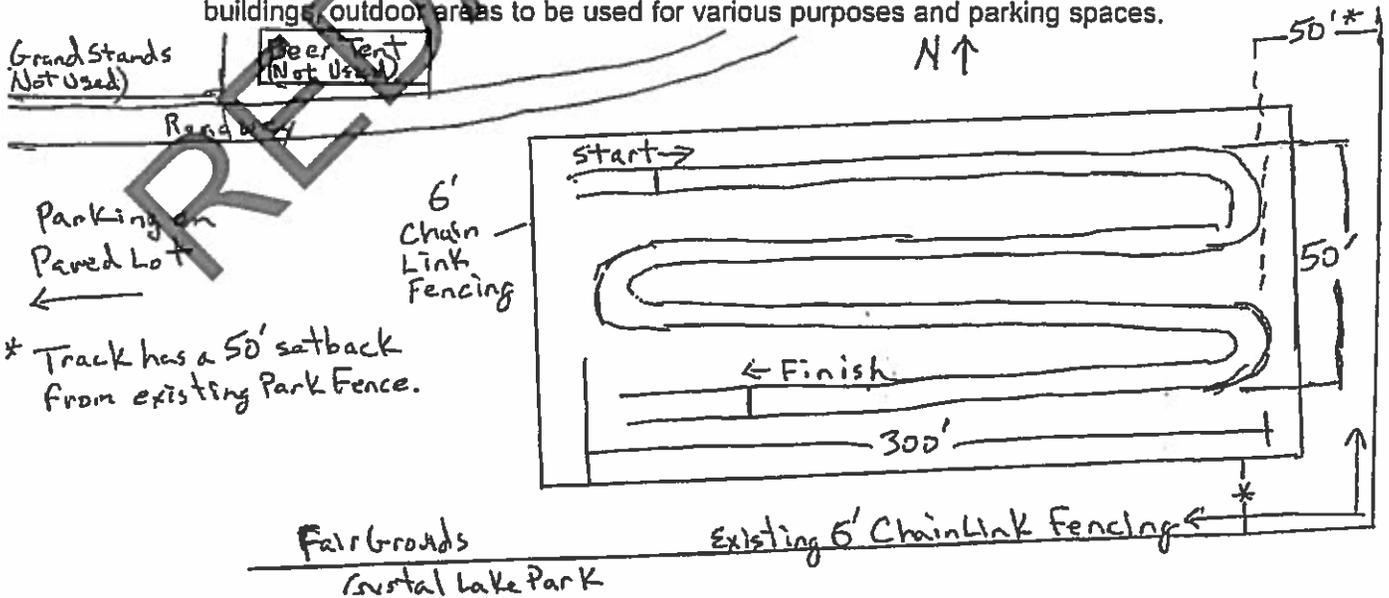
6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: David Kirby Title: President  
Date elected or appointed: 4. March 2019 Social Security No.: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: Champaign, IL.  
Citizenship: United States of America  
If naturalized, place and date of naturalization: \_\_\_\_\_

Residential Addresses for past three (3) years: 305 S. East St.  
Mansfield, IL. 61854

Business, occupation, or employment for four (4) years preceding date of application for this license: Lunch room Supervisor / Bus Monitor - Mahomet School District #3

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.



**AFFIDAVIT**  
(Complete when applicant is an Individual or Partnership)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

\_\_\_\_\_  
Signature of Owner or of one of two members of Partnership

\_\_\_\_\_  
Signature of Owner or of one of two members of Partnership

\_\_\_\_\_  
Signature of Manager or Agent

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AFFIDAVIT**  
(Complete when applicant is a Corporation)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

*[Signature]*  
\_\_\_\_\_  
Signature of President

*[Signature]*  
\_\_\_\_\_  
Signature of Secretary

\_\_\_\_\_  
Signature of Manager or Agent

Subscribed and sworn to before me this 9<sup>TH</sup> day of September, 2019.



*[Signature]*  
\_\_\_\_\_  
Notary Public

This **COMPLETED** application along with the appropriate amount of cash, or certified check made payable to \_\_\_\_\_, CHAMPAIGN COUNTY CLERK, \_\_\_\_\_, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, Illinois 61802. A \$4.00 Filing Fee should be included.

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: \_\_\_\_\_

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: \_\_\_\_\_

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Michael E. Kobel Title: Vice-President/Secretary

Date elected or appointed: 4, March 2019 Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: Urbana, IL

Citizenship: United States of America

If naturalized, place and date of naturalization: \_\_\_\_\_

Residential Addresses for past three (3) years: 1408 E. Florida, Urbana, IL 61801

Business, occupation, or employment for four (4) years preceding date of application for this license: Crash Rescue Security Coordinator, University of Illinois - Willard Airport Fire Department.

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

217-841-2759  
MIKE

REDACTED COPY

3. If foreign Corporation, give name and address of resident agent in Illinois:

\_\_\_\_\_  
\_\_\_\_\_

Give first date qualified to do business in Illinois: \_\_\_\_\_

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

\_\_\_\_\_  
\_\_\_\_\_

5. Objects of Corporation, as set forth in charter: \_\_\_\_\_

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: William Henderson Title: Director

Date elected or appointed: 4, March 2019 Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: Urbana, IL

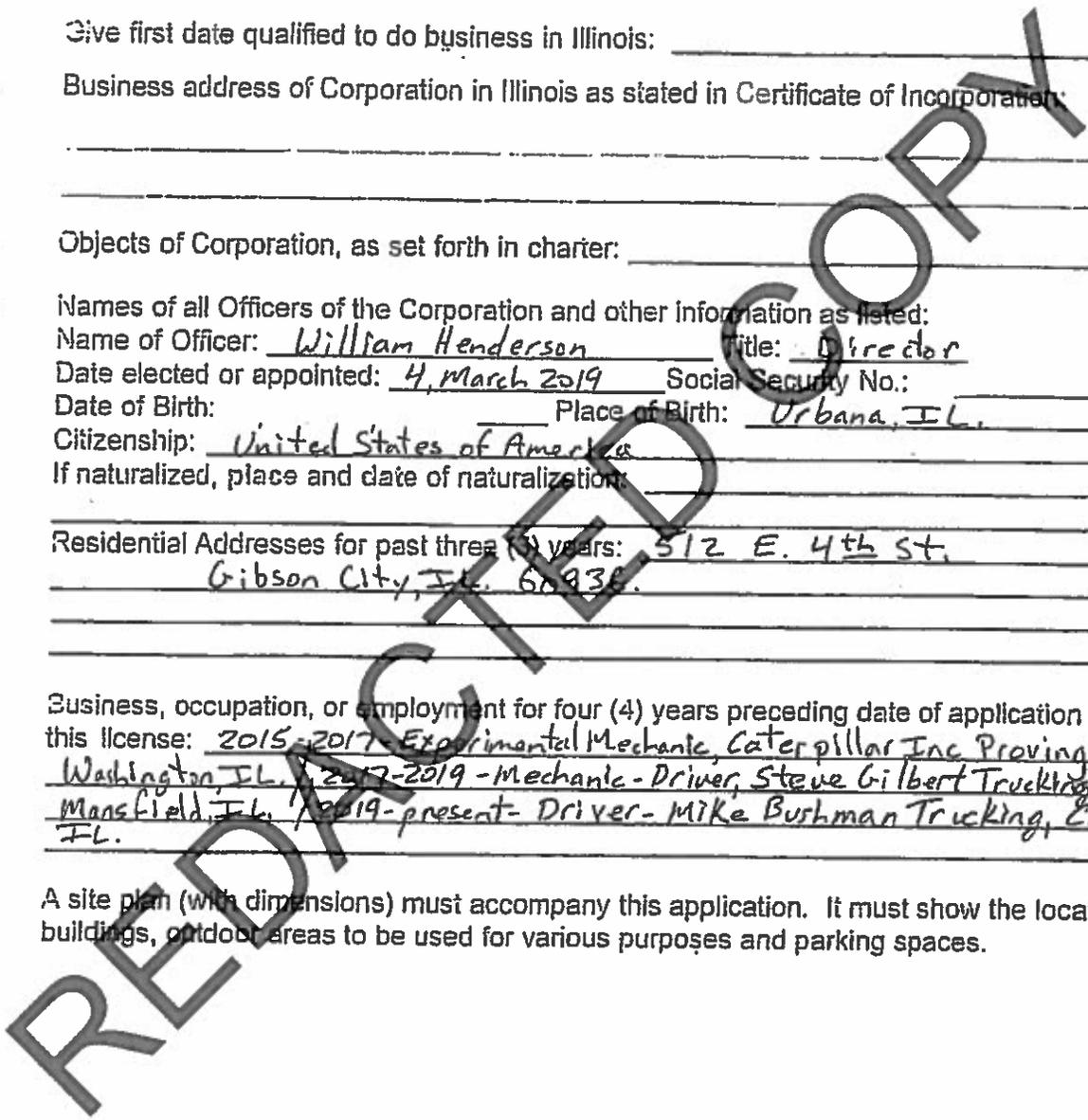
Citizenship: United States of America

If naturalized, place and date of naturalization: \_\_\_\_\_

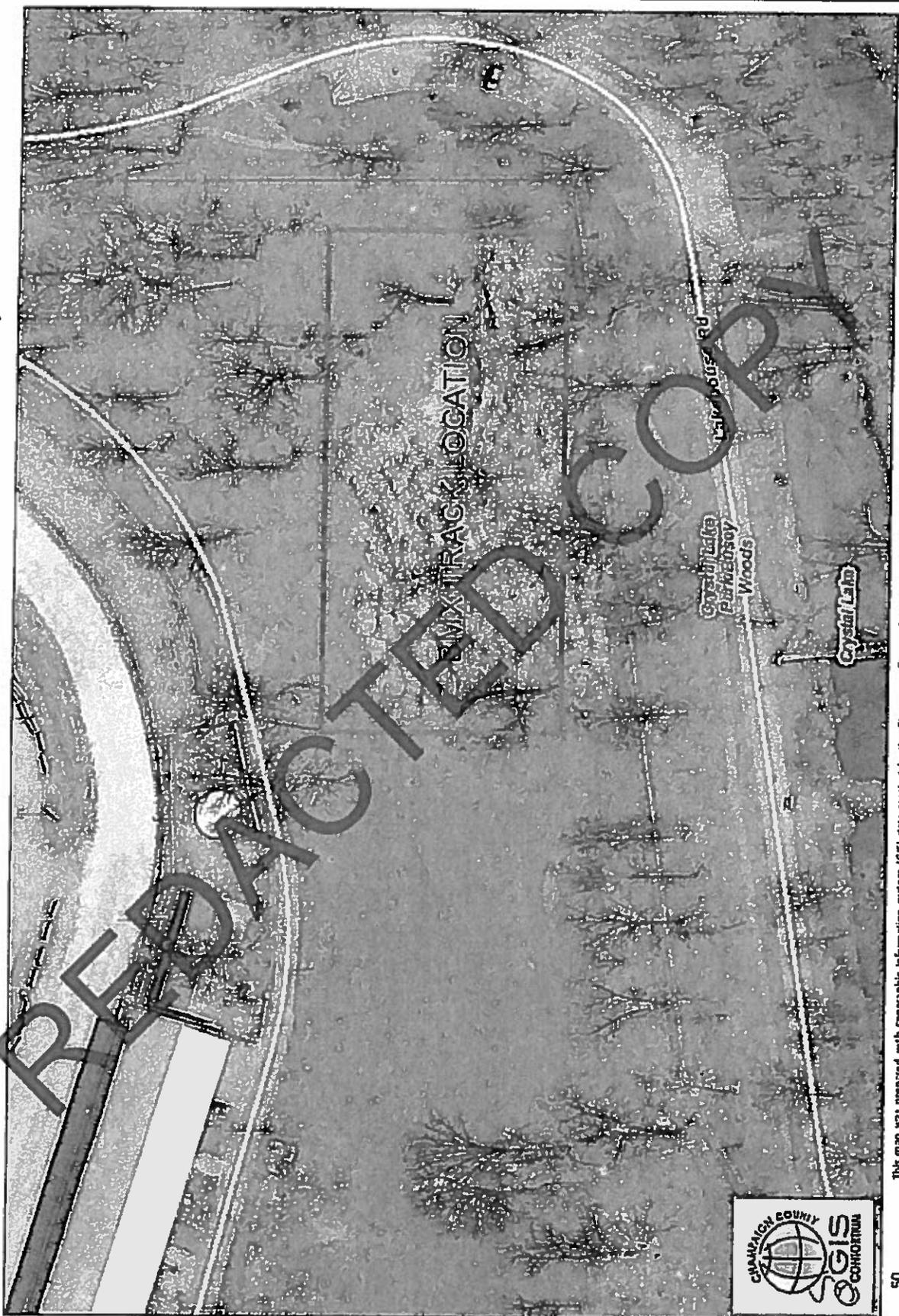
Residential Addresses for past three (3) years: 512 E. 4th St.  
Gibson City, IL 60938.

Business, occupation, or employment for four (4) years preceding date of application for this license: 2015-2017 - Experimental Mechanic, Caterpillar Inc Proving Grounds, Washington, IL.  
2017-2019 - Mechanic - Driver, Steve Gilbert Trucking, Mansfield, IL.  
2019-present - Driver - Mike Bushman Trucking, Champaign, IL.

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.



# GIS Webmap Public Interface Champaign County, Illinois



This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS) or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or timeliness of GIS data for any purpose. The GIS data within this map is intended to be used as a general reference and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgment of this disclaimer.

50 Feet  
Date: Thursday, August 29, 2019



ILLIBMX-01

ABUDD

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
6/10/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Snyder Insurance Agency 2500 Village Green Place Champaign, IL 61822	CONTACT NAME Alina Budd	PHONE (A/C, Ho, Est): (217) 531-8000	FAX (A/C, Ho): (309) 664-1885
	E-MAIL Address: alina.budd@unsurewithsnyder.com		
INSURED  Illini BMX, LLC P.O. Box 231 Mansfield, IL 61854	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: West Bend Mutual		15360
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES      CERTIFICATE NUMBER:      REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD. INSR	SUBR. WVD	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJ. <input type="checkbox"/> LDC OTHER:	X		A820334	6/7/2019	6/7/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 500,000 MED EXP (Any cos person) \$ 1,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> Hired AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OED <input type="checkbox"/> RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - SA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  Champaign County Fair Association 1302 N Coler Ave Urbana, IL 61801	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

ACORD 28 (2016/03)

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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, Zoning Administrator**  
**DATE: September 24, 2019**  
**RE: Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027**

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## BACKGROUND

The Cannabis Regulation and Tax Act (CRTA; House Bill 1438) was recently approved by both houses of the State legislature and is expected to be signed by the Governor and become law on January 1, 2020.

Attachment A is a review of the CRTA by the Illinois Association of County Board Members. The CRTA should be of interest to Champaign County for more than just land use considerations but this memo will focus on land use considerations.

## COUNTY LAND USE CONSIDERATIONS ARISING FROM THE CRTA

Once the CRTA goes into law, Champaign County should decide whether or not to opt out of the CRTA and ban recreational marijuana businesses. A unit of local government has up to one year from the effective date of the amendment to prohibit the establishment of a cannabis business.

If Champaign County does not opt out of the CRTA, the County should take care to amend the Zoning Ordinance to make clear when, where, and how recreational marijuana businesses may be permitted.

The second page of Attachment A reviews basic zoning considerations related to the CRTA. Note that the CRTA includes a requirement for a 1,500 foot separation between dispensaries. The CRTA also prohibits “craft growers” from locating in “...an area zoned for residential use.”

## PROPOSED AMENDMENT ASSUMING ZONING AUTHORIZATION FOR ADULT CANNABIS LAND USES

A draft Zoning Ordinance amendment to authorize adult cannabis land use is included as Attachment B and can be summarized as follows:

- This amendment has been kept as simple as possible and assumes that the County Board will authorize each of the various types of cannabis related land uses authorized by the CRTA. In fact, the County Board can pick and choose which types of cannabis related land uses it will authorize in the Zoning Ordinance.
- The amendment only authorizes cannabis related businesses “by right” and no special use permits are required.
- The amendment authorizes the various cannabis related businesses in zoning districts where similar uses are authorized. For example, Dispensaries are only authorized in the principal business districts, B-4 General Business and B-5 Central Business Districts, and Processors and Infusers are only authorized in the I-2 Heavy Industry Zoning District.

**Zoning Administrator Proposed Cannabis Zoning Regulations**  
September 24, 2019

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- Cultivation Centers and Craft Growers are authorized in all Zoning Districts because these uses agricultural in nature and an Illinois county cannot regulate agriculture.
- The amendment includes the 1,500 feet separation between Dispensaries that is mentioned in the CRTA but it does include the prohibition on Craft Grower in any residential district because Craft Grower seems to be an agricultural use that is exempt from the Zoning Ordinance. The State's Attorney's Office will have to provide guidance regarding regulation of Craft Growers.
- All uses are required to be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.

**CRTA IS NOT FINAL YET**

Additional relevant legislation is anticipated in November of this year that could change the CRTA. That legislation will have to be monitored for any changes that might be relevant to the proposed amendment.

**ATTACHMENTS**

- A *Insight: Cannabis Regulation and Tax Act*. Illinois Association of County Board Members. July 31, 2019.
- B Proposed Amendment



Business Cannabis Regulation and Local Zoning



Cannabis County Retailer Occupation Tax



Local Enforcement and Criminal Record Expungement



# Insight

## Cannabis Regulation and Tax Act

**On May 31, 2019, the Illinois General Assembly adopted the Cannabis Regulation and Tax Act legalizing the sale, possession and use of marijuana for recreational purposes by adults over age 21. Illinois is the 11th state to legalize marijuana and the first state to do so by legislative action rather than by public referendum. The new law is being called the most progressive in the country. The Act takes effect immediately for regulatory and licensing purposes, but the sale and possession of cannabis will not become legal until January 1, 2020.**

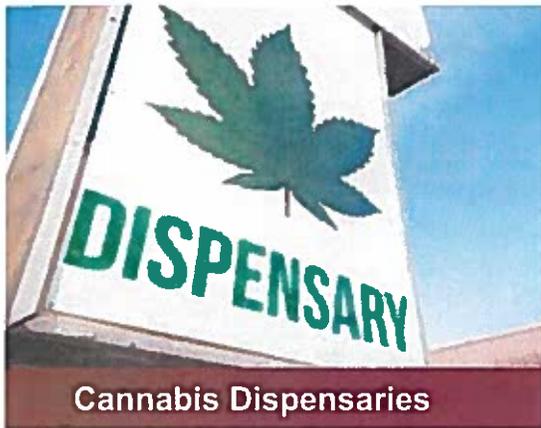
The Cannabis Regulation and Tax Act legalizes the sale, possession and use of cannabis by persons 21 and older for recreational purposes and provides for a rapid expansion in the number of cannabis retailers. The Act sets tax rates on both wholesale transactions by cultivators and retail sales by dispensaries. It also authorizes counties and municipalities to impose local taxes on retail sales.

Primary licensing authority for cannabis businesses is reserved to the state, while local governments are granted limited authority to regulate cannabis businesses through zoning.

The Act also tasks state and local law enforcement agencies with expunging decades of criminal records involving minor cannabis offenses. The provisions of the Act requiring expungement of minor

cannabis offenses were narrowed to exclude felony convictions and the time period to complete the expungement process was extended.

One surprising late addition to the Act was the ability for cannabis businesses to allow on-premises consumption subject to local permission. This research brief focuses on how legalization of cannabis will impact local governments in Illinois.



There are currently 55 cannabis dispensaries and 20 cannabis cultivation centers in Illinois serving the state's 46,000 medical cannabis patients. It is expected that the majority of these facilities will apply to the state for "early approval" licenses to allow them to supply the recreational market starting on January 1, 2020.

In addition, existing dispensaries will be permitted to apply for a "secondary site" license to open a second dispensary location within the same regional area. Applicants for "secondary site" licenses will be required to demonstrate that their proposed use complies with local zoning rules. **NOTE:** Interestingly, dispensaries seeking "early approval" licenses for their existing locations will not be required to demonstrate to the state that they will be allowed to sell cannabis for non-medical purposes under their current zoning. This may result in conflicts between the state licensing agencies and municipalities that have narrowly defined dispensaries solely as medical facilities.

The issuance of "secondary site" licenses could double the number of licensed dispensaries in the state by Jan. 1, 2020. After that, the Illinois Department of Financial and Professional Regulation (IDFPR) will have the authority to issue up to 500 total dispensary licenses on a staggered basis through 2022.

In addition to significantly expanding the number and capacity of licensed dispensaries and cultivation centers, the Act establishes new categories of business licenses for cannabis transporters, infusers, processors and craft growers, which are smaller-scale cultivate operations that can also operate an on-site dispensary.

## Cannabis Regulation and Tax Act

### What will be allowed?



As of January 1, 2020, Illinois residents over age 21 will be allowed to possess up to 30 grams of raw cannabis, 5 grams of cannabis concentrate or cannabis-infused products containing up to 500 milligrams of THC. All permitted cannabis products must be purchased from a licensed dispensary.

*Adults 21 and over will be allowed to consume cannabis on private property away from minors and certain prohibited areas.*

### What will be prohibited?

- Consumption of cannabis in any "public place." A "public place" is defined as "any place where a person could reasonably be expected to be observed by others" but excludes private residences
- Consumption of cannabis on school grounds
- Consumption "in close physical proximity" to persons under 21
- Smoking cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
- Sale of cannabis to minors under the age of 21
- Home delivery of cannabis to a consumer by a cannabis business
- Possession and consumption by a minor under the age of 21 (other than for legal medical purpose)
- Possession of cannabis in motor vehicle unless the cannabis is in a "sealed, odor-proof, child resistant, tamper-evident cannabis container" and "reasonably inaccessible"
- Driving under the influence of cannabis (DUI)

**As with alcohol-related offenses, the enforcement and prosecution of most cannabis offenses will be the responsibility of local governments.**

*Most importantly, the right of unlicensed private citizens to grow cannabis for personal use in their own home was removed from the Act. It allows only medical-marijuana patients to grow their own.*



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## Local Authority Over the Sale and Consumption of Cannabis

The preamble of the Cannabis Regulation and Tax Act declares the regulation of recreational cannabis sale and consumption is a matter of statewide concern, effectively preempting local governments, including home-rule units, from imposing regulations that conflict with, or are more stringent than, the Act. Nevertheless, the Act does grant local governments limited authority over certain aspects of recreational cannabis.

### Zoning

First, and most importantly, a municipality may "prohibit or significantly limit" the location of cannabis businesses by ordinance. It is expected that this provision will be interpreted to allow municipalities to impose a generally applicable prohibition on recreational cannabis businesses from locating in any zoning district. This authority includes the ability to allow certain classes of cannabis businesses (e.g., cultivation centers or processors) while prohibiting others (e.g., dispensaries). **NOTE:** The Illinois Compassionate Use of Medical Cannabis Pilot Program Act still requires municipalities to allow medical cannabis facilities to locate and operate pursuant to reasonable zoning restrictions.

If a municipality chooses to permit cannabis businesses to locate and operate within its borders, it may also enact reasonable zoning regulations that are not in conflict with the Act. This authority would include permitting cannabis businesses to locate in certain zoning districts but not others, and imposing generally applicable off-street parking requirements.

*Further, the Act explicitly authorizes municipalities to impose limits on the "time, place, manner, and number" of cannabis business by requiring the businesses to obtain conditional or special use permits. These limits must be reasonable and may not conflict with the requirements of the Act.*

Although requiring cannabis businesses to obtain a conditional or special use permit will be useful to local zoning authorities, determining whether a local restriction conflicts with the Act may be more difficult than the drafters anticipated. For instance, the Act allows dispensaries to operate between 6 a.m. and 10 p.m. It is uncertain whether a municipality would be allowed to require shorter hours of operation as a condition of issuing a conditional use permit for a dispensary. Similar questions arise with regard to separation requirements. The Act prohibits new dispensaries from locating within 1,500 feet of another dispensary. Whether a municipality could require a greater separation distance is not clear. Finally, the ability to limit the "number" of cannabis businesses through a conditional use permit process raises the question of whether a municipality could impose a hard numerical cap on the number of conditional use permits the municipality would be willing to issue.



### Business Licensing

Although licensing of cannabis businesses will be the exclusive domain of states agencies such as the Department of Agriculture (cultivation centers, processors, infusers, transporters, and craft growers) and the IDFPR (dispensaries), local governments may still enforce generally applicable business registration requirements for cannabis businesses and conduct inspections of premises to ensure compliance with local building codes.

One area in which municipalities appear to have been granted broad regulatory authority is on-premises consumption. Early versions of the Act only allowed for consumption of cannabis in private residences, but the final version allows for on-premises consumption of recreational cannabis in a licensed cannabis business, subject to local permission and regulation.

**Bill author and principal sponsor Rep. Kelly Cassidy (D-Chicago) clarified that this would permit smoking lounges as accessory uses to dispensaries, but the decision of whether, and to what extent, to allow them would be left to local governments.**



If a municipality chooses to allow on-premises consumption through the grant of a local license or permit, it is expected that the municipality could impose significant restrictions on the location, security, and environment in which such consumption would occur.

Requiring cannabis dispensaries to obtain a local "on-premises consumption" license will also provide municipalities with a legitimate justification to periodically inspect the licensed premises to ensure compliance with local regulations.

## REGULATING PERSONAL POSSESSION AND CONSUMPTION

The Act provides municipalities with the authority to locally regulate possession and consumption of cannabis by private citizens in a manner consistent with the Act.

Accordingly, municipalities should evaluate whether to adopt the prohibitions and penalties of the Act into their local codes. This will give the local governments the ability to enforce and prosecute these offenses (with the exception of DUIs) through local adjudication or the circuit court, so long as the penalties do not exceed those provided for in the Act.

### Possession limit for Illinois residents:

- 30 grams of cannabis flower;
- 5 grams of cannabis concentrate; and
- No more than 500 milligrams of THC contained in a cannabis-infused product;
- Registered patients in the medical cannabis pilot program may possess more than 30 grams of cannabis if it is grown and secured in their residence under certain conditions.

### Possession limit for non-Illinois residents:

- 15 grams of cannabis flower;
- 2.5 grams of cannabis; and
- No more than 250 milligrams of THC contained in a cannabis-infused product.



*These avenues for enforcement will become increasingly important if state's attorneys' offices follow the lead of Cook County and decline to devote ongoing resources to prosecution of low-level cannabis offenses by individuals.*



**The possession limits are to be considered cumulative.**

The legalization of adult use cannabis does not alter the state's medical cannabis pilot program. Cultivators and dispensaries will be required to reserve sufficient supply to ensure patient access to product is not interrupted.

## Labor and Employment: Drug Free Work Zones

The Act maintains important protections for employers previously established under the Compassionate Use of Medical Cannabis Pilot Program Act of 2013 (Medical Cannabis Act), including the ability to enforce reasonable workplace policies such as "drug free" or "zero tolerance" policies and to impose discipline up to, and including, termination if an employee is impaired or under the influence of cannabis while in the workplace. The Act's final language resolves ambiguity caused by earlier drafts that did not expressly authorize "drug free" and "zero tolerance" policies.

The Act's employment provisions differ from the Medical Cannabis Act in two main respects. First, the Act precludes employees from being impaired or under the influence of cannabis not only in the workplace, but also if they are "on call." Employees are considered to be "on call" if they are scheduled to be on standby with at least 24 hours' notice or otherwise responsible for performing work-related tasks. Second, the Act amends the Illinois Right to Privacy in the Workplace Act, which protects employees from adverse employment actions related to their use of "lawful products" outside of working hours, to clarify that recreational cannabis is considered a "lawful product." It is unclear how this provision is intended to interact with the Act's authorization for employers to impose "zero tolerance" policies, so it will be important to carefully monitor how courts will strike a balance between the competing rights of employers and employees.



