



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

County of Champaign, Urbana, Illinois  
Thursday, February 6, 2020 - 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  
Connie Dillard-Myers  
Jodi Eisenmann

Stephanie Fortado  
Jim Goss  
Kyle Patterson

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<b>Agenda</b>	
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. January 9, 2020 – open meeting minutes	1-7
B. January 9, 2020 – closed session	
V. Public Participation	
VI. Communications	
VII. <u>New Business: Items for Information Only</u>	
A. IEPA Appointment to Statewide Materials Management Advisory Committee	8-10
B. Online Registration Opens February 3 for Residents to Attend IEPA One-Day Household Hazardous Waste Collection	11-12
C. IEPA Notice of Application for Renewal of NPDES Permit for Urbana-Champaign Sanitary District NE Plant	13-14
VIII. <u>New Business: Items to Receive &amp; Place On File by ELUC Committee to Allow a 30-Day Review Period</u>	
A. <b>Zoning Case 947-AT-19.</b> Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District.	15-19
B. <b>Zoning Case 971-AT-19.</b> Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by amending the requirements for a letter of credit in Section 6.1.5 Q.(4)e. to change the minimum acceptable long term corporate debt (credit) rating of the proposed financial institution to a rating of “A-” by Standard & Poor’s, or a rating of “A3” by Moody’s, or a rating of “A-” by Kroll Bond Rating Agency.	20-28

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IX. New Business: Items to be Recommended to the County Board

- A. **Zoning Case 968-AM-19.** A request by Kyle Britt, 412 Deerpath St, Tolono, and Alex Wilson, 134 W Orleans St, Paxton, d.b.a. Big Rig Diesel Service, LLC, to amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture District to the B-3 Highway Business District in order to establish a Major Automobile Repair Shop on a 6.8 acre tract in the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 12, Township 18N Range 10E of the Third Principal Meridian in Sidney Township, commonly known as part of the former Agrigenetics tract with an address of 2310 CR 1050 North (County Highway 15), Homer. 29-45
- B. Resolution Authorizing Brookfield Properties and Champaign County Event Agreement 46-56
- C. for IEPA One-Day Household Hazardous Waste Collection on April 4, 2020
- D. Resolution Approving Champaign County Opt-in Form to Illinois EPA to Participate in Manufacturer E-Waste Program in 2021 57-59
- E. **Zoning Case 945-AT-19.** Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:  
Part A: Increase the minimum required time for municipal review as described in the legal advertisement.  
Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.  
Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.  
Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired. 60-63
- F. **Zoning Case 946-AT-19.** Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:  
Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.  
Part B: (same as Part A in Case 945-AT-19) Increase the minimum required time for municipal review as described in the legal advertisement.  
Part C: (same as Part B in Case 945-AT-19) Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.  
Part D: (same as Part C in Case 945-AT-19) Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.  
Part E: (same as Part D in Case 945-AT-19) Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the 60-63

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standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

- G. **Zoning Case 948-AT-19.** Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged. 64-80
  
- X. Other Business
  - A. Monthly Report
    - i. September 2019 81-91
    - ii. October 2019 92-102
  
- XI. Chair’s Report
  
- XII. Designation of Items to be Placed on the Consent Agenda
  
- XIII. Adjournment



**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, January 9, 2020  
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**

<b>Present</b>	<b>Absent</b>
Aaron Esry (Chair)	
Connie Dillard-Myers	
Jodi Eisenmann	
Stephanie Fortado	
Jim Goss	
Kyle Patterson	
	Eric Thorland (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. Patterson to approve the agenda, seconded by Mr. Goss. Upon vote, the **MOTION CARRIED** unanimously.

**IV. Approval of Minutes**

A. *ELUC Committee Meeting - October 10, 2019*

**MOTION** by Mr. Patterson to approve the minutes of the October 10, 2019 meeting; seconded by Ms. Eisenmann. Upon vote, the **MOTION CARRIED** unanimously.

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**V. Public Participation**

Gina Pagliuso spoke to the committee regarding a problem with Champaign Township’s burn pit close to Fieldstone Dr. in Champaign. They can smell the burning all day at their place of work. Ordinance 984, amendment to Nuisance Ordinance, the township is exempt since they are a local governing body. The ordinance prevents individuals from burning and has moved the landscape waste to the Township. Looking for a solution so people in area don’t have to deal with this every day that they burn.

Keith Padgett also spoke on the Champaign Township burn pit. In 2019, they burned on 24 different days. Wet items (bagged leaves, etc.) are hauled off to LRC in Urbana. They are burning limbs and trees taken down in parkways, etc. They do try to burn when the wind is from the north so as not to disturb as many people.

**VI. Communications**

There were no communications.

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

*A. E-Waste Collection for Champaign County Residents in 2020 and Beyond*

Ms. Monte provided an update on the E-Waste collections in 2019 and the trends over the past 5 years as well as the future. Information was provided on both options that the county and local governments can consider as we move forward. Ms. Monte stated that she would like to look more at locating a host site and like to talk more with municipalities to get their buy-in and get more data to operate a collection site. We are looking at both options and not just continuing the one-day collections.

*B. Champaign County Environmental Stewards*

This is a non-profit formed during 2019 with a mission to assist in finding solutions and improved options for collection of difficult materials such as household hazardous waste and hard to dispose of items at the end of their useful life (mattresses, etc.) They would also like to operate and maintain a website that can serve as a resource for the entire county. Right now, information is in various places.

*C. Notice of Non-Compliance with Illinois Noxious Weed Law*

Mr. Hall stated we had received the Annual notice from the State stating that we are not complying with the Illinois Noxious Weed Law. He added that he is only aware of one county that has never received this notice, but they have a year-round noxious weed program. To comply could be time and cost prohibitive. There were no complaints in 2019. Mr. Goss looked up the list. There are 8 noxious weeds on the list.

*D. Complaint of open burning at Champaign Township property*

Ms. Pagliuso and Mr. Padgett provided summaries at the beginning of the meeting. Mr. Goss stated that he’s not sure the County has the authority to regulate townships. Ms. Fortado asked about the amendment to the ordinance to clarify what it did. Mr. Padgett answered that they burn somewhere from 7 a.m. to 3 p.m. and that he notified METCAD and the local firehouse. Mr. Padgett had earlier stated that what they sent to Urbana LRC totaled \$20k plus another \$6K yet to receipt which is not half of the total waste and the bulk is leaves. Ms. Pagliuso added that she is looking for a reduction in the amount of smoke that they have to breathe at work. During their high season (May – September), they employ 200 people, and are looking for a solution. Ms. Eisenmann asked which conditions on the permit were not being met. There were 5 conditions she didn’t feel were being met.

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

*A. Annual Renewal of Recreation & Entertainment License.*

- i. Hudson Farm Wedding & Events, LLC, 1341 CR1800E, Urbana IL 61802. 01/01/20- 12/31/20.
- ii. Champaign County Fair Association, 1302 North Coler Avenue, Urbana IL. 01/01/20- 12/31/20.

**MOTION** by Mr. Goss, seconded by Ms. Eisenmann. Upon vote, the **MOTION CARRIED** unanimously.

90 B. *Annual Hotel/Motel License for Urbana Motel Inc. at 1906 North Cunningham Avenue, Urbana for*  
91 *01/01/20- 12/31/20.*

92  
93 **MOTION** by Ms. Dillard-Myers and seconded by Mr. Patterson. Upon vote, the **MOTION CARRIED**  
94 unanimately.  
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96 C. *Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning*  
97 *Regulations Pursuant to Public Act 101-0027*

98  
99 Mr. Hall stated that there are two proposals. One is to only allow cannabis related businesses within 1.5  
100 miles of Champaign and Urbana, which are both home rule municipalities with more than 20,000  
101 population. That is attachment A. Attachment B modifies that for cultivation centers, craft growers and  
102 transporters. It goes beyond the 1.5 miles but keeps them 1.5 miles from any municipality that does not  
103 allow these businesses and keeps them 1.5 miles from any residential district out in the area. There is also  
104 a thing about when a cultivation center or craft grower is within 300 feet from a residentially zoned  
105 property this amendment uses the standard that Urbana requires. That is, it needs to be a special use  
106 permit. A special use permit could either be approved by the County Board or you could leave it up to the  
107 Zoning Board. Since this has been one of the more controversial amendments, you may want to keep it  
108 with the County Board to approve the special use permit.  
109

110 Ms. Dillard-Myers asked if this was for retail? It is for dispensaries, craft growers, cultivation centers,  
111 infusers, processors and transporters. We are defining these as the kind of cannabis businesses we would  
112 allow within 1.5 miles of Champaign-Urbana. Attachment B would allow cultivation centers, craft growers  
113 and transporters to be further out in the rural area.  
114

115 Mr. Hall also stated that there is the possibility that you could send both proposals to the ZBA for a public  
116 hearing and see what comes back from the ZBA. Mr. Goss stated that whatever we send, we're sending to  
117 the ZBA for public hearing and it could take more than a month. Mr. Hall said that it would be at least 3  
118 months before it came back. Mr. Goss is more supportive of A than B. Whether we send both to ZBA, he  
119 would ask the committee for their thoughts. Mr. Esry asked if the cultivation centers fall under agriculture  
120 because we can't regulate agriculture. Mr. Hall said he is operating under the assumption that we can  
121 regulate this. He is still waiting to hear from the State's Attorney. He is prepared to move ahead with this  
122 at the committee's direction. Mr. Esry can support Attachment A. Attachment B has more issues. He is  
123 not hearing any clamoring for this either way. He could live with B. If there was a grow center out in  
124 County, appropriately zoned, it would be OK. As far as the special use permit, he would agree that we  
125 should keep that at the County Board level. It is a pretty high standard to meet.  
126

127 Ms. Fortado would be more supportive of B. It would be more of a compromise that was suggested at the  
128 County Board meeting. She could see B passing the full Board but doesn't think A could. She would be fine  
129 sending both to the ZBA. She thinks B is a compromise. Another part of the compromise is the special use  
130 permit and to keep it at the County Board.  
131

132 Ms. Eisenmann would be able to, very hesitantly, vote for A. With B, it bothers her that it could come into  
133 the unincorporated areas when the communities don't want that type of business. She has had people  
134 contact her saying they don't want it. She would like to slow down and slowly go into this. She would  
135 support A but not B.  
136

137 Mr. Goss said the release of the craft-grower license just came out. It bothers him more with the craft-  
138 grower as it is un-defined where we know what a cultivation center is. States that have legalized are  
139 setting on multiple years of supply. Concerned that we are going to over-produce and have an oversupply.  
140 He feels A would be a good place to start and then maybe, if needed, we can come back and re-visit it and  
141 make changes in the future.  
142

143 Ms. Fortado asked if there is a map that shows how many properties may be eligible for some of this. Mr.  
144 Hall answered that the county is 1000 square miles, all the municipalities together add up to 400 square  
145 miles, so that leaves 600 square miles. Option B would probably open 600 square miles to craft-growers  
146 and cultivation centers. It could be opened to cultivation centers and not allow craft-growers. Option B is  
147 everywhere but not within 1.5 miles of any other municipality or residential district.  
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149 Ms. Dillard-Myers asked if the objection is more to the craft-grower as opposed to a cultivation center. A  
150 craft-grower is just an individual who wants to grow and sell where a cultivation center is more corporate.  
151 Not sure what a craft-grower is going to look like. It's meant to be a smaller scale; can start out at 5,000 sq.  
152 ft. and expand to 10,000 sq. ft. over time. It still must have security and can't be grown outside. A  
153 cultivation center can be 200,000 sq. ft.  
154

155 Ms. Fortado asked if it was unfair that people with a lot of capital could get into this and maybe not  
156 someone with more medium or smaller capital. Ms. Dillard-Myers clarified that she didn't think it was fair  
157 for the County to limit a farmer or a craft-grower if they want to grow a legal agricultural product in the  
158 state of Illinois. Ms. Fortado said that there were only going to be 40 craft-grower licenses in the state this  
159 year. Mr. Goss said those will probably only be in supportive counties.  
160

161 Ms. Fortado stated she could support sending both options to the ZBA. Mr. Goss asked if ZBA would send  
162 them both back or only one. Mr. Hall stated that they would both come back. Ms. Dillard-Myers stated  
163 that option B was the compromise at the County Board meeting. Overall, she doesn't think we should limit  
164 anyone's ability to grow cannabis if it's done within the county zoning. She doesn't think we should limit  
165 access to economic development around this.  
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167 Ms. Eisenmann asked how it would work if both options went to the ZBA. Mr. Hall replied that they would  
168 be run as two separate amendments and that the ZBA would make a recommendation on both. Later in  
169 the meeting there is something similar with the solar farm amendment. There were two cases there and  
170 now we have both cases back. Rural communities are informed by printing a legal notice in the News-  
171 Gazette and sending a notice out to every township and municipality. The press is here tonight, so they will  
172 help get the word out. Her fear is the ones that we'll need to hear from won't know and won't show up.  
173 Mr. Goss said if you have strong feelings, you will show up.  
174

175 **MOTION** that Attachment A and Attachment B be sent to ZBA for public hearing by Mr. Patterson. Second  
176 by Ms. Fortado. Mr. Esry asked if there was any more discussion. Mr. Patterson stated that he supports B  
177 more than A, but it just makes more sense to send them both the ZBA now.  
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179 Upon vote, the **MOTION CARRIED** unanimously.  
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182 **IX. New Business: Items to Receive & Place On File by ELUC Committee to Allow a 30-Day Review Period**

- 183 A. *Zoning Case 945-AT-19. Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar*  
184 *farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any*  
185 *proposed PV solar farm that is located within one-and-one-half miles of a municipality:*  
186 *Part A: Increase the minimum required time for municipal review as described in the legal advertisement.*  
187 *Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by*  
188 *any relevant municipal authority that has an adopted comprehensive plan.*  
189 *Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and*  
190 *that is in the process of being repaired to not lose its zoning right to operate.*  
191 *Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be*  
192 *constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the*  
193 *solar farm has not expired.*  
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- B. *Zoning Case 946-AT-19. Amend the Champaign County Zoning Ordinance requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B. (2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:*
- Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.*
- Part B: (same as Part A in Case 945-AT-19) Increase the minimum required time for municipal review as described in the legal advertisement.*
- Part C: (same as Part B in Case 945-AT-19) Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.*
- Part D: (same as Part C in Case 945-AT-19) Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.*
- Part E: (same as Part D in Case 945-AT-19) Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.*

**MOTION** by Mr. Goss that we accept Option B which is basically the same as Option A but that it moves the separation to 1.5 miles. Ms. Eisenmann seconded the motion.