**NOTICE**

**THIS IS A  
DRUG-FREE  
WORKPLACE**



# taxation

Recreational cannabis will be subject to multiple layers of taxation, on top of existing state, county and local sales taxes. In addition to state taxes on wholesale cannabis sales by cultivation centers and retail sales by dispensaries, counties and municipalities may impose local retailer occupation taxes on dispensary sales.

Non-home rule counties are authorized to impose a tax of up to 0.75 percent in incorporated areas and 3.75 percent on sales emanating from unincorporated areas. Cook County, the only home-rule county in the state, is authorized to impose a tax of 3 percent regardless of whether the sale occurs in an incorporated or unincorporated area. Municipalities are likewise authorized to impose a 3 percent retailer occupation tax on final sales to consumers. All local taxes will be collected by the state and deposited into dedicated funds that will be protected from budgetary sweeps. These revenues will be disbursed to local governments in the same manner as local sales tax revenues.



## ALL TAXES ARE DEPOSITED IN THE NEW CANNABIS REGULATION FUND

### Cultivation Privilege Tax

- 7% of the gross receipts from the sale of cannabis by a cultivator or a craft grower to a dispensing organization

### Cannabis Purchaser Excise Tax

- 10% of the purchase price – Cannabis with a THC level at or below 35%
- 20% of the purchase price – All cannabis infused products
- 25% of the purchase price – Cannabis with a THC level above 35%
- This tax is not imposed on cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Pilot Program Act
- This tax shall be in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

### Municipal Cannabis Retailers' Occupation Tax

On and after January 1, 2020, the corporate authorities of a municipality may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail location in the municipality on the gross receipts from these sales. If imposed, the tax shall be imposed in 0.25% increments and may not exceed 3% of the gross receipts from these sales.

## ALLOCATION OF STATE REVENUE

State agencies responsible for administering the adult use cannabis program will receive resources to cover administrative costs from the taxes collected by the program.

### All remaining revenue will be allocated as follows:

- 35% will be transferred to the General Revenue Fund,
- 25% will be transferred to the Criminal Justice Information Projects Fund to support the R3 program,
- 20% will be transferred to the Department of Human Services Community Services Fund to address substance abuse and prevention and mental health concerns,
- 10% will be transferred to the Budget Stabilization Fund to pay the backlog of unpaid bills,
- 8% will be transferred to the Local Government Distributive Fund to support crime prevention programs, training, and interdiction efforts, including detection, enforcement, and prevention efforts, relating to the illegal cannabis market and driving under the influence of cannabis, and
- 2% will be transferred to the Drug Treatment Fund to fund public education campaign and to support data collection and analysis of the public health impacts of legalizing the recreational use of cannabis.



### Cannabis County Retailers Occupation Tax

On and after January 1, 2020, the corporate authorities of a county may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail locations in the county on the gross receipts from these sales. If imposed, the tax shall be imposed in 0.25% increments. The tax rate may not exceed:

- 3.75% of the gross receipts of sales made in unincorporated areas of the county
- 0.75% of the gross receipts of sales made in a municipality located in a non-home rule county
- 3% of the gross sales receipts made in a municipality located in a home rule county.



## Community Investment

The proposal establishes a new grant program, the Restore, Reinvest and Renew (R3) program, to address the impact of economic disinvestment, violence, and the historical overuse of the criminal justice system.

After enforcement and administrative costs are paid, the bill earmarks 25% of the remaining cannabis tax revenues to the R3. Program funds (grants) will be used to address economic development, violence prevention services, re-entry services, civil legal aid and youth development.

## License Types

### New entrants to the adult use cannabis market

**Dispensary:** provides cannabis products to adult consumers

**Processor:** infuses products such as edibles with cannabis extract

**Transporter:** transports cannabis between business licensees

**Craft Grower:** can grow between 5,000 and 14,000 square feet of canopy space and may be separately licensed as a processor and a dispensary at the same facility

**Cultivation Center:** can grow up to 210,000 square feet

License fees vary. Application fees will be \$100,000 for cultivators and \$30,000 for dispensaries with lower fees for social equity partners. There is also a separate business development fee of 5% of total sales or \$750,000, whichever is less, for cultivators and up to \$200,000 for dispensaries, again both with lower fees for social equity applicants.

## Expungement of Law Enforcement Records Minor Cannabis Offenses



As part of its broad social justice focus, the Act mandates that certain criminal records must be automatically expunged by law enforcement agencies and creates a process for expunging many other records that do not qualify for automatic expungement. The Act's expungement provisions differ significantly from the expungement provisions that were in previous version of the Act.

The Act mandates that the Illinois State Police and other law enforcement agencies automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision, or order of qualified probation for a "minor cannabis offense" if:

1. one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records
2. no criminal charges were filed relating to the arrest or law enforcement interaction or criminal charges were filed and subsequently dismissed or vacated or the arrestee was acquitted

Minor cannabis offenses" are violations of **Section 4 or 5** of the Cannabis Control Act concerning not more than 30 grams of any substance containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act. Because "minor cannabis offenses" are defined as violations of the Cannabis Control Act, the automatic expungement mandate does not appear to include local ordinance violations.

**The Act provides that law enforcement agencies must automatically expunge qualifying records pursuant to the following schedule:**

1. records created prior to the effective date of the Act, but on or after Jan. 1, 2013, shall be automatically expunged prior to Jan. 1, 2021
2. records created prior to Jan. 1, 2013, but on or after Jan. 1, 2000, shall be automatically expunged prior to Jan. 1, 2023
3. records created prior to Jan. 1, 2000, shall be automatically expunged prior to Jan. 1, 2025

Therefore, it appears that law enforcement agencies will have significant time to automatically expunge decades worth of qualifying records. That said, it is unclear how these deadlines will interact with the state's standard expungement processes which require an order from a circuit court before a law enforcement agency is required to expunge its records.

The Act provides two other avenues for persons who are not eligible for automatic expungement. First, the governor is authorized to grant pardons and order the expungement of arrest records for offenders who were actually convicted of minor cannabis offenses. Second, offenders who were arrested for, charged with or convicted of more serious violations of the Cannabis Control Act may petition the circuit court for expungement.

## CURRENT LAW AND CATEGORY OF EXPUNGEMENT THAT EACH FALLS UNDER

### Section 4 (Possession) – Unlawful for any person knowingly to possess cannabis in the following amounts.

(a) <10g	Civil Law Violation	Fees; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(b) 10-30g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(c) 30-100g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)	Individual / State's Attorney Motions to Vacate
(d) 100-500g	Class 4 Felony	1-3 years	Individual / State's Attorney Motions to Vacate

### Section 5 (Manufacture, deliver or intent to deliver) – Unlawful for any person knowingly to manufacture, deliver, or possess with intent to deliver or manufacture cannabis in the following amounts.

(a) <2.5g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(b) 2.5-10g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement
(c) 10-30g	Class 4 Felony	1-3 years; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority / Automatic Law Enforcement Expungement

**NOTE:** Possession amounts were different pre-2016.

## Projected Revenue

The Department of Revenue projects that this industry will generate over \$57 million in tax revenue and licensing fees in FY20. This figure represents the combined revenue projections that Governor's Office received from the Department of Revenue concerning the taxation of cannabis as well as the application and licensing fees estimated by the Department of Agriculture and the Department of Financial and Professional Regulation.



### Breakdown

- DOR tax revenue: \$34 million (midpoint of the range project by DOR: 10-58 million)
- DOA estimate: \$12.7 million
- IDFPFR estimate: \$10.78 million

The Department of Revenue estimates that the state will generate \$140.5 million in tax revenue in FY21. This excludes agencies' application and licensing fees as the program continues to expand. As the cannabis market matures, the state could generate \$253.5 million in FY22, \$323.5 million in FY23, and \$375.5 million in FY24.

*The cannabis market has already delivered \$1 billion in revenue to Colorado. Marijuana Business Daily projects the Illinois recreational market potentially will eclipse \$2 billion in annual sales, factors including tourist traffic, among others.*

## RESOURCES



### **Holland & Knight** [www.hklaw.com](http://www.hklaw.com)

Holland & Knight's Local Government Advocacy Team has an extensive history of representing cities, counties, transportation agencies, education districts, and other public entities across the United States. The legalization of cannabis for recreational use will impact local governments across Illinois. Holland & Knight attorneys are ready to advise you on issues that may arise.

### **Ancel Glink** [www.ancelglink.com](http://www.ancelglink.com)

For over 80 years, Ancel Glink has built and modernized the practice of local government law in Illinois. From litigation to land use and labor relations, their clients enjoy access to top attorneys and large firm resources in a small, personalized setting. Ancel Glink attorneys are available to present legal advice of the Cannabis Regulation and Tax Act in a form that can be easily understood, evaluation and applied.

### **Marijuana Policy Project** [www.mpp.org](http://www.mpp.org)

The Marijuana Policy Project (MPP) is the largest organization in the U.S. that's focused solely on enacting humane marijuana laws. MPP's mission is to change federal law to allow states to determine their own marijuana policies without federal interference.



## Useful websites for information on cannabis regulation

### **Department of Revenue** [www.revenue.state.il.us](http://www.revenue.state.il.us)

Responsible for enforcing and collecting taxes associated with the sale of cannabis.

### **Department of Agriculture** [www2.illinois.gov/sites/agr](http://www2.illinois.gov/sites/agr)

Responsible for licensure and oversight of cultivation centers, craft growers, infusers, and transporting organizations and for authorizing laboratories that test cannabis.

### **Department of Public Health** [www.dph.illinois.gov](http://www.dph.illinois.gov)

Develops recommendations surrounding health warnings and facilitates the Adult Use Cannabis Public Health Advisory Committee

### **Department of Financial and Professional Regulation** [www.idfpr.com](http://www.idfpr.com)

Responsible for licensure and oversight of dispensing organizations.

### **Illinois State Police** [www.isp.state.il.us](http://www.isp.state.il.us)

Conducts background checks on everyone involved in the licensed cannabis sector. Reviews security plans for all licensed entities. Responsible for reviewing all criminal history record information and identifying all individuals with minor violations of the Cannabis Control Act that are eligible for expungement.

### **Department of Commerce and Economic Opportunity** [www2.illinois.gov/dceo](http://www2.illinois.gov/dceo)

Administers a low-interest loan program, a grant program, and technical assistance for social equity applicants. Identifies 'disproportionately impacted areas'.

### **Department of Human Services** [www.dhs.state.il.us](http://www.dhs.state.il.us)

Administers programs that address substance abuse and prevention and mental health. Makes recommendations to the Adult Use Cannabis Public Health Advisory Committee regarding drug treatment and prevention. Responsible for administering a public education campaign and collecting data and conducting analysis of the public health impacts of legalizing the recreational use of cannabis.

*Sources: Illinois General Assembly P.A. 101-0027, Office of the Governor Adult Use Cannabis Summary. Insight overview of the Cannabis Regulation and Tax Act provided by Holland & Knight Attorneys (Stewart Weiss, Andrew Fiske, Benjamin Schuster).*

Illinois Association of County Board Members  
and Commissioners  
828 S. Second Street, Suite 101  
Springfield, Illinois 62704  
[www.ilcounty.org](http://www.ilcounty.org)

**Attachment B. Proposed Amendment**  
October 2, 2019

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1. Add the following definitions to Section 3 Definitions:

**ADULT-USE CANNABIS CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

## **Attachment B. Proposed Amendment**

October 2, 2019

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2. Add the following uses to Section 5.2 Table of Authorized Principal Uses:
  - a. Add “ADULT-USE CANNABIS DISPENSING ORGANIZATION” to be allowed By-Right in the B-4 and B-5 Districts subject to the following conditions (footnotes in Section 5-2):
    - (1) The use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
    - (2) The use shall not be located within 1,500 feet of the property line of a pre-existing dispensing organization or medical cannabis dispensing organization.
  - b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER” to be allowed By-Right in the B-3, B-4 and B-5 Districts subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - c. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right in CR, AG-1, AG-2, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - d. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed By-Right in the CR, AG-1, AG-2, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - e. ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - f. ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.

Champaign County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

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

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

Date: **August 27, 2019**

RE: **Recommendation for Rural Residential Overlay Cases 931-AM-19 and 932-S-19, and for Rezoning Case 934-AM-19**

Request: **Case 931-AM-19**  
Amend the Zoning Map to allow for the development of 5 single-family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance.

**Case 932-S-19**  
Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.

**Case 934-AM-19**  
Amend the Zoning Map to change the zoning district designation from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in the Preliminary Plat created by Berns, Clancy and Associates dated and received July 31, 2019, in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.

Petitioners: **Bill Cope and Mary Kalantzis**

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At its August 15, 2019 meeting, the Zoning Board of Appeals (ZBA) voted 6-0 to “RECOMMEND ENACTMENT” of the Rural Residential Overlay (RRO) in Cases 931-AM-19 and 932-S-19, as well as the rezoning for an existing events center in Case 934-AM-19. The ZBA found that the RRO and rezoning achieved all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan. ZBA recommends special conditions for all three cases. Related Case 935-S-19 was approved by the ZBA to continue use of the event center, subject to approval of rezoning Case 934-AM-19.

## **BACKGROUND**

### ***Regarding RRO Cases 931-AM-19 and 932-S-19***

In general, the Champaign County Zoning Ordinance requires that the creation of more than three lots in the rural districts after January 1, 1998, each of which is less than 35 acres, requires a rezoning and a Special Use Permit to authorize a Rural Residential Overlay (RRO).

The subject property was this same area and configuration on June 1, 1998, and so could be divided into a total of three lots without RRO approval. The petitioners propose to create a subdivision with five buildable lots and four outlots, which requires RRO approval for two of the lots.

One of the reasons for the requested RRO is that the petitioners established an illegal second residence above the detached garage in 2008. In order to allow the second residence to be allowed legally, they must create a separate lot for it, since the Zoning Ordinance only allows one residence per lot in the AG and CR

Districts. In addition to one lot for the main residence and one lot for the illegal garage residence, the petitioners would like to add three buildable lots on the property for future residential development.

The petitioners applied for an RRO for three by-right lots and three additional lots in Case 573-AM-06, which was approved on March 29, 2007. Subparagraph 5.4.2 D.4. of the Zoning Ordinance establishes that an RRO designation shall expire after two years if no Preliminary Plat is submitted to the relevant subdivision authority for approval. The RRO approved in Case 573-AM-06 expired in March 2009.

On October 20, 2011, Ordinance 892 was approved, which added the requirement of obtaining both a Map Amendment and a Special Use Permit for RRO approvals. The County Board added the Special Use Permit requirement so that special conditions could be applied to an RRO, which are generally not used in Map Amendments. The current cases are the first application of Ordinance 892.

### ***Regarding Rezoning Case 934-AM-19***

The petitioners have operated an unauthorized event center on the subject property for several years. The outdoor aspect of the event center is permitted in the current CR Conservation Recreation Zoning District, but the indoor event center area can only occur in the AG-2 Agriculture Zoning District.

The proposed five-lot subdivision that required a Rural Residential Overlay in cases 931-AM-19 and 932-S-19 took time to formulate a preliminary plat that could also be used for the event center zoning cases. P&Z Staff worked out a proposed lot configuration that creates a dividing line along the west side of the approximate floodway.

- The east side of the approximate floodway line will have unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch in the current CR district. Maintaining the CR zoning and creating the unbuildable outlots on both sides of the Saline Branch Drainage Ditch will better protect this natural corridor. The outdoor event center area can occur in this area.
- The west side will have five buildable lots in the AG-2 Agriculture Zoning District, which will remedy the illegal residence above the garage (proposed Lot 3), allow the indoor event center along with the main residence (proposed Lot 4), and create three lots for potential residential development (Lots 1, 2, and 5). The outdoor event center area can also occur in this area.

## **EXTRATERRITORIAL JURISDICTION**

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but do not have protest rights on County Board Special Use Permits. Notice of the public hearing was sent to the City.

The City of Urbana has subdivision jurisdiction for the subject property, and the County has zoning jurisdiction. The petitioners do not plan to annex into the City of Urbana. The petitioners require the RRO through the County in order to subdivide the subject property into the proposed five lots. P&Z Staff have been in communication with the City of Urbana since the subdivision was proposed.

The subject property is 1,400 feet (0.27 mile) north of the City. Urbana's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.

The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

## **RRO FACTORS**

Paragraph 5.4.3.C.1 of the Zoning Ordinance requires the Zoning Board of Appeals to make two specific findings for an RRO approval:

- (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
- (2) That the proposed residential development will or will not be compatible with surrounding agriculture.

Paragraph 5.4.3 C.2 of the Zoning Ordinance requires the Zoning Board of Appeals to consider the following factors in making the required findings:

- A. Adequacy and safety of roads providing access to the site;
- B. Effects on nearby farmland and farm operations;
- C. Effects of nearby farm operations on the proposed residential development;
- D. The Land Evaluation and Site Assessment (LESA) score of the subject site;
- E. Effects on drainage both upstream and downstream;
- F. The suitability of the site for onsite wastewater systems;
- G. The availability of water supply to the site;
- H. The availability of public services to the site;
- I. The flood hazard status of the site;
- J. Effects on wetlands, historic/archeological sites, natural or scenic areas or wildlife habitat;
- K. The presence of nearby natural or manmade hazards; and
- L. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated.

P&Z Staff did a preliminary analysis of these factors, which shows that compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:

- A. “Ideal or Nearly Ideal” conditions for six factors:
  - RRO Factor B: Effects on farms
  - RRO Factor D: LESA score
  - RRO Factor E: Effects on drainage
  - RRO Factor G: Availability of water supply
  - RRO Factor K: Natural or manmade hazards
  - RRO Factor L: Land converted from agricultural uses
- B. “Much Better Than Typical” conditions for four factors:
  - RRO Factor A: Safety
  - RRO Factor C: Effects of nearby farms
  - RRO Factor F: Septic suitability
  - RRO Factor H: Emergency services
- C. “More or Less Typical” conditions for two factors:
  - RRO Factor I: Flood hazard status
  - RRO Factor J: Effects on sensitive natural areas

None of the factors were found to be “Much Worse than Typical” or “Worst or Nearly Worst” for the subject property.

## **LAND EVALUATION AND SITE ASSESSMENT (LESA) RATING**

Land Evaluation and Site Assessment (LESA) analysis was completed for the subject property. The Champaign County, Illinois LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site as follows:

- An overall score of 251 to 300 indicates a very high rating for protection.
- An overall score of 226 to 250 indicates a high rating for protection.
- An overall score of 151 to 225 indicates a moderate rating for protection.
- An overall score of 150 or lower indicates a low rating for protection.

The LESA component and total scores are as follows:

- The Land Evaluation score for the proposed RRO is 86 out of 100 possible.
- The Site Assessment score for the proposed RRO is 6 out of 200 possible.
- The total LESA score is 92 and indicates a low rating for protection of agriculture.

Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the LESA score because the entire property is not best prime farmland and the property received a low rating for protection in the LESA evaluation.

## **COMMENTS RECEIVED**

Gayle McKay, 4102 N Lincoln Avenue, lives in the home directly north of the subject property. She provided the following comments by phone to Susan Burgstrom on April 15, 2019:

- She does not have a problem with the petitioners having an event center.
- She was concerned about an incident that happened during an Unofficial St. Patrick’s Day event on the subject property. Due to rain, guests were parking along the driveway of the subject property instead of the regular parking area, which was flooded due to rains. Emergency services had trouble getting down the due to the vehicles along the driveway. She said that the response time was around 40 minutes because they had to go back to the station and get a quad runner to get through to the person with medical issues.
- She said that she can hear pounding music after 10 p.m. coming from events.
- She likes much of the lighting the petitioners have for the event center; however, she would prefer that the uplighting around several of the oaks near the parking area not shine toward her house.
- She would like the event center to have a sign along Lincoln Avenue because sometimes guests come onto her property and turn around in her front and back yard.

Harold Scharlau, 3610 Squire Farm Road, is a neighbor to the southwest of the subject property. He provided the following comments by phone to Susan Burgstrom on April 15, 2019:

- He said he does not have an issue with the petitioners having an event center.
- He and his sister, Janet Scharlau, do not want a sewer extension run through their property to connect to the subject property.

During the ZBA hearing on August 15, 2019, Gayle McKay testified regarding the following:

- She is concerned that putting fill in the floodplain on the subject property might affect her property's floodplain.
- She is concerned about noise from the event center; P&Z Staff told her that the Nuisance Ordinance does not allow noise discernable from the property line between 10 p.m. and 7 a.m.
- She is concerned about parking.
- She has discussed the signage concern with Mr. Cope and he has responded to that by placing signage for the event center along Lincoln Avenue.

## **PROPOSED SPECIAL CONDITIONS**

Proposed Special Conditions of Approval for Case 931-AM-19:

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

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

Proposed Special Conditions of Approval for Case 932-S-19:

- A. **The Special Use is subject to the approval of Case 931-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

**That any construction complies with the Special Flood Hazard Areas Ordinance.**

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.**

- D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

**Any new septic system is in compliance with the Champaign County Health Ordinance.**

- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

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

**That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.**

- F. **Proposed Lot 1 will require a variance for average lot width if case 934-AM-19 is not approved.**

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

**That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.**

- G. **The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 932-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

Proposed Special Conditions of Approval for Case 934-AM-19:

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

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

## **ATTACHMENTS**

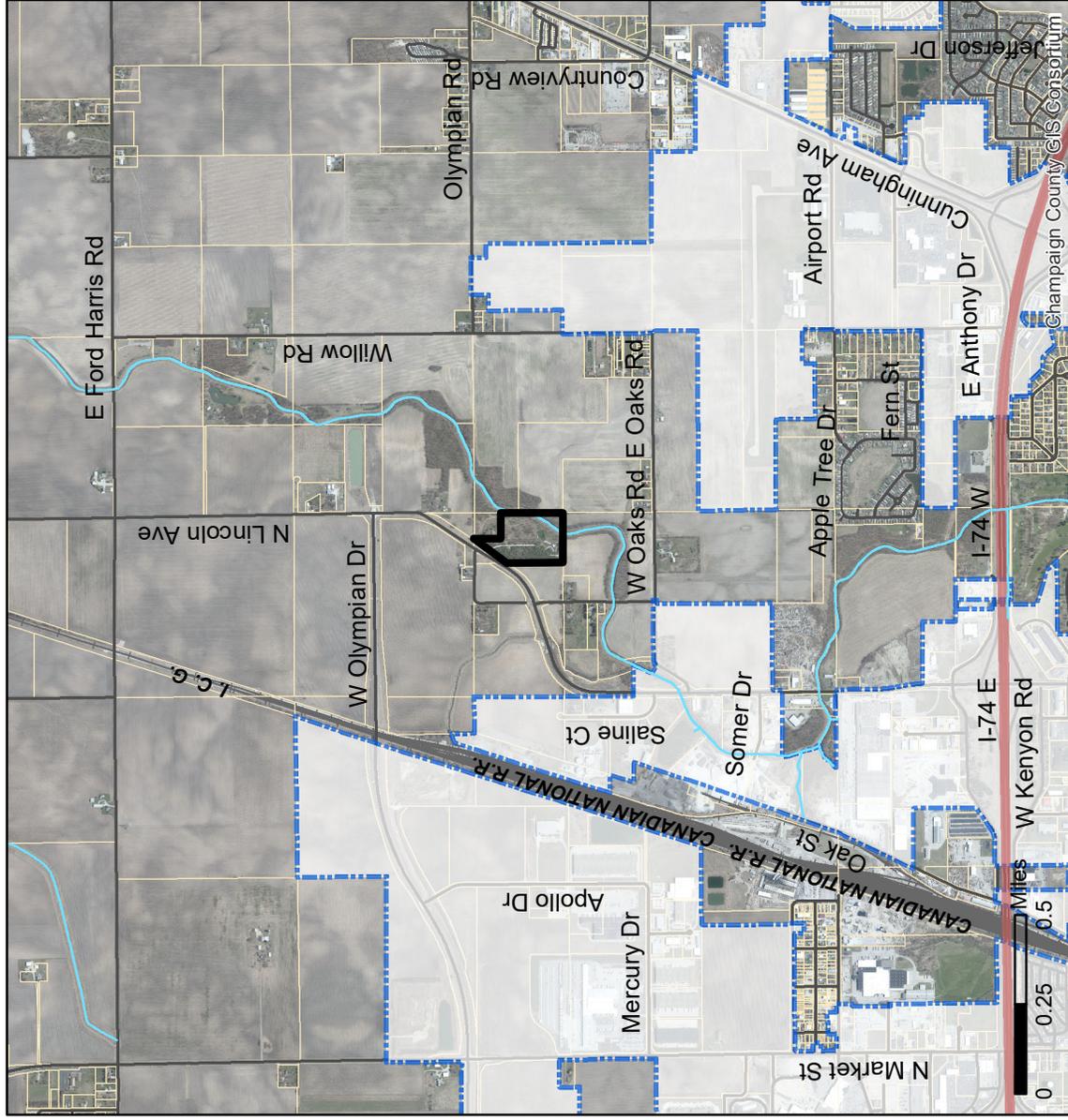
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan for Cases 932-S-19 and 935-S-19 received July 31, 2019 and approved as part of the Official Site Plan by the Zoning Board of Appeals on August 15, 2019
- C Annotated Aerial: Proposed Zoning and Site Plan for Event Center created by P&Z Staff on April 23, 2019 and approved as part of the Official Site Plan by the Zoning Board of Appeals on August 15, 2019
- D Copy of Right to Farm Resolution 3425
- E Approved Summary Findings of Fact for RRO Cases 931-AM-19 and 932-S-19 as approved by ZBA on August 15, 2019
- F Approved Summary Finding of Fact for Case 934-AM-19 as approved by ZBA on August 15, 2019

# Location Map

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

April 25, 2019

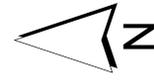
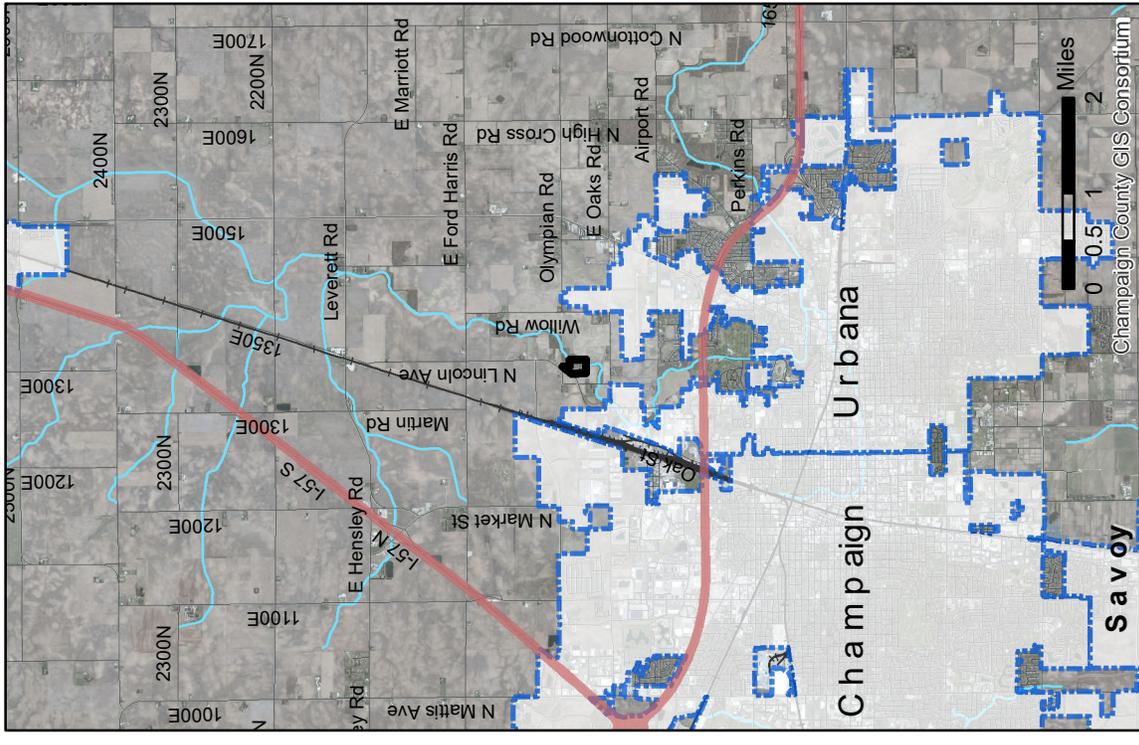
Subject Property