Discussion followed. Mr. Patterson asked about the solar farms that we've approved with the .5-mile limitation and how many have we done a waiver for that requirement. There were two that did not require a waiver, but there are 6 total. Five of those were community solar farms, but only one got selected in the lottery. So, the others are eligible at this point. The one that got selected was more than .5 mile from the village. Four of the six we've approved; we've done a waiver for .5-mile. While it's on the books, it's apparent that as a board we are comfortable with .5-mile. He is much more in favor of Option A. Ms. Fortado asked for clarification, on both options, where the city has a right to weigh in if they have a comprehensive plan as to what that means. Mr. Hall said it's already written into the ordinance back in section 13. Mr. Hall likes this being in both versions as it makes the developer aware up front that just because he's doing a lease, there may be sub-division issues involved. Ms. Fortado will not support Option B.

Mr. Esry said the villages like Option B better as they have more control outside of their boundary. The idea that a company would by-pass Champaign just because the 1.5 miles vs. the .5-mile; a company should know that they should be able to ask for a waiver. He has no problem giving the villages that 1.5-mile boundary. It puts a little more on the company that the village may have some plans down the road. He would support Option B.

Ms. Eisenmann said that the villages want to work with the County Board on issues. Several mayors wrote asking us to do this. They don't have the staff to always work on things. It's just working with these small villages and this is what they've asked us to do. If a village has a plan, they should have a right to know if a solar farm wants to come in and have plenty of time to find out about it.

Mr. Hall stated that an astute solar farm developer would be able to see that there are rules for how waivers are to operate. Most developers understand that there's a tug-of-war between the county and a municipality. We tried to make clear that merely establishing this at 1.5 miles does not change the fact that there will be waivers. Ms. Dillard-Myers stated that we should give them 1.5 miles. At the ZBA, 945-AT-19 tied (Option A), Option B was not a tie.

Ms. Fortado said we represent the unincorporated areas on this issue. We don't represent the towns. We have the zoning up to .5-mile. She did not feel that their comments were compelling. Ms. Eisenmann said that these people are not your constituents; they are just asking to be included in the process. It matters to the people living there. It doesn't matter to you, but it does to them. Mr. Goss would disagree whole-heartedly that we're always going to waive the 1.5 miles every time. Mr. Patterson said that the 1.5-mile limit may not be waived every time but would be a lot of the time.

Mr. Esry said the solar farm at Sidney, when it was first proposed, got Sidney riled up. By the end, they got what they wanted and got it pushed outside that 1.5-mile limit. They know they don't have the final say. They ask that it be in there, so it gives them more notice and, puts the developer on notice, that they need to work with them. If it's in the

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ordinance it's another step that people have to decide, do I waive that. He does not have a problem with it being in the ordinance.

If this vote ties, it sits at ELUC for a month, to give the municipalities notice of what happened, and then would go to the county board without recommendation. It could always be amended from the floor at the County Board. Mr. Patterson asked, if it would be amended at the County Board, does that require an additional waiting period? Mr. Hall answered that it's a grey area. You've told the public that you're going to recommend this, you would probably need a super-majority.

Ms. Fortado asked if we could vote to move both to the County Board. That is not the motion on the floor right now.

Upon vote, the **MOTION CARRIED** by a vote of 4 Ayes and 2 Nos.

**MOTION** by Ms. Fortado and seconded by Mr. Patterson to move Option A to the full County Board. Upon vote, the **MOTION CARRIED** by a vote of 4 Ayes and 2 Nos.

- C. *Zoning Case 948-AT-19. Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.*

**MOTION** by Mr. Goss, seconded by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.

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

- A. *Subdivision Case 203-19: Liu Subdivision- Final Plat Approval of a Two-Lot Minor Subdivision located in the East Half of the Northeast Quarter of Section 8 of T17N-R9E of the Third Principal Meridian in Crittenden Township and commonly known as the farmstead located at 493 CR1400E, Tolono.*

Mr. Goss represents the farm next door and would be willing to recuse himself if necessary. Mr. Hall said he did not see that being a problem.

**MOTION** by Ms. Eisenmann and seconded by Mr. Patterson to recommend the approval of the plat and the finding of the waiver. Upon vote, the **MOTION CARRIED** unanimously.

- B. *Resolution Authorizing Collector, Coordinator, and Host Site Agreement: 2020 Residential Electronics Collections*

**MOTION** by Mr. Goss seconded by Mr. Patterson. This is the annual renewal of the contract. Upon vote, the **MOTION CARRIED** unanimously.

- C. *Resolution Authorizing 2020 Residential Electronics Collection Events and Follow-up IEPA One-Day Household Hazardous Waste Collection Event Cost-Sharing Agreement Between the County of Champaign, the City of Champaign, the City of Urbana, and the Village of Savoy*

**MOTION** by Mr. Patterson seconded by Ms. Dillard-Myers. Upon vote, the **MOTION CARRIED** unanimously.

- D. *CLOSED Session pursuant to 5 ILCS 120/2(c)(6) to consider the setting of a price for lease or sale of property owned by Champaign County*

**MOTION** by Mr. Goss and Second by Mr. Patterson to go into closed session including Rita Kincheloe, Recording Secretary, John Hall, all Board members and Mr. Rosales, County Board Chairman. A roll call vote was taken, and the **MOTION CARRIED** unanimously. Entered Closed Session at 8:26 p.m.

299 Returned to Open Session at 8:30 p.m. and roll call was taken to confirm there was still a quorum.

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- XI.** Other Business
  - A. Monthly Reports
    - i. February 2019
    - ii. March 2019
    - iii. April 2019
    - iv. May 2019
    - v. June 2019
    - vi. July 2019
    - vii. August 2019

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311 Mr. Hall stated that these go through August and our new zoning officer started in August, so the next round of monthly  
312 reports will reflect a full staff. Ms. Fortado stated that she would like to commend them for all the work they do and seeing  
313 all the reports together like that is impressive.

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- XII.** Chair's Report
  - There was no Chair's Report
- XIII.** Designation of Items to be Placed on the Consent Agenda
  - X-A, B and C.

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- XIV.** Adjournment
  - There being no further business, Mr. Esry adjourned the meeting at 8:40 p.m.

**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: January 28, 2020  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner and County Recycling Coordinator  
RE: IEPA Appointment to Statewide Materials Management Advisory Committee

ACTION  
REQUESTED: For Information

Recently, I accepted an invitation from James Jennings, Manager, Waste Reduction and Compliance Section at Illinois Environmental Protection Agency, to participate as a county representative in the Statewide Materials Management Advisory Committee created by Public Act 101-74 (Attachment A). Mr. Jennings had these kind words to share:

“Given your extensive involvement in championing recycling and waste reduction in Champaign, you will unquestionably be a valuable member of the committee that will help chart the state's recycling and materials management course for the next decade.”

This Committee will investigate and provide recommendations for:

- Expanding waste reduction, recycling, reuse, and composting in Illinois in a manner that protects the environment and public health, and promotes economic development;
- County waste management plans; and
- Producing a report to the General Assembly by July 1, 2021.

Attachment A: Public Act 101-0074 effective July 12, 2019

AN ACT concerning health.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Solid Waste Planning and Recycling Act is amended by adding Section 4.5 as follows:

(415 ILCS 15/4.5 new)

Sec. 4.5. Statewide Materials Management Advisory Committee; Report.

(a) The Statewide Materials Management Advisory Committee is hereby created.

(b) The Advisory Committee shall:

(1) investigate and provide recommendations for expanding waste reduction, recycling, reuse, and composting in Illinois in a manner that protects the environment, as well as public health and safety, and promotes economic development;

(2) investigate and provide recommendations for the form and contents of county waste management plans adopted under this Act; and

(3) prepare a report as required under Section 4.6 of this Act.

(c) The Advisory Committee shall be composed of the following:

(1) The Director of the Agency, or his or her designee, who shall serve as an ex officio and nonvoting member.

(2) 25 voting members appointed by the Director of the Agency, as follows:

(A) one member representing a municipality with a population of more than 1,000,000;

(B) one member representing a county with a population of more than 1,000,000;

(C) two members representing counties with a population of at least 200,000 but not more than 1,000,000;

(D) two members representing counties with a population of at least 85,000 but not more than 200,000;

(E) two members representing counties with a population of less than 85,000;

(F) two members representing the solid waste management industry;

(G) two members representing the recycling industry;

(H) two members representing providers of general construction and demolition debris recycling services;

(I) two members representing environmental interest groups;

(J) two members representing manufacturers in the State;

(K) two members representing retailers in the State;

(L) two members representing producers of compost; and

(M) three members representing producers of end products generated through recycling.

(d) The Director of the Agency shall appoint all members of the Advisory Committee by no later than January 1, 2020.

(e) The initial meeting of the Advisory Committee shall be convened by the Director of the Agency, or his or her designee, no later than March 1, 2020. At the initial meeting, the voting members shall select co-chairs. Subsequent meetings shall convene at the call of the co-chairs.

(f) A simple majority of those appointed shall constitute a quorum. The affirmative vote of a majority of those present and voting shall be necessary for Advisory Committee action.

(g) Members of the Advisory Committee shall receive no compensation for their services.

(h) The Agency shall provide administrative assistance and technical support to the Advisory Committee. The Agency may obtain assistance from outside experts to assist in preparation of the Plan. Funding for the Plan and assistance from outside experts shall be obtained from the Solid Waste Management Fund.

(i) On or before July 1, 2021, the Advisory Committee shall prepare and submit a report to the General Assembly summarizing its work.

(j) The report shall include, at a minimum, the following information:

- (1) an estimate of the amount and composition of waste generated annually in Illinois with 2018 as the base year;
- (2) an estimate of the amount of waste disposed of annually in Illinois with 2018 as the base year;
- (3) an estimate of the amount of material diverted from landfills annually in Illinois with 2018 as the base year;
- (4) an analysis of the markets available for materials diverted from Illinois landfills;
- (5) recommended materials in the municipal waste stream that could be targeted to maximize waste diversion;
- (6) recommended actions that could be taken to increase landfill diversion rates and the costs associated with those actions;
- (7) recommended education and public outreach programs that could maximize waste diversion;
- (8) recommended diversion rates that are achievable by 2025, 2030, and 2035; and

(9) a database and map of permitted facilities, including, but not limited to, landfills, garbage transfer stations, landscape waste transfer stations, construction and demolition debris recycling facilities, recycling facilities, compost sites, and scrap metal recycling facilities.

(k) In addition, the report shall also include, at a minimum, the following recommendations for waste management plans required under this Act:

- (1) recommended elements for counties to include in waste management plans required under this Act;
- (2) a recommended standard methodology for counties to use to determine the annual waste generation rate in the county;
- (3) a recommended standard methodology for counties to use to determine the annual disposal rate in the county;
- (4) a recommended standard methodology for counties to use to determine the annual diversion rate in the county;
- (5) recommended standard actions that can be taken by counties to increase landfill diversion rates;
- (6) recommended education and public outreach programs that could maximize waste diversion within the county; and
- (7) recommended standard content for waste management plans required under this Act.

(l) The report may include a list of nonpermitted facilities that are involved in waste disposal, materials recycling, or composting.

(m) This Section is repealed on July 1, 2022.

Section 99. Effective date. This Act takes effect upon becoming law.

Effective Date: 7/12/2019

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[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

DATE: January 28, 2020  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner and County Recycling Coordinator  
RE: Online Registration Opens February 3 for Residents to Attend IEPA  
One-Day Household Hazardous Waste Collection

**ACTION**  
REQUESTED: For Information

Online registration is now open for residents to sign up to attend the follow-up Illinois EPA-Sponsored One-Day Household Hazardous Waste (HHW) Collection in Champaign County. For your information, I share the press release prepared by City of Champaign staff about this collection (Attachment A).

Attachment A: City of Champaign Press Release dated January 31, 2020



Public Works Department • 702 Edgebrook Drive • Champaign, IL 61820 • 217-403-4700 • fax 217-403-4755 • [champaignil.gov](mailto:champaignil.gov)

**FOR IMMEDIATE RELEASE**

January 31, 2020

Contact: Nichole Millage  
217-403-4780  
[nichole.millage@champaignil.gov](mailto:nichole.millage@champaignil.gov)

**Online Registration for the Illinois EPA-Sponsored One-Day Household Hazardous Waste Collection Event in Champaign County**

CHAMPAIGN – Another Household Hazardous Waste Collection Event has been scheduled to take place in Champaign County on April 4, 2020. This drop-off event is sponsored by the Illinois EPA and is open to all Illinois residents. Residents must pre-register for this event at [hhwevent.simplybook.me](http://hhwevent.simplybook.me) by selecting an available time slot between 8 a.m. and 3 p.m. (Residents can find drop-off location information on the registration website.) Immediately upon reserving a time, a confirmation email and/or text message will be sent. The resident will also receive a postcard in the U.S. Mail five to seven days before the event which serves as their “ticket” into the event.

To prevent the long wait times experienced during the October 2019 collection event, the hazardous waste contractor for this collection will provide additional drop-off lines, more staff, and fewer residents will be registered in each time slot.

Residents participating in these events are encouraged to bring oil-based paints, chemical cleaners, thinners, antifreeze, motor oil, gasoline, kerosene, weed killers, insecticides and pesticides, old or outdated medication, lead-acid batteries, and similar hazardous household products. Fluorescent and other high-intensity discharge lamps may also be brought to the collections. **ITEMS NOT ACCEPTED** include latex paint, explosives, propane tanks, fire extinguishers, smoke detectors, agricultural chemicals and business wastes. A complete list of household hazardous wastes that are and are not accepted is available online at the Champaign County Environmental Stewards website: [www.ccenvstew.com](http://www.ccenvstew.com)

The online registration will remain open until all the time slots are full. If residents need assistance registering for the event, they can contact Nichole Millage, Environmental Sustainability Specialist by email at [recycling@champaignil.gov](mailto:recycling@champaignil.gov) or call 217-403-4780.

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# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

January 15, 2020

Re: Urbana Champaign Sanitary Dist NE (Illinois EPA BOW ID# IL0031500)

To Distribution List:

In accordance with the Illinois EPA's Environmental Justice Policy, the Illinois EPA wants to provide you with information about a potential Illinois EPA action. The Illinois EPA is sending this letter to notify you of an application received by the Illinois EPA Bureau of Water (BOW).

The Illinois EPA has received a National Pollutant Discharge Elimination System (NPDES) permit application from the Urbana Champaign Sanitary Dist NE located at 1100 East University Avenue in Urbana. The facility requests to renew their existing NPDES permit.

The application is currently under review by the Illinois EPA's Bureau of Water. Prior to issuance, the Illinois EPA will post a public notice/fact sheet and draft permit on its website (<https://www2.illinois.gov/epa/public-notices/Pages/default.aspx>).

If you have questions about the application, please contact Chris Pressnall, Environmental Justice Coordinator at (217) 524-1284, [chris.pressnall@illinois.gov](mailto:chris.pressnall@illinois.gov).

Sincerely,

Chris Pressnall  
Environmental Justice Coordinator

**Distribution List**

Urbana Champaign Sanitary Dist NE  
State Senator Scott M. Bennett - State Senate District #52\*  
State Representative Carol Ammons - State Representative District #103  
U.S. Representative Rodney Davis - U.S. Congressional District #13  
U.S. Senator Richard J. Durbin\*  
U.S. Senator Tammy Duckworth\*  
City of Urbana – Diane Marlin, Mayor  
City of Urbana – City Council  
Champaign County Board  
Champaign County Branch NAACP  
Illinois NAACP – Gregory Norris\*  
Illinois NAACP – Teresa Haley\*  
American Lung Association of Illinois – Angela Tin\*  
Respiratory Health Association - Brian P. Urbaszewski\*  
Sierra Club – Jack Darin\*  
Sierra Club – Christine Nannicelli\*  
Prairie Rivers Network – Elliot Brinkman\*  
Faith in Place – Rev. Brian Sauder\*  
Illinois Environmental Regulatory Group – Alec Davis\*  
Chemical Industry Council of Illinois – Lisa Frede\*  
Illinois EPA – Crystal Myers-Wilkins\*  
Shawnee Hills & Hollers – Georgia de la Garza\*  
Shawnee Hills & Hollers – Sabrina Hardenbergh\*  
Illinois Environmental Council – Jennifer Walling\*  
LVEJO – Juliana Pino\*  
Environmental Law & Policy Center – Jeffrey Hammons\*  
Environmental Law & Policy Center – Kiana Courtney\*  
Illinois Farm Bureau – Lauren Lurkins\*  
ComEd – Kareena Wasserman\*  
Earthjustice – Jennifer Cassel\*  
Earthjustice – Debbie Chizewer\*  
Bluhm Legal Clinic – Cary Shepherd\*  
Northwestern Pritzker School of Law – Nancy Loeb\*  
City of Urbana - Nicholas Hanson\*  
CPI - Natalie Warkenthien\*

Champaign County  
Department of

**PLANNING &  
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1776 E. Washington Street  
Urbana, Illinois 61802

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To: **Environment and Land Use Committee**

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

Date: **January 28, 2020**

RE: **Zoning Ordinance Text Amendment Case 947-AT-19**

Request: **Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District.**

Petitioner: **Zoning Administrator**

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## **STATUS**

At the January 16, 2020 public hearing, the Zoning Board of Appeals voted 5-1 to RECOMMEND APPROVAL of Case 947-AT-19. Attachment B includes the Summary Finding of Fact for this case. No comments were received from the public.

The Champaign County Environment and Land Use Committee discussed this proposed amendment at its May 9, 2019 meeting, and approved opening a ZBA public hearing for the amendment at the June 6, 2019 meeting.

The original Case 947-AT-19, as shown in the legal notice in Attachment A, included revisions regarding financial assurances for solar farms. At the November 14, 2019 ZBA meeting, members requested that this case be divided into two cases: Case 947-AT-19 for the separation distance to the CR District, and Case 971-AT-19 for revisions to solar farm financial assurances. Case 947-AT-19 as amended was presented to the ZBA members at the January 16, 2020 ZBA meeting.

Standard protocol is for the Committee to make a preliminary recommendation on a proposed text amendment at the first Committee meeting following a ZBA recommendation, and then make a final recommendation to the County Board at the next regularly scheduled Committee meeting (March 5, 2020, in this instance). The one month delay in a final recommendation is intended to give municipalities and townships with plan commissions one month in which to provide comments or protests.

## **ATTACHMENTS**

- A Legal advertisement
- B Summary Finding of Fact for Case 947-AT-19
- C Proposed Amendment for Case 947-AT-19 forwarded by ZBA with a recommendation for approval on January 16, 2020

**LEGAL PUBLICATION: WEDNESDAY, SEPTEMBER 11, 2019**

**CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19**

**NOTICE OF PUBLIC HEARING IN REGARD TO PROPOSED AMENDMENTS TO THE  
CHAMPAIGN COUNTY ZONING ORDINANCE.**

CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to change the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, September 26, 2019, at 6:30 p.m.** prevailing time in the John Dimit Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition to amend the Champaign County Zoning Ordinance as follows:

Case 945-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required time for municipal review by adding the following:
  1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
  2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
  3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
  4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- B. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- C. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- D. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 946-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
- B. Increase the minimum required time for municipal review by adding the following:

1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
  2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
  3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
  4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- C. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- D. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- E. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 947-AT-19

Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District, and amend the requirements in Section 6.1.5 Q.(4)e. to add requirements for financial assurance provided by financial institutions headquartered in Champaign County.

Case 948-AT-19

Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, SEPTEMBER 11, 2019 ONLY**

Send bill and one copy to: Champaign County Planning and Zoning Dept.  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802  
Phone: 384-3708

**SUMMARY FINDING OF FACT FOR CASE 947-AT-19**

*As approved by the ZBA on January 16, 2020*

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 26, 2019, October 17, 2019, November 14, 2019, and January 16, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment **IS NECESSARY TO ACHIEVE** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** LRMP Goal 8.
  - B. The proposed Zoning Ordinance text amendment is **NOT RELEVANT** to LRMP Goals 1, 2, 3, 4, 5, 6, 7, 9, and 10.
2. The proposed text amendment **WILL** improve the Zoning Ordinance because it will:
  - A. **HELP ACHIEVE** the purpose of the Zoning Ordinance (see Item 16).
  - B. **IMPROVE** the text of the Zoning Ordinance (see Item 17).

## PROPOSED AMENDMENT FOR CASE 947-AT-19

1. Delete existing Section 6.1.5 B.(2)b.:
  - (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:
    - a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance unless the following is provided:
      - (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV SOLAR FARM substation and related proposed connection to an existing substation.
      - (b) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.
      - (c) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board.

~~b. — Less than one half mile from the CR Conservation Recreation Zoning District.~~

Champaign County  
Department of

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[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

To: **Environment and Land Use Committee**

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

Date: **January 28, 2020**

RE: **Zoning Ordinance Text Amendment Case 971-AT-19**

Request: **Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms in the following manner:**

**Amend the requirements for a letter of credit in Section 6.1.5 Q.(4)e. to change the minimum acceptable long term corporate debt (credit) rating of the proposed financial institution to a rating of "A-" by Standard & Poor's, or a rating of "A3" by Moody's, or a rating of "A-" by Kroll Bond Rating Agency.**

Petitioner: **Zoning Administrator**

---

## **STATUS**

At the January 16, 2020 public hearing, the Zoning Board of Appeals voted 6-0 to RECOMMEND APPROVAL of Case 971-AT-19. Attachment C includes the Summary Finding of Fact for this case and Attachment E is the proposed text amendment as recommended for approval on January 16.

The Champaign County Environment and Land Use Committee discussed this proposed amendment at its May 9, 2019 meeting, and approved opening a ZBA public hearing for the amendment at the June 6, 2019 meeting.

At the November 14, 2019 ZBA meeting, members requested that Case 947-AT-19 be divided into two cases: Case 947-AT-19 for the separation distance to the CR District, and Case 971-AT-19 for revisions to solar farm financial assurances. Case 971-AT-19 was re-advertised as amended; see Attachment A. Case 971-AT-19 as amended was presented to the ZBA members at the January 16, 2020 ZBA meeting.

Standard protocol is for the Committee to make a preliminary recommendation on a proposed text amendment at the first Committee meeting following a ZBA recommendation, and then make a final recommendation to the County Board at the next regularly scheduled Committee meeting (March 5, 2020, in this instance). The one month delay in a final recommendation is intended to give municipalities and townships with plan commissions one month in which to provide comments or protests.

## **STATE'S ATTORNEY'S OFFICE OPINION**

The original proposed amendment added the rating for "a bank headquartered in Champaign County" (see Attachment D). The State's Attorney's Office was asked to give legal advice on two questions regarding the proposed draft amendment for credit rating providers and scores.

- 1) Does the amendment as drafted pose an equal protection issue?
- 2) Does the amendment as drafted fall within the powers conferred by the enabling act?

Regarding the equal protection question, Mr. Sullard advised not to proceed with the amendment language as drafted. He offered a possible revision to the draft amendment that simply adds the Kroll

Bond Rating Agency and a rating of “A-“ to the accepted standards, in addition to S&P and Moody’s ratings that are already part of the draft amendment.

Regarding the Zoning Enabling Act question, Mr. Sullard responded that the draft amendment does fall within the powers conferred by the Zoning Enabling Act (55 ILCS 5/5-12001).

## **THE RISK OF THE PROPOSED CHANGE**

The table in Attachment B compares the rating categories for S&P, Moody’s, and the Kroll Bond Rating Agency. The table illustrates that the rating categories of each of these “nationally recognized statistical rating organizations” (NRSRO) seem to be roughly comparable. Moody’s has nine broad categories and S&P and Kroll both have ten broad categories. The tenth category for both S&P and Kroll are defined as “in default” and Moody’s does not have such a category.

The current minimum required ratings were based on the requirements of PJM Interconnection LLC, a regional transmission organization for the electrical grid in the eastern half of the United States. The current minimum required financial ratings are the mid-point of the third tier of rating categories. The lower range of this third tier is the proposed alternative rating for banks headquartered in Champaign County. The third tier of rating categories and the relevant modifiers are described as follows by each NRSRO:

- The S&P rating of ‘A’ is defined as “An obligation rated ‘A’ is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories. However, the obligor’s capacity to meet its financial commitments on the obligation is still strong...Ratings from ‘AA’ to ‘CCC’ may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within that rating category.”
- The Moody’s rating of ‘A’ is defined as “Obligations rated ‘A’ are judged to be upper-medium grade and are subject to low credit risk...Moody’s appends number modifiers of 1, 2, and 3 to each generic rating classification from Aaa to Caa. The modifier 1 indicates that the obligation ranks in the higher end of its generic rating category and the modifier 2 indicates a mid-range ranking and the modifier 3 indicates a ranking to the lower end of that generic rating category.”
- The Kroll Bond Rating Agency defines a rating of ‘A’ as “determined to be of high quality with a small risk of loss due to credit-related events. Issuers and obligations in this category are expected to weather difficult times with low credit losses...KBRA may append – or + modifiers to ratings in categories AA through CCC to indicate, respectively, upper and lower risk levels within the broader category.”

In order to make it possible for a bank headquartered in Champaign County to provide a letter of credit for PV solar farm decommissioning, it will be necessary to lower the minimum required financial rating to the lower end of the generic, broader “A” rating. That new minimum would apply across the board and not just to banks headquartered in Champaign County.

The review of the general rating categories does not identify the exact risk resulting from such a change, but it suggests that the risk is identifiable and not negligible. However, any issuer with a rating in this third tier should be considered to be high quality with a small risk of loss due to credit-related events. Issuers in this third tier will be somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories, especially issuers with a higher risk level within the broader category.

**NO EFFECT ON CHAMPAIGN COUNTY’S CREDIT RATING**

P&Z Staff checked with the Administrative Services Department regarding any risk posed to Champaign County’s credit rating. Revising the minimum required financial rating for issuers of letters of credit for Champaign County approved PV solar farms should pose no harm to Champaign County’s credit rating, in the opinion of the Administrative Services Department.

**ATTACHMENTS**

- A Legal advertisement as revised based on State’s Attorney’s Office recommendation
- B Long Term Credit Ratings for S&P, Moody’s, and Kroll Bond Rating Agency
- C Summary Finding of Fact for Case 971-AT-19
- D Language from original proposed text amendment dated May 1, 2019
- E Proposed Amendment for Case 971-AT-19 forwarded by ZBA with a recommendation for approval on January 16, 2020

**LEGAL PUBLICATION: WEDNESDAY, DECEMBER 18, 2019**

**CASE: 971-AT-19**

**NOTICE OF PUBLIC HEARING IN REGARD TO PROPOSED AMENDMENTS TO THE  
CHAMPAIGN COUNTY ZONING ORDINANCE.**

CASE: 971-AT-19

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to change the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, January 16, 2020, at 6:30 p.m.** prevailing time in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition to amend the Champaign County Zoning Ordinance as follows:

Case 971-AT-19

Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms in the following manner:

Amend the requirements for a letter of credit in Section 6.1.5 Q.(4)e. to change the minimum acceptable long term corporate debt (credit) rating of the proposed financial institution to a rating of "A-" by Standard & Poor's, or a rating of "A3" by Moody's, or a rating of "A-" by Kroll Bond Rating Agency.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, DECEMBER 18, 2019 ONLY**

Send bill and one copy to: Champaign County Planning and Zoning Dept.  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802  
Phone: 384-3708