## Legend

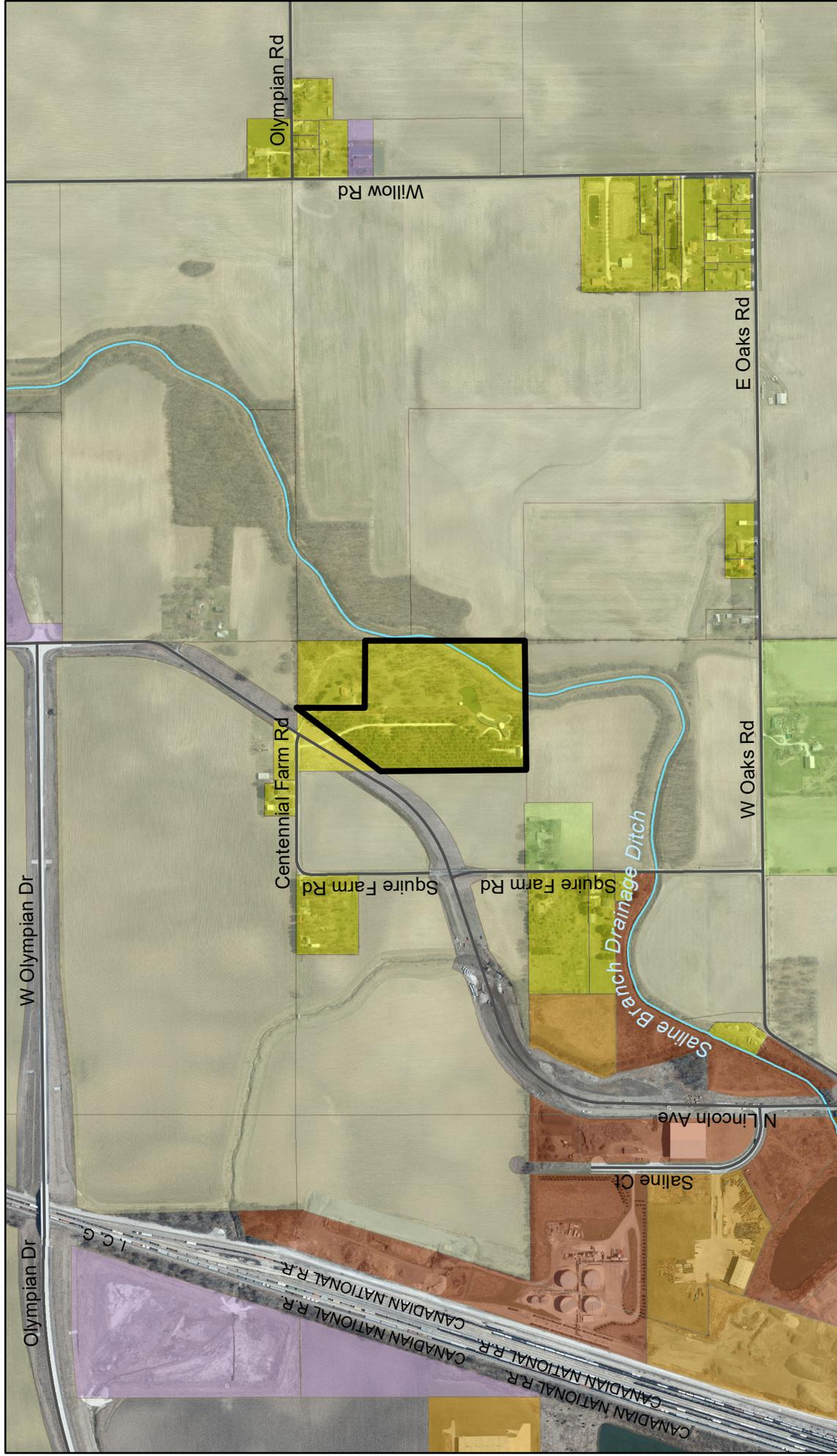
-  Subject Property
-  Parcels
-  Municipal Boundary
-  Interstate
-  Streets
-  Railroads

Property location in Champaign County



# Land Use Map

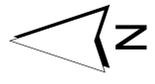
Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19  
April 25, 2019



## Legend

- Subject Property
- Streets
- Streams
- Agriculture
- Ag-Residential
- Residential
- Commercial
- Industrial
- Tax Exempt

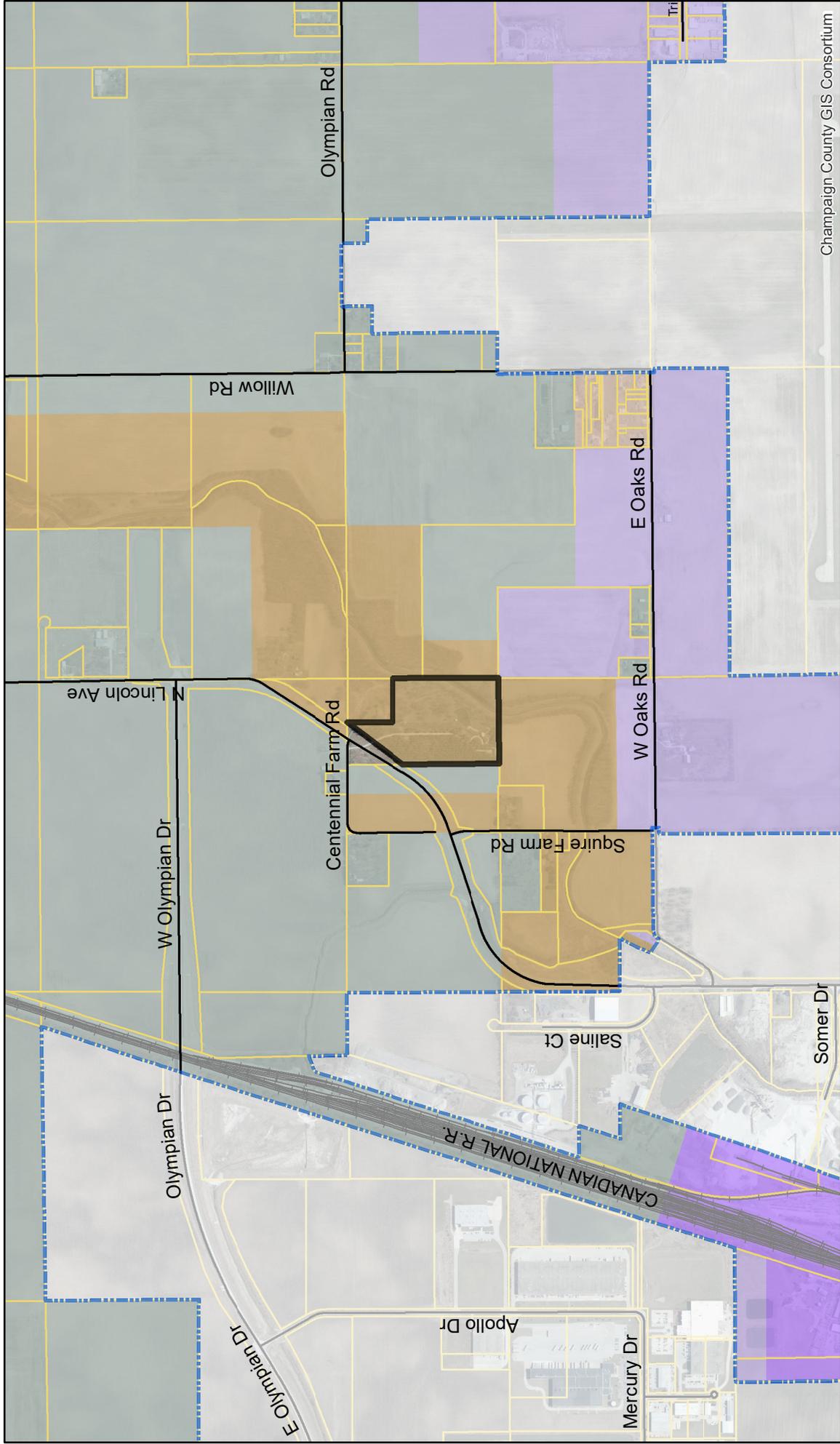
Champaign County  
Department of  
**PLANNING &  
ZONING**



# Zoning Map

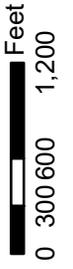
Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

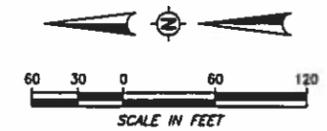
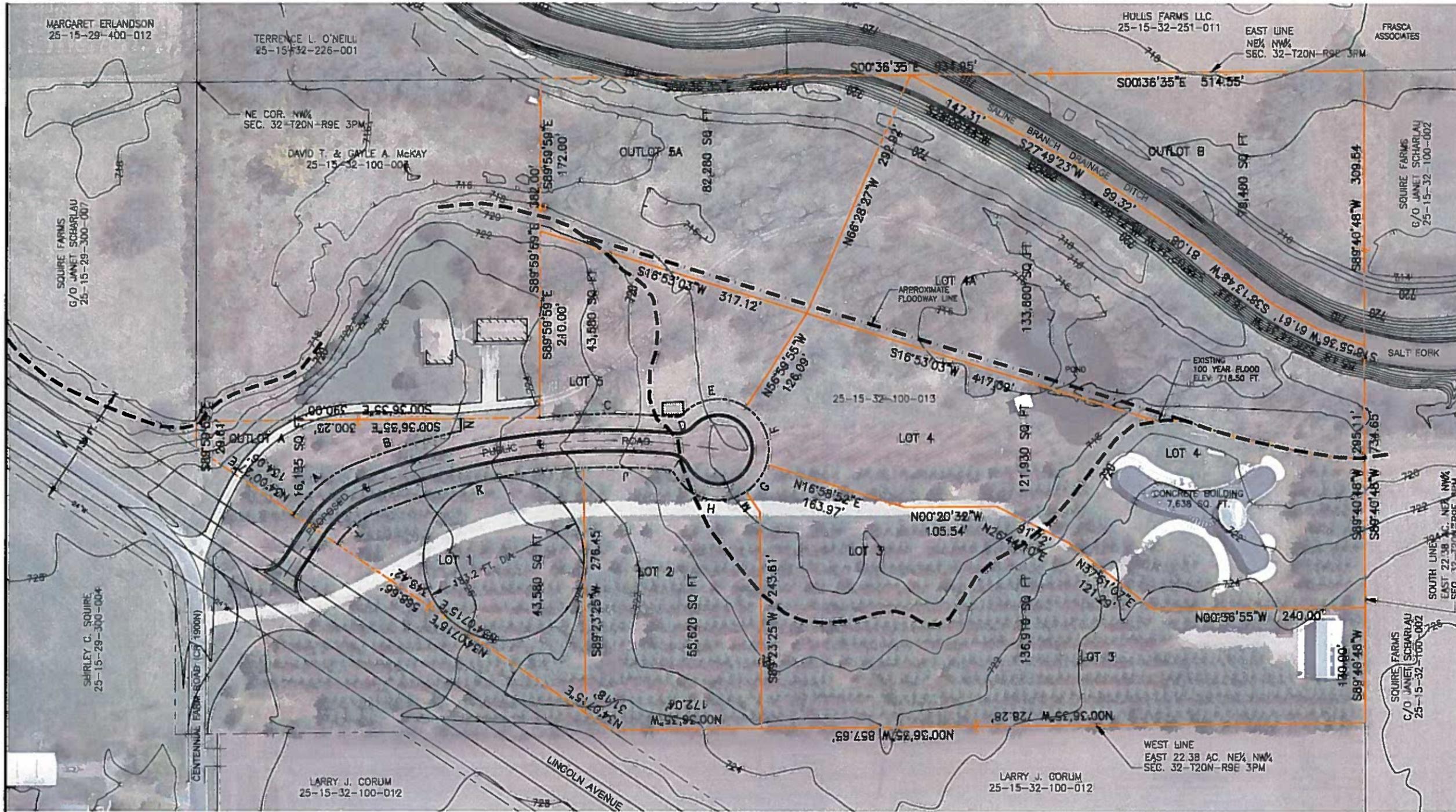
April 25, 2019



## Legend

- Subject Property
- Municipal Boundary
- Parcels
- Streets
- Railroad
- AG-1
- AG-2
- CR
- R-2
- I-1
- I-2





- LEGEND**
- TITLE LINE
  - APPROXIMATE FLOODWAY LINE
  - EXISTING 100 YEAR FLOOD ELEVATION: 718.50 FT.
  - EXISTING BUILDING LINE
  - EXISTING INDEX CONTOUR LINE
  - EXISTING INTERMEDIATE CONTOUR LINE
  - PROPOSED CENTERLINE
  - PROPOSED RIGHT-OF-WAY LINE
  - PROPOSED LOT LINE
  - PROPOSED CURB AND GUTTER

**Champaign County  
Planning & Zoning Department  
Approved Site Plan  
Case # 932-S-19, 935-S-19  
Date: 8/15/19**

CONTOUR DATA FROM  
CHAMPAIGN COUNTY LIDAR  
DATED 2005

AERIAL PHOTOGRAPHY FROM  
CHAMPAIGN COUNTY  
ORTHO PHOTOGRAPHY  
DATED APRIL 2011

**RECEIVED**

**JUL 31 2019**

**CHAMPAIGN CO P & Z DEPARTMENT**

100 YEAR BASE FLOOD ELEVATION 718.50 FEET  
REPORTED SALT FORK OF THE VERMILION RIVER  
HYDROLOGIC MODEL BY KARL K. VISSER  
FOR THE CHAMPAIGN COUNTY SOIL AND  
WATER CONSERVATION DISTRICT AND THE  
SALT FORK WATERSHED STEERING COMMITTEE  
DATED JANUARY 16, 2003

A	CH	S38°54'10"E	91.10'	R	155.00'	A	92.46'
B	CH	S17°15'27"E	123.90'	R	780.00'	A	124.03'
C	CH	S00°18'13"E	155.54'	R	780.00'	A	155.80'
D	CH	S20°43'22"E	7.05'	R	8.00'	A	7.30'
E	CH	S06°55'53"E	73.18'	R	57.00'	A	79.45'
F	CH	N69°59'28"E	68.59'	R	57.00'	A	73.60'
G	CH	N53°20'43"E	38.38'	R	57.00'	A	39.07'
H	CH	N13°55'59"E	84.17'	R	57.00'	A	94.72'
I	CH	N33°18'31"E	7.56'	R	8.00'	A	7.88'
J	CH	N01°21'02"E	97.03'	R	720.00'	A	97.10'
K	CH	S12°10'31"W	241.68'	R	720.00'	A	242.53'
L	CH	N38°59'38"W	55.55'	R	95.00'	A	56.37'
M		S56°19'41"W	28.00'				
N		S89°23'25"W	13.82'				

**LOT SIZE SUMMARY**

LOT 1:	45,580 SQ FT.±	
LOT 2:	51,285 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 2:	55,620 SQ FT.±	TOTAL **
LOT 3:	99,650 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 3:	136,910 SQ FT.±	TOTAL
LOT 4:	121,930 SQ FT.±	
LOT 4A:	133,800 SQ FT.±	**
LOT 5:	23,270 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 5:	43,580 SQ FT.±	TOTAL *
OUTLOT 5A:	82,280 SQ FT.±	
OUTLOT A:	16,135 SQ FT.±	
OUTLOT B:	79,400 SQ FT.±	

\*FILL WILL BE PLACED ON LOT 5  
TO REMOVE FLOOD PLANE FROM LOT 5  
\*\*FILL MAY BE PLACED AT OWNER  
DISCRETION ON LOT 2, ON LOT 3  
AND ON OUTLOT 4A WESTERLY  
OF THE APPROXIMATE FLOODWAY LINE.

**VARIANCE REQUEST FOR  
KALANTZIS/COPE FIRST SUBDIVISION  
KALANTZIS/COPE RESORT  
PART OF THE NORTHEAST QUARTER  
OF THE NORTHWEST QUARTER  
OF SECTION 32, TOWNSHIP 20 NORTH,  
RANGE 9 EAST OF THE THIRD  
PRINCIPAL MERIDIAN, SOMER TOWNSHIP  
CHAMPAIGN COUNTY, ILLINOIS**

**BERNS, CLANCY AND ASSOCIATES**  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET - POST OFFICE BOX 755  
URBANA, ILLINOIS 61803-0755  
PHONE (217) 384-1144 - FAX (217) 384-3355

**BCA**

JOB: 5730-4      DATE: 073119  
FILE: 5730-4EX6.DWG      SHEET 1 OF 1

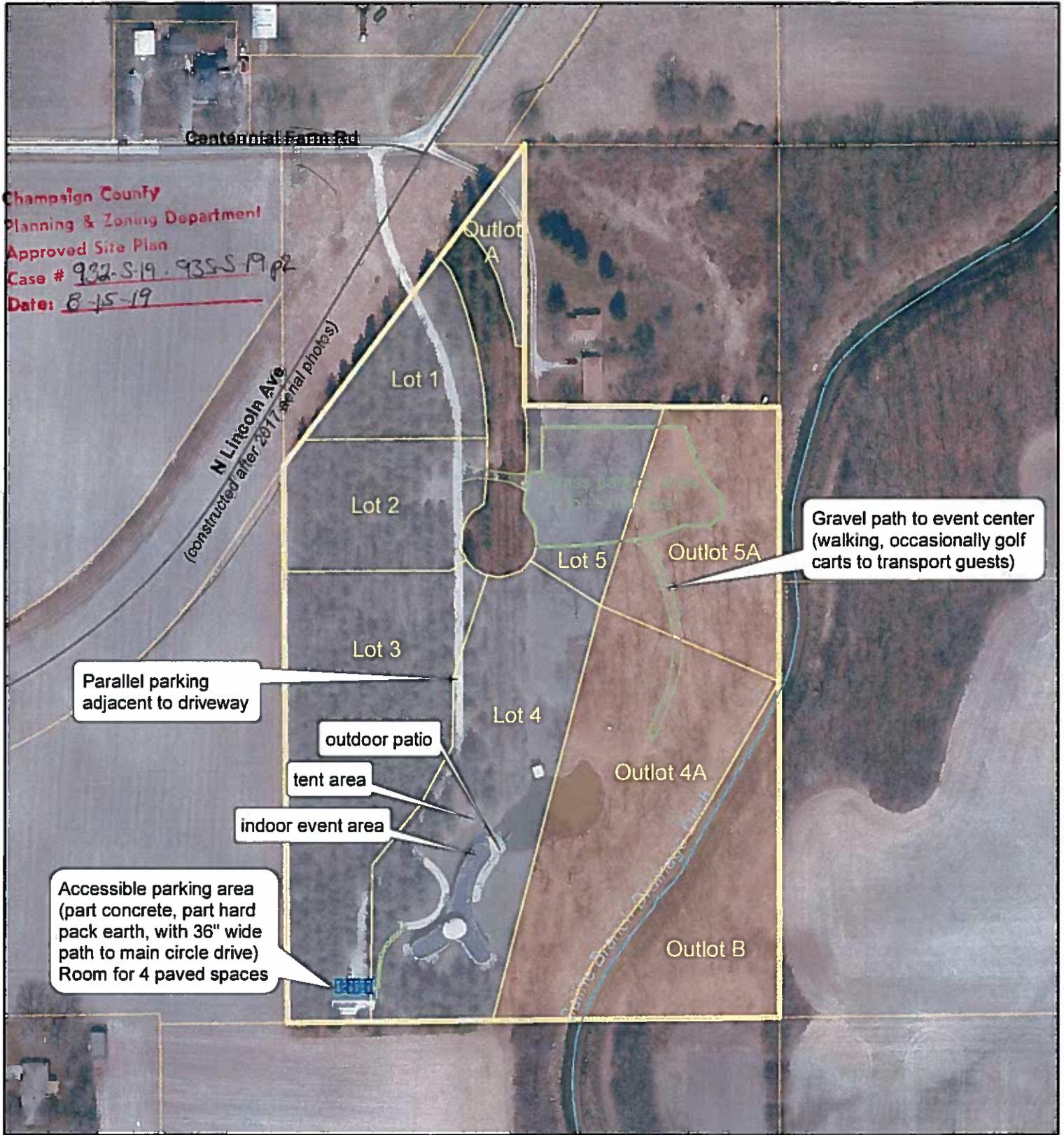
# Annotated Aerial: Event Center Site Plan

Cases 931-AM-19/932-S-19/934-AM-19,  
ELUC 09/05/19, Attachment C Page 1 of 1

Cases 934-AM-19 & 935-S-19

April 25, 2019

*Subdivision lot lines are approximate*



## Legend

- Subject Property
- Parcels
- Streets
- Proposed AG-2
- Proposed CR



RESOLUTION NO. 3425

A RESOLUTION PERTAINING TO THE  
RIGHT TO FARM IN CHAMPAIGN COUNTY

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

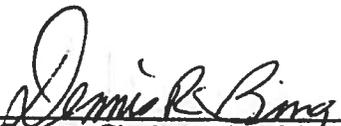
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.
2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.
3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24<sup>th</sup> day of May, A.D., 1994.

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:   
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board

## SUMMARY FINDING OF FACT FOR REZONING CASE 931-AM-19

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019 and August 15, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed RRO map amendment ***IS*** suitable for the development of the specified maximum number of residences because: compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
  - A. “Ideal or Nearly Ideal” conditions for six factors:
    - (1) RRO Factor B: Effects on farms
    - (2) RRO Factor D: LESA score
    - (3) RRO Factor E: Effects on drainage
    - (4) RRO Factor G: Availability of water supply
    - (5) RRO Factor K: Natural or manmade hazards
    - (6) RRO Factor L: Land converted from agricultural uses
  - B. “Much Better Than Typical” conditions for four factors:
    - (1) RRO Factor A: Safety
    - (2) RRO Factor C: Effects of nearby farms
    - (3) RRO Factor F: Septic suitability
    - (4) RRO Factor H: Emergency services
  - C. “More or Less Typical” conditions for two factors:
    - (1) RRO Factor I: Flood hazard status
    - (2) RRO Factor J: Effects on sensitive natural areas
2. The proposed RRO map amendment ***WILL*** be compatible with surrounding agriculture because:
  - A. Compared to the three homes allowed by-right on the subject property, the five total homes proposed in the RRO would increase traffic, increase possible trespass onto adjacent farmland, and potentially increase litter onto adjacent fields, but there is no guaranteed increase in any of these factors.
  - B. There is no difference between the RRO and the non-RRO alternative for discharge of “dry weather flows” of storm water or ground water (such as from a sump pump).
  - C. There is no difference between the RRO and the non-RRO alternative for the effect of trees planted close to the property lines on adjacent farming operations.
  - D. Potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers, particularly for livestock management operations. A special condition has been added regarding the Right to Farm Resolution.
  - E. The two additional residences requested in the proposed RRO would not increase the restrictions placed on the Prairie Fruits Farm beyond what the three by-right residences would impose.
  - F. Agricultural operations adjacent to the subject property are buffered by existing trees, the Saline Branch Drainage Ditch, and Lincoln Avenue.

3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
- A. Regarding Goal 3:
- (1) Although the proposed RRO is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed RRO will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
  - (2) Based on achievement of the above 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 3 Prosperity.
- B. Regarding Goal 4:
- (1) It will **HELP ACHIEVE** 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:
    - a. 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 34.A.(1)).
    - b. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 34.A.(2)).
  - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
    - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 34.B.(1)).
    - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 34.B.(2)).
    - c. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 34.B.(3)).
  - (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
    - a. Policy 4.3.1 requiring a discretionary development to be suited overall (see Item 34.C.(1)).
    - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 34.C.(2)).
    - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 34.C.(3)).

- (4) It will **HELP ACHIEVE** Objective 4.7 requiring the right to farm because a special condition has been added regarding Right to Farm Resolution 3425 (see Item 34.D).
- (5) It will **HELP ACHIEVE** Objective 4.8 encouraging the production, purchase, and consumption of locally grown food because the proposed RRO will not likely impact the nearby Prairie Fruits Farm and the existing events center purchases food from Prairie Fruits Farm (see Item 34.E).
- (6) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.

C. Regarding Goal 5:

- (1) The proposed RRO will **HELP ACHIEVE** Objective 5.1 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
  - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 35.A.(1)).
  - b. Policy 5.1.3 requiring the County to consider the municipal Contiguous Urban Growth Area (CUGA) (see Item 35.A.(2)).
- (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 5 Urban Land Use.

D. Regarding Goal 6:

- (1) The proposed RRO will **HELP ACHIEVE** Objective 6.1 because it will **HELP ACHIEVE** the following:
  - a. Policy 6.1.1 requiring the County to establish lot requirements that provide ample and appropriate areas for wastewater and septic systems (see Item 36.A.(1)).
  - b. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 36.A.(2)).
- (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.

E. Regarding Goal 8:

- (1) The proposed RRO will **HELP ACHIEVE** Objective 8.1 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.A.(1)).
- (2) The proposed RRO will **HELP ACHIEVE** Objective 8.2 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.2.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.B.(1)).

- (3) The proposed RRO will **HELP ACHIEVE** Objective 8.4 because it will **HELP ACHIEVE** the following:
- a. Policy 8.4.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.C.(1)).
  - b. Policy 8.4.2 requiring storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems (see Item 38.C.(2)).
  - c. Policy 8.4.3 requiring the County to encourage land management that promotes good drainage (see Item 38.C.(3)).
  - d. Policy 8.4.4 requiring the County to ensure that point discharges exceed state and federal water quality standards (see Item 38.C.(4)).
  - e. Policy 8.4.5 requiring the County to ensure that non-point discharges exceed state and federal water quality standards (see Item 38.C.(5)).
  - f. Policy 8.4.6 requiring the County to recognize the importance of Drainage Districts (see Item 38.C.(6)).
- (4) The proposed RRO will **HELP ACHIEVE** Objective 8.5 because it will either will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
- a. Policy 8.5.1 requiring land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat (see Item 38.D.(1)).
  - b. Policy 8.5.2 requiring new development to cause no more than minimal disturbance to the stream corridor environment (see Item 38.D.(2)).
  - c. Policy 8.5.3 requiring the County to encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage (see Item 38.D.(3)).
- (5) The proposed RRO will **NOT IMPEDE** Objective 8.6 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
- a. Policy 8.6.2 requiring the County to use land use patterns, site design standards and land management practices to minimize the disturbance of habitat areas (see Item 39.E.(1)).
  - b. Policy 8.6.3 requiring the County to 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 (see Item 39.E.(2)).
  - c. Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 39.E.(3)).
- (6) Based on achievement of the above Objective and Policies, the proposed map amendment will **NOT IMPEDE** Goal 8 Natural Resources.