## Long Term Credit Ratings

Standard & Poor's ratings description Investment Grades	Moody's ratings description Investment Grades	Kroll ratings description Higher & Medium Quality Grades
<p>highest rating assigned by S&amp;P Global Ratings. The obligor's capacity to meet its financial commitments on the obligation is extremely strong</p> <p>AAA</p>	<p>Obligations rated Aaa are judged to be of the highest quality, subject to the lowest level of credit risk.</p> <p>Aaa</p>	<p>Determined to have almost no risk of loss due to credit-related events. Assigned only to the very highest quality obligors and obligations able to survive extremely challenging economic events.</p> <p>AAA</p>
<p>An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitments on the obligation is very strong.</p> <p>AA+</p> <p>AA</p> <p>AA-</p>	<p>Obligations rated Aa1 are judged to be of high quality and are subject to very low credit risk.</p> <p>Aa1</p> <p>Aa2</p> <p>Aa3</p>	<p>Determined to have minimal risk of loss due to credit-related events. Such obligors and obligations are deemed very high quality.</p> <p>AA+</p> <p>AA</p> <p>AA-</p>
<p>An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories. However, the obligor's capacity to meet its financial commitments on the obligation is still strong.</p> <p>A+</p> <p>A</p> <p>A-</p>	<p>Obligations rated A1 are judged to be upper-medium grade and are subject to low credit risk.</p> <p>A1</p> <p>A2</p> <p>A3</p>	<p>Determined to be of high quality with a small risk of loss due to credit-related events. Issuers and obligations in this category are expected to weather difficult times with low credit losses.</p> <p>A+</p> <p>A</p> <p>A-</p>
<p>An obligation rated 'BBB' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to weaken the obligor's capacity to meet its financial commitments on the obligation.</p> <p>BBB+</p> <p>BBB</p> <p>BBB-</p>	<p>Obligations rated Baa are judged to be medium grade and subject to moderate credit risk and as such may possess certain speculative characteristics.</p> <p>Baa1</p> <p>Baa2</p> <p>Baa3</p>	<p>Determined to be of medium quality with some risk of loss due to credit-related events. Such issuers and obligations may experience credit losses during stressed environments.</p> <p>BBB+</p> <p>BBB</p> <p>BBB-</p>
<p>An obligation rated 'BB' is less vulnerable to nonpayment than other speculative issues. However, it faces major ongoing uncertainties or exposure to adverse business, financial, or economic conditions that could lead to the obligor's inadequate capacity to meet its financial commitments on the obligation.</p> <p>BB+</p> <p>BB</p> <p>BB-</p>	<p>Obligations rated Ba are judged to be speculative and are subject to substantial credit risk.</p> <p>Ba1</p> <p>Ba2</p> <p>Ba3</p>	<p>Determined to be of low quality with moderate risk of loss due to credit-related events. Such issuers and obligations have fundamental weaknesses that create moderate credit risk.</p> <p>BB+</p> <p>BB</p> <p>BB-</p>

current Zoning Ordinance minimum requirement  
proposed alternative requirement

## Long Term Credit Ratings

Standard & Poor's ratings description	Moody's ratings description	Kroll ratings description
Speculative Grades	Speculative Grades	Lower Quality Grades
B+ An obligation rated 'B' is more vulnerable to nonpayment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitments on the obligation.	B1 Obligations rated B are considered speculative and are subject to high credit risk.	B+ Determined to be of very low quality with high risk of loss due to credit-related events. These issuers and obligations contain many fundamental shortcomings that create significant credit risk.
B Adverse business, financial, or economic conditions will likely impair the obligor's capacity or willingness to meet its financial commitments on the obligation.	B2 B3	B B-
CCC+ An obligation rated 'CCC' is currently vulnerable to nonpayment and is dependent upon favorable business, financial, and economic conditions for the obligor to meet its financial commitments on the obligation. In the event of adverse business, financial, or economic conditions, the obligor is not likely to have the capacity to meet its financial commitments on the obligation.	Caa1 Caa2 Caa3 Obligations rated Caa are judged to be speculative of poor standing and are subject to very high credit risk.	CCC+ CCC CCC- Determined to be at substantial risk of loss due to credit-related events, near default, or in default with high recovery expectations.
CC An obligation rated 'CC' is currently highly vulnerable to nonpayment. The 'CC' rating is used when a default has not yet occurred but S&P Global Ratings expects default to be a virtual certainty, regardless of the anticipated time to default.	Ca Obligations rated Ca are highly speculative and are likely in, or very near, default, with some prospect of recovery of principal and interest.	CC Determined to be near default or in default with average recovery expectations.
C An obligation rated 'C' is currently highly vulnerable to nonpayment, and the obligation is expected to have lower relative seniority or lower ultimate recovery compared with obligations that are rated higher.	C Obligations rated C are the lowest rated and are typically in default, with little prospect for recovery of principal or interest.	C Determined to be near default or in default with low recovery expectations.
D An obligation rated 'D' is in default or in breach of an imputed promise		D In default

**Notes:**

1. S&P Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.
2. Moody's appends numerical modifiers 1, 2, and 3 to each generic rating classification from Aa through Caa. The modifier 1 indicates that the obligation ranks in the higher end of its generic rating category, the modifier 2 indicates a mid-range ranking; and the modifier 3 indicates a ranking in the lower end of that generic rating category.
3. KBRA may append - or + modifiers to ratings in categories AA through CCC to indicate, respectively, upper and lower risk levels within the broader category.

**SUMMARY FINDING OF FACT FOR CASE 971-AT-19**

*As approved by the ZBA on January 16, 2020*

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 26, 2019, October 17, 2019, November 14, 2019, and January 16, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment **IS NECESSARY TO ACHIEVE** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** LRMP Goal 3.
  - B. The proposed Zoning Ordinance text amendment is **NOT RELEVANT** to LRMP Goals 1, 2, 4, 5, 6, 7, 8, 9, and 10.
2. The proposed text amendment **WILL** improve the Zoning Ordinance because it will:
  - A. **HELP ACHIEVE** the purpose of the Zoning Ordinance (see Item 16).
  - B. **IMPROVE** the text of the Zoning Ordinance (see Item 17).

**Text Amendment as proposed to ELUC on May 1, 2019**  
**Alternative Minimum Credit Rating for Financial Institutions Headquartered in Champaign County, Illinois**

**Revise Section 6.1.S Q.(4)e. as follows:**

- e. 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 / or 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) Notwithstanding the requirements of Section 6.1.5 Q.(4)e.(a)-(b), if the financial institution issuing the letter of credit is headquartered in a municipality within Champaign County, Illinois, an alternative minimum acceptable credit rating shall be a rating of "A-" by the Kroll Bond Rating Agency and shall be verified by the Zoning Administrator.
  - (e d) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's or, in the case of a financial institution headquartered in a municipality in Champaign County, Illinois, the Kroll Bond Rating Agency 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.

**PROPOSED AMENDMENT FOR CASE 971-AT-19****1. Revise Section 6.1.S Q.(4)e. as follows:**

- e. 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/or Moody's Investors Service (Moody's) and/or the Kroll Bond Rating Agency.
  - (b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "~~AA-~~" by S&P or a rating of "~~A2A3~~" by Moody's, or a rating of "A-" by Kroll Bond Rating Agency.
  - ~~(c) — Notwithstanding the requirements of Section 6.1.5 Q.(4)e.(a) (b), if the financial institution issuing the letter of credit is headquartered in a municipality within Champaign County, Illinois, an alternative minimum acceptable credit rating shall be a rating of "A-" by the Kroll Bond Rating Agency and shall be verified by the Zoning Administrator.~~
  - (c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P, ~~or~~ Moody's, or in the case of a financial institution headquartered in a municipality in Champaign County, Illinois, the Kroll Bond Rating Agency 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, or Kroll Bond Rating Agency meets or exceeds the minimum acceptable long term corporate debt (credit) rating.

Champaign County  
Department of



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: **January 28, 2020**  
RE: **Recommendation for rezoning Case 968-AM-19**  
Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture District to the B-3 Highway Business District in order to establish a Major Automobile Repair Shop.**  
Petitioners: **Kyle Britt and Alex Wilson, d.b.a. Big Rig Diesel Service, LLC**

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## **STATUS**

The Zoning Board of Appeals (ZBA) voted 6-0 to “RECOMMEND ENACTMENT” of this map amendment at its January 16, 2020 meeting. The ZBA found that the rezoning achieved all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan.

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. The subject property is located in Sidney Township, which does not have a Planning Commission.

There are two approved Special Conditions for the rezoning regarding acceptance of the Right to Farm Resolution 3425 and applying for a Change of Use Permit within 30 days of County Board approval.

No comments were received from the public or from notified jurisdictions.

## **BACKGROUND**

Petitioners Kyle Britt and Alex Wilson would like to move their business, Big Rig Diesel, to a set of existing buildings on a new tract located north of the Frito Lay facility near Sidney. They are currently renting their space south of Rantoul, and “would like to invest in owning the building we work out of, which is the reason for the move.”

A Major Auto Repair shop (all indoors) is not allowed in the current AG-1 Zoning District, but is allowed by right in the B-3 Highway Business Zoning District. The subject property is located on County Highway 15 (CR 1050N), which is an appropriate road for B-3 zoning. The buildings on the subject property were built starting in 1985 to house Vineyard Seed Company and later Agrigenetics, an agricultural research facility.

## **PROPOSED SPECIAL CONDITIONS**

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

The above special condition is necessary to ensure the following:

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

- 
- B. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 968-AM-19 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

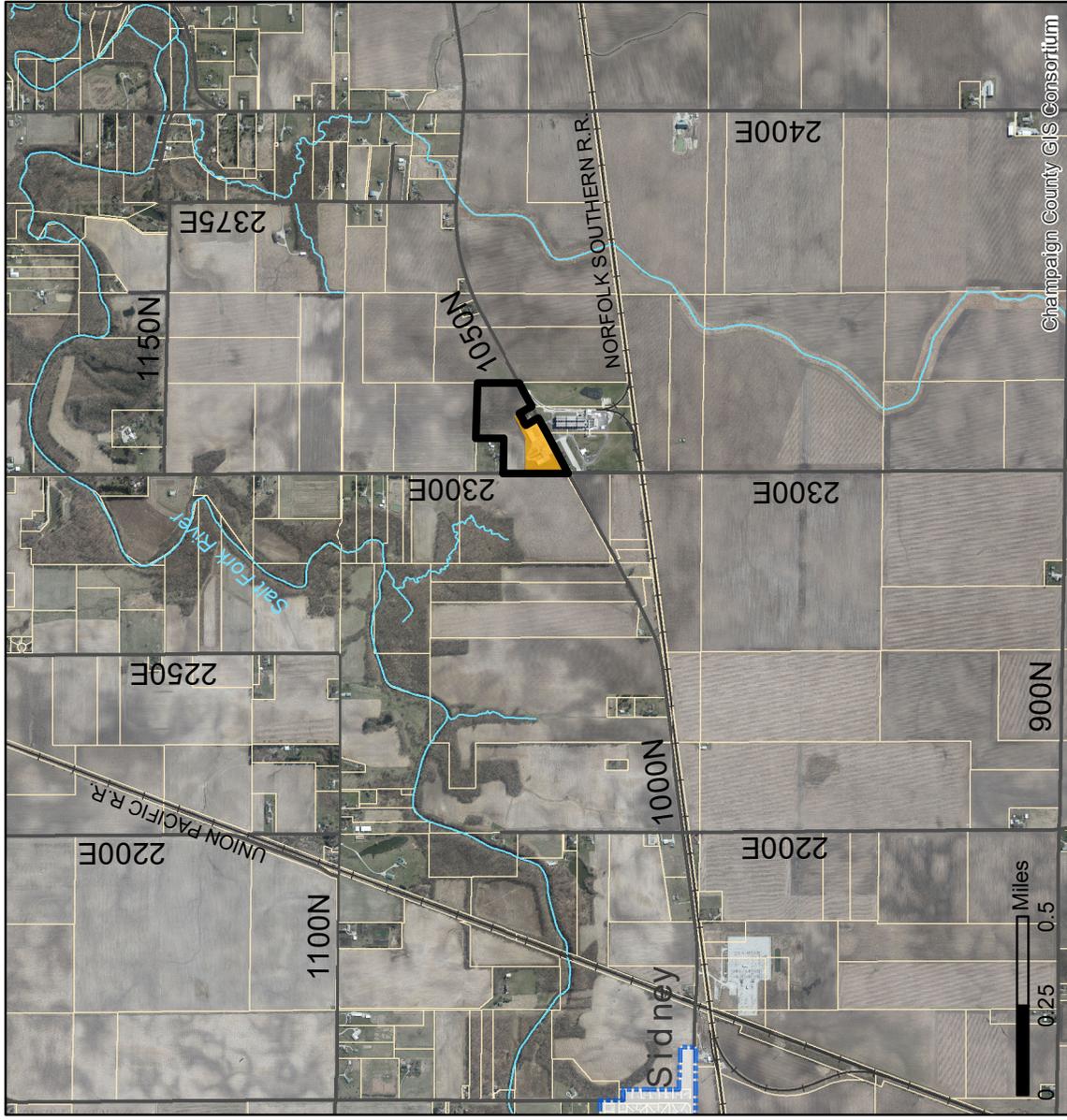
#### **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan: Description of buildings page 16 of 117 received December 4, 2019
- C Big Rig Diesel description received December 4, 2019
- D Emails from petitioners received December 12, 2019
- E Copy of Right to Farm Resolution 3425
- F Summary Finding of Fact and Final Determination for Case 968-AM-19 as approved by ZBA on January 16, 2020

# Location Map

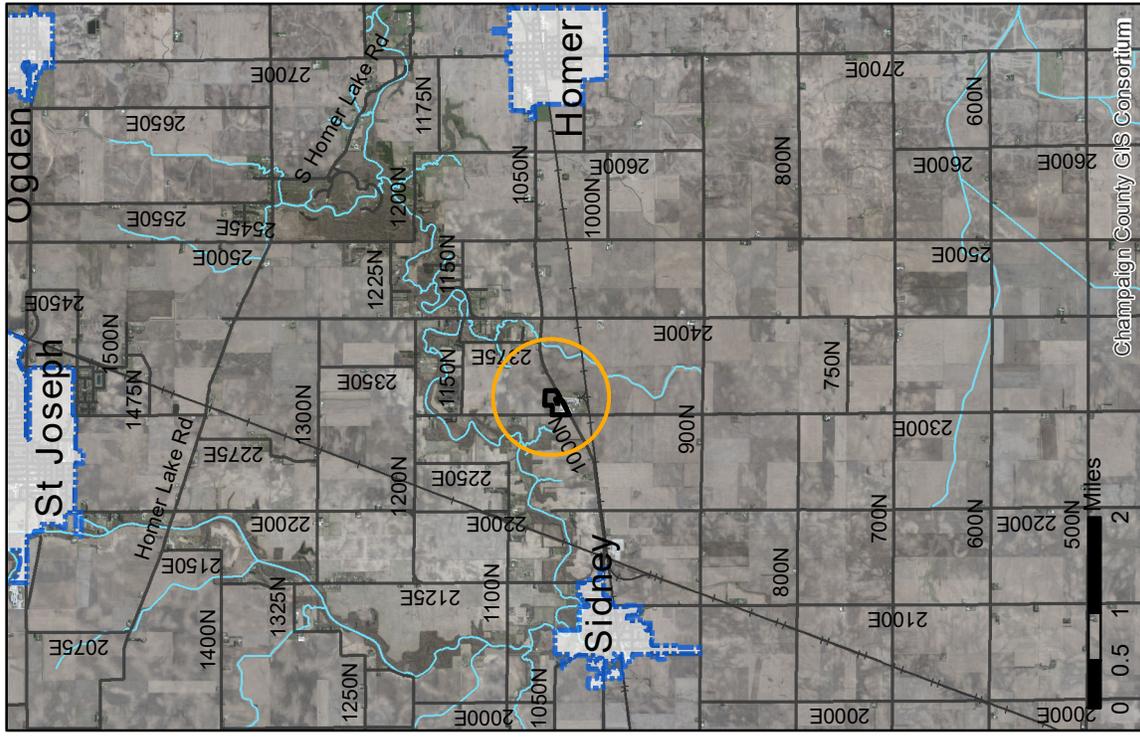
Case 968-AM-19  
January 16, 2020

Subject Property



- Legend**
- Parent Tract
  - Subject Property
  - Parcels

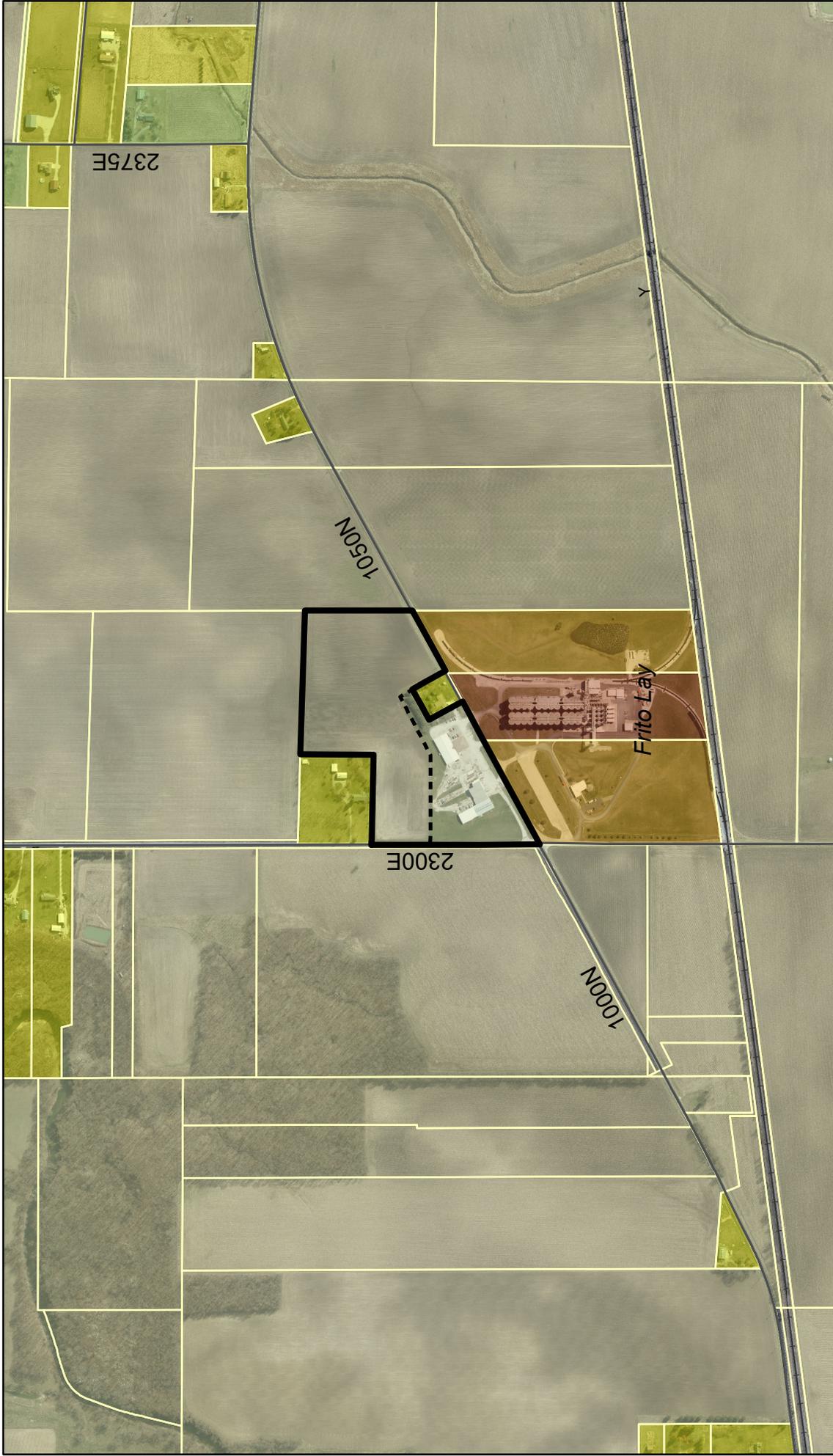
Property location in Champaign County



Champaign County  
Department of  
**PLANNING &  
ZONING**

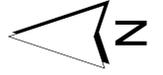
# Land Use Map

Case 968-AM-19  
January 16, 2020



## Legend

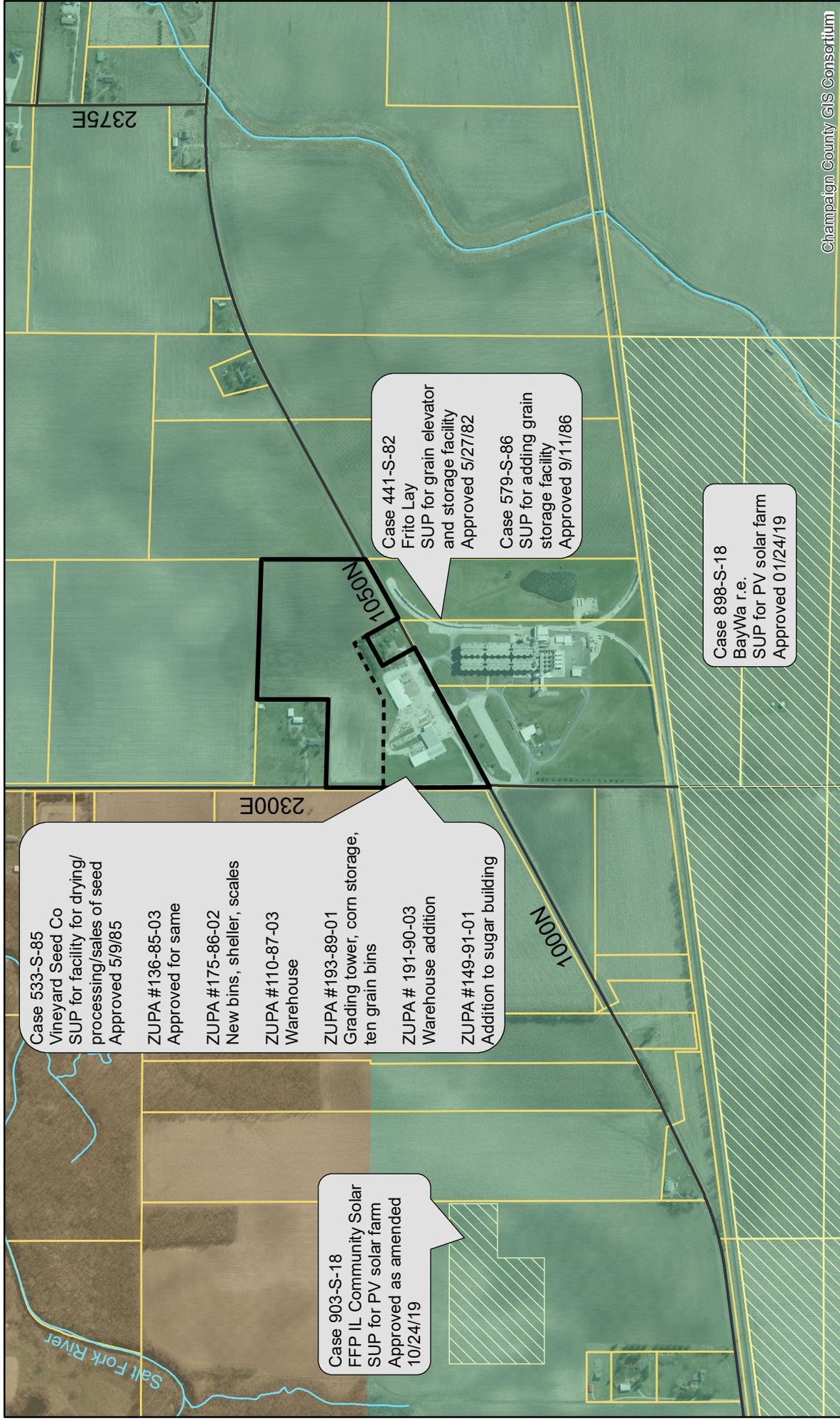
- Subject Property (dashed black line)
- Parent Tract (solid black line)
- Streets (thin grey line)
- Railroads (thick grey line)
- Ag/Residential (light green)
- Agriculture (tan)
- Residential (yellow)
- Industrial (red)
- Commercial (orange)



Champaign County  
Department of  
**PLANNING &  
ZONING**

# Zoning Map

Case 968-S-19  
January 16, 2020



33

## Legend



Parent Tract



Parcels



AG-1 Agriculture



CR Conservation Recreation



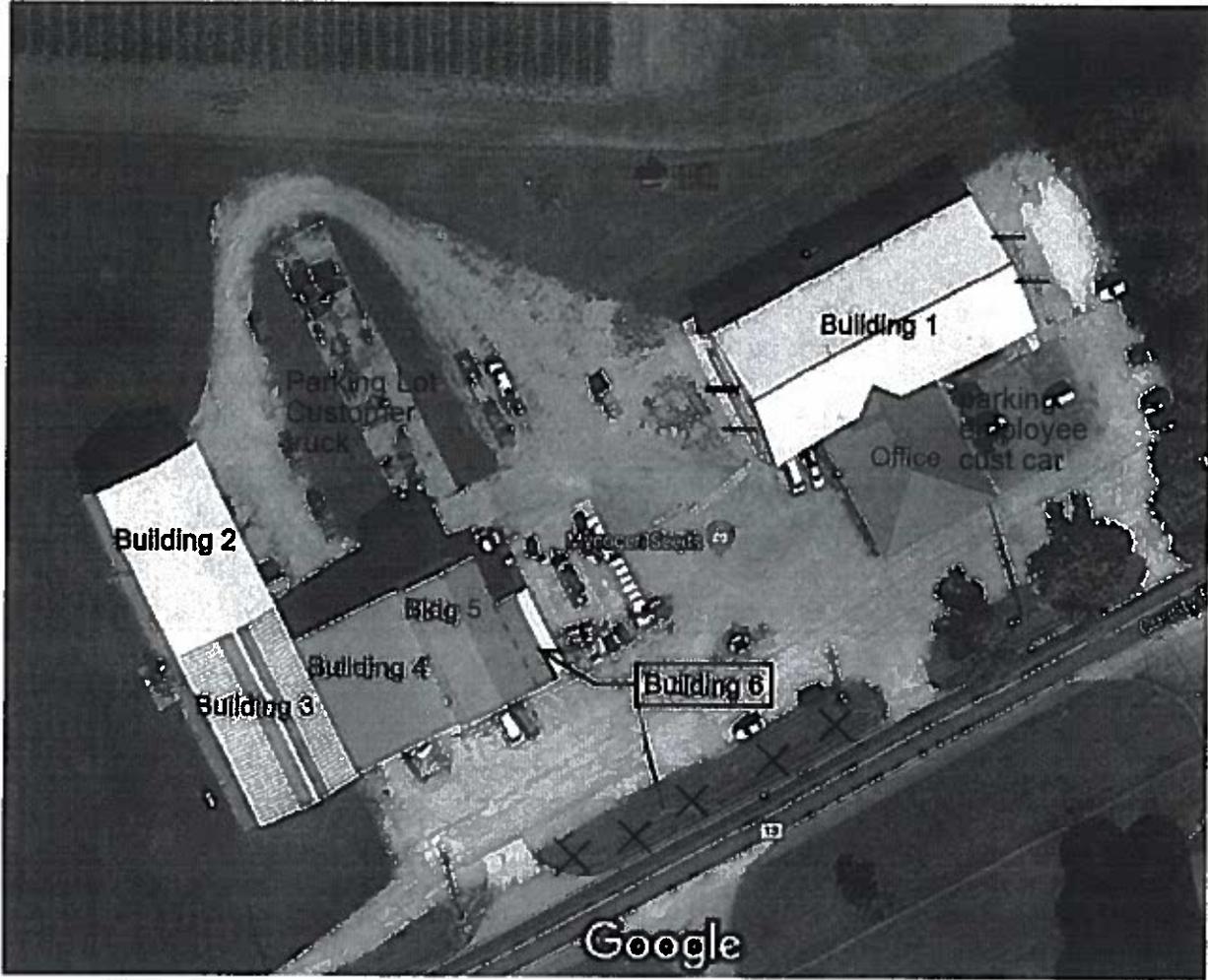
Champaign County GIS Consortium

Seed Research Facilities - Sidney, Illinois

UAAR®

File # 15 Sidney Facilities

Aerial Photo Site



Office: 65'x72 = 4,680 square feet

Building #1: 80'x160' = 12,800 square feet

Building #2: 60'x98' = 5,880 square feet

Building #3: 60'x104' = 6,240 square feet

Building #4: 60'x80' = 4,800 square feet

Building #5: 40'x80' = 3,200 square feet

Building #6: 26'x48' = 1,248 square feet

Total building square footage: 38,848

Office and Lab space: 9,880 square feet

Storage space: 28,968 square feet

X - represents tree to be planted , evergreens that will be 8ft or taller when mature

— Represents overhead door opening to the shop

RECEIVED

DEC 04 2019

CHAMPAIGN CO. P & Z DEPARTMENT

## **BIG RIG DIESEL SERVICE LLC.**

We are a diesel repair shop located in Rantoul, IL. We do any and all minor and major repairs to diesel powered equipment, mostly semi-trucks, some ag and construction. We do not do tire repair or replacement. We are looking to relocate to the property in Homer, IL to continue the same work we do now. We are currently renting and want to invest in owning the building we work out of which is the reason for the move. There are 2 owners Kyle Britt and Alex Wilson that work as full-time technicians and managers. 1 Full time technician, 2 part time technicians, and a part time office worker. All repair work will be done indoors, trucks waiting to be repaired or picked up from being repaired will be parked outside in the designated parking area, which is the area with a concrete pad to the east of buildings #2, and #3 and north of buildings #4,5,6. We will use the east building, designated as building #1, on the property for the shop/office area. Mostly the shed part of the building will be utilized, the rest of the buildings will be cold storage for now. The inside of the shed designated as building #1 that we will be using as the shop will be getting some renovation work done mostly just tearing out the partition walls to get space more wide open for the trucks to come in, and moving the overhead doors on the west and east end of the building to the center of the walls they are on now. Estimated cost of these repairs is \$38000.00. Nothing else in any of the other buildings is being changed and no changes to the exterior other than some signage , one sign, 4' X 8' on the side of the building #1 and refacing the sign that is already on the property facing the county highway. We keep no inventory of parts other than what the trucks that we are currently working on need and our used oil and coolant is stored in plastic totes and picked up by Heritage Crystal Clean. The same company will be servicing us at the Homer location. We can plant trees on the south side of the property between the buildings and the highway if more screening is recommended.

Renovation to interior of building #1 will be tearing out all rooms to open up space for truck repair bays. The mechanical room 112 , electrical panel 107, and part of the packet and preparation room 118 will be kept. The part of room 118 will be for parts unloading and storage for the trucks being repaired at the time, and a tooling room. Cost in estimate includes labor for the tear down, equipment rental , dumpster rental, relocation of the plumbing in the bathroom located in the shop area, and hvac ducting relocation (raising it higher to the building ceiling from drop ceiling it is on now adding ducting to connect to higher location from furnace.) Also the cost of moving the already existing doors to the center of the walls they are on now. All work being done will be in building designated as building #1 the north east shed. All other buildings are being left as is.