- F. The proposed RRO will ***NOT IMPEDE*** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 7 Transportation
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- G. Overall, the proposed map amendment will ***HELP ACHIEVE*** the Land Resource Management Plan.
4. The proposed Zoning Ordinance map amendment ***IS*** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. The proposed RRO ***IS*** consistent with the *LaSalle* factor regarding the existing uses and zoning of nearby property because the RRO is proposed for residential use and surrounding land is residential in use or in agricultural production.
- B. The proposed RRO ***IS*** consistent with the *LaSalle* factor regarding the extent to which property values are diminished by the particular zoning restrictions because without the proposed RRO, two of the proposed lots could not be created, which would limit the potential value of the subject property.
- C. The proposed RRO ***IS*** consistent with the *LaSalle* factor regarding the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public because:
- (1) There has been no evidence submitted regarding property values.
  - (2) If the petitioners are denied the map amendment and special use permit, the property can still be used for one residence, and two other lots could be developed by right through a subdivision with the City of Urbana. The illegal second residence in the detached garage would have to be decommissioned unless they have an approved subdivision with the City.
- D. The proposed RRO ***IS*** consistent with the *LaSalle* factor regarding the relative gain to the public as compared to the hardship imposed on the individual property owner because:
- (1) Approval of the RRO is a step toward the petitioner's legal use of the existing event center proposed in zoning cases 934-AM-19 and 935-S-19. The petitioners indicate that the event center is in demand by the community.
  - (2) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
- E. The proposed RRO ***IS*** consistent with the *LaSalle* factor regarding the suitability of the subject property for the zoned purposes because:
- (1) The RRO proposed by the petitioners in 2007 was approved for three additional lots beyond the three by-right proposed lots.
  - (2) The RRO does not require additional public infrastructure or services.
  - (3) The RRO does not conflict with surrounding agricultural activities or agricultural infrastructure.

- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
    - (1) The subject property is in residential use in the CR Conservation Recreation Zoning District.
    - (2) There has been no development in the surrounding rural area in decades.
  - G. ***Sinclair* factor: The need and demand for the use.** Regarding this factor:
    - (1) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
  - H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
    - (1) The ZBA has recommended that the proposed RRO will ***HELP ACHIEVE*** the Champaign County Land Resource Management Plan.
    - (2) The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.
5. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance because:
- A. The proposed RRO should have no significant effect on the value of nearby properties (Purpose 2.0 (b) - see Item 42.B.)
  - B. The proposed RRO will not substantially affect traffic volumes (Purpose 2.0(c) - see Item 42.C.).
  - C. The proposed RRO ***WILL*** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) - see Item 42.D.).
  - D. Establishing the RRO will ***NOT IMPEDE*** the protection the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) – see Item 42.I).
  - E. The proposed RRO ***WILL*** protect natural features such as forested areas and watercourses (Purpose 2.0 (o) – see Item 42.J).
  - F. The proposed RRO ***WILL*** minimize the cost of development of public utilities and public transportation facilities (Purpose 2.0 (p) – see Item 42.K).
  - G. The proposed RRO ***WILL*** encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities (Purpose 2.0 (q) – see Item 42.L).
  - H. The proposed RRO ***WILL NOT*** hinder the development of renewable energy sources (Purpose 2.0(r) – see Item 42.M).

## FINDINGS OF FACT FOR RRO SPECIAL USE PERMIT CASE 932-S-19

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **932-S-19** held on **April 25, 2019** and **August 15, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **IS** necessary for the public convenience at this location.
2. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN***, is so designed, located, and proposed to be operated so that it ***WILL NOT*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has ***ADEQUATE*** traffic capacity and the entrance location has ***ADEQUATE*** visibility.
  - b. Emergency services availability is ***ADEQUATE***.
  - c. The Special Use ***WILL*** be compatible with adjacent uses.
  - d. Surface and subsurface drainage will be ***ADEQUATE***.
  - e. Public safety will be ***ADEQUATE***.
  - f. The provisions for parking will be ***ADEQUATE***.
- 3a. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES*** preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to ***CONFORM*** to all relevant County ordinances and codes.
  - b. The Special Use ***WILL*** be compatible with adjacent uses.
  - c. Public safety will be ***ADEQUATE***.
4. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS*** in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit ***IS*** necessary for the public convenience at this location.
  - c. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN***, is so designed, located, and proposed to be operated so that it ***WILL NOT*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit, ***SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES*** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use ***IS NOT*** an existing nonconforming use.
6. ***THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **The Special Use is subject to the approval of Case 931-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

**That any construction complies with the Special Flood Hazard Areas Ordinance.**

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.**

- D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

**Any new septic system is in compliance with the Champaign County Health Ordinance.**

- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

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

**That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.**

- F. **Proposed Lot 1 will require a variance for average lot width if case 934-AM-19 is not approved.**

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

**That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.**

- G. **The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 932-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

## SUMMARY FINDING OF FACT FOR CASE 934-AM-19

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019 and August 15, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
    - (2) Based on achievement of the above 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 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It will **HELP ACHIEVE** 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:
      - a. 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.(1)).
      - b. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 13.A.(2)).
    - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because:
      - a. It will **HELP ACHIEVE** Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
      - b. It will **HELP ACHIEVE** 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.(2)).
      - c. It will **HELP ACHIEVE** Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
      - d. It will **HELP ACHIEVE** Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).
    - (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:

- a. Policy 4.3.1 requiring a discretionary development on other than Best Prime Farmland to be suited overall (see Item 13.C.(1)).
  - b. 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)).
  - c. 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)).
- (4) It will **HELP ACHIEVE** Objective 4.7 requiring the right to farm because a special condition has been added regarding Right to Farm Resolution 3425 (see Item 13.D).
  - (5) It will **HELP ACHIEVE** Objective 4.8 encouraging the production, purchase, and consumption of locally grown food because the event center does not impact the nearby Prairie Fruits Farm operations, and the existing events center purchases food from Prairie Fruits Farm (see Item 13.E).
  - (6) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.

C. Regarding Goal 5:

- (1) The proposed amendment will **NOT IMPEDE** Objective 5.1 because it will **NOT IMPEDE** the following:
  - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(1)).
  - b. Policy 5.1.3 requiring that the County consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans (see Item 14.A.(2)).
- (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **NOT IMPEDE** Goal 5 Urban Land Use.

D. Regarding Goal 6:

- (1) The proposed amendment will **HELP ACHIEVE** Objective 6.1 because it will **HELP ACHIEVE** the following:
  - a. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(1)).
- (2) The proposed amendment will **HELP ACHIEVE** Objective 6.2 because it will **HELP ACHIEVE** the following:
  - a. Policy 6.2.1 requiring public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010

to comply with the Office of State Fire Marshal life safety regulations or equivalent (see Item 15.B.(1)).

- (3) Based on achievement of the above Objective and Policy, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.

E. Regarding Goal 7:

- (1) The proposed amendment will **NOT IMPEDE** Objective 7.1 because it will **NOT IMPEDE** the following:
  - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 16.A.(1)).
- (2) Based on achievement of the above Objective and Policy, the proposed map amendment will **NOT IMPEDE** Goal 7 Transportation.

F. Regarding Goal 8:

- (1) The proposed amendment will **HELP ACHIEVE** Objective 8.1 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 17.A.(1)).
- (2) The proposed amendment will **HELP ACHIEVE** Objective 8.2 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.2.1 requiring the County to preserve its soil resources (see Item 17.B.(1)).
- (3) The proposed amendment will **HELP ACHIEVE** Objective 8.4 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.4.1 requiring the County to incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development (see Item 17.C.(1)).
  - b. Policy 8.4.2 requiring storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems (see Item 17.C.(2)).
  - c. Policy 8.4.3 requiring the County to encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing storm water infiltration and aquifer recharge (see Item 17.C.(3)).
  - d. Policy 8.4.4 requiring the County to ensure that point discharges meet or exceed state and federal water quality standards (see Item 17.C.(4)).
  - e. Policy 8.4.6 requiring that the County recognizes the importance of Drainage Districts (see Item 17.C.(5)).
- (4) The proposed amendment will **NOT IMPEDE** Objective 8.5 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:

- a. Policy 8.5.1 requiring the County to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 17.D.(1)).
  - b. Policy 8.5.2 requiring that the County discretionary review ensures that new development cause no more than minimal disturbance to the stream corridor environment (see Item 17.D.(2)).
  - c. Policy 8.5.3 requiring the County to encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage (see Item 17.D.(3)).
- (5) The proposed amendment will **NOT IMPEDE** Objective 8.6 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
- a. Policy 8.6.2 requiring the County to use land use patterns, site design standards and land management practices to minimize the disturbance of habitat areas (see Item 17.E.(1)).
  - b. Policy 8.6.3 requiring Champaign County to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement (see Item 17.E.(2)).
  - c. Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 17.E.(3)).
- (6) Based on achievement of the above Objectives and Policies, the proposed map amendment will **NOT IMPEDE** Goal 8 Natural Resources.
- G. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- H. 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:
- A. Regarding property values:
    - (1) The possible uses that could be established on a property in the proposed AG-2 district are more expansive than those that could be established in the existing CR district; it is possible that the property would be more valuable should one of the uniquely AG-2 uses increase demand for the property.
    - (2) The requested map amendment should not have any effect on nearby residential properties unless one of the land uses unique to the proposed AG-2 district were developed on the site.
    - (3) The traffic generated by the proposed use will primarily occur during evenings and weekends.

- B. Regarding the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public:
    - (1) If the petitioners are denied the map amendment and related special use permit, the property could still be used as a residence, and there would be less traffic related to the existing event center.
    - (2) There are other uses that could be established on the property that might promote the health, safety, morals, and general welfare of the public to a greater or lesser extent than the existing event center.
  - C. Regarding the relative gain to the public compared to the hardship imposed on the individual property owner:
    - (1) Approval of the rezoning is a step toward the petitioner's legal use of the existing event center in related case 935-S-19.
    - (2) The petitioners indicate that the event center is in demand by the community.
  - D. Regarding the suitability of the subject property for the zoned purposes, the ZBA has recommended that the proposed rezoning:
    - (1) Is **SUITED OVERALL** for the proposed land use;
    - (2) Has adequate infrastructure and public services;
    - (3) Will minimize conflict with agriculture;
    - (4) Will not interfere with agricultural activities or damage or negatively impact the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.
  - E. Regarding the length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property, there has been no development in the surrounding rural area in decades.
  - F. Regarding the need and demand for the use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
  - G. Regarding the extent to which the use conforms to the municipality's comprehensive planning, the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan and is in conformance with the City of Urbana Comprehensive Plan.
  - H. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. The proposed rezoning to AG-2 **WILL** lessen and avoid congestion in the public streets (Purpose 2.0(c) - see Item 21.C.).

- B. The proposed rezoning to AG-2 **WILL** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0(d) - see Item 21.D.).
- C. The proposed rezoning to AG-2 **WILL** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0(n) - Item 21.I).
- D. The proposed rezoning to AG-2 **WILL** minimize the cost of development of public utilities and public transportation facilities (Purpose 2.0 (p) - see Item 21.K).
- E. The proposed rezoning to AG-2 **WILL** maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
- F. The proposed rezoning to AG-2 **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

Champaign County  
Department of

**PLANNING &  
ZONING**

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: **September 24, 2019**  
RE: **Recommendation for approval of a Variance from the Champaign  
County *Special Flood Hazard Areas Ordinance***

Request: **Authorize the following Variance from the Champaign County  
Special Flood Hazard Areas Ordinance:**

**Authorize the construction and use of a shed in the Special Flood  
Hazard Area for which the earthen fill extends only 3 feet  
beyond the foundation before sloping below the Flood Protection  
Elevation in lieu of the minimum required extension of fill for 10  
feet beyond the foundation before sloping below the Flood  
Protection Elevation.**

**On the following subject property:**

**A three acre tract in the Southeast Quarter of the Southeast  
Quarter of Section 15, Township 20 North, Range 10 East of the  
Third Principal Meridian in Stanton Township, commonly  
known as the farmstead at 2176 CR 2100N, St. Joseph.**

Petitioners: **Brad & Simone Ribbe**

---

## **STATUS**

Floodplain variances have always required a public hearing and recommendation by the Champaign County Zoning Board of Appeals (ZBA), with the final determination by the Champaign County Board. The ZBA voted to “RECOMMEND APPROVAL” of the proposed floodplain variance at its September 12, 2019 meeting. Comments were received from two neighbors regarding drainage, which were considered during the hearing – see Attachment G. The ZBA recommended no special conditions for approval.

## **BACKGROUND**

Brad and Simone Ribbe request a variance from the *Champaign County Special Flood Hazard Areas Ordinance (SFHA Ordinance)* so that they can construct an agricultural equipment and livestock shed. The petitioners have placed fill on the property so that the shed will be located approximately 4 feet from the east property line.

An agricultural building is exempt from the *Champaign County Zoning Ordinance*, but must comply with the *SFHA Ordinance*. The *SFHA Ordinance* requires that non-residential buildings meet building protection requirements by completing one of the methods listed under Section 7.B. The petitioners have placed fill on the property for the shed, but the fill does not “extend at least 10 feet beyond the foundation before sloping below the flood protection elevation” as required by paragraph 7.B.1.b., and thus requires a variance. See the related section below for compliance information.

## EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities do not have protest rights on a variance and generally are not notified of such cases.

The subject property is located within Stanton Township, which has a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases. No comments have been received from the township.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Residence	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture

## COMPLIANCE WITH THE *SFHA ORDINANCE*

It would appear from the petitioners' submittals that the proposed shed is compliant with the *SFHA Ordinance*, other than having less than 10 feet of fill on the east side of the foundation:

<b>7.B.1: The building and/ or building related development may be constructed on permanent land fill in accordance with the following:</b>	
7.B.1.a.: The lowest floor (including basement) shall be at or above the flood protection elevation.	<b>COMPLIANT AS PROPOSED.</b> BFE is 673.3 msl per 2007 survey. FPE is 674.3 msl. The Petitioner provided elevations of the top of the clay pad for the shed, and the lowest proposed point is at 673.9 msl. The petitioner has stated: "after building is complete, will regrade to 674.3 then add $\pm$ 4" of recycled gravel" It is the understanding of P&Z Staff that the top of the recycled gravel will be the equivalent of the lowest finished floor elevation.
7.B.1.b.: The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.	<b>VARIANCE REQUIRED.</b> Petitioner stated that elevation has been lifted about a foot on one side and 18 inches on the other. East property line is only 4 feet from building.
7.B.1.c.: The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.	<b>COMPLIANT AS PROPOSED.</b> $\pm$ 5 inches of recycled gravel will be placed after building.
7.B.1.d.: The fill shall be composed of rock or soil and not incorporate debris or refuse material.	<b>COMPLIANT AS PROPOSED.</b> 190 cubic yards of clay fill has been placed for building.

<p>7.B.1.e.: The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.</p>	<p><b>TO BE VERIFIED</b> during floodplain development and zoning use permit approval process; special conditions may be imposed as part of approval.</p>
<p>7.B.1.f.: Footings shall be placed on undisturbed earth or a Licensed Illinois Professional Engineer shall certify in writing that the building shall be reasonably safe from flooding.</p>	<p><b>TO BE VERIFIED</b> during floodplain development and zoning use permit approval process; special conditions may be imposed as part of approval.</p>

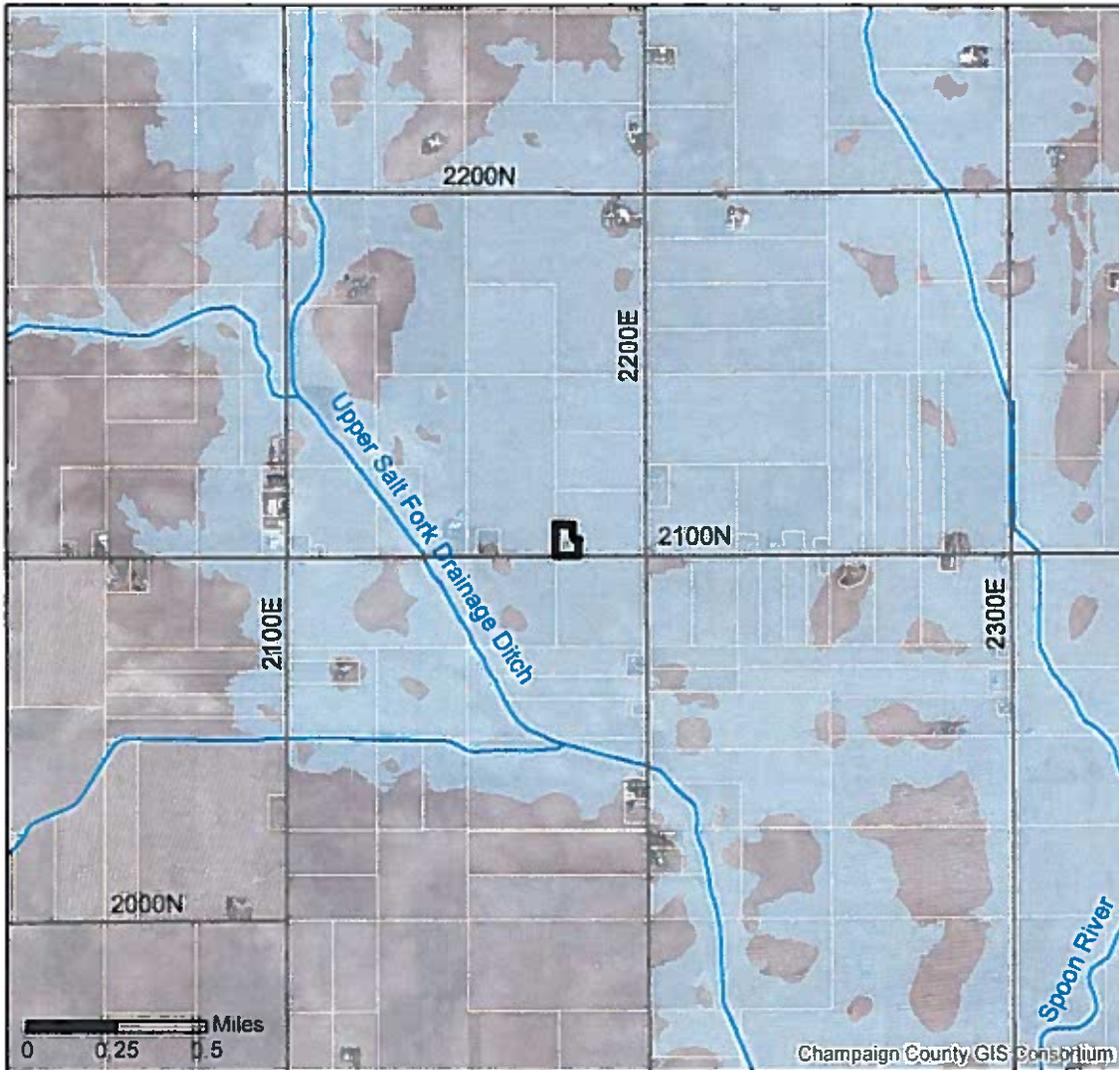
**ATTACHMENTS**

- A Case Maps: Location, Land Use and Zoning
- B Site Plan received July 23, 2019
- C Elevation survey by F. Wayne Ward dated October 12, 2007 and received July 23, 2019
- D Spot elevations taken by Brad Ribbe, received during September 12, 2019 ZBA meeting
- E Annotated Aerial created by P&Z Staff on August 19, 2019
- F FEMA Letter of Map Amendment dated January 15, 2008 and received January 22, 2008
- G Comments received from neighbors
- H Findings of Fact for Case 995-FV-19 as approved by ZBA on September 12, 2019

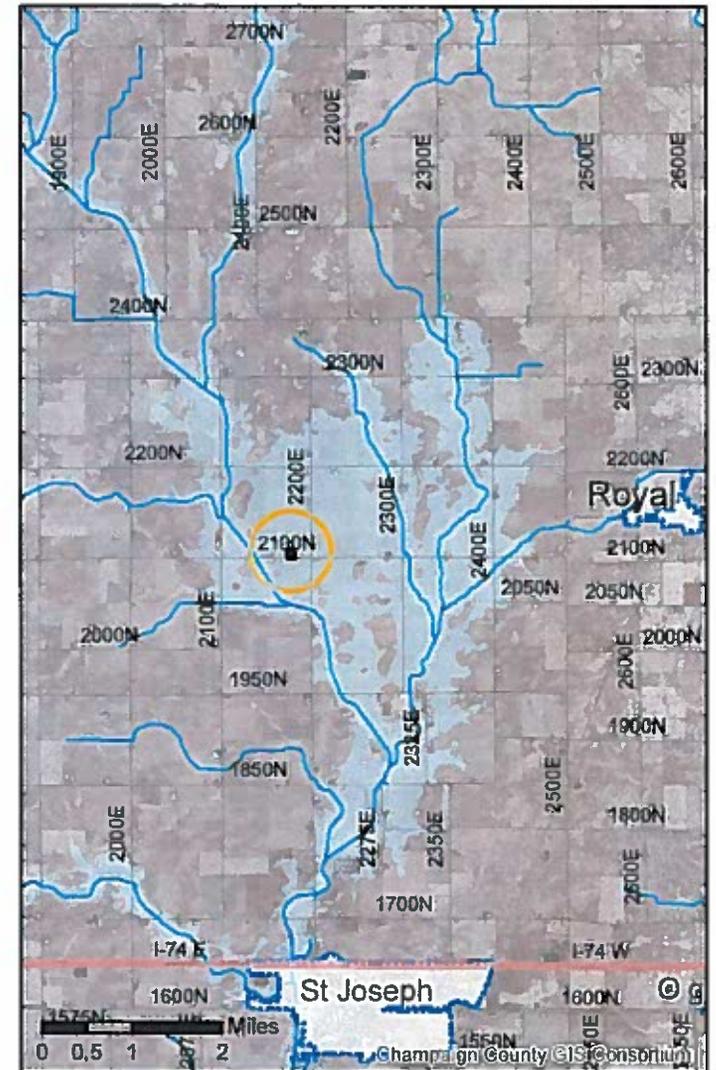
# Location Map

Case 955-FV-19  
August 29, 2019

Subject Property



Property location in Champaign County



## Legend

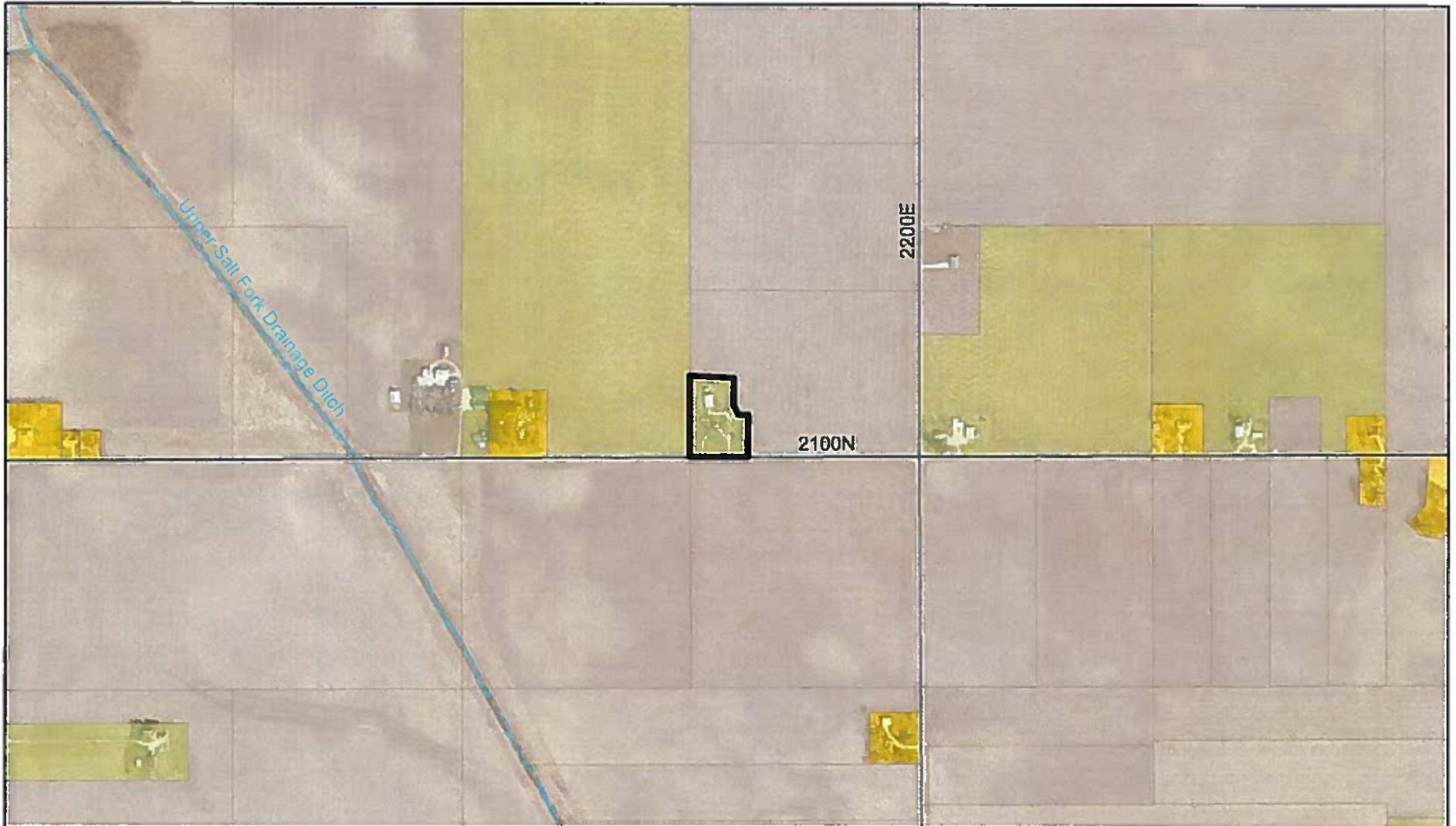
-  Subject Property
-  Parcels
-  Municipal Boundary
-  Flood Hazard Area
-  Streams
-  Streets

89



# Land Use Map

Case 955-FV-19  
August 29, 2019



## Legend

- Subject Property
- Municipal Boundary
- Streets
- Streams
- Agriculture
- Ag-Residential
- Residential

59

0 200 400 800 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 955-FV-19  
August 29, 2019



09

-  Subject Property
  -  Streams
  -  Parcels
- AG-1

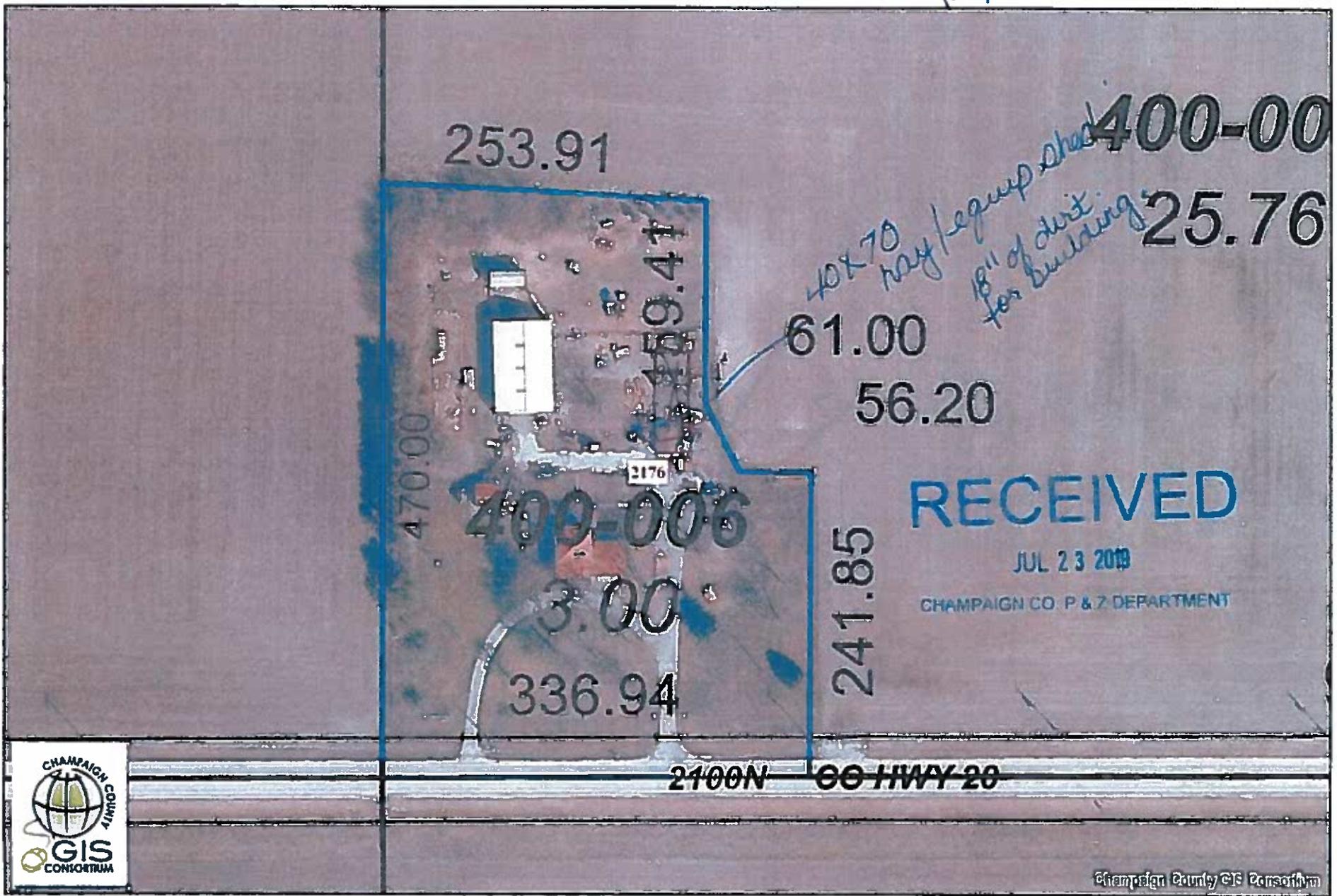
0 200 400 800 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

271615400006 2017 1:100

*BR 7-23-19*



61



Champaign County GIS Consortium

70



This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general informational aid and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



Elevation are on Clay Pad.

other Building is complete

w. 11 regrade to 674.30 then add

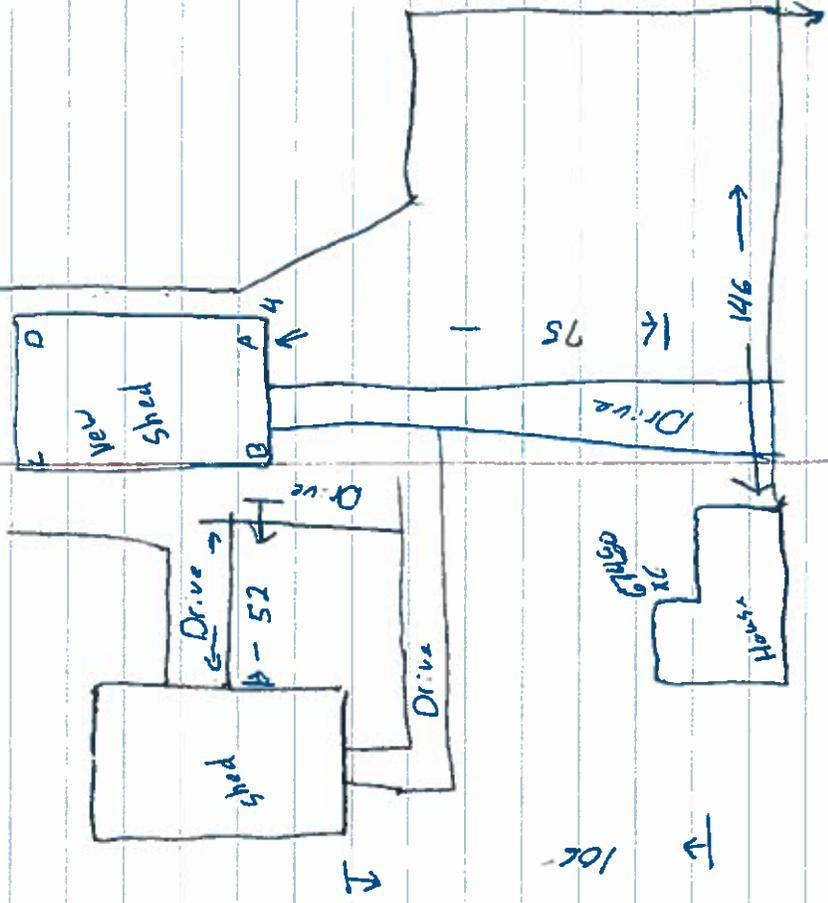
+/- 4" of recycle CA6.