# RECEIVED

DEC 04 2019

CHAMPAIGN CO. P & Z DEPARTMENT

**Susan Burgstrom**

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**From:** Big Rig Diesel Service LLC <bigrigdieselservice@gmail.com>  
**Sent:** Thursday, December 12, 2019 9:21 AM  
**To:** Susan Burgstrom  
**Subject:** RE: questions for zoning case

1. The existing well should have sufficient capacity for our use. We only have 5 employees (3 are part-time), we would only be using the bathrooms and washing hands no washing machines, or showering so should be minimal use compared to the use it had when Mycogen was there. Less use than my residential household even. I have called a couple plumbers and Sims drilling to come out and inspect waiting on call back from Sims drilling , so far the plumbers have said they do not do inspections like that.

2. There will be very minimal wastewater created , we do not wash trucks, we do not even have a pressure washer. All spills and messes are swept, pigmat soaked up , or oil dry used. Most we ever have that gets pushed to the drain is melted off snow in the winter dripping off the truck wheels. The shop does have drains that go to an oil separator unit before going to outlet.

3. I would estimate around 10 trucks a day some days would be a lot less some maybe more. We usually only work on 2-3 new trucks a day have trucks for larger repairs for a week or so at a time.

4. We may install exterior lights on the building designated as building #1 near the doors to see better at night (we have not had an opportunity to inspect the building closely at night yet). Also possible some parking lot lights if there is a problem with visibility there, we will use full cut-off lights if we install any.

Big Rig Diesel Service LLC  
P. 217-212-9122  
1503 CR 2700 N.  
Rantoul, IL 61866

**RECEIVED**

**DEC 12 2019**

CHAMPAIGN CO. P & Z DEPARTMENT



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**From:** Susan Burgstrom <sburgstrom@co.champaign.il.us>  
**Sent:** Tuesday, December 10, 2019 1:48 PM  
**To:** 'bigrigdieselservice@gmail.com' <bigrigdieselservice@gmail.com>  
**Subject:** questions for zoning case

Hi Kyle and Alex,

I would appreciate your help answering the following questions:

1. The ZBA members will likely ask whether the existing well(s) on the subject property have sufficient capacity for business demand. It would be useful to have documentation from a well professional. If you plan to dig a new well, ZBA will want documentation on that too.
2. Could you estimate the volume of wastewater that might be created from equipment repair (vehicle washing, etc)? Where will any wastewater drain to?
3. How much daily traffic do you estimate the business will create at the site?

4. Do you propose to install any new exterior lighting, and if so, would you be willing to make it full cutoff (dark sky friendly) lighting?

Thanks,  
Susan

**Susan Burgstrom, AICP**  
Senior Planner  
Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802

P: 217-384-3708  
F: 217-819-4021

## Susan Burgstrom

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**From:** Big Rig Diesel Service LLC <bigrigdieselservice@gmail.com>  
**Sent:** Thursday, December 12, 2019 9:25 AM  
**To:** Susan Burgstrom  
**Subject:** zoning papers  
**Attachments:** Big Rig Move.doc

We received the letter from our used oil and parts washer company today stating they are providing us services at the new facility I have attached it to this email. Also the question on wastewater, I could add, we use the parts washers to clean parts from the trucks we are working on, that cleaner / solvent stays in the parts washer system, Crystal Clean disposes of that waste for us as well and swaps the tank with new solvent when they come.

Big Rig Diesel Service LLC  
P. 217-212-9122  
1503 CR 2700 N.  
Rantoul, IL 61866



**RECEIVED**

**DEC 12 2019**

**CHAMPAIGN CO. P & Z DEPARTMENT**



**RECEIVED**

**DEC 12 2019**

**CHAMPAIGN CO P & Z DEPARTMENT**

12/12/2019

Big Rig Diesel Service

RE: Used Oil and Parts Cleaner Services

To whom it may concern,

In response to your recent notification in which you stated that your business was relocating to a new location in Homer, IL

This letter is to confirm that all of the current services we provide at your current location will be transferred to this new facility. When we receive notification of the move completion, we will transfer the account in our records.

**Current Services**

**Used Oil Removal for Recycling  
Parts Cleaner Service**

Please feel free to contact me if you have any questions or need any additional information.

Robert Grant  
Branch Manager  
Heritage-Crystal Clean, LLC  
Bloomington, IL

(309) 829-2300 – Office  
(309) 830-6042 – Cell  
bob.grant@crystal-clean.com

407 South Main Street  
Bloomington, IL 61701

**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.**

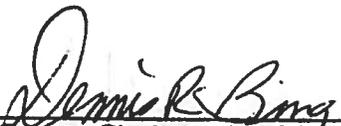
RESOLUTION NO. 3425

Page 2

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 CASE 968-AM-19**

*As approved by the ZBA on January 16, 2020*

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 16, 2020**, 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 Prosperity:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to move and grow their operations with proper zoning and to continue serving residents of 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 Agriculture:
    - (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 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
      - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
      - c. Policy 4.1.7 requiring a maximum lot size limit on new lots established as by right development on best prime farmland (see Item 13.A.(3)).
      - d. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(4)).
    - (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 4.2.1 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. 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)).

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- c. 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. 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 4.3.2 requiring a discretionary development on best prime farmland to be well-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)).
  - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 13.C.(4)).
- (4) It will **HELP ACHIEVE** Objective 4.7 regarding County Resolution 3425 pertaining to the right to farm in Champaign County because a special condition of approval has been added affirming the petitioner's acceptance of Resolution 3425 (see Item 13.D.).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 6 Public Health and Safety:
- (1) The proposed amendment will **HELP ACHIEVE** Objective 6.1 requiring protection of the public health and public safety in land resource management decisions because it will **HELP ACHIEVE** the following:
- a. Policy 6.1.2 requiring that 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.(2)).
  - b. Policy 6.1.3 seeking to prevent nuisances created by light and glare, limit excessive night lighting, and preserve clear views of the night sky (see Item 15.A.(3)).
  - c. Policy 6.1.4 seeking to abate blight and to prevent and rectify improper dumping (see Item 15.A.(4)).

- D. Regarding Goal 7 Transportation:
- (1) The proposed amendment will **HELP ACHIEVE** Objective 7.1 requiring the consideration of traffic impact in land use decisions because it will **HELP ACHIEVE** 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 Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 7 Transportation.
- E. Regarding Goal 8 Natural Resources:
- (1) The proposed amendment will **HELP ACHIEVE** Objective 8.1 requiring the County to strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes because it will **HELP ACHIEVE** the following:
    - a. Policy 8.1.1 requiring the County to strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes (see Item 17.A.(1)).
    - b. Policy 8.1.7 requiring the County to ensure that existing and new developments do not pollute the groundwater supply (see Item 17.A.(2)).
  - (2) The proposed amendment will **HELP ACHIEVE** Objective 8.6 requiring the County to encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species because it will **HELP ACHIEVE** the following:
    - a. Policy 8.6.3 requiring that the County 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 17.B.(1)).
    - b. Policy 8.6.4 requiring the County to implement IDNR recommendations for discretionary development sites that contain endangered or threatened species and to seek to ensure that recommended management practices are maintained on such sites (see Item 17.B.(2)).
- F. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 5 Urban Land Use
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- G. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.

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2. The proposed Zoning Ordinance map amendment **IS** consistent with the LaSalle and Sinclair factors because of the following:
  - A. The rezoning would allow Big Rig Diesel Service to continue serving agricultural and commercial trucks and other vehicles in order to support area agricultural and commercial activities.
  - B. The subject property is well-suited overall for the proposed land use.
  - C. The subject property and its vicinity have maintained the same uses for years.
  - D. The proposed use is a service better provided in a rural area.
  - E. The proposed use does serve surrounding agricultural land uses.
  - F. The proposed development is otherwise appropriate in a rural area.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
  - A. Establishing the B-3 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-3 District (Purpose 2.0 (i) see Item 21.G.).
  - B. Establishing the B-3 District at this location will not require the development of public utilities or transportation facilities (Purpose 2.0 (p) see Item 21.K.).
  - C. Establishing the B-3 District at this location will not take any land out of production (Purpose 2.0 (q) see Item 21.L.).
4. **THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**
  - A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

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

- B. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 968-AM-19 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

**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: January 28, 2020  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner and County Recycling Coordinator  
RE: Resolution Authorizing Brookfield Properties and Champaign County Event Agreement for IEPA One-Day Household Hazardous Waste Collection on April 4, 2020  
ACTION  
REQUESTED: Recommend County Board Approval

The Event Agreement for the April 4th IEPA One-Day Household Hazardous Waste Collection pick-up at Market Place Shopping Center to be signed by the County Executive is attached.

Attachment: Brookfield Properties Event Agreement

**EVENT AGREEMENT  
(Single Shopping Center)**

This Event Agreement ("Agreement") is made as of this day, Tuesday, January 7, 2020, ("Effective Date") by and between the owner that have executed this Agreement ("Owner") and Champaign County ("Organizer").

**WHEREAS**, Owner owns the Shopping Center listed on Exhibit A ("Shopping Center"), or pursuant to certain agreements with the Owner, Owner has the right to contract for and provide the services described herein to the Shopping Center, and has engaged affiliate Brookfield Properties Retail Inc. to provide the Services as further set forth herein and in Exhibit A.

**WHEREAS**, Organizer seeks to conduct an event in a portion of the common area of the Shopping Center as more particularly described herein.

**NOW THEREFORE**, in consideration of the foregoing and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **TERM.** The "Term" of this Agreement shall begin on the Effective Date and shall terminate on the "Expiration Date" specified on Exhibit A. The Event (as hereinafter defined) shall be conducted during the "Event Term" specified on Exhibit A.
2. **EVENT.** During the Event Term, Organizer shall conduct the event described on Exhibit A in a portion of the common area of the Shopping Center more particularly described on Exhibit A ("Premises"). Any activities conducted and/or exhibition of any displays, sets, signs, decorations, materials, advertising collateral and/or equipment of Organizer specified on Exhibit A (collectively the "Event Elements") during the Event Term shall be collectively referred to herein as the "Event". If storage of any Event Elements is included in the services and/or benefits provided Owner as more particularly specified on Exhibit A ("Services"), the Premises is deemed to include the area(s) in which such Event Elements are stored.
3. **EVENT FEE.** In consideration for the rights granted by Owner under this Agreement, Organizer agrees to pay the "Event Fee" to "Payee" at the address and pursuant to the payment schedule, all as set forth on Exhibit A.

If the Event Fee, or any portion thereof, is not paid within ten (10) days of when due, the unpaid balance of all, or the then due portion, of the Event Fee will be assessed a service fee of one and one-half percent (1.5%) per month to the extent allowed by law. Owner will have the right to suspend and/or terminate the Services and Organizer's access to the Premises if Organizer fails to timely pay Payee in accordance with the terms of this Agreement. If it becomes necessary for Owner to remove any or all elements of the Event and/or other personal property of Organizer from the Premises as a result of Organizer's default, Organizer shall reimburse Owner for all reasonable costs incurred in connection therewith upon fifteen (15) days' written notice. If Organizer fails to satisfy the obligations required to gain access to the Premises as provided in Sections 4A, 4B and 4C of this Agreement, Organizer shall not be relieved of its obligation to pay the Event Fee.

4. **ORGANIZER'S OBLIGATIONS.**

- A. **Submission of Event Elements.** By the "Delivery Date" specified on Exhibit A, Organizer agrees to deliver to Owner all Event Elements specified on Exhibit A, which may include without limitation camera-ready artwork, advertising collateral, display or set designs, signs, copy, electronic files, activity plans and schedules, promotional materials and/or samples to be distributed and/or such other materials, logos, trademarks and designs to be used in connection with the Event, as are necessary for Owner to approve the Event and provide the Services pursuant to this Agreement.
- B. **Permits.** Organizer shall procure and keep in full force and effect, at its sole cost and expense, from governmental authorities having jurisdiction over the Shopping Center, any and all licenses, permits, bonds or other authorizations necessary to conduct the Event as contemplated under this Agreement. Organizer will notify Owner immediately if Organizer fails to obtain the required permits and licenses prior to commencement of the Event. A copy of any required permits or licenses shall be provided to Owner prior to commencement of the Event and the provision of such permits or licenses to Owner is a condition precedent to any access to the Premises
- C. **Insurance.** Organizer shall provide the insurance coverage set forth on Exhibit B attached hereto and deliver to Owner a certificate of insurance described therein prior to commencement of the Event.
- D. **Event Set-up and Operation.** Organizer shall have the sole responsibility of conducting the Event, which may include the erection and installation of any Event Elements authorized by Owner, unless erection and installation are included in the Services. Organizer shall install the Event Elements and promptly repair at its sole cost and expense any damage to the Shopping Center caused by Organizer, any contractors or other providers of Organizer, exhibitors and/or participants in the Event (each a "Contractor" and collectively the "Contractors"), or their respective employees, agents, affiliates or

# Brookfield Properties

subcontractors in connection with the set-up of the Event. Organizer shall maintain the Event Elements and conduct the Event solely on the Premises in a clean and orderly manner that exemplifies a first-class shopping center. In no event shall Organizer, any Contractor or any of their employees, agents, affiliates, subcontractors or suppliers (collectively "Organizer Parties") hawk or otherwise create a nuisance in the Shopping Center.

- E. **Removal of Event Elements.** Upon the earlier of the expiration of the Event Term or termination of this Agreement, Organizer shall remove all Event Elements from the Premises, repair damage caused by such removal and peaceably yield up to Owner the Premises in good order, repair and condition. Until such time as all Event Elements are removed, Organizer's obligations shall continue as set forth in this Agreement. In the event Organizer does not remove all Event Elements at the expiration of the Event Term or earlier termination of this Agreement, Owner shall provide Organizer with written notice of Organizer's failure to remove the Event Elements from the Premises. Such written notice shall provide Organizer with one (1) day for the purpose of removing the Event Elements from the Premises ("Notice Period"). In the event Organizer does not remove any or all of the Event Elements within the Notice Period, Owner shall have the right, in its sole and absolute discretion, to either remove and store the Event Elements or dispose of the Event Elements at Organizer's sole cost and expense. Organizer shall have no claim against Owner for such removal, storage and/or disposal.
- F. **Compliance With Law.** Organizer agrees to perform all of its obligations under this Agreement in a professional manner and shall comply with all federal, state and local laws, statutes, ordinances, rules, regulations, codes and other governmental requirements.
- G. **Acknowledgement.** Organizer acknowledges and agrees that Owner's ability to provide access to the Premises and the Services is contingent upon Organizer's timely performance of Organizer's obligations under this Agreement and Organizer's failure to perform any of its obligations shall be a material breach of this Agreement.
5. **OWNER'S OBLIGATIONS.** Owner shall review and approve in writing, in its sole discretion, all Event Elements. Owner reserves the right during the Term to reject any or all Event Elements for any reason or no reason and to curtail or regulate any or all Event Elements including without limitation sound levels thereof and Organizer Parties, at Organizer's expense. Subject to Organizer's obligations set forth in Section 4 of this Agreement and Owner's approval of the Event, Owner shall provide to Organizer and each authorized Contractor access to the Premises during the Event Term in accordance with this Agreement. Organizer and each authorized Contractor shall be allowed access to, and use of, the loading dock and parking lot at reasonable times, as determined by Owner and as needed to perform Organizer's obligations under this Agreement. Owner shall also provide to Organizer the Services.
6. **CONTRACTORS.** Organizer shall be responsible to procure any and all Contractors necessary for the Event. Organizer shall supply Owner with a list of all proposed Contractors at least five (5) business days prior to commencement of the Event. The list shall specify the names, addresses and type of each Contractor. Organizer agrees that only Contractors approved by Owner in writing will be permitted to enter the Premises. Organizer acknowledges and agrees that Owner shall not approve of, or permit, any such Contractor to enter the Premises, until Owner has received from each Contractor (i) a certificate of insurance evidencing insurance coverage set forth on Exhibit B attached hereto satisfactory to Owner and (ii) an original of Exhibit C signed by an authorized representative of each Contractor, without any modification. Any exception or modification to the foregoing requirements shall be in Owner's sole and absolute discretion.
7. **INTELLECTUAL PROPERTY RIGHTS.**
- A. Each party owns and shall retain all right, title and interest in and to its trademarks and service marks (collectively "Marks"). Neither party shall, in any way during the Term or thereafter, directly or indirectly do or cause to be done any act or thing contesting or in any way challenging any part of the other party's right, title and interest in such party's Marks. Without the prior written consent of Owner, Organizer shall not, while this Agreement is in effect or thereafter, use or permit the use of Owner's name or the name of any affiliate of Owner, or the name, address or any picture or likeness of, or reference to, the Shopping Center in any advertising, promotional, or other materials.
- B. Owner may make still, digital, video and/or photographic images or recordings of the Shopping Center which may include the Event Elements, Organizer's Marks and/or other materials of Organizer's displayed at the Shopping Center during the Term. Owner shall have the right to use such images or recordings for purposes of promoting the Shopping Center and marketing activities at the Shopping Center.
8. **REPRESENTATIONS AND WARRANTIES.**
- A. Organizer represents and warrants that (i) the production, operation, broadcasting, advertising and promotion of the Event and the use of the Event Elements as provided in this Agreement will not violate the trademark rights, copyrights, the right of privacy or publicity or constitute a libel or slander, or involve plagiarism or violate any other rights of any person or entity; (ii) it has the full right and legal authority to enter into and fully perform this Agreement in accordance with its terms and there are and shall be no agreements (oral or written) which conflict with Organizer's full performance hereof; and (iii) it has inspected the Premises and acknowledges that such area is safe and suitable for the Event contemplated hereunder.
- B. Owner represents and warrants that it has the full right and legal authority to enter into and fully perform this Agreement in

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accordance with its terms and there are and shall be no agreements (oral or written) which conflict with Owner's full performance hereof.

## 9. INDEMNIFICATION.

- A. Organizer shall indemnify, hold harmless, defend and reimburse Owner, including Owner's parent companies, subsidiaries and affiliates, and their respective employees, officers, members, partners and directors, ("Indemnified Parties") from and for all claims, losses, damages, liabilities, expenses, encumbrances, attorneys' fees and litigation expenses (collectively "Claims") which arise or are alleged to arise wholly or partly out of: (i) any violation of this Agreement by Organizer or any Contractor; or (ii) any negligence or intentional misconduct or other action or omission of any of the Organizer Parties. Without limiting the generality of the foregoing, such Claims include matters involving: (a) bodily or personal injury, sickness or disease or death of any of the Organizer Parties, the Indemnified Parties or third parties who are in or may be in the Shopping Center from time to time; (b) losses of, or damage to, personal, intangible or real property of any of the Organizer Parties, the Indemnified Parties or third parties who are in or may be in the Shopping Center from time to time (including reduction in value and loss of use or income); (c) employer-employee relations of the Organizer Parties; (d) infringement of any intellectual property or proprietary rights; or (e) claims for express or implied indemnity or contribution arising by reason of any Claims.
- B. Owner shall indemnify, hold harmless, defend and reimburse Organizer, including Organizer's parent companies, subsidiaries and affiliates, and their respective employees, officers, members, partners and directors, from and for all Claims which arise or are alleged to arise out of: (i) Owner's breach of any of its representations, warranties or obligations under this Agreement; or (ii) Owner's negligence or intentional misconduct or other action or omission of Owner, its affiliates, subcontractors, employees and agents.
- C. This Section 9 shall survive the expiration or earlier termination of this Agreement, and shall not be construed to provide for any indemnification which would, as a result thereof, make the provisions of this Section 9 void, or to eliminate or reduce any other indemnification or right which any indemnitee has by law.

10. **LIMITATION ON LIABILITY.** Organizer hereby agrees to be solely responsible for any loss or damage to the Event Elements and any other equipment or property of Organizer or the Contractors or injury to any of the Organizer Parties resulting from the use of the Premises, except to the extent such loss or damage is caused by the gross negligence of Owner. Owner shall not be liable to any of the Organizer Parties for any loss or damage to any property of any Organizer Parties, including without limitation for any removal of such property by Owner during the Event Term or upon the earlier of the expiration of the Event Term or termination of this Agreement. Except as specifically provided in this Section 10, Organizer waives any claim against Owner for any damage to any property of the Organizer Parties and will obtain a similar waiver from any Contractor.

No representation, guarantee, assurance or warranty is made or given by Owner that the security procedures used by Owner, if any, will be effective to prevent (i) injury to Organizer, any Contractor, guests, or any other person who is or may be in the Shopping Center from time to time or (ii) damage to, or loss (by theft or otherwise) of any property of the Organizer Parties or of the property of any other person who is or may be in the Shopping Center from time to time.

ORGANIZER EXPRESSLY UNDERSTANDS AND AGREES THAT OWNER SHALL NOT BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, CONSEQUENTIAL OR EXEMPLARY DAMAGES ARISING OUT OF OR IN ANY WAY RELATED TO THIS AGREEMENT INCLUDING, WITHOUT LIMITATION, DAMAGES FOR LOSS OF PROFITS, GOODWILL, LOSS OF DATA, LOSS OF AIR TIME, OR OTHER INTANGIBLE LOSSES (EVEN IF OWNER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES). THE AGGREGATE LIABILITY OF OWNER FOR ANY REASON AND UPON ANY CAUSE OF ACTION (INCLUDING, WITHOUT LIMITATION, NEGLIGENCE, STRICT LIABILITY AND OTHER ACTIONS IN CONTRACT OR TORT) ARISING OUT OF OR IN ANY WAY RELATED TO THIS AGREEMENT SHALL BE LIMITED TO DIRECT DAMAGES ACTUALLY INCURRED UP TO, BUT NOT TO EXCEED, THE AMOUNT ACTUALLY PAID BY ORGANIZER TO PAYEE UNDER THIS AGREEMENT.

11. **RELOCATION; REMOVAL.** Owner has the right in its sole discretion to relocate the Premises within the Shopping Center for any reason, including but not limited to remodeling or construction, whether temporarily or permanently. In the event of such relocation Owner shall provide Organizer with notice of the relocation and shall make reasonable efforts to relocate the Premises at Owner's expense to a location within the Shopping Center that offers comparable exposure to Organizer, as determined by Owner. If it is not feasible to relocate as determined by Owner, Owner shall reimburse to Organizer the unearned portion of the Event Fee paid to Owner based on the remaining portion of the Term. Such reimbursement shall be the sole and exclusive remedy available to Organizer in the event relocation of the Premises is not feasible.

During the Event Term, Owner has the right in its sole discretion to remove any or all Event Elements for any reason, including without limitation default by Organizer, or no reason. Owner shall reimburse to Organizer the unearned portion of the Event Fee paid to Owner based on the remaining portion of the Term for any removal not caused by Organizer's breach of this Agreement. Such reimbursement shall be the sole and exclusive remedy available to Organizer for such removal of any or all elements of the Event.

12. **TERMINATION; FAILURE TO PERFORM.**

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- A. **Termination for Cause.** Unless cured within ten (10) business days of the alleged breach (but in no event later than one (1) business day prior to commencement of the Event) either party may terminate this Agreement upon notice if the other party commits a material breach of this Agreement; or at any time upon written notice if the other party ceases its business operations, becomes insolvent or unable to pay its debts as they mature, makes a general assignment for the benefit of its creditors, is the subject of an appointment of a receiver or trustee for its business at the Shopping Center, or files or has filed against it proceedings under any provision of the United States Bankruptcy Code, as codified at 11 U.S.C. Sections 101, *et seq.* or similar law, as such may be amended from time to time. Any such notice of termination shall identify the Shopping Center to which it applies and specify the alleged breach or cause in reasonable detail. In the event of termination of this Agreement by Owner pursuant to this Subsection 12A, in addition to any other remedies available to Owner at law, in equity or otherwise, Organizer shall pay to Owner the Event Fee.
- B. **Termination without Cause.** Owner may terminate this Agreement immediately upon notice to Organizer at such time as Owner may elect without cause. If Owner terminates this Agreement without cause, Owner shall refund to Organizer the unearned portion of the Event Fee paid to Owner based on the remaining portion of the Term.

## 13. GENERAL PROVISIONS.

- A. **Entire Agreement.** This Agreement, which includes the exhibits referenced herein and attached hereto, sets forth the entire understanding and agreement of the parties with respect to the subject matter of this Agreement and supersedes all prior agreements, representations, warranties, understandings and commitments of the parties, whether oral or written, with respect thereto.
- B. **Assignment.** This Agreement may not be assigned, in whole or in part, by the Organizer without the prior written consent of Owner. Owner may freely assign this Agreement to any affiliate or to any other assignee, provided that any such assignee (other than an affiliate) agrees in writing to fulfill all obligations of Owner under this Agreement.
- C. **Audit.** This Section shall apply if the Event Fee is based on a percentage of Organizer's sales. At any time during the Term and for one (1) year after the Expiration Date, Owner shall have the right, upon reasonable notice to Organizer to inspect and/or audit the records of Organizer directly related to the calculation of the percentage rent to verify the accuracy of any information provided by Organizer to Owner. Such inspection shall occur at Organizer's headquarters during mutually agreed upon dates and times during regular business hours.
- D. **Notices.** All notices, requests and approvals required under this Agreement must be in writing and addressed to the other party's designated contact for notice as set forth on Exhibit A, or to such other address as such party designates in writing. All such notices, requests and approvals will be deemed to have been given either when personally delivered or upon delivery by either registered or certified mail, postage prepaid with return receipt requested, or by a recognized commercial courier service providing proof of delivery or, in the absence of delivery, on the date of mailing. Every notice shall identify the Shopping Center to which it applies. The provisions of this Section 13C shall survive termination of this Agreement.
- E. **Governing Law; Disputes.** This Agreement shall be governed by, construed and enforced in accordance with the laws of the state in which the Shopping Center is located without regard to its choice of law or conflicts of laws provisions. The parties hereby waive trial by jury. If either party shall institute any action or proceeding against the other relating to the provisions of this Agreement, the prevailing party in the action or proceeding shall be entitled to recover all reasonable costs and attorneys' fees from the unsuccessful party.
- F. **Reformation and Severability.** If any provision or term of this Agreement shall, to any extent, be held invalid, illegal or unenforceable by a court of competent jurisdiction, that provision shall, to the extent possible, be modified in such a manner as to be valid, legal and enforceable but so as to most nearly retain the intent of the parties as expressed herein, and if such a modification is not possible, that provision shall be severed from this Agreement, and in either case the validity, legality and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.
- G. **Waivers; Modification; Amendment.** No waiver, modification or amendment of any term or condition of this Agreement shall be valid or of any force or effect unless made in writing, signed by the parties hereto or their duly authorized representatives, and specifying with particularity the nature and extent of such waiver, modification or amendment and the Shopping Center to which it applies. The failure of a party at any time to exercise any of its rights or options under this Agreement shall not be construed to be a waiver of such rights or options or prevent such party from subsequently asserting or exercising such rights or options, nor shall it be construed, deemed or interpreted as a waiver of, or acquiescence in, any such breach or default or of any similar breach or default occurring later.
- H. **Independent Contractor.** The parties are independent contractors with respect to one another and to this Agreement and shall not be construed to be the agent of the other under any circumstances. Neither party shall make any express or implied agreements, warranties, guarantees or representations or incur any debt in the name of, or on behalf of, the other or be obligated by or have any liability under any agreement or representations made by the other that are not expressly authorized in writing.
- I. **Force Majeure.** Neither party shall be liable for any delay or failure to perform its obligations under this Agreement, except

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for the obligation to pay, if such delay or failure is caused by a force beyond such party's control.

- J. **Counterparts.** This Agreement may be executed in any number of counterparts and by the parties on separate counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which, when taken together, shall constitute one and the same Agreement. Delivery of an executed counterpart of this Agreement by electronic mail or facsimile shall be equally as effective as delivery of a manually executed counterpart of this Agreement. Any party delivering an executed counterpart of this Agreement electronically or by facsimile shall also deliver a manually executed counterpart of this Agreement; provided, however, the failure to deliver a manually executed counterpart shall not affect the validity, enforceability and binding effect of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have duly executed and delivered this Agreement as of the day and year first above written.

**ORGANIZER:**

**Champaign County**

**By:**

\_\_\_\_\_

**Its:**

\_\_\_\_\_

**OWNER:**

**CHAMPAIGN MARKET PLACE L.L.C., a Delaware  
limited liability company**

**By:** \_\_\_\_\_

**Authorized Signatory**

## EXHIBIT A

### 1. SHOPPING CENTER; EVENT TERM.

Owner Entity: CHAMPAIGN MARKET PLACE L.L.C.

Property Name: Market Place Shopping Center  
2000 NORTH NEIL STREET  
CHAMPAIGN, Illinois 61820

Attn: Cynthia Morton-Petry  
p: (217) 903-2283  
e: cmpetry@brookfieldpropertiesretail.com

<u>Date / Time</u>	<u>Location(s) /Event Elements</u>
04/04/2020 - 04/04/2020	Market Place Shopping Center (2246) - Creativity 1 / Creativity
04/04/2020 - 04/04/2020	Market Place Shopping Center (2246) - NorthEast parking lot / Event - Parking Lot Event

### 2. EXPIRATION DATE. 4/4/2020

### 3. EVENT.

Market Place will be the location for the Illinois EPA One-Day Household Hazardous Waste Collection.