Have Slope on Pad so it will not hold water before building is built

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JUL 23 2019

CHAMPAIGN CO. P. & Z. DEPARTMENT



B 674.02

A 673.90

D 673.95

C 674.21

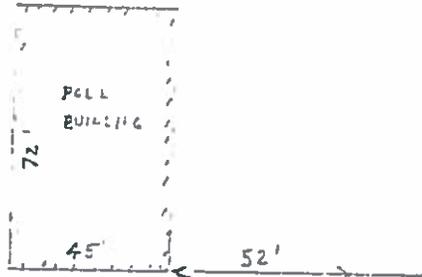
BRAD & SIMONE RIBBE  
2176 COUNTY ROAD 2100 N.  
ST. JOSEPH, ILLINOIS 61873  
P.I.N. PART OF 27-16-15-400-002  
LOCATED IN SE1/4, SECT. 15, T20N, R10E, 3rd PM

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JUL 23 2019

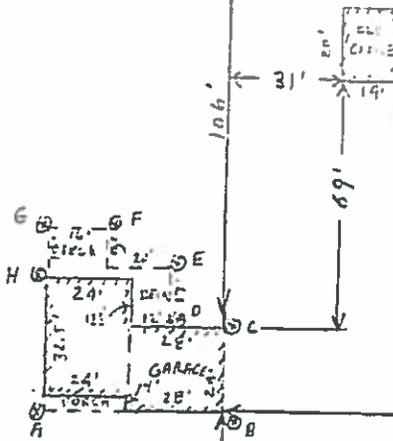
CHAMPAIGN CO P & Z DEPARTMENT

N 00° 14' 53" E - 470.00'



S 00° 14' 53" W - 159.41'  
S 00° 14' 53" W - 61.00'

S 90° 00' 00" E - 56.20'



(X) EXISTING ELEVATIONS

GROUND @ POINT "A"	674.2
GROUND @ POINT "B"	673.9
GROUND @ POINT "C"	674.0
GROUND @ POINT "D"	674.3
GROUND @ POINT "E"	674.3
DECK @ POINT "E"	674.8
GROUND @ POINT "F"	674.4
DECK @ POINT "F"	675.0
GROUND @ POINT "G"	674.3
GROUND @ POINT "H"	674.3
BASEMENT FLOOR	669.5
NEXT HIGHER FLOOR	678.4
GARAGE FLOOR	674.5
BASE FLOOD ELEV.	673.3

SW COR.  
SE 1/4, SE 1/4  
SECT. 15, T20N  
R10E, 3rd PM

N 90° 00' 00" W - 336.94'

S 00° 14' 53" W - 241.85'

SECT. 15

978.33'

P.O.E.

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

OCTOBER 12, 2007  
DATE

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



# Annotated Aerial 2017

Case 955-FV-19  
August 29, 2019



## Legend

- Elevation contours 2008
- Parcels





Federal Emergency Management Agency  
Washington, D.C. 20472

January 15, 2008

MR. BRAD RIBBE  
405 NORTH 8TH STREET  
ST. JOSEPH, IL 61873

CASE NO.: 08-05-0425A  
COMMUNITY: CHAMPAIGN COUNTY, ILLINOIS  
(UNINCORPORATED AREAS)  
COMMUNITY NO.: 170894

DEAR MR. RIBBE:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

Sincerely,

William R. Blanton Jr., CFM, Chief  
Engineering Management Branch  
Mitigation Directorate

**LIST OF ENCLOSURES:**

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region

RECEIVED  
JAN 22 2008  
CHAMPAIGN CO. P & Z DEPARTMENT



**Federal Emergency Management Agency**  
 Washington, D.C. 20472

**LETTER OF MAP AMENDMENT  
 DETERMINATION DOCUMENT (REMOVAL)**

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CHAMPAIGN COUNTY, ILLINOIS (Unincorporated Areas)	A portion of Section 15, Township 20 North, Range 10 East, Third Principal Meridian, as described in the Warranty Deed recorded as Document No 2007R26321, in the Office of the Recorder, Champaign County, Illinois
	COMMUNITY NO.: 170894	
AFFECTED MAP PANEL	NUMBER: 1708940150B DATE: 3/1/1984	
FLOODING SOURCE: UPPER SALT FORK DRAINAGE DITCH		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 40.187, -88.053 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 4.0      DATUM: NAD 83

**DETERMINATION**

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
-	-	-	2176 County Road 2100 North	Structure	B	-	674 1 feet	-

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below)

PORTIONS REMAIN IN THE SFHA  
 ZONE A  
 STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map, therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 338 2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue Suite 130, Alexandria VA 22304-6439.

*William R. Blanton Jr.*  
 William R. Blanton Jr., CFM, Chief  
 Engineering Management Branch  
 Mitigation Directorate



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP AMENDMENT  
DETERMINATION DOCUMENT (REMOVAL)**  
ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

**PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

**ZONE A (This Additional Consideration applies to the preceding 1 Property.)**

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

**STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))**

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 338-2827 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

*William R. Blanton Jr.*

William R. Blanton Jr., CFM, Chief  
Engineering Management Branch  
Mitigation Directorate

**Case 955-FV-19**



**Aerial view of 2176 CR 2100 North Homestead**

**My Concerns:**

- 1) My farm ground to the East of the house is prone to flooding. Champaign County Road 20, rebuilt in 1949, acts as a dam not allowing flood water to flow naturally to the Southeast when the Salt Fork drainage ditch overflows. The road runs above the fields. A large machine shed, elevated and running parallel 3 feet from my property line will act in the same manner as the road and will likely cause more ponding in the field even in non-catastrophic flooding years. That could require my farmer to have to replant areas of the crop.

**RECEIVED**

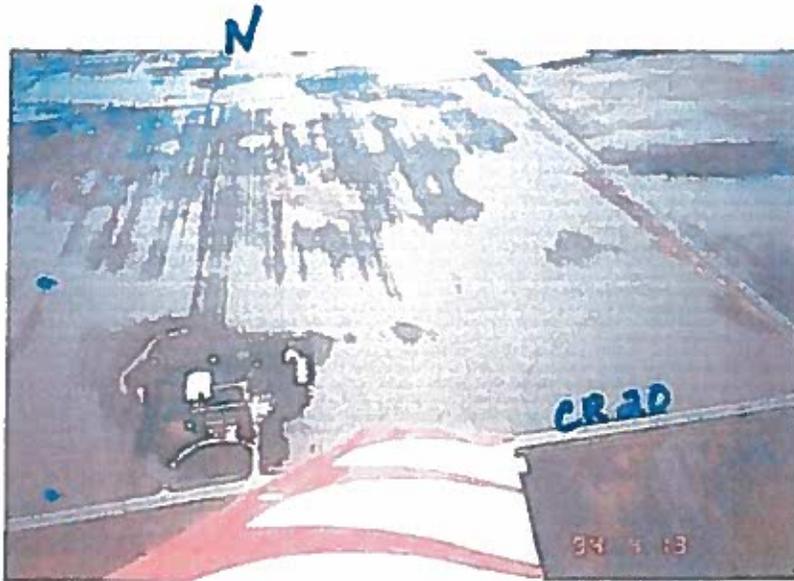
**AUG 27 2019**

**CHAMPAIGN CO P & Z DEPARTMENT**

**2) Leaving potentially only 3 feet of space between the shed and my farm will cause a hardship for my farmer who needs to run large equipment past there. I am concerned about how far the roofline would extend and wonder how grass would get mown behind the shed with only a 3-foot path.**



**This is a picture of a Spring flooding event on this property. In between the 2 fences would be the driveway. My Dad had a large barn on the property and a horse pasture to the South and East of the barn. In the 1980's he tore down the barn and dug up the rock foundation underneath of it. He put 3 grain bins up just to the North of where the barn used to sit. He left the pasture area as a grassy lawn. After Mom died in 2015, we took down the grain bins and the cement foundations and extended the tillable field to the Western edge of the property line. I don't know of anything located underground (near the barn area) that would cause a hardship in moving the proposed shed to the West seven more feet allowing the minimum required slope. It would also allow the building to be closer to the electric pole for easier tie in to electricity.**



These are aerial views of the homestead in Spring 1994



# Farmers seek help in field flooding

By DEBRA PRESSEY  
News-Gazette Staff Writer

A St. Joseph farmer and his neighbors have petitioned the county to do something about a highway in Stanton Township they claim is contributing to field flooding.

The elevation of County Highway 20, or Sellers Road, causes the road to act like a dam in heavy rainstorms, according to John Roelfs, who delivered a petition to the county board Highway Committee Monday.

Roelfs said the petition was signed by 42 of his neighbors.

"Several of us farmers feel County Road 20 is holding back the natural flow of water," Roelfs said.

He asked the committee to authorize the construction of additional culverts across the road, but the committee declined to take that step on the advice of County Highway Superintendent Terry Gardner.

Roelfs said he had to replant

about 15 acres of crops damaged by standing water after the recent bout of flooding. He farms about five miles north of St. Joseph at the northwest corner of County Highway 20 and County Highway 12.

County Highway 20 was rebuilt in 1949.

Previously, the road was lower and water was able to flow across it, Roelfs said. The current generation of property owners have coped with four damaging floods in the past 20 years, he added.

County board member Dale Wolf, a Homer farmer who chairs the committee, agreed with Roelfs that culverts are needed.

But Gardner said the major source of the flooding is a backed-up Upper Salt Fork drainage ditch. A road ditch on the east side of a state highway running south of County Highway 20 flows into the upper Salt Fork, which was overflowing its banks during the recent heavy rains, he said.

All the culverts in the world

won't help that situation, he said.

"There's no question that there's a water problem there," Gardner added. "It's very questionable how much good culverts will do John and other farmers in the area."

Culverts cost about \$2,000 each to buy and install, he said.

Gardner suggested the county board repeat an offer apparently made in 1984 to land owners affected by the flooding.

The county would agree to build one culvert if property owners acquire the right of way to widen the road ditch flowing into the Salt Fork.

Gardner said nothing ever came of the offer in 1984, but Roelfs said yesterday was the first he'd ever heard of it.

The Highway Committee asked Roelfs to study a previous engineering proposal on the situation and convey the offer to his neighbors.

Roelfs said he doubts land owners will change their position.

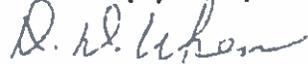
August 27, 2019

To the Champaign County Zoning Committee:

To Whom It May Concern:

It is our opinion that the building that is being proposed by Brad Ribbe will not be a hindrance in anyway, shape, or form concerning the production of our crops. Having lived at our present farm our entire life we see only positive outcome for Mr. Ribbe and see no negative effects to our farm which is adjacent to his. There would not be any water restriction (dam) to surface drainage on either or any side of building being proposed.

Sincerely yours,



Darrell Uken

Donna Uken

2152 Co. Rd 2100 N,

ST. JOSEPH, IL 61873

**RECEIVED**

SEP 12 2019

CHAMPAIGN CO P & Z DEPARTMENT

## FINDINGS OF FACT FOR CASE 955-FV-19

From the documents of record and the testimony and exhibits received at the public hearing for zoning Case 955-FV-19 held on **September 12, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity **CANNOT** be located outside the floodplain because: the entire property is in the mapped special flood hazard area, except for the area surrounding the house, which was removed by a Letter of Map Amendment.
2. An exceptional hardship **WOULD** result if the floodplain variance were not granted because: a driveway and utility pole would have to be relocated, which would present additional costs to the petitioner.
3. The relief requested **IS** the minimum necessary because: there is significant expense involved with moving the building to any significant degree.
4. The requested floodplain variance **WILL NOT** result in any additional threat to public health and safety or creation of a nuisance because: the building creates no obstructions to water flow, which is either onto or off of the subject property and adjacent property, and the fill is not required to preserve the structural integrity of the pole building that will not have a concrete slab floor.
5. The requested floodplain variance **WILL NOT** result in additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities because: the proposed fill will not obstruct drainage to subject or adjacent properties, and the building itself will not be occupied. It is not going to have any impact on the existing road system or public utilities.
6. The applicant's circumstances **ARE** unique and **DO NOT** establish a pattern inconsistent with the National Flood Insurance Program because: this is an area of extensive, very shallow flooding, making it an atypical flood hazard condition, and there are difficulties in identifying alternative sites for the structure, and the structure itself will be unoccupied and does not require extensive protection.
7. All other required state and federal permits **HAVE** been obtained. No other permits are required.

To: **Environment and Land Use Committee**

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

Date: **September 24, 2019**

RE: **Case 903-S-18 PV Community Solar Farm**

Request: **A request by Nexamp, 101 Summer Street, 2<sup>nd</sup> Floor, Boston MA 02110, via Barton Pitts, Director of Business Development Midwest Region, and participating landowners the Mildred Catherine Wolf Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz, to approve the Decommissioning and Site Reclamation Plan for a Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW), on approximately 11 acres in the AG-1 Agriculture Zoning District, on the subject property described below:**

**A 121.79-acre tract comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the house located at 2232A CR 1000N, Sidney.**

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## **BACKGROUND**

At the December 12, 2018 meeting, the Champaign County Board approved a Special Use Permit for Case 903-S-18 for FFP IL Community Solar LLC to build a 4-megawatt (MW) photovoltaic (PV) solar farm east of the Village of Sidney on the north side of CR 1000N (County Highway 15). In April 2019, the Illinois Power Agency released the lottery results for its Adjustable Block Program, which allocates Renewable Energy Credits (RECs) to solar developer agencies. Site 2 (two of the four MW that the County approved) of the Wolf-Wertz solar farm is the only community-scale solar farm in Champaign County awarded RECs to date.

FFP IL Community Solar LLC recently sold Site 2 of the Wolf-Wertz project to Nexamp Inc. Nexamp is proceeding with the remaining approval processes for this development, which include having a Decommissioning and Site Reclamation Plan, decommissioning cost estimates, and an Irrevocable Letter of Credit approved by ELUC, and then having a standard Zoning Use Permit application approved at the Department of Planning and Zoning.

The following documents were received from Nexamp on September 24, 2019:

- Revised Site Plan dated September 24, 2019
- Decommissioning and Site Reclamation Plan
- Decommissioning costs spreadsheet

These materials have not been reviewed by the SAO or even completely reviewed by this Department, but the applicant wanted them forwarded to ELUC for review in October.

## **ATTACHMENTS**

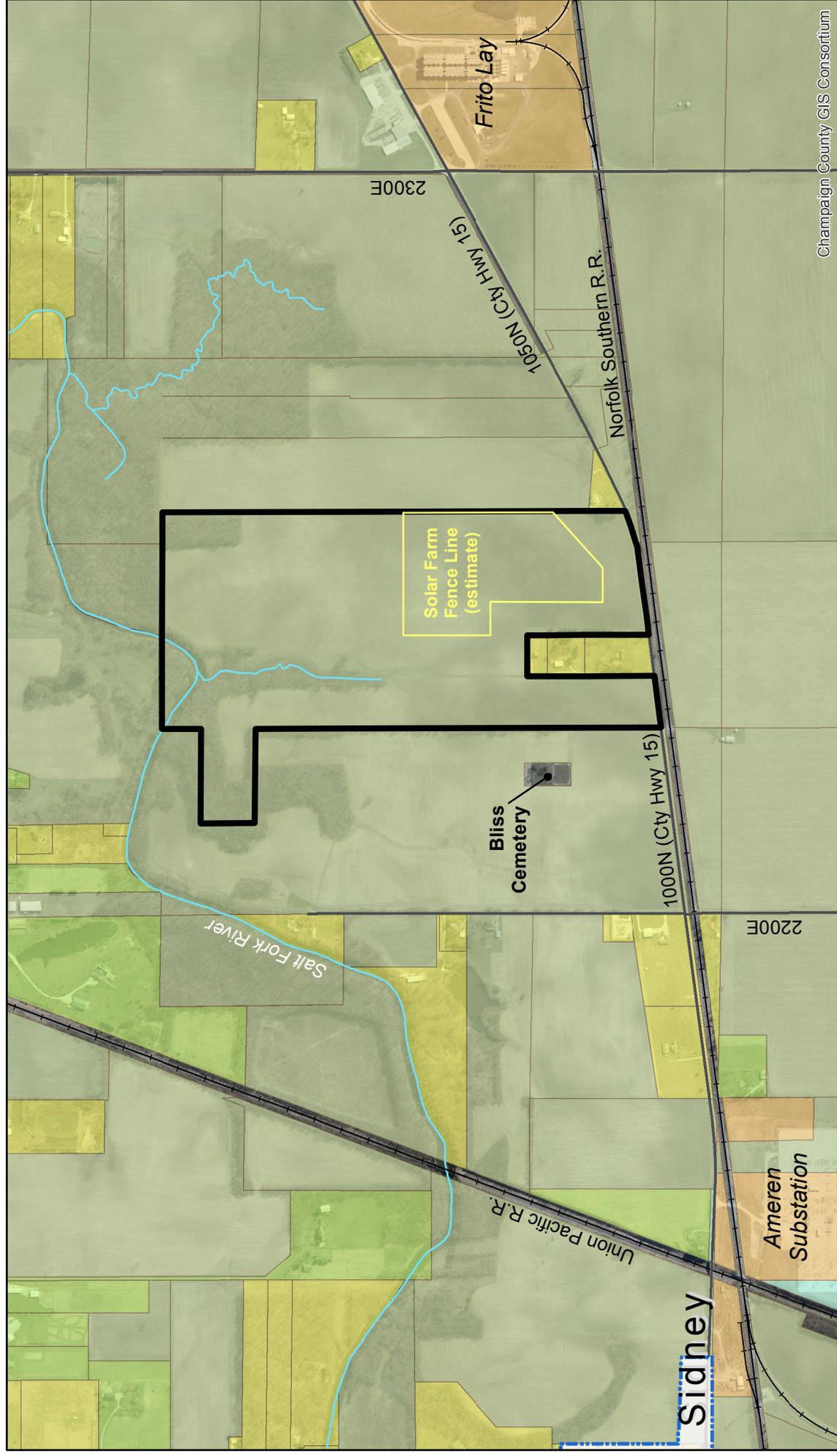
- A Case Maps (Location Map, Land Use, and Zoning)
- B Revised Site Plan submitted by Nexamp, received September 24, 2019
- C Decommissioning and Site Reclamation Plan received September 24, 2019
- D Decommissioning cost estimates received September 24, 2019



# Land Use Map

Case 903-S-18

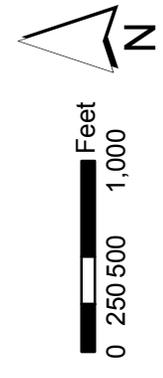
September 13, 2018



Champaign County  
Department of  
PLANNING &  
ZONING

## Legend

- Solar Fenced Area
- Subject Property
- Municipal Boundary
- Streets
- Railroad
- Streams
- Residential
- Agriculture
- Ag-Residential
- Commercial/Industrial
- Utility

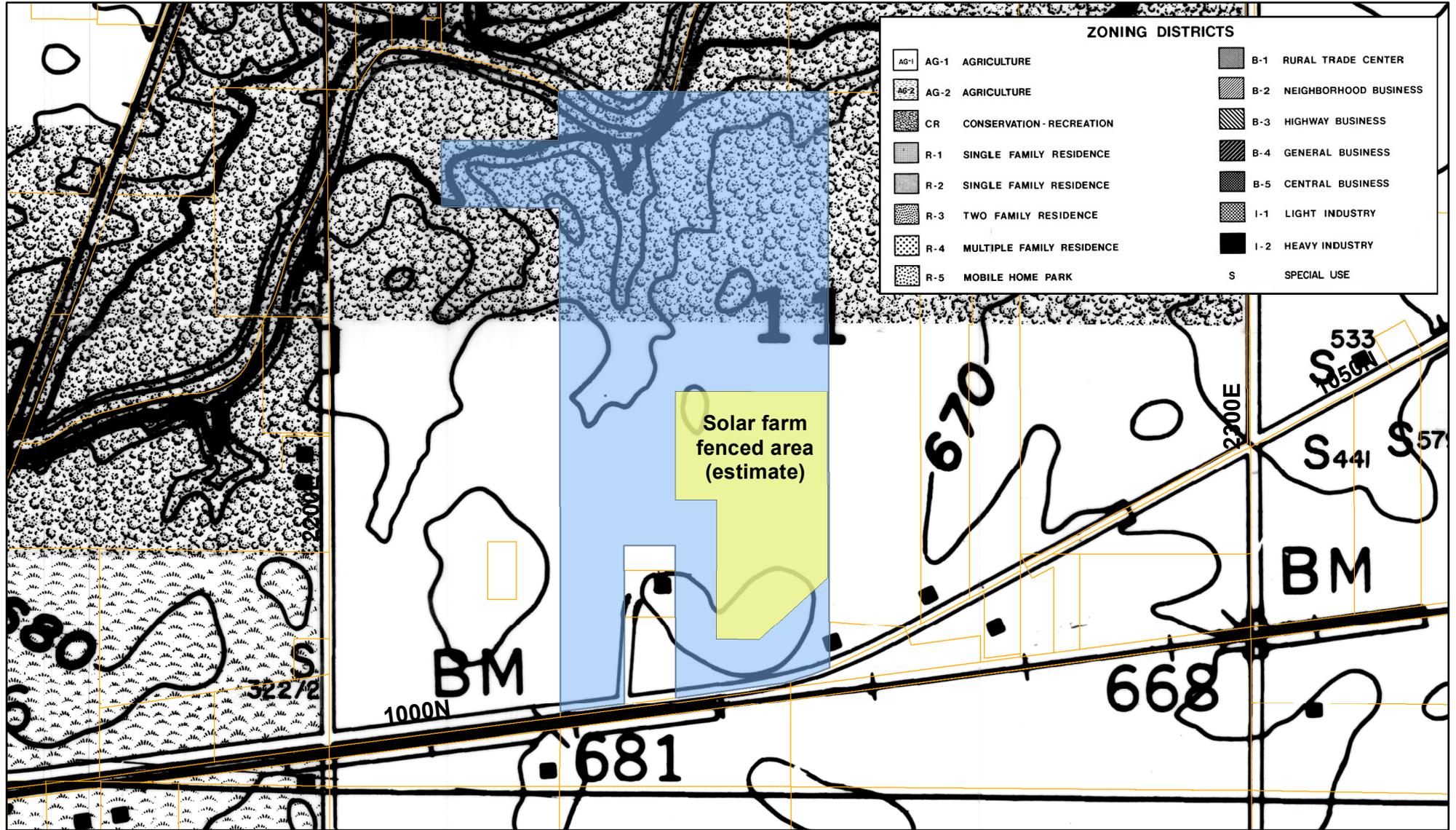


Champaign County GIS Consortium

# Zoning Map

Case 903-S-18

September 13, 2018



## Legend

- Solar Fenced Area
- Subject Property
- Parcels

0 200 400 800 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

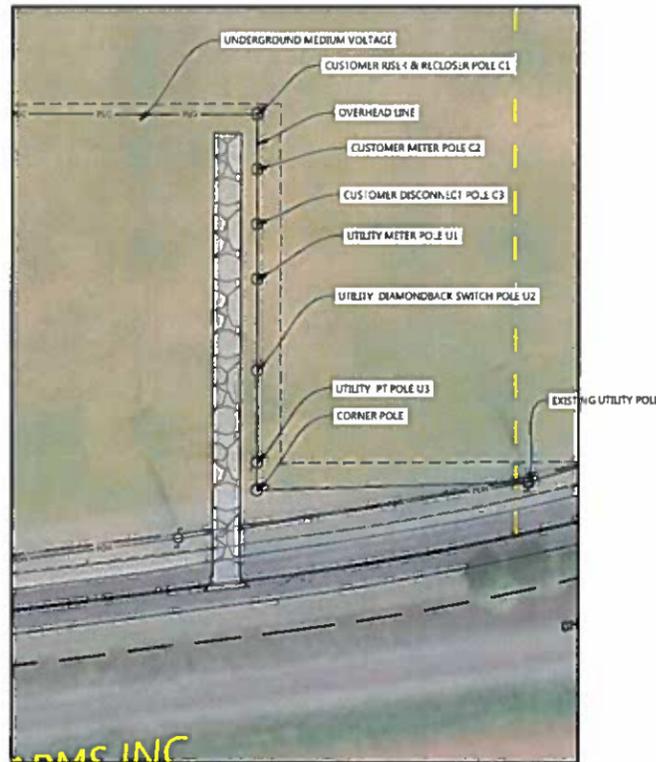
**GENERAL NOTES**

1. Project size: 2M W - AC
2. Project location: The subject parcel PIN is 242811300018. The project is located in the northwest quarter of T18N R10E S11
3. Parcel address: 2200-2298 County Rd 1000 N, Sidney, IL 61877
4. Parcel owner: Wertz, Judith K.
5. Parcel area: 123.18 Acres
6. Project area: 10.38
7. Current land use and zone: Agricultural District, Zone A-1
8. PV Array consists of solar PV modules mounted on a single-axis tracker, with a row spacing of 14.26ft.
9. Access road will be all-weather, and be designed to accommodate construction, maintenance, and first responder traffic.
10. No lighting is proposed for the project.
11. A landscape screening/buffering is proposed for the project. A low growth, minimum maintenance, native perennial plant community will be established that is beneficial to songbirds and pollinators and it will reduce storm water run off and soil erosion at the site. The developer shall use native species seed mixes to the extent practical and these seed mixes will be certified free from noxious or exotic weed seeds.
12. The project does not lie within a special flood hazard area as shown on FEMA FIRM panel 17019C0475D (effective on 10/02/2013)
13. The locations of the proposed project improvements are preliminary and subject to change based on revised specifications and constraints.
14. The project will meet or exceed applicable local and national codes and standards, including National Electric Code (NEC) Article 690.
15. Project signage and equipment labeling will be clearly visible and meet or exceed local, utility, and NEC standards.

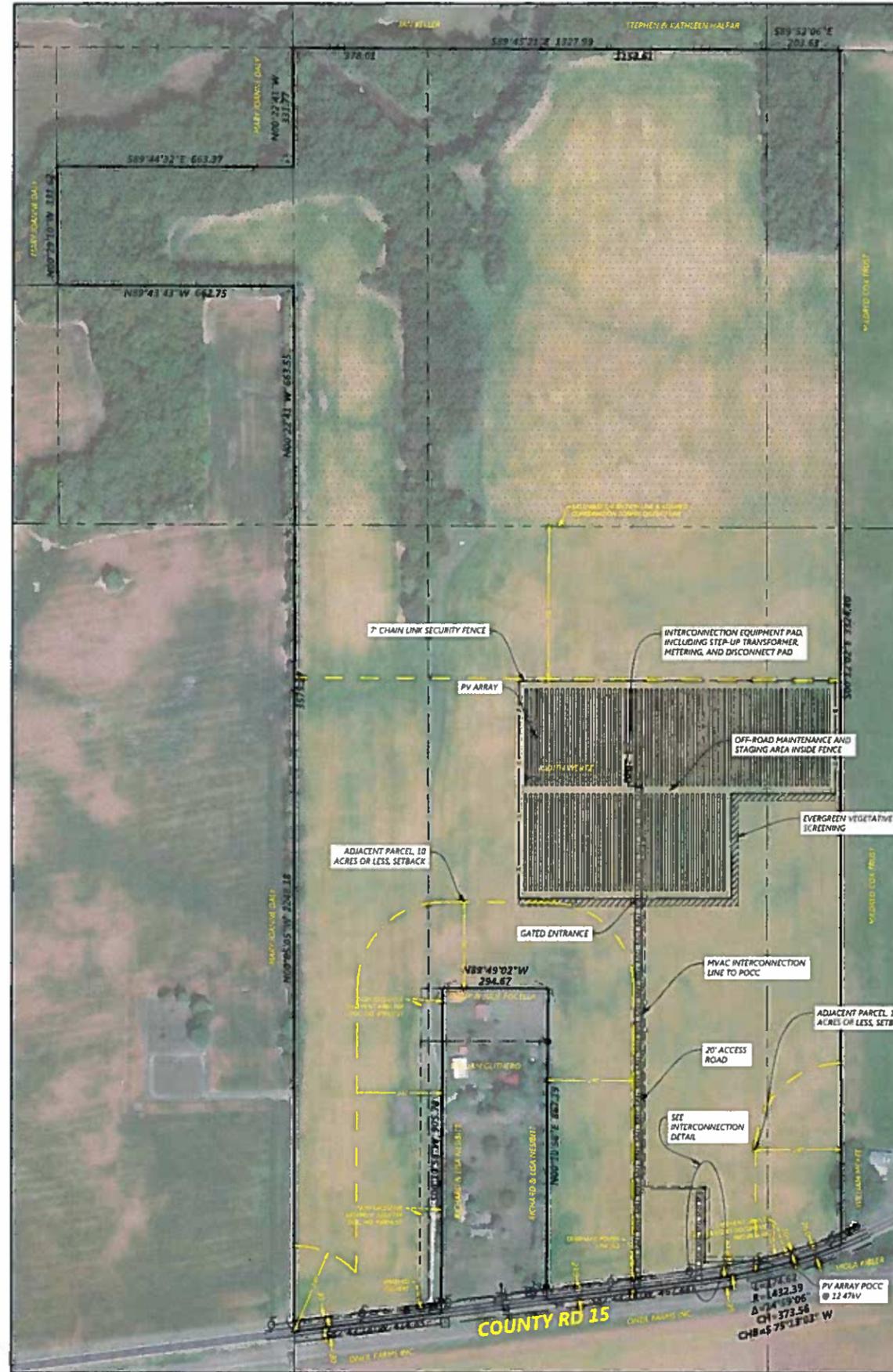
**RECEIVED**

SEP 24 2019

CHAMPAIGN CO P & Z DEPARTMENT

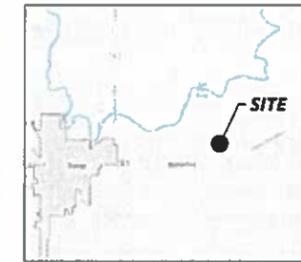


INTERCONNECTION DETAIL 1"=50'



SITE PLAN 1"=200'

**VICINITY MAP**  
(NOT TO SCALE)



**LEGEND:**

	GAS SERVICE
	TELEPHONE PEDESTAL
	CULVERT
	POWER POLE
	POWER OVERHEAD
	FOUND MONUMENT (SEE LABEL)
	BOUNDARY LINE
	RIGHT-OF-WAY LINE
	LOT LINE
	EASEMENT LINE
	SECTION LINE
	SETBACK LINE
	CONSERVATION ZONE

**Westwood**

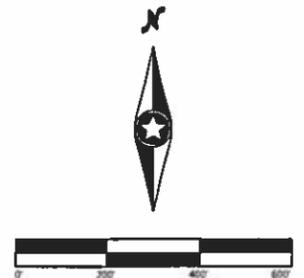
Phone (952) 937-5150 12701 Whitewater Drive, Suite #300  
 Fax (952) 937-5822 Minneapolis, MN 55343  
 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

PREPARED FOR:

**nexamp**

REVISIONS

#	DATE	COMMENT



**IL Sidney Project 1**  
Champaign County, Illinois

**NOT FOR CONSTRUCTION**

DATE: 9/24/2019

SHEET: 01

# Decommissioning & Site Reclamation Plan

IL Sidney Project 1

2MWac Ground Mounted Solar Project



Nexamp, Inc.  
101 Summer Street, 2<sup>nd</sup> Floor  
Boston, MA 02110

**RECEIVED**

SEP 24 2019

CHAMPAIGN CO. P & Z DEPARTMENT

# Contents

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Introduction .....	3
Approval Process.....	3
Financial Assurance.....	4
Further Stipulations .....	5
Permitting & Approvals.....	9
Facility Description.....	9
Decommissioning.....	11
Site Restoration.....	11
Exhibit 1 .....	13
Exhibit 2 .....	14

# Introduction

IL Sidney Project1, LLC (“Owner”) proposes to develop a solar photovoltaic (PV) facility (the “Project”) with a maximum nameplate capacity of two megawatts alternating current (2 MWac). The Project will be developed on private property located along the north side on County Road 1000 North, approximately 1.1 miles east of Sidney, Illinois (the “Property”), as shown in Figure 1.

The Project consists of approximately 11 acres within a 121.79-acre parent parcel of private land located in Sidney Township, Champaign County, Illinois. The Project will produce electricity delivered to the local distribution grid utilizing existing overhead lines along County Road 1000 North. Interconnection to the grid will include both underground and overhead wires along with new utility poles located on the Property.

# Approval Process

As a condition to Champaign County (“County”) providing Zoning Use Permit Approval (“Approval”) of the Project on the Property, Owner shall submit a decommissioning and site reclamation plan to the County for the subject site. This Decommissioning and Site Reclamation Plan (the “DSRP”) describes the anticipated activities and process for decommissioning of the proposed facility following its useful life. The purpose of decommissioning is to restore the Property to a clean, safe and usable condition for continued use by the landowner.

The DSRP shall be binding upon all successors of title, lessees, any operator and/or owner of the Project, and all parties to the decommissioning and site reclamation plan. Prior to Approval, the landowner or Owner shall also record a covenant incorporating the provisions of the decommissioning and site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance (the “Security”).

Decommissioning consists of the removal of above-ground and below-ground facility components, management of excess materials and waste as well as the restoration of the Property, as applicable. Activities are expected to take between 8-10 weeks but no longer than four-months. The Owner agrees to remove any part of the Project and all associated equipment and structures if the Project part ceases to function for six (6) consecutive months, unless the Owner is diligently working to repair that part.

Future consultation will occur with the County prior to decommissioning to discuss preferences and commitments to restore the Property to its pre-construction condition or a similar state. All decommissioning and restoration activities will adhere to the requirements set forth by Occupational Health and Safety Administration (OSHA) and will be in accordance with all applicable federal, state and local permitting requirements. As with the construction phase, an on-site manager responsible for safety

will be present on-site (generally the contractor's project manager) while decommissioning activities are taking place.

Upon removal and decommissioning of the Project, the Owner shall inform the County accordingly, in writing. Upon the County's determination that the Owner has decommissioned and removed the Solar Energy Project and restored the Property as required under the Site Plan Approval, the County shall: (i) release the Owner from this Plan; (ii) issue a certificate of completion and release and (iii) return or release any unused portion of the Security to the Owner. A determination that the removal and restoration has been satisfactorily completed shall be in the reasonable discretion of the County. The Owner and its agents and consultants shall fully comply with all reasonable requests for inspections and information by the County and its agents.

If the Owner fails to complete the required removal of the Project and restoration of the Property as set forth herein, the County shall be entitled to utilize the Security provided hereunder to the extent necessary, in the County's reasonable discretion, to complete the removal and restoration process. Any portion of the Security that is not utilized as set forth herein shall be returned to the Owner, less reasonable administrative costs. In the event that the County elects to obtain the Security, in whole or in part, as described in this paragraph, it shall notify the Owner accordingly, in writing and, within fourteen (14) days of such writing, the Security shall be paid to the County.

The Plan is based on current procedures and experience. These procedures may be subject to revision based on new experiences and requirements over time. At the time of decommissioning, various options and procedures will be re-evaluated to ensure that decommissioning is safe and beneficial to the environment.

## Financial Assurance

To fulfill its obligations to provide the Security, the Owner shall be required to execute and file with the County a Letter of Credit ("LOC"), in an amount sufficient for the faithful performance of the terms and conditions of the Approval issued hereunder, and to provide for the aforesaid removal and restoration of the Property subsequent to removal of the Project. The Owner shall deliver, to the County, suitable evidence of the establishment of the LOC prior to the Approval of the Project.

Section 6.1.5Q.(4)a. of the Zoning Ordinance requires the amount of the LOC to be 12.5% of the decommissioning cost (including allowable salvage) at the time of Zoning Use Permit Approval, and 62.5% of the decommissioning cost (including allowable salvage) at the sixth anniversary of operation, and 125% of the decommissioning cost (including allowable salvage) at the eleventh anniversary of operation. Section 6.1.5Q.(4)d. of the Zoning Ordinance requires the amount of the financial assurance to be updated every five years for the first 25 years and every two years thereafter. Additionally, Section 6.1.5Q.(4)f. of the Zoning Ordinance requires the amount of the LOC to equal or exceed 125% of the decommissioning cost estimate at all times.

Upon County's request, per Section 6.1.5Q.(4)d. of the Zoning Ordinance, the Owner shall update the amount of the LOC every five years for the first 25 years and every two years thereafter. The Owner shall deliver to the County evidence of the new balance of the Security, as aforesaid

The sum \$267,191 is an amount sufficient for the aforesaid removal of the Project and subsequent restoration of the Property, based upon the documentation herein.

The Owner shall at all times provide the County with the name of the current Owner or Owners of the Project, updated no more than forty five (45) days after transfer of title.

The Engineer's Cost Estimate for the DSRP is included in Exhibit 1.

## Further Stipulations

The Owner confirms the review of the relevant County Zoning Ordinance sections, including Sections 6.1.1.A and 6.1.5.Q, and confirms the additional stipulations and requirements contained therein:

1. Owner or successor shall notify the County by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding.
2. The County and its authorized representatives are authorized by the Owner for right of entry onto the Project premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.
3. At such time as decommissioning takes place the Owner, its successors in interest, and all parties to the DSRP are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
4. The Owner, its successors in interest, and all parties to the DSRP shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.
5. Should the DSRP be deemed invalid by a court of competent jurisdiction the Project SPECIAL USE permit shall be deemed void.
6. The Owner's obligation to complete the DSRP and to pay all associated costs shall be independent of the Owner's obligation to provide the Security.
7. The liability of the Owner's failure to complete the DSRP or any breach of the DSRP requirement shall not be capped by the amount of the Security, and the Owner will provide for payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required to be carried out by Champaign County.
8. If the Owner desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Owner installs equipment or property increasing the cost of decommissioning after the Project begins to produce electricity, at any point, the Owner shall first obtain the consent of

the Zoning Administrator. If the Owner's lien holders remove equipment or property credited to the salvage value, the Owner shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

9. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide proof of compliance with paragraph 6.1.5. Q.(4)b.(a) prior to issuance of any Zoning Use Permit and upon every renewal of the Security and at any other time upon the request of the Zoning Administrator.
10. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide in the decommissioning and site reclamation plan for legal transfer of the Project to the demolisher to pay the costs of reclamation work, should the reclamation work be performed by Champaign County.
11. The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the Project, equipment, and access roads.
12. Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgment as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
13. The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.
14. The total amount of the Security after deduction of the net estimated salvage value shall not be less than \$1,000 per acre.
15. The credit for net estimated salvage value attributable to the Project may not exceed the estimated cost of removal of the above-ground portion of the Project on the subject site.
16. Net salvage value may be deducted from decommissioning costs as follows:
  - (a) One of the following standards shall be met:
    - i. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall maintain the Project free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
    - ii. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall deduct from the salvage value credit the amount of any lien or encumbrance on the Project; or
    - iii. Any and all financing and/or financial security agreements entered into by the Owner, its successors in interest, and all parties to the decommissioning

and site reclamation plan shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1 A.2 that the reclamation work be done.

17. The County has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.
18. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:
  - (a) At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter or, if the SOLAR PV modules have an unlimited warranty of at least 10 years and also have a limited power warranty to provide not less than 80% nominal power output up to 25 years and proof of that warranty is provided at the time of Zoning Use Permit approval, then at least once every five years for the first 25 years of the financial assurance and at least once every two years thereafter, the Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.
  - (b) At all times, the value of the irrevocable letter of credit shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the Project was approved.
19. The long term corporate debt (credit) rating of the letter of credit issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:
  - (a) The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).
  - (b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.
  - (c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long

term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating.

20. At all times the value of the irrevocable letter of credit shall be increased annually as necessary to reflect actual rates of inflation over the life span of the Project and the amount shall be equal to or exceed 125% of the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the Project was approved.
21. Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.5 Q.(4)d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.5 Q.(4) shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.
22. Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.5 R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1 A.5.
23. Unless the Governing Body approves otherwise, the Champaign County State's Attorney's Office shall review and approve every Letter of Credit prior to acceptance by the Zoning Administrator.
24. **In addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for the following reasons:**
  - (a) In the event that any Project or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such Project or component.
  - (b) In the event that the Owner declares the Project or any Project component to be functionally obsolete for tax purposes.
  - (c) There is a delay in the construction of any Project of more than 6 months after construction on that Project begins.
  - (d) Any Project or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
  - (e) Any Project or component thereof that is otherwise derelict for a period of 6 months.
  - (f) The Project is in violation of the terms of the Project SPECIAL USE permit for a period exceeding ninety (90) days.
  - (g) The Owner, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the County's interest in the decommissioning and site reclamation plan.

(h) The County discovers any material misstatement of fact or misleading omission of fact made by the Owner in the course of the special use permit zoning case.

25. The Zoning Administrator may, but is not required to, deem the Project abandoned, or the standards set forth in Section 6.1.5 Q.(5) met, with respect to some, but not all, of the Project, to the extent that such portion of the Project otherwise meets the standards of abandonment or the standards set forth in Section 6.1.5 Q.(5). In that event, the Zoning Administrator may draw upon the Security to perform the reclamation work as to that portion of the Project only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining Project.

## Permitting & Approvals

Prior to the initiation of decommissioning activities, local code will be reviewed for applicability with decommissioning activities. The County will be consulted to confirm and applications made for appropriate permits and approvals. At a minimum, it is anticipated that a new storm water pollution prevention plan (SWPPP) will be required along with a building permit. It is assumed that neither a new or revised site plan or special use permit would be necessary because decommissioning activities are associated with the originally issued approvals.

Potential negative environmental effects from decommissioning of the facility will be mitigated through use of erosion and sediment control measures, limiting the use of heavy machinery (where possible), and maintaining a buffer from natural features. These control measures, as well as other mitigation measures used during construction will be re-implemented during the decommissioning phase and until the site is stabilized.

Throughout the decommissioning process, the County will be provided with regular updates and notice upon completing the restoration activities.

## Facility Description

The solar PV modules will be installed on metal racking structures with a single-axis tracker and secured to the ground utilizing either direct push or anchor screw technology. Direct Current (DC) wiring with the Project will be secured behind the modules, collected at a common point and transition underground to the inverters. From the inverter/transformer pad, AC wiring will run underground until a point before County Road 1000 North where it will surface and connect to a series of utility poles on the Property before connecting to National Grid's Project.

Access to the Project will be from County Road 1000 North utilizing a 20' wide crushed stone road constructed for access to the facility. The access road would be up to approximately 1,000-feet in length.

The inverters and transformer skid will be mounted on a concrete pad located within the array. The pad used for the skid will be approximately 34-feet x 13-feet.

The site will be secured with a seven-foot perimeter fence consisting of six-foot chain link topped by three strands of barbed wire making up the last foot.

Figure 1: Project Location



# Decommissioning

A significant amount of the components of the Project will include recyclable or re-saleable components, including copper, aluminum, galvanized steel, and modules. Due to their resale monetary value, these components will be dismantled and disassembled rather than being demolished and disposed of.

Following coordination with the local utility company regarding timing and required procedures for disconnecting the Facility from the private utility, all electrical connections to the Project will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the panels will be cut at the panel and then removed from their framework by cutting or dismantling the connections to the supports. Inverters, transformers, and switchgear will be lifted, secured onto flat beds, and transported off-site for processing.

Modules will be detached from the racking system and stacked for removal. However, in the event of a total fracture, the broken module will be disposed of at a lined landfill.

The metal piling systems used to secure the PV Project in the ground will be removed entirely and if full removal is not possible, then terminated at a depth greater than five feet from grade or at bedrock whichever is shallower. The piling materials will be collected and recycled. Additionally, all associated metal mounting structures along with the metal perimeter fencing and gates will be removed and either reused or sent for recycling.

Grade slabs will be broken, removed, and disposed of off-site or recycled. Unless requested by the landowner for the access road to remain, materials from road construction will be removed, shipped off-site for either re-use or disposal. If necessary, the former road bed will be backfilled and graded with material native to the region to blend it with the immediately adjacent and existing topography.

Aboveground utility poles owned by the Project will be completely removed and disposed of off-site in accordance with utility best practices. Overhead wires will be removed from the area of the solar modules and terminated at the point of interconnection. Underground wiring at depths of less than five feet will be removed and recycled.

Prior to final demobilization, a final walkthrough of the Project area and the Property is completed to police for and ensure all debris is collected and removed.

# Site Restoration

Those areas disturbed during decommissioning activities will be graded as necessary to ensure a uniform slope for proper storm water management, prevent the ponding of waters and address any rutting or other depressions caused by removal equipment. The disturbed areas will then be seeded either by hand or via hydro seeding to reestablish vegetation compatible with the Property and region. It is anticipated that a seed mix native to the area will be used by the decommissioning contractor, unless the landowner

instructs that they will begin using the property for agricultural purposes and will reestablish the area with agricultural vegetation.

The DSRP and cost estimate includes provisions for the removal and restoration of the access driveways. The construction, operation, and decommissioning of the project will not require alterations to any public streets, therefore no repairs to public streets are anticipated.

# Exhibit 1

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## Engineer's Cost Estimate

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# Exhibit 2

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Letter of Credit

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Project Name: Sidney Site 1 Solar Project  
Date: September 24, 2019  
WPS Project Number: 0014797.00  
By: BWV/JTW

SEP 24 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Project Size	2.88	MW-DC	2.00	MW-AC
	Quantity	Unit	Unit Cost	Total Cost
<b>Mobilization/Demobilization</b>	1	Lump Sum	\$19,000.00	<b>\$19,000</b>

Mobilization was estimated to be approximately 7% of total cost of other items. This number was developed from communications with contractors and reviewing various agency guidelines.

**Permitting**

State Permits	1	Lump Sum	\$10,000.00	<b>\$10,000</b>
<b>Subtotal Permitting</b>				<b>\$10,000</b>

Decommissioning will require a SWPPP and SPCC plan, cost is an estimate of the permit preparation cost

**Civil Infrastructure**

Removal Gravel Surfacing from Road	222	Cubic Yards (BV)	\$4.06	\$902
Haul Gravel Removed from Road	278	Cubic Yards (LV)	\$8.06	\$2,240
Disposal of Gravel Removal from Road	413	Tons	\$0.00	\$0
Grade Road Corridor (Re-spread Topsoil)	600	Linear Feet	\$79.16	\$47,498
Erosion and Sediment Control for Road Restoration	400	Linear Feet	\$1.87	\$748
Vegetation Establishment on Removed Road Area	0.39	Acres	\$11,712.80	\$4,517
Removal of Security Fence	2,900	Linear Feet	\$6.00	\$17,400
<b>Subtotal Civil Infrastructure</b>				<b>\$73,305</b>

Civil removal costs are a combination of IDOT unit costs where applicable, RS Means cost for Champaign, IL industry standards provided to Westwood.

**Structural Infrastructure**

Removal Tracker Steel Foundation Posts	1,144	Each	\$13.00	\$14,872
Haul Tracker Steel Post	62	Tons	\$4.86	\$300
Removal Drive Motor Posts	104	Each	\$15.00	\$1,560
Haul Drive Motor Posts	10	Ton	\$4.86	\$49
Removal Tracker Racking	104	Each	\$120.00	\$12,480
Haul Tracker Racking	85	Ton	\$4.86	\$411
<b>Subtotal Structural Infrastructure</b>				<b>\$29,672</b>

Steel removal costs were calculated by using information from array manufacturers for installation rates and using the same rates to calculate total days to remove equipment.

Hauling calculations are based on the locations of metals recyclers.

**Electrical Collection/Transmission System**

Removal of PV Modules	8,484	Each	\$12.50	\$106,050
Haul PV Modules	243	Ton	\$43.20	\$10,500
Removal of Combiner Boxes	16	Each	\$60.00	\$960
Removal of PCU Station (Inverters/Panelboard/Transformer)	1	Each	\$4,000.00	\$4,000
Removal of Scada Equipment	1	Each	\$5,000.00	\$5,000
Removal of DC Collector System Cables (copper)	2.9	Per MW	\$3,000.00	\$8,652
Removal of Underground (AC) Collector System Cables	2.9	Per MW	\$5,000.00	\$14,420
Load and Haul Cables for Recycling	15.0	Ton	\$4.86	\$73
Removal of Fiber Optic Cable	2.9	Per MW	\$1,000.00	\$2,884
<b>Subtotal Electrical Collection/Transmission System</b>				<b>\$152,539</b>

Electrical removal costs of PV Panels and Combiner Boxes were based industry standards on installation rates of a two man work crew. PCU Station, MV Equipment and Scada Equipment removal cost are based on removal of equipment, concrete pads, and conduits using a truck mounted crane and contractor provided information on installation rates.

	Quantity	Unit	Unit Cost	Total Cost
<b>Site Restoration</b>				
Stabilized Construction Entrance	1	Each	\$2,000.00	\$2,000
Perimeter Controls	2,175	Linear Feet	\$1.87	\$4,067
Permanent Seeding on area within Removed Array	12	Acres	\$930.38	\$11,090
Public Road Restoration Costs	10	Miles	\$0.00	\$0
<b>Subtotal Site Restoration</b>				<b>\$17,157</b>
Site restoration costs are based on past solar project experience. Less than 50 truck loads of materials are required to be removed.				
<b>Subtotal Construction Activities</b>				<b>\$272,674</b>
<b>Total Demolition/Removals/Mobilization/Demobilization</b>				<b>\$301,674</b>
County Administration Costs (2.5%)				\$7,542
<b>Gross Demolition Costs</b>				<b>\$309,216</b>
<b>Total Demolition/Removals per MW</b>				<b>\$154,608</b>
<b>Total of Above Ground Removal Costs</b>				<b>\$182,212</b>
<b>Salvage</b>				
Fencing	15	Tons	\$240.00	\$3,480
Steel Foundation Posts	72	Tons	\$240.00	\$17,222
Module Racking	85	Tons	\$240.00	\$20,319
PV Modules	8,484	Each	\$23.09	\$195,862
Inverters and Transformers	1	Each	\$1,664.86	\$1,665
Substation	0	Each	\$75,000.00	\$0
Scada Equipment	1	Each	\$1,000.00	\$1,000
DC Collection Lines	22,500	Pounds	\$1.15	\$25,974
AC Collection Lines	7,500	Pounds	\$0.22	\$1,669
Steel Scrap values are based on the average historical five price as published by SteelBenchmarker for #1 Heavy Melting Steel.				
Copper wire scrap values are based on the average historical five price as published by Macro Trends multiplied by the ratio of the spot #1 Insulated Copper Wire Scrap price published by scrapmetalprices.biz and the spot copper price.				
Aluminum wire scrap values are based on the average historical five price as published by Investmentmine multiplied by the ratio of the spot Insulated Aluminum Wire Scrap price published by scrapmonster.com and the spot aluminum price.				
For solar panelmodule recycling, discussions with national companies that specialize in recycling and reselling electrical transformers and inverters, and the assumption that care is taken to prevent any damage or breakage of equipment.				
<b>Subtotal Net Salvage</b>				<b>\$267,191</b>
<b>70% of Net Salvage Value</b>				<b>\$187,033</b>
<b>Total Demolition Minus Salvage</b>				<b>\$114,640</b>
<b>Net Value per Acre</b>				<b>\$9,618</b>

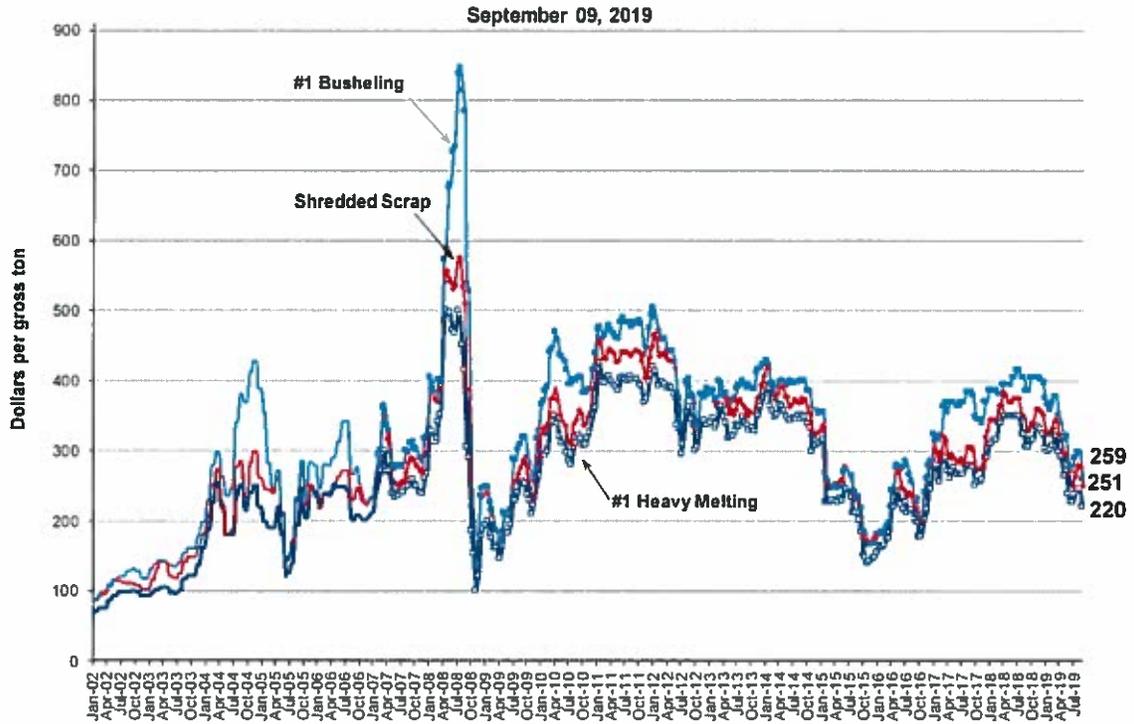
### Scrap Metal Value Calculations

	High	Low	Average	Spot (9-23-19)
Scrap Steel	\$350	\$130	\$240.00	#1 Heavy Melting from Steel Benchmarker
Copper	\$3.30	\$1.94	\$2.62	\$2.61 Macro Trends
Scrap Copper Wire				\$1.15 #1 Insulated Copper Wire - scrapmetalprices.biz
Percent Spot Copper Wire Scrap to Spot Copper price				44%
Calculated Average Copper Wire Scrap Price			\$2.62	\$1.15
Aluminum	\$1.12	\$0.66	\$0.89	\$0.80 Investment Mine
Insulated Aluminum Wire Scrap				\$0.20 Scrapmonster
Percent Spot Aluminum Wire Scrap to Spot Aluminum price				25%
Calculated Average Aluminum Wire Scrap Price			\$0.89	\$0.22



## SteelBenchmarker™ Scrap Price

USA, delivered to steel plant  
 (AMM scrap price data, Jan. 2002 - Jan. 2007, SteelBenchmarker data begins Feb. 2007)



## Macrotrends

Show Recessions  Log Scale

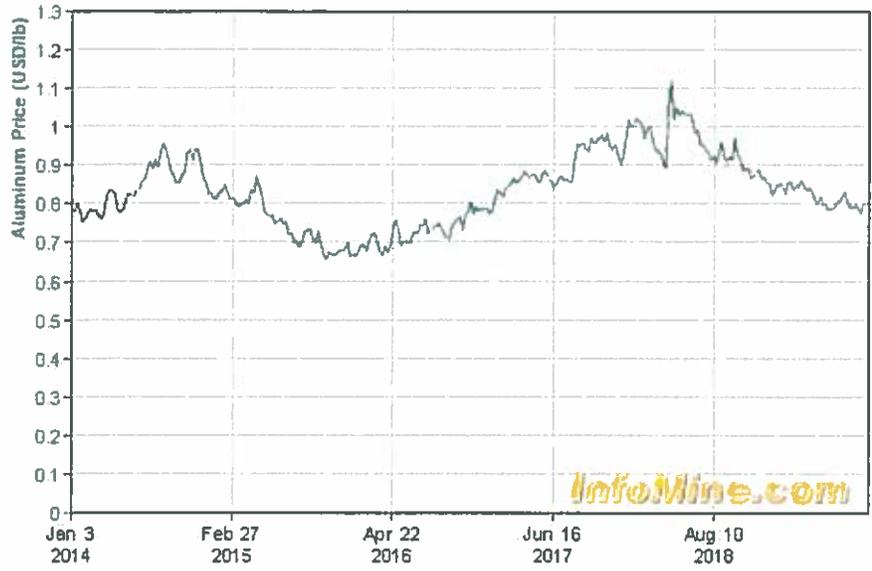
[Download Historical Data](#)

[Export Image](#)

Click and drag in the plot area or select dates: YTD | 6 Months | 1 Year | 5 Years | 10 Years | 20 Years | All Years



Aluminum Price  
0.80 USD/lb  
20 Sep '19



Share this chart

Tweet  Share

Aluminum Price Charts in Different Time Ranges

**PLANNING &  
ZONING**

DATE: September 24, 2019  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner  
John Hall, Director of Planning & Zoning  
RE: Proposed Fee Increase: Waste Hauler License  
ACTION  
REQUESTED: Recommend County Board Approval

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

(217) 384-3708  
[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

### ***Background***

This request is to propose an adjustment to County-issued annual waste hauler license fees.

As a non-home rule county, Champaign County authority to set the annual amounts of fees, terms and manner of issuing and revoking waste hauler licenses is provided for in Section 5-8003 of the Illinois Counties Code (55 ILCS 5/). See Attachment A.

Champaign County has not reviewed the waste hauler license fee schedule since the County Board adopted Ordinance No. 512 in March, 1996, establishing the waste hauler license requirement and license fee schedule as follows:

Businesses with up to two vehicles \$ 50  
Business with three to five vehicles \$100  
Business with six or more vehicles \$150

*Revenue to Solid Waste Fund.* Waste hauler license fees are a source of revenue to Champaign County Solid Waste Fund (676-011), a Special Fund in decline since it was established. Attachment B specifies revenue to this fund from waste hauler license fees since 2002. Since then, the amount of \$1,540 is the average annual waste hauler license fee revenue to this fund.

*Waste Hauler Licenses Issued.* Attachment C details the number of vehicles per waste hauler doing business in Champaign County, based on waste hauler license applications received for the year 2019. A total of 17 waste hauler companies operating within Champaign County applied for vehicle licenses, with variability in number of qualifying vehicles reported by each company, from 1 to 44 vehicles. Based on the Champaign County waste hauler fee schedule, the per-vehicle license fee paid by waste hauler companies applying for a waste hauler license varies greatly depending on the number of vehicles to be licensed, ranging from a per-vehicle license fee of \$3.41 to \$50.

*Other County Comparison.* Attachment D compares a selection of eight comparable counties in Illinois, population-wise only,<sup>1</sup> with Champaign County to provide information about waste hauler fee license and fee requirements for each county. Except for McLean County, which has no established waste hauler license fee, Champaign County has the lowest per-vehicle waste hauler license fee.

(continued)

## ***Proposed Fee Amendment Options***

### 1) Adjust waste hauler license fee schedule

As noted above, the existing waste hauler fee schedule includes a discount provided to larger waste hauler companies with many vehicles to license. The actual per-vehicle license fee paid by waste hauler companies varies greatly depending on the number of vehicles to be licensed, ranging from a per-vehicle license fee of \$3.41 to \$50.

As a minimum proposed waste hauler vehicle fee correction, the waste hauler fee should be equitable with the same fee applicable to each licensed vehicle, regardless of the company size.

### 2) Increase waste hauler license fee

An increase to the waste hauler license fee, should not be considered as the sole means to remedy the decreasing County Solid Waste Fund.<sup>2</sup> An increase to the waste hauler license fee, either an incremental increase or an increase to the maximum allowable of \$50 per vehicle, could serve to slow the rate of decline of the fund balance.

**At the August 8, 2019 ELUC meeting, a modest increase of \$10 was suggested. That proposed \$10 increase will result in a \$35 per vehicle license fee.**

Attachment E illustrates potential revenue impact to the County Solid Waste Fund associated with the option to simply equalize the waste hauler license fee schedule to \$25 per vehicle, and potential impacts associated with the options to increase the waste hauler license fee rate from \$25 to \$35.00 (intermediate) or from \$25 to \$50 (maximum).

## ***Attachments***

- A Section 5-8003, Illinois Counties Code (55 ILCS 5/)
- B Solid Waste Management Fund 676-011 Revenue from Waste Hauler License Fee
- C Number of Vehicles per Waste Hauler Businesses in 2019
- D County Comparison of Waste Hauler Fees
- E Potential Revenue to County Solid Waste Fund revised 09/24/2019
- F Strikeout Version of Ordinance No. 919 that includes Fee of \$35 per Vehicle

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## Notes

1. Each of the nine counties compared differs with regard to certain other factors that influence resources available to support county solid waste management efforts (e.g., recycling programs, and household hazardous waste collections). The variable factors include: operational landfills located within the county, existence of a county/municipal joint action agency, or intergovernmental agreements in place.
2. The County Solid Waste Fund 676-011 is used to fund costs associated with administration of Champaign County waste hauler license provisions and to support implementation of *Champaign County Solid Waste Management Plan* recommendations, such as supporting the Residential Electronics Collections and household hazardous waste collection efforts.

(55 ILCS 5/Div. 5-8 heading)

Division 5-8. Garbage Disposal

(55 ILCS 5/5-8001) (from Ch. 34, par. 5-8001)

Sec. 5-8001. Definitions. As used in this Division: "Garbage" means any refuse products or materials including but not limited to the following: putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, sale or consumption of food; animal excretion; glass or metal containers, products or objects discarded as no longer useable; paper, wood, and cardboard waste; uprooted weeds, grass clippings, leaves and the like; ashes and cinders; discarded furniture or clothing; and dead animals. The term "garbage" does not include human excretion in the form of body waste.

"Garbage disposal area" means any area within a county but outside any city, village or incorporated town in such county to which garbage is hauled for disposal. The term does not include the area on any person's land used for disposal of garbage from such person's own household, nor does it include areas maintained by any incorporated city, village or town. (Source: P.A. 86-962.)

(55 ILCS 5/5-8002) (from Ch. 34, par. 5-8002)

Sec. 5-8002. Rules and regulations; licenses. The county board in any county is authorized to:

(1) license annually garbage disposal areas. License forms shall be supplied by the county board and shall provide for the following information: name and address of the applicant; name and address of the owner of the land where the garbage disposal area is located; a description of the location of the property to be used; the method to be used in disposing of the garbage and the approximate amount of garbage to be disposed of weekly.

(2) license annually vehicles of any kind which are used in hauling garbage to such disposal areas except such vehicles owned or operated by any incorporated city, village or town used in hauling garbage to any garbage disposal area maintained by such city, village or town. License forms shall be furnished by the county board and shall provide for the following information: name and address of hauler; a description of the vehicle; the place where such vehicle is kept when not in use.

(3) make rules and regulations pertaining to and provide for inspections of garbage disposal areas and garbage hauling vehicles to insure reasonable health standards. (Source: P.A. 86-962.)

(55 ILCS 5/5-8003) (from Ch. 34, par. 5-8003)

Sec. 5-8003. Fees. The county board in any county may fix the annual amounts of fees, terms and manner of issuing and revoking licenses provided for in this Division and for such purpose may, by ordinance definition, subclassify the types of licenses authorized by this Division. The fees for licenses shall not exceed the following:

(1) For each garbage disposal area, \$500 per annum.

(2) For each vehicle used in hauling garbage to a garbage disposal area, \$50 per vehicle per annum.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8004) (from Ch. 34, par. 5-8004)

Sec. 5-8004. Local option. Any county board desiring to avail its county of the provisions of this Division may do so by ordinance. Such ordinance shall also set out the rules and regulations adopted by the county board under the authority granted in this Division. Such ordinance shall be placed on file in the office of the clerk of the county and shall be open for inspection by the public. At least 30 days prior to the enacting of such an ordinance, the county board shall cause the ordinance to be published in a newspaper of general circulation within the county.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8005) (from Ch. 34, par. 5-8005)

Sec. 5-8005. Inspection. The county board or any of its authorized agents shall have authority to inspect at any time or place any vehicle used in hauling garbage or any garbage disposal area.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8006) (from Ch. 34, par. 5-8006)

Sec. 5-8006. Penalties for violations. Any person who violates any ordinance, rule, or regulation adopted pursuant to this Division commits a petty offense and may be punished by a suspension of any license held.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8007) (from Ch. 34, par. 5-8007)

Sec. 5-8007. In any review proceeding of a decision of the county board made pursuant to this Division, the plaintiff in the review proceeding shall pay to the county the cost of preparing and certifying the record of proceedings. Should the plaintiff in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure, as now or hereafter amended, shall apply.

(Source: P.A. 86-1028; 87-435.)

Solid Waste Management Fund 676-011  
Revenue from Waste Hauler License Fee

2019	\$1,750 <sup>1</sup>
2018	\$1,725 <sup>1</sup>
2017	\$1,750
2016	\$1,550
2015	\$2,000
2014	\$1,450
2013	\$1,400
2012	\$2,250
2011	\$1,250
2010	\$650
2009	\$2,050
2008	\$1,250
2007	\$1,400
2006	\$1,550
2005	\$1,600
2004	\$1,650
2003	\$1,400
2002	\$1,400

Annual Average 2002-2019: \$1,538

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Note.

1. Waste hauler fee amounts for 2018 and 2019 are projected, and not actual.

Number of Vehicles per Waste Hauler Business in 2019

	<i>Local Waste Hauler Businesses in 2019</i>	<i>Number of vehicles per business in 2019</i>	<i>Current fee schedule</i>	<i>Per vehicle</i>
1	ABC Sanitary	14	\$150	\$10.71
2	Advanced Disposal	6	\$150	\$25
3	Advantage Disposal	2	\$50	\$25
4	Appl Sanitary	4	\$100	\$25
5	Area Disposal Service	44	\$150	\$3.41
6	Bulldog Disposal Service	3	\$100	\$33.33
7	Captain Hook	3	\$100	\$33.33
8	Chris's Service Company	7	\$150	\$21.43
9	Clean Harbors/Safety Kleen	8	\$150	\$18.75
10	Contractor's Disposal	1	\$50	\$50
11	Dale Levitt Disposal	3	\$100	\$33.33
12	Hayden Sanitary	2	\$50	\$25
13	Illini Recycling	4	\$100	\$25
14	Mervis Recycling	1	\$50	\$50
15	Midwest Fiber Recycling	2	\$50	\$25
16	Republic Services	22	\$150	\$6.82
17	Shaffer Sanitary	5	\$100	\$20
<b>Totals:</b>			<b>\$1,750</b>	

Other County Comparisons  
Existing Waste Hauler License Annual Fee

	Illinois County	2018 Population*	Waste Hauler License Annual Fee (Each Vehicle)
1	McHenry County	308,570	Municipal Solid Waste Hauler operating in McHenry County: \$50 For each vehicle operated in McHenry County: \$25
2	Winnebago County	284,081	1st Vehicle: \$110 Add'l Vehicles: \$60
3	Madison County	264,461	\$60 per Vehicle
4	St. Clair County	261,059	\$50 per Vehicle
5	Champaign County	209,983	1-2 Vehicles: \$50 total 3-5 Vehicles: \$100 total < 6 Vehicles: \$150 total
6	Sangamon County	195,348	Each Vehicle License is \$10, plus: \$152 per Class VI Vehicle, a vehicle with capacity of 7 cu yds or less; or \$177 per Class V2 Vehicle, a vehicle with capacity of more than 7 cu yds; and \$54 per Class T (each trailer)
7	Peoria County	180,621	\$50 per Vehicle
8	McLean County	172,828	n/a (no local waste hauler license requirement)
9	Rock Island County	143,477	Enclosed packer type vehicle operating one or more days per week: \$275 per Vehicle Nonpacker vehicle with stationary or roll-off box: \$225 per Vehicle Container cleaning or refuse processing sites: \$400 per site



**ORDINANCE NO. ~~919~~**

**ORDINANCE RESCINDING ORDINANCE NO. ~~522-919~~  
FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN COUNTY  
AND ADOPTION OF ORDINANCE FOR LICENSURE OF  
WASTE HAULERS IN CHAMPAIGN COUNTY**

**WHEREAS**, the County Board of the County of Champaign, Illinois adopted the fourth fifth five-year update to the Champaign County Solid Waste Plan, entitled "*Champaign County Solid Waste Plan 2012 2017 Update*" by Resolution Number ~~10160 8205~~ on ~~August 23, 2012~~ November 21, 2017;

**WHEREAS**, counties are empowered by Statutes 55 ILCS 5/5-8002 through 8007, to regulate the activities of persons in the business of collecting and transporting garbage, municipal solid waste, and other non-hazardous waste or non-special waste;

**WHEREAS**, the County Board of the County of Champaign, Illinois adopted Ordinance No. 919, Ordinance Rescinding Ordinance No. 522 for Licensure of Waste Haulers in Champaign County and Adoption of Ordinance for Licensure of Waste Haulers in Champaign County; approved and recorded on January 24, 2013.

**WHEREAS**, the County Board of the County of Champaign, Illinois adopted Ordinance No. 522, Ordinance for Licensure of Waste Haulers in Champaign County; approved and recorded on November 19, 1996, and effective on and after the first day of January, 1997;

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

1. Prior County Board ORDINANCE NO. ~~522~~ 919 - ORDINANCE RESCINDING ORDINANCE NO. 522 FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN COUNTY AND ADOPTION OF ORDINANCE FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN COUNTY, IS HEREBY RESCINDED;
2. The following Ordinance is adopted as ORDINANCE FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN:

WHEREAS, it is in the best interests of the County and for the public good and welfare, that provision be made for appropriate waste disposal in Champaign County,

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

Section 1. Short Title. This Ordinance shall be known and cited as the "Waste Haulers Licensure Ordinance."

Section 2. Intent and Purpose. This article shall govern the storage, collection, transportation and disposal of solid wastes and other refuse within the legal geographical limits of the County as provided by law. The purpose of this article is to eliminate vectors and nuisances and prevent the transmission of disease organisms resulting from the improper and inadequate handling of solid waste and other refuse by regulating the storage, collection, transportation and disposal of solid waste. (Also reference Ord. 468 § 3.2)

Section 3. Definitions. For the purpose of the Ordinance, the following definitions shall apply.

*Collecting agent* shall mean the person, firm or corporation engaged in the business of collecting and/or transporting solid waste and other refuse for a fee.

*Commercial premises* shall mean all grocery stores, service stations, food processing plants, industrial plants, trailer parks, motels and all other places refuse is or may be created or accumulate.

*Collection vehicle* shall mean vehicles owned, operated or leased by a collecting agent for the purpose of collecting and/or transporting of solid waste or other refuse.

*Other refuse* shall be interpreted to mean bottles, tin cans, broken glass, crockery, scrap metal, vehicle parts, derelict vehicles, printed matter, paper, discarded clothing, furniture and appliances, ashes, debris from fire damage, earth, sand, brick, stone, plaster and other substances that may accumulate during the construction of a building.

*Solid waste* shall mean garbage and all wastes resulting from the handling, preparation, processing or cooking of food including vegetables and animal offal, carcasses of small dead animals, except sewage, and other water carried waste.

Section 4. Vehicles used for collection and transportation of solid waste and other refuse.

(a) *Generally.* The collection and transportation of solid waste and other refuse shall be carried out in a sanitary manner which does not endanger the public health or create a public nuisance;

(b) *License required, annual fee.* All collecting agents within Champaign County shall be licensed. All collection vehicles except those vehicles owned or leased by a municipality and operated by municipal employees that transport solid waste shall be licensed. An annual fee of \$35 per vehicle according to the following schedule is set per business, and will include vehicle identification stickers:

<del>Businesses with up to two vehicles .....</del>	<del>\$ 50.00</del>
<del>Business with three to five vehicles .....</del>	<del>\$100.00</del>
<del>Business with six or more vehicles .....</del>	<del>\$150.00</del>

The license fee for collection vehicles that transport solid waste shall be effective January 1 through December 31 of each calendar year. License fees are payable at the County Administrator's Office and shall be deposited as revenue to the General Corporate Fund Solid Waste Management Department.

An application for said license shall include the following information:

1. Name, address and phone number of applicant.
2. Name of collecting agent, the collecting agent's business name, if different, location of the collecting agent's business site, the business address, and the business phone number.
3. Number, description, vehicle identification number, and license plate number of all vehicles utilized by collecting agent within Champaign County.
4. Collection agent shall provide a listing of all towns, villages, or general areas serviced by waste collector in Champaign County.
5. Location of all waste disposal sites utilized by the collecting agent, for the disposal of wastes collected within Champaign County. Licensure is subject to approval by the licensing entity, the Champaign County Board, after referral and recommendation from the Champaign County Solid Waste Committee.

(c) *Vehicle identification.* The name and phone number under which the business is conducted shall be painted with legible letters at least three inches high on the side of each vehicle, and the vehicle identification sticker shall be affixed to the driver's side front window.

(d) *Vehicle construction.* Any vehicles used for the collection of waste within Champaign County shall be water tight, equipped with tight fitting lids or covers, and designed so no materials shall be blown, scattered or leaked from vehicles at anytime.

(e) *Proof of Insurance.* All collecting agents shall provide, with license application, proof of insurance in amounts set forth by the State of Illinois, for any vehicles used for collection of wastes within Champaign County.

(f) *Business site(s).* All business site(s) of the collecting agent must comply with all applicable Zoning and Public Nuisance laws.

(g) *Complaints; inspections.* Upon receipt of a complaint regarding a vehicle used in transporting or collecting solid waste or other refuse, such vehicle shall be made available, at a reasonable time, for inspection by the County.

Section 5. Exemptions.

The following are exempt from the provisions of this ordinance:

1. A person or company that transports its own personal or business discarded materials produced by said person or business;
2. A civic, community, benevolent or charitable non-profit organization that collects, transports and markets recyclable materials solely for the purpose of raising funds for a civic, community, benevolent or charitable organization;
3. Demolition or construction contractors or landscaping companies that produce and transport discarded materials in the course of such occupations;
4. Companies that solely transport liquid wastes including sewage, sewage sludge, septic tank or cesspool pumpings; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; materials used as fertilizers or for other productive purposes; household hazardous wastes; and hazardous materials as defined in the rules and regulations adopted by the Hazardous Materials Transportation Act; and
5. Any city, village, or township which collects and transports discarded materials.

Section 6. Enforcement.

(a) This Ordinance shall be enforced by the County Administrator and his/her authorized representatives. All violations should be reported to the County Administrator and will be referred to the State's Attorney's Office for enforcement.

(b) No person shall violate any provision of this article or abatement order made in pursuance thereof, obstruct or interfere with the executive of an abatement order, or willfully neglect to obey an abatement order.

Section 7. Penalties.

(a) A violation of any of the provisions of this Ordinance is a petty offense punishable by a fine of not more than five hundred dollars (\$500.00) for each offense as provided by law. Each day the violation continues shall constitute a separate offense.

(b) Two separate violations within a twelve (12) month period will result in possible suspension or revocation of the collecting agent's license. Possible suspension or revocation will be at the discretion of the licensing entity, the Champaign County Board, after referral and recommendation from the Champaign County Solid Waste Committee.

Section 8. Severability.

The invalidity or any Section of part of this Ordinance or any rule or regulation promulgated hereunder shall not affect the validity of the remainder of this Ordinance or any other such rule or regulation.

Section 9. Effective Date.

This Ordinance shall be effective on and after **January 1, 2020.**

**PRESENTED, PASSED, APPROVED and RECORDED** this 24th day of **October,** A.D.. **2019.**

\_\_\_\_\_  
Giraldo Rosales, Chair  
Champaign County Board

Recorded  
& Attest: \_\_\_\_\_  
Aaron Ammons, County Clerk and  
ex-officio Clerk of the  
Champaign County Board

Approved: \_\_\_\_\_  
Darlene A. Kloeppel, County Executive

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**INTERGOVERNMENTAL AGREEMENT AND BY-LAWS**

AN AGREEMENT TO ESTABLISH THE  
EAST CENTRAL ILLINOIS LAND BANK AUTHORITY

This Intergovernmental Contract and By-Laws Agreement is entered this twenty-fourth day of 2019 by and among the undersigned units of local government (each a “Member”) for the purpose of creating and establishing an intergovernmental entity to administer and operate a land bank (“Land Bank”) to serve Vermilion County, Champaign County and other neighboring counties and municipalities in East Central Illinois (the “Region”). The Land Bank will be a separate entity whose purpose will be to administer and carry out the objectives of this Agreement, in accordance with the terms of this Agreement, as written or amended in accordance with its terms. This Agreement is made pursuant to Article VII, Section 10 of the Illinois Constitution of 1970 (the “Constitution”) and the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) (the “Act”) and has been authorized by the corporate authorities of each Member.

**WHEREAS**, in recent years a substantial number of properties in the Region have become vacant, dilapidated, and non-revenue generating; and

**WHEREAS**, these properties contain numerous violations of health and safety ordinances, contribute to the blight and deterioration within the Region, and impose a significant economic burden upon municipalities within the Region; and

**WHEREAS**, there exists within the Region the need for (i) the creation of safe, decent housing for existing and future residents, (ii) the return of abandoned properties to productive use including, but not limited to, the payment of tax revenues, (iii) opportunities for the revitalization of deteriorating residential, retail, industrial and commercial neighborhoods, and (iv) available properties for use as public parks, green spaces, water retention and other public purposes; and

**WHEREAS**, the Members desire to enter into this cooperation agreement to create an intergovernmental entity as an independent land banking authority in order to address most efficiently and effectively these needs within the Region; and

**WHEREAS**, the Members wish to exercise their governmental powers, enumerated herein, for the benefit of the Land Bank and its Members

**WHEREAS**, the Members agree that the establishment of such an authority would be beneficial to the people and local governments within the Region;

**NOW, THEREFORE**, the Members agree to the following terms in accordance with the authority set forth in the Illinois Constitution and laws of the State of Illinois:

**ARTICLE I**  
**AUTHORITY**

**Section 1.01. Authority.** This Agreement is entered into pursuant to the authority set forth in Article VII, Section 10 of the Illinois Constitution and the laws of the State of Illinois set forth in 5 ILCS 220/1 *et seq.*, and the authority granted to governments by Constitutional and statutory powers.

**ARTICLE II**  
**PURPOSE**

**Section 2.01. Purpose.** Pursuant to and in accordance with this Agreement, the Members shall jointly form and operate a land banking authority, named East Central Illinois Land Bank Authority (the “Land Bank”), to foster the public purpose of combating community deterioration by returning property to productive use in order to provide open space, housing, industry, and employment for citizens within the Region.

**Section 2.02. Duties.** In carrying out its purpose, the Land Bank shall, in accordance with applicable laws, codes, policies and procedures approved by the Land Bank Board and otherwise without limitation, manage and dispose of certain real and personal property and perform other functions, services, and responsibilities as may be assigned to the Land Bank by its Members.

**ARTICLE III**  
**CREATION OF THE LAND BANK**

**Section 3.01. Creation and Legal Status of the Land Bank.** The Members agree to cause the creation of the Land Bank as an intergovernmental entity to implement the functions, services, and responsibilities contemplated by this Agreement.

**Section 3.02. Title to Land Bank Assets.** Except as otherwise provided in this Agreement, the Land Bank shall have exclusive title to all real property transferred to, purchased by, or otherwise acquired by the Land Bank. No Member shall have an ownership interest in any real or personal property held in the Land Bank’s name.

**Section 3.03. Compliance with Law.** The Land Bank shall comply with all applicable federal and State laws, rules, regulations, and orders.

**Section 3.04. Relationship of Members.** The Members agree that no Member shall be responsible or liable, in whole or in part, for the acts of the Land Bank, or the employees, agents, and servants of the Land Bank, or any other Member acting separately or in conjunction with the implementation of this Agreement. The Members shall only be bound and obligated under this Agreement as expressly agreed to by each Member. No Members may obligate any other Member. No member shall be obligated or liable for any debt, obligation, or liability of the Land Bank.

**Section 3.05. No Third-Party Beneficiaries.** Except as otherwise specifically provided, this

Agreement does not create in any person or entity other than a Member any direct or indirect benefit, obligation, duty, promise, right to be indemnified, right to be subrogated to any Member's rights under this Agreement, and/or any other right or benefit.

**ARTICLE IV**  
**POWERS OF THE LAND BANK**

**Section 4.01. Powers of the Land Bank.** The Members hereby confer upon the Land Bank, to the full extent of the Member's constitutional and statutory authority, the authority to do all things necessary or convenient to implement the purposes, objectives, and provisions of this Agreement, and take all related actions. Among other powers, the Land Bank shall exercise and enjoy the authority of its home rule Members, including the City of Danville and Village of Rantoul, to:

- (a) Purchase, accept or otherwise acquire real and personal property from any entity, including, but not limited to, other governmental units and private third parties;
- (b) Hold real and personal in its name of the Land Bank for the purposes set forth herein;
- (c) Sell real and personal property held by the Land Bank to any entity, including, but not limited to, other governmental units and private third parties
- (d) Extinguish past due tax liens to the extent permitted by law;
- (e) Exercise the statutory authority of its Members to take removal action, lien property, foreclose on liens, and petition a Circuit Court for a declaration of abandonment pursuant to 65 ILCS 5/11-31-1(d), an agent of an individual Member;
- (f) Sue and be sued in its own name, including, defending the actions of the Land Bank;
- (g) Borrow money and issue notes through the Land Bank;
- (h) Enter into contracts and other instruments in any capacity, necessary, incidental, or convenient to the performance of the Land Bank's duties and the exercise of its powers, including, but not limited to, agreements with Members or other local governments regarding the disposition of Land Bank properties located within their respective municipal boundaries;
- (i) Solicit and accept gifts, grants, labor, loans, and other aid from any person or entity, or the federal government, the State of Illinois, or a political subdivision of the State of Illinois, or any agency of the federal government;
- (j) Procure insurance or another method to reduce loss in connection with the property, assets, or activities of the Land Bank;
- (k) Invest money of the Land Bank, in instruments, obligations, securities, or property which are permitted investments of a unit of local government;

- (l) Employ legal and technical consultants, other officers, agents, or employees, to be paid from the funds of the Land Bank. The Land Bank shall determine the qualifications, duties, and compensation of those it employs. The Board of Directors of the Land Bank may delegate to one or more, officers, agents, or employees any powers or duties it considers proper;
- (m) Contract for goods and services and engage personnel as necessary, to be paid from the funds of the Land Bank;
- (n) Study, develop, and prepare any reports or plans the Land Bank considers necessary to assist it in the exercise of its powers under this Agreement and to monitor and evaluate the progress of the Land Bank under this Agreement;
- (o) Enter into contracts for the demolition of, the maintenance, management, and improvement of, the collection of rent from, or the sale of real property held by the Land Bank;
- (p) Acquire properties, without a cash bid, from county trustees within the Region for Taxing Districts, through the entity appointed as Tax Agent pursuant to 35 ILCS 200/21-90;
- (q) Partner with counties to acquire, manage and dispose of tax forfeited parcels pursuant to the counties' authority under 35 ILCS 200/21-90and
- (r) Do all other things necessary or convenient to achieve the objectives and purposes of the Land Bank or other laws that relate to the purposes and responsibilities of the Land Bank.

**Section 4.02. Limitation on Political Activities.** The Land Bank shall not spend any public funds on political activities.

**Section 4.03. Non-Discrimination.** The Land Bank shall comply with all applicable laws prohibiting discrimination. The Land Bank shall not fail or refuse to hire, recruit, or promote; demote; discharge; or otherwise discriminate against a person with respect to employment, compensation, or a term, condition, or privilege of employment because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, disability, or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. The Land Bank shall not provide services in a manner that discriminates against a person with respect to employment, compensation, or a term, condition, or privilege of employment because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, disability, or genetic information that is unrelated to the person's ability to receive services from the Land Bank.

**ARTICLE V**  
**BOARD OF DIRECTORS**

**Section 5.01. Land Bank Board Composition.** The Land Bank shall be governed by the Board of Directors (the “Board”), which shall be comprised of two (2) categories of directors:

A. Local Government Directors.

The local government Members shall appoint, by resolution of their governing bodies, a representative(s) to serve as a Local Government Director of the Land Bank’s Board, in accordance with the terms of this section. The Member’s Local Government Director(s) shall be either: (i) the Member’s Chairman/President/Mayor, (ii) a member of the Member’s governing council, board, planning commission or similar government body; or (iii) an employee or agent of the Member.

As a Member, any County shall appoint by resolution of its governing body three (3) representatives to serve for a three-year term as Local Government Directors of the Land Bank.

Additional local government Members (“Additional Member”) shall each appoint, by resolution of their governing bodies, one (1) representative to serve for a three-year term as a Local Government Director of the Land Bank.

The Members and their respective number(s) of representatives shall be listed as Exhibit A, attached to this Agreement, and updated as necessary.

All Local Government Directors serve until a successor is appointed. All Local Government Directors shall have equal voting rights. A Local Government Director may assign his/her voting powers to a proxy for one or more meetings. The proxy must be an eligible Local Government Director under the criteria set forth in this Section. The temporary proxy assignment must be in written form, identify the duration of the assignment, contain an original signature of the Local Government Director, and be presented to the Chairperson of the Land Bank’s Board of Directors prior to the effective date of the assignment.

B. Expert Directors. The Board’s Local Government Directors shall appoint up to five (5) directors who have experience in fields related to the objectives and functions of the Land Bank, including real estate development, community development, economic development, finance, urban planning, affordable housing, or other related areas (“Expert Director”). Expert Directors shall serve for a term of two years and shall serve until a successor is appointed. Expert Directors shall be authorized to vote on all final Board or Land Bank actions.

The Expert Directors shall consist of at least: a) one (1) individual representing Vermilion Advantage, or a successor economic development board; b) one (1) individual representing the banking community; c) one (1) individual representing real

estate development; d) one (1) individual with experience in real estate transactions; and e) one (1) individual with experience in regional or city planning who is not also an employee or designated representative of a local Member.

**Section 5.02. Removal.** A member of the Land Bank Board appointed under Section 5.01 may be removed for any reason deemed in the best interests of the Land Bank by action of the Board of Directors.

**Section 5.03. Vacancies.** Any vacancy among the Board caused by death, resignation, disqualification, or removal shall be filled as soon as practicable. The vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

**Section 5.04. Election and Duties of Officers.** A Chairperson, Vice-Chairperson, and Secretary/Treasurer (collectively “Officers”) shall be elected from the pool of Local Government Directors, by a majority vote of the Board of Directors, to serve two year terms.

- A. Chairperson. The Chairperson shall be the principal executive officer of the Land Bank and shall preside at all meetings of the Board of Directors. Subject to any policies adopted by the Board of Directors, the Chairperson shall have the right to supervise and direct the management and operation of the Land Bank and to make all decisions as to policy and otherwise which may arise between meetings of the Board of Directors, and the other officers and employees of the Land Bank shall be under the Chairperson’s supervision and control during such interim. The Chairperson shall give, or cause to be given, notice of all meetings of the Board of Directors. The Chairperson’s duties shall include execution of all deeds, leases, and contracts of the Land Bank authorized by the Board. The Chairperson shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe.
- B. Vice-Chairperson. The Vice-Chairperson, shall, in the absence or disability of the Chairperson, perform the duties and have the authority and exercise the powers of the Chairperson. The Vice Chairperson shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chairperson may from time to time delegate.
- C. Secretary/Treasurer. The Secretary/Treasurer shall be responsible for all of the following tasks:
  1. The Secretary/Treasurer shall take, keep, and file the minutes of all meetings. The Secretary/Treasurer shall assure that all votes, actions and the minutes of all Board meetings are recorded and shall perform like duties for the Executive and other committees when required.
  2. The Secretary/Treasurer shall be responsible financial oversight of the Land Bank. The Secretary/Treasurer shall ensure the Land Bank has the custody of the Land Bank funds and securities and shall ensure that the Land Bank keeps full and accurate accounts of receipts and disbursements of the Land Bank, and shall ensure that all the deposit of monies and other valuables are in the name

and to the credit of the Land Bank into depositories designated by the Board of Directors.

3. The Secretary/Treasurer shall ensure the disbursement of funds of the Land Bank as ordered by the Board of Directors, and that financial statements are prepared each month or at such other intervals as the Board of Directors shall direct.
4. The Secretary/Treasurer shall be under the supervision of the Chairperson. The Secretary/Treasurer shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chairperson may from time to time delegate.

**Section 5.05. Meetings.** The Land Bank Board shall meet at least annually. The place, date, and time of the Land Bank Board's meetings shall be determined at the discretion of the Land Bank Board in accordance with all applicable Illinois laws. The Land Bank Board may meet at any time and at any frequency that is consistent with Illinois law. Meetings may be called by the Chairperson or any two voting members of the Land Bank Board. To the extent it applies, meetings shall be held in compliance with the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* ("Open Meetings Act").

**Section 5.06. Quorum and Voting.** A quorum shall be necessary for the transaction of any business by the Land Bank Board. A majority of the voting members of the Land Bank Board, which must include a majority of the Local Government Directors appointed and serving, shall constitute a quorum for the transaction of business. Except as otherwise provided in this Agreement, the Land Bank Board shall only act: 1) in meetings attended by a quorum of the Board; and 2) by a majority vote of all Local Government and Expert Director present, provided that such voting majority includes a majority of Local Government Directors appointed and serving. No action shall be approved by the Land Bank Board without the approval of a majority of Local Government Board members appointed and serving. The Board can permit electronic or remote attendance in accordance with the Open Meetings Act.

**Section 5.07. Records of Meetings.** Minutes shall be transcribed at all meetings, approved by the Land Bank Board, and maintained by the Land Bank.

**Section 5.08. Executive Committee.** The Land Bank Board may choose Directors to serve on an Executive Committee. The Executive Committee shall include the officers of the Land Bank. The Executive Committee shall exercise such powers and responsibilities as are granted it in the motion creating the Committee, and in later amendments to the motion.

**Section 5.09. Other Committees.** The Board of Directors may provide for such other committees consisting in whole or in part of persons who are not directors of the Land Bank, as it deems necessary or desirable, and discontinue any such committee at its pleasure. To the extent allowed by this Agreement, each such committee shall have such powers and perform such specific duties or functions prescribed to it by the Land Bank Board.

**Section 5.10. Fiduciary Duty.** The members of the Land Bank Board have a fiduciary duty to conduct the activities and affairs of the Land Bank in the Land Bank’s best interests. The members of the Land Bank Board shall discharge their duties in good faith and with the care an ordinarily prudent individual would exercise under similar circumstances.

**Section 5.11. Compensation.** The members of the Land Bank Board shall receive no compensation for the performance of their duties. The Land Bank may reimburse members of the Land Bank Board for actual and necessary expenses incurred in the discharge of their official duties.

**Section 5.12. Conflict of Interest.** No member of the Land Bank Board shall vote on any matter in which such Director or any parent, spouse, child, partner, employer (notwithstanding an employer who is a Member of the Land Bank), client or similar business or personal relationship or entity has an interest in any property or business that would be affected by such action. Directors shall annually disclose all known conflicts of interest. In the event that a Director abstains from a specific vote due to a conflict of interest, the conflict shall be identified in the Board’s meeting minutes.

**ARTICLE VI**  
**PROVISIONS FOR STAFFING AND RETENTION OF OUTSIDE SERVICES**

**Section 6.01. Employment and Compensation of Staff.** The Land Bank shall directly employ, through contract or otherwise, any staff deemed necessary to carry out the duties and responsibilities of the Land Bank. In the event that the Land Bank employs any individual, by contract or otherwise, the Land Bank Board shall have the authority to set the terms and conditions of employment, including benefits and compensation. The Land Bank, its Board and Executive Committee may also retain independent contractors.

**ARTICLE VII**  
**PROPERTY ACQUISITION, MANAGEMENT, AND DISPOSITION**

**Section 7.01. Acquisition of Property.** Except as otherwise provided in this Agreement, the Land Bank may exercise the powers of an Illinois intergovernmental entity and the powers of its non-home rule or of its home rule Members to acquire by gift, devise, transfer, exchange, foreclosure, purchase, or any other means real or personal property or rights or interests in real or personal property on terms and conditions and in a manner the Land Bank considers proper or necessary to carry out the purposes of this Agreement. Unless otherwise indicated by the Board, the Land Bank will exercise the authority of its home rule members, including the City of Danville and Village of Rantoul, to acquire, hold, and dispose of real property. Real property acquired by the Land Bank by purchase may be made by purchase contract, lease purchase agreement, installment sales contract, land contract, donative transfer, grant, or otherwise. Specifically, the Village of Rantoul conveys its authority to acquire and own real property outside of its corporate boundaries.

**Section 7.02. Execution of Legal Documents Relating to Property.** All deeds, mortgages, contracts, leases, purchases, or other agreements regarding property of the Land Bank, including agreements to acquire or dispose of real property, shall be approved by and executed in the name

of the Land Bank in accordance with policies and procedures that are approved by the Land Bank Board.

**Section 7.03. Holding and Managing Property.** The Land Bank may exercise the authority of its home rule Members, including the City of Danville and Village of Rantoul, to hold and own in the Land Bank's name any property acquired by the Land Bank or otherwise transferred or conveyed to the Land Bank by a government unit, an intergovernmental entity, or any other public or private person. Exercising the home rule authority of the Members, including the City of Danville and Village of Rantoul, the Land Bank may control, hold, manage, maintain, operate, repair, lease, convey, demolish, relocate, rehabilitate, or take all other actions necessary to preserve the value of the property it holds or owns.

**Section 7.04. Transfer of Interests in Property.** The Land Bank may exercise the authority of its home rule Members to convey, sell, transfer, exchange, lease, or otherwise dispose of property or rights or interests in property in which the Land Bank holds a legal interest to any public or private person or entity for any amount of consideration the Land Bank considers proper and fair.

**Section 7.05. Local Government Director Approval and Veto Authority.** Notwithstanding any other provision herein, the Land Bank may not acquire or sell any property within the corporate limits of a Member municipality without the prior consent, in writing, from the Local Government Director(s) representing that Member municipality.

## **ARTICLE VIII**

### **BORROWING, CHECKS, DEPOSITS AND FUNDS**

**Section 8.01. Bonding and Borrowing.** Any borrowing of money or notes by the Land Bank shall be approved by the Board of Directors.

**Section 8.02. Checks, Drafts, Notes, Etc.** All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Land Bank shall be signed by such officer or officers, agent or agents, of the Land Bank and in such other manner as may from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Secretary/Treasurer and countersigned by the Chairperson or the Vice-Chairperson of the Land Bank. The Board of Directors shall require all individuals who handle funds of the Land Bank to qualify for a security bond to be obtained by the Land Bank, at the expense of the Land Bank, in an amount not less than \$100,000.00.

**Section 8.03. Deposits.** All funds of the Land Bank shall be deposited from time to time to the credit of the Land Bank in such banks, trust companies or other depositories as the Board of Directors may select.

**Section 8.04. Gifts.** The Land Bank may acquire by gift, bequest, or devise any real or personal property or interests in real or personal property for the general purposes or for any special purpose of the Land Bank on terms and conditions and in a manner the Board of Directors considers appropriate.

**Section 8.05.** Transfers from a Member. A Member may transfer a restricted grant or other restricted funds to the Land Bank, provided any restrictions imposed on the original grant or fund allocation may survive the transfer.

## **ARTICLE IX**

### **BOOKS, RECORDS, AND FINANCES**

**Section 9.01. Land Bank Records.** The Land Bank shall keep and maintain at its principal office, all documents and records of the Land Bank, which shall be available to the Members upon request. The records shall include, but not be limited to, a copy of this Agreement along with any amendments to the Agreement. The records and documents shall be maintained until the termination of this Agreement and shall be delivered to any successor entity.

**Section 9.02. Annual Reports.** Not less than annually, the Land Bank shall file with the Members a report detailing the activities of the Land Bank, the total income and expenses of the Land Bank, an inventory of real property held by the Land Bank, and a list of employees of the Land Bank. The Land Bank shall provide any additional information as may be reasonably requested by the Members.

**Section 9.03. Freedom of Information Act.** To the extent that the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, applies to the Land Bank, the Secretary shall be the designated FOIA officer for all requests.

**Section 9.04. Establishment of Budget and Annual Contribution.** The Land Bank Board shall establish the Land Bank's budget annually and submit this budget to the Members for each Fiscal Year. The Budget may be amended by action of the Board. The Budget may provide for requested annual contributions, if any, from the Members, which shall be based on a formula equally applied.

**Section 9.05. Financing.** The Members may, but shall not be obligated to, grant or loan funds to the Land Bank for operations of the Land Bank. The Members may, but shall not be obligated to, enter into separate agreements with the Land Bank for the performance of services, functions and responsibilities. Any funding commitments or commitments of in-kind or other services made at the time a Member votes to join the Land Bank shall be listed as Exhibit B to this adopted Agreement and recorded in the Minutes of the Land Bank meeting during which time such commitments were accepted by the Land Bank.

**Section 9.06. Deposits and Investments.** The Land Bank shall deposit and invest funds of the Land Bank, not otherwise employed in carrying out the purposes of the Land Bank, in accordance with an investment policy established by the Land Bank Board.

**Section 9.07. Disbursements.** Notwithstanding anything to the contrary herein, disbursements of funds shall be in accordance with guidelines established by the Land Bank Board.

**Section 9.08. Financial Statements and Reports.** The Land Bank shall annually have an audit prepared. Such financial statements shall be prepared in accordance with generally accepted accounting principles and accompanied by a written opinion of an independent certified public

accounting firm.

**Section 9.09. Fiscal Year.** The fiscal year of the Land Bank shall begin on January 1 of each year and end on the following December 31.

## **ARTICLE X** **INDEMNITY AND INSURANCE**

**Section 10.01. General.** Notwithstanding any provision in this Agreement to the contrary, individuals who serve as Directors, officers, employees and agents shall have all rights of indemnification and defense provided under law.

**Section 10.02. Third Party Actions.** The Land Bank shall hold harmless, defend and indemnify any person or Member, who was or is a party, or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Land Bank) by reason of the fact that he, she or it is or was a Director, officer, member, employee or agent of the Land Bank, or who is or was serving at the request of the Land Bank as a Director, officer, employee, or agent of another Land Bank, partnership, joint venture, trust or other enterprise, against any amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding, if such person acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the Land Bank, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in, or not opposed to, the best interests of the Land Bank, with respect to any criminal action or proceeding, that the person had reasonable cause to believe that his or her conduct was unlawful.

**Section 10.03. Insurance.** The Land Bank shall purchase and maintain insurance on behalf of any person who is or was a Director, officer, employee or agent of the Land Bank, or who is or was serving at the request of the Land Bank as a Director, officer, employee or agent of another Land Bank, partnership, joint venture, trust or other enterprise, against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of his or her status as such.

**Section 10.04. No Waiver of Governmental Immunity.** The Members agree that no provision of the Agreement is intended, nor shall it be construed, as a waiver by any Member of any governmental immunity provided under any applicable law.

## **ARTICLE XI** **COMMENCEMENT ADDITIONAL MEMBERS AND WITHDRAWALS**

**Section 11.01. Commencement.** The Land Bank shall commence its existence as an intergovernmental entity when two (2) or more of the Members, whose names are set forth on Exhibit "A," attached to and made a part of this Agreement have, by acts of their Corporate

Authorities, approved this Intergovernmental Agreement and By-Laws document. Once in existence, the initial term of the Land Bank shall be for the remainder of that portion of the fiscal year to come, which shall end December 31.

**Section 11.02. Additional Members.** The Board of Directors may admit Members as members of the Land Bank upon a concurrence of at least two-thirds (2/3) of all voting members of the Board of Directors, appointed and serving. The Member may be admitted to membership under whatever terms and conditions the Board of Directors shall establish, but such new Members shall be subject to at least the minimum requirements, which apply to all other Members. By a unanimous vote of the Board of Directors, the power to admit new Members may be assigned to the Executive Committee under whatever terms and conditions are included within the authorizing motion. Additional “Members” shall be limited to units of local government in the State of Illinois.

**Section 11.03. Withdrawal as a Party.** Any Member to this Agreement shall have the right to withdraw as a party to this Agreement, and thereby terminate its participation in the Land Bank at the expiration of the first term and thereafter at any subsequent one-year term by giving sixty (60) calendar days advance written notice to all other parties to this Agreement. Upon the effective withdrawal of any Member to this Agreement, the Member so withdrawing will forfeit any and all rights to whatever funds or other assets the Member has contributed to the Land Bank. To the extent that any withdrawing Member incurs an obligation to the Land Bank prior to withdrawal, said Member shall remain legally and financially responsible for that obligation after withdrawal.

**Section 11.04. Expulsion of Members.** By the concurring vote of at least two-thirds (2/3) of the Local Government Directors and also at least two-thirds (2/3) of the entire voting members of the Board of Directors, in each case appointed and serving, any Member may be expelled. Such expulsion may be carried out for one or more of the following reasons: (a) Failure to make payments due to the Land Bank; (b) Failure to transfer property to the Land Bank which it had previously agreed in writing to do; (c) Failure to maintain or clear property, prior to transfer to the Land Bank or at any time for which it had made a written pledge to carry out such activities; (d) Failure to carry out any obligation of a Member which impairs the ability of the Land Bank to carry out its purpose or powers. No Member may be expelled except after notice from the Chairman of the alleged failure, along with a reasonable opportunity of not less than thirty (30) days to cure the alleged failure. The Member may request a hearing before the Board of Directors before any decision is made as to whether the expulsion shall take place. The Board shall set the date for hearing which shall not be less than fifteen (15) days after the expiration of the time to cure has passed. The decision by the Board to expel a Member after notice and hearing and a failure to cure the alleged defect shall be final in the absence of fraud or a gross abuse of discretion. The Board of Directors shall select the date at which the expulsion of the Member shall be effective. If the motion to expel the Member, made by the Board of Directors or a subsequent motion does not state the time at which the expulsion shall take place, such expulsion shall take place thirty (30) days after the date of the vote of the Board of Directors expelling the Members. A motion to expel a Member for the reasons set forth in Subsection (a) or Subsection (d) or more than one failure to cure may be made and be effective immediately after the vote of the Board of Directors expelling the Member. After expulsion, the former Member shall continue to be fully obligated for its portion of any payments due to the Land Bank or other obligations which were created during the time of its membership.

**ARTICLE XII**  
**AMENDMENTS TO AGREEMENT**

**Section 12.01. Amendments.** Any amendments to this Agreement shall be in writing and shall have a concurrence of at least two-thirds (2/3) of all voting Members of the Board of Directors, appointed and serving.

**ARTICLE XIII**  
**DURATION, TERMINATION AND DISSOLUTION OF AGREEMENT**

**Section 13.01. Duration of Agreement.** Except for the initial period of the Land Bank's existence, which extends until the beginning of the first complete fiscal year on January 1<sup>st</sup>, this Agreement shall remain in full force and effect for periods of one (1) fiscal year. At the beginning of each fiscal year, the Agreement shall be renewed automatically unless terminated in accordance with the provisions of this Agreement.

**Section 13.02. Decision to Dissolve.** A decision to dissolve the Land Bank and to distribute the Land Bank's assets in a particular manner in accordance with this Agreement shall require a concurring vote of at least two-thirds (2/3) of all voting members of the Board of Directors, appointed and serving, and provided that written notice of such meeting has included a full description of the plan of dissolution.

**Section 13.03. Dissolution and Distribution of Assets.** In the event this Agreement is terminated, the Land Bank shall dissolve and conclude its affairs, first paying all of the Authorities' debts, liabilities, and obligations to its creditors and then paying any expenses incurred in connection with the termination of the Land Bank. If any assets remain, they shall be distributed to any successor entity, subject to a concurring vote of at least two-thirds (2/3) of the Local Government Directors and also at least two-thirds (2/3) of the entire voting members of the Board of Directors in each case appointing and serving. In the event that no successor entity exists, the remaining assets shall be distributed to the Members or in a manner as otherwise agreed upon by them.

**ARTICLE XIV**  
**MISCELLANEOUS**

**Section 14.01. Notices.** Any and all correspondence or notices required, permitted, or provided for under this Agreement to be delivered to any Member's Director shall be sent to that Member's Director by first-class mail. All correspondence shall be considered delivered to a Member as of the date that such notice is deposited with sufficient postage with the United States Postal Service. Any notice of withdrawal shall be sent via certified mail. Correspondence or notices shall be sent to the persons and addresses indicated below or to such other addresses as a Member shall notify the other Members of in writing pursuant to the provisions of this section:

**Section 14.02. Entire Agreement.** This Agreement sets forth the entire agreement between the

Members and supersedes any and all prior agreements or understandings between them in any way related to the subject matter of this Agreement. The terms and conditions of this Agreement are contractual.

**Section 14.03. Interpretation of Agreement.** All powers granted to the Land Bank under this Agreement shall be interpreted broadly to effectuate the intent and purposes of the Agreement and not to serve as a limitation of powers. The language of all parts of this Agreement shall in all cases be construed as a whole according to its plain and fair meaning and not construed strictly for or against any Member.

**Section 14.04. Severability of Provisions.** The invalidity of any clause, sentence, paragraph, subdivision, section, or portion thereof, shall not affect the validity of the remaining provisions of this Agreement.

**Section 14.05. Governing Law.** This Agreement is made and entered into in the State of Illinois and shall in all respects be interpreted, enforced, and governed under the laws of the State of Illinois without regard to the doctrines of conflict of laws. Jurisdiction and agreed upon venue shall be in the Circuit Court of Vermilion County.

**Section 14.06. Captions and Headings.** The captions, headings, and titles in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning or to be interpreted as part of this Agreement.

**Section 14.07. Terminology.** All terms and words used in this Agreement, regardless of the number, are deemed to include any other number as the context may require.

**Section 14.08. Effective Date.** This Agreement shall become effective as of the date of approval below.

**Section 14.09. Binding Land Bank.** The individuals executing this Agreement on behalf of the Members represent that they have the legal power, right, and actual Land Bank to bind their respective Member to the terms and conditions of this Agreement.

**Section 14.10. Counterparts.** This Agreement may be executed in counterparts, each of which shall be considered an original and together shall be one and the same Agreement.

[REMAINDER LEFT BLANK]

This Intergovernmental Contract and By-Laws Agreement was Approved by the Corporate Authorities of the Champaign County Board on the twenty-fourth day of October 2019.

\_\_\_\_\_  
Mayor/President/Chairman/Executive

\_\_\_\_\_  
Attest

**EXHIBIT A**

**LIST OF MEMBERS**

(As of August 1, 2019)

County of Vermilion, Illinois

City of Danville, Illinois

*Pending Members*

Village of Rantoul, Illinois

County of Champaign, Illinois

4842-7762-3090, v. 1

## EXHIBIT B

In consideration of the historic financial contributions made by Vermilion County to create and stand up the Land Bank, the following members agree to contribute the following funds and services, subject to any grant conditions identified below, within 6 months of joining as Members:

A. Champaign County:

- a. \$0 in the form of a cash payment.
- b. Services, that shall include, but not be limited to:
  - Meeting space
  - Deliverables of data, mapping and analysis provided by Administration, Planning & Zoning and GIS Departments
- c. Parcels available for redevelopment