### 4. EVENT FEE; PAYMENT SCHEDULE.

**Total Fees: \$1,000.00**

	<u>Invoice Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Sales Tax</u>	<u>Total Amount</u>
Pymt 1:	4/4/2020	4/4/2020	\$1,000.00	\$0.00	\$1,000.00

**Revenue Account Code:** 42505 Events, Sampling & Tours  
42575 Creativity

### 5. PAYEE(S); ADDRESS(ES) OF PAYEE(S).

CHAMPAIGN MARKET PLACE L.L.C.  
MARKET PLACE SHOPPING CENTER  
SDS-12-1461  
PO BOX 86  
MINNEAPOLIS, Minnesota 55486-1461

### 6. DELIVERY DATE. April 4, 2020

### 7. EVENT ELEMENTS.

Market Place will be the location for the Illinois EPA One-Day Household Hazardous Waste Collection.

### 8. SERVICES.

#### Obligations of Owner:

- Will provide parking lot space to hold event.

**Owner will be responsible for providing the following services and/or benefits to Organizer:**

#### Owner Production/Construction of Materials Responsibilities:

N/A

#### Owner Installation of Materials Responsibilities:

N/A

#### Owner Maintenance of Materials Responsibilities:

N/A

#### Owner Removal of Materials Responsibilities:

N/A

#### Owner Return of Materials Responsibilities:

# Brookfield Properties

N/A

<b>Number of Electrical Outlets Required:</b>	0	<b>Descriptions of Electrical Outlets Required:</b> N/A
<b>Number of Tables Required:</b>	0	<b>Description of Tables Required:</b> N/A
<b>Number of Chairs Required:</b>	0	<b>Description of Chairs Required:</b> N/A
<b>Number of Security Guards Required:</b>	0	<b>Description of Security Guards Required:</b> N/A
<b>Number of Platforms/Stages Required:</b>	0	<b>Description of Platforms/Stages Required:</b> N/A
<b>Table Skirting Required:</b>	n/a	

#### **Obligations of Organizer:**

- Organizer shall not cause or allow the release, disposal of, or abandonment of any hazardous wastes or substances on or into the surfaces, ambient air, drains, sewers, wetlands, ditches, soils, retention or detention ponds or ground water on or under the Shopping Center.

#### **Organizer will be responsible for providing the following services and/or benefits to Owner:**

##### **Organizer Production/Construction of Materials Responsibilities:**

N/A

##### **Organizer Installation of Materials Responsibilities:**

Client will handle.

##### **Organizer Maintenance of Materials Responsibilities:**

Client will handle.

##### **Organizer Removal of Materials Responsibilities:**

Client will handle.

##### **Organizer Return of Materials Responsibilities:**

N/A

#### **9. NOTICE ADDRESSES.**

(a) Owner:  
c/o Brookfield Properties Retail Inc.  
350 N. Orleans St. Suite 300  
Chicago, IL 60654-1607  
Attn: VP, Strategic Partnership

(b) Organizer:  
Champaign County  
1776 E. WASHINGTON STREET  
URBANA, Illinois 61802  
FEIN: 376006910  
Phone: (217) 384-3776

With copy to:  
BPR REIT Services LLC  
350 N. Orleans St. Suite 300  
Chicago, IL 60654-1607  
Attn: Legal Department - Corporate Contracts and  
Securities

**EXHIBIT B**  
**INSURANCE REQUIREMENTS**

**REQUIRED INSURANCE.**

Organizer and Contractor shall furnish and maintain in effect during the Term of the Agreement the insurance coverage described below:

<b>General Liability</b>	\$1,000,000 Occurrence/\$1,000,000 Aggregate except the Events set forth below which shall be as follows	
	<b>Type of event</b>	<b>Standard GL Occurrence / Aggregate Requirement</b>
	Dances	\$1,000,000 / \$3,000,000
	Petting Zoos	\$1,000,000 / \$3,000,000
	Vehicle Display Events	\$1,000,000 / \$3,000,000
	Vehicle Driven Events	\$2,000,000 / \$5,000,000
	Food Truck Events	\$2,000,000 / \$5,000,000
	Specialty Markets	\$2,000,000 / \$5,000,000
	Walks/Races	\$2,000,000 / \$5,000,000
	Carnivals	\$5,000,000 / \$5,000,000
	Circuses	\$5,000,000 / \$5,000,000
	Concerts (> 1500 attendees)	\$5,000,000 / \$5,000,000
	Dunk Tank	\$5,000,000 / \$5,000,000
	Rock Climbing	\$5,000,000 / \$5,000,000
	E-cycling	\$2,000,000 / \$2,000,000
	Medical Testing/Consultation	\$1,000,000 / \$2,000,000
	Health Screenings	\$1,000,000 / \$2,000,000
	Shots**(i.e. flu, etc.)	\$1,000,000 / \$3,000,000

Any Deductible or Self Insured Retention associated with this insurance in excess of \$5,000 requires Owner's written consent.

<b>Professional Liability (Medical Malpractice)</b>	Medical Testing/Consultation	\$1,000,000 / \$3,000,000
	Health Screenings	\$1,000,000 / \$3,000,000
	Shots**(i.e. flu, etc.)	\$1,000,000 / \$3,000,000
	** Organizer shall ensure that all shots are administered by a registered health professional (e.g. LPN, RN, Physician's Assistant, etc.).	

**Automobile Liability** \$1,000,000 Combined Single Limit

**Workers' Compensation Employers' Liability** Statutory

OR

\$500,000 Each Accident  
\$500,000 Disease, Policy Limit  
\$500,000 Disease, Each Employee

**(for Monopolistic States)**  
**Workers' Compensation**  
**Stop Gap Employers' Liability**

Evidence of Monopolistic State Coverage  
\$500,000 Occurrence/Aggregate

**Liquor Liability, or a combination of Liquor Liability and Follow Form Umbrella Liability or Follow Form** Not Less Than \$5,000,000 Per Occurrence

**Excess Liability:**  
(if alcohol is served)

This insurance shall include, but not be limited to, coverage for liability arising from premises, operations, independent contractors, and liability assumed under an insured contract.

Any Deductible or Self Insured Retention associated with this insurance in excess of \$5,000 requires Owner's written consent.

# Brookfield

## Properties

### POLICY REQUIREMENTS.

The insurance required of Organizer and Contractor shall be issued by an insurer or insurers lawfully authorized to do business in the jurisdiction in which the Event(s) is located, and maintaining an AM Best rating of at least A- VII.

The General Liability Insurance, Automobile Liability Insurance, Liquor Liability insurance, and the Follow Form Umbrella Liability Insurance or Follow Form Excess Liability Insurance shall name, as "Additional Insureds", Brookfield Property REIT Inc., BPR REIT Services LLC, Brookfield Properties Retail Inc. and Shopping Center Owner Entity (exactly as identified on Exhibit A). All Insurance policies required by this Agreement shall contain waivers of any and all rights of subrogation against the Additional Insureds, and the Liability Insurance policies required by this agreement shall contain either a cross-liability endorsement or separation of insureds provision, which provision shall permit the limits of liability under Organizer's policies to apply separately to each Additional Insured.

All Insurance policies required by this Agreement shall state that they are primary and not additional to, or contributing with, any other insurance carried by, or for the benefit of the Additional Insureds with respect to the negligence of Organizer, its employees, agents, contractors and/or subcontractors.

Organizer and Contractor, for both themselves and on behalf of the "Additional Insureds", shall be fully and solely responsible for any costs or expenses as a result of a coverage deductible or self-insured retention, including any loss not covered because of the operation of such deductible or self-insured retention.

Before any Event, the Shopping Center shall be furnished valid and original certificate(s) of insurance evidencing that all required insurance coverages are in force. All insurance policies required in the Agreement shall not be allowed to be cancelled, allowed to lapse or substantially modified without thirty (30) days' prior written notice to Owner, except for non-payment of premium for which ten (10) days notice shall be provided.

Compliance with the insurance requirements of this Agreement shall not be relieved by Owner's, or any Shopping Center's, receipt or review of any insurance certificates.

**EXHIBIT C**  
**CONTRACTOR HOLD HARMLESS AGREEMENT**

The undersigned, \_\_\_\_\_  
("Contractor"), in connection with the \_\_\_\_\_  
("Event") to be conducted at \_\_\_\_\_ (the "Shopping Center") during the Event Term  
specified in that certain Event Agreement dated \_\_\_\_\_ by and between the Owner that has executed this Agreement ("Owner")  
and Champaign County ("Organizer") will indemnify, protect, defend and hold harmless Owner, Owner's parent companies, subsidiaries  
and affiliates, and their respective employees, officers, members, partners and directors, ("Indemnified Parties") from and against any and  
all claims, damages, actions, liabilities and expenses, including, without limitation, reasonable attorneys' fees and court costs arising from  
or in connection with the acts or omissions of the undersigned, its officers, agents, partners, affiliates, contractors, or employees  
(collectively "Contractor Parties") in connection with the Event and/or the presence of Contractor Parties at the Shopping Center. Contractor  
waives any claim against any and all of the Indemnified Parties for any damage to Contractor's property while at the Shopping Center.

Contractor: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
If a corporation  
By: \_\_\_\_\_

**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: January 28, 2020  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner and County Recycling Coordinator  
RE: Resolution Approving Written Notice to Participate in the Manufacturer  
E-Waste Program in 2021 Under the Illinois Consumer Electronics Recycling  
Act  
ACTION  
REQUESTED: Recommend County Board Approval

#### Background

In accordance with Section 1-20 of the Consumer Electronics Recycling Act (415 ILCS 151/), to be eligible to participate in the Illinois manufacturers ewaste program during the 2021 program year, Champaign County is required to submit its written notice of election to participate in the program to the Illinois EPA by March 1, 2020. Attachment A is a copy of the Opt-In Form provided by IEPA for this purpose.

The Opt-In Form will list the proposed collection locations likely to be available and appropriate to support the program, and may include locations already providing similar collection services.

Attachment A: County Opt-In Form to be executed by County Executive

# Illinois County and Municipal Joint Action Agency Opt-In Form Illinois Electronics Recycling Program

*Note: One application per county. To be submitted by County or Municipal Joint Action Agency.*

Program Year 2021 (Due March 1, 2020)

## County or Municipal Joint Action Agency Information

Name of County or  
Municipal Joint Action Agency: Champaign County, Illinois

Street Address (line 1): 1776 E. Washington Street

(line 2): \_\_\_\_\_

City: Urbana

Zip Code: 61802

County: Champaign

## Contact Information

First Name: Susan

Last Name: Monte

Title: Planner and County Recycling Coordinator

Direct Phone: (217) 819-4127

Email: smonte@co.champaign.il.us

## Proposed Collection Sites and/or Events

Pursuant to 415 ILCS 151/1-15 of the [Consumer Electronics Recycling Act](#), counties and municipal joint action agencies that elect to participate are allotted a certain number of collection sites dependent upon the population density within their jurisdiction. Please list all of the recommended locations for permanent sites or one-day events in program year 2021. (Should additional locations be needed, click on the button provided to add more fields.)

*Note: Sites and events must be located within the participating county or municipal joint action agency.*

*These sites are recommendations and not guaranteed to be included in the manufacturer e-waste program plan.*

Site  Event

Operator of Site or Event: Champaign County at Parkland Community College

Street Address of Location: 2400 West Bradley Avenue

City: Champaign

Zip Code: 61822

County: Champaign

Collection site limitations (e.g. residency requirements, operational limitations relating to bulk pickup, etc.), if any:

Event date: Saturday, May 20, 2021. Advance online registration is required for residents who wish to attend.

Only residents of participating communities who provide support to the Residential Electronics Collection are eligible to register to attend.

Has this site or event operated in a previous program year?  Yes  No

If so, please enter the following information.

Collection Site Contact Name: Susan Monte, County Recycling Coordinator

Collection Site Contact Phone: (217) 819-4127

Contact Email: smonte@co.champaign.il.us

Description of Current/Past Services (e.g. semi-trailer pick-ups, box truck pick-ups, need forklift or pallet jack for loading):

Collector for the collection event is A-Team Recyclers.

Estimated Annual CED Collection (pounds): 97.5 tons per event

Site       Event

Operator of Site or Event: Champaign County at Parkland Community College

Street Address of Location: 2400 West Bradley Avenue

City: Champaign

Zip Code: 61822

County: Champaign

Collection site limitations (e.g. residency requirements, operational limitations relating to bulk pickup, etc.), if any:

Event date: Saturday, October 16, 2021. Advance online registration is required for residents who wish to attend. Only residents of participating communities who provide support to the Residential Electronics Collection are eligible to register to attend.

Has this site or event operated in a previous program year?  Yes     No

If so, please enter the following information.

Collection Site Contact Name: Susan Monte, County Recycling Coordinator

Collection Site Contact Phone: (217) 819-4127

Contact Email: smonte@co.champaign.il.us

Description of Current/Past Services (e.g. semi-trailer pick-ups, box truck pick-ups, need forklift or pallet jack for loading):

Collector for the collection event is A-Team Recyclers.

Estimated Annual CED Collection (pounds): 97.5 tons per event

#### Recommended Recycler

Please identify the recommended recycler to be used for program year 2021. (Should additional recyclers be needed, click on the button provided to add more fields.)

**Note:** These recyclers are recommendations and not guaranteed to be included in the manufacturer e-waste program plan.

Name of Recycler: Dynamic/URT

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip Code: \_\_\_\_\_

County: \_\_\_\_\_

Direct Phone: \_\_\_\_\_

Email: \_\_\_\_\_

#### Certification of Authorized Government Official

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

By signing this form, you are certifying that the information on this form is accurate.

Name: Darlene A. Kloepfel

Title: County Executive

Phone: (217) 384-3776

Email: dkloepfel@co.champaign.il.us

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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

Date: **January 28, 2020**

RE: **Zoning Ordinance Text Amendment Cases 945-AT-19 and 946-AT-19**

Petitioner: **Zoning Administrator**

Request: **Case 945-AT-19**

**Case 946-AT-19**

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within one-and-one-half miles of a municipality:	
<i>Part A of Case 946-AT-19 is not part of Case 945-AT-19</i>	Part A: Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
Part A: Increase the minimum required time for municipal review as described in the legal advertisement.	<i>Part A from Case 945 is Part B in 946-AT-19</i>
Part B: Require municipal subdivision approval for any PV solar farmland lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.	<i>Part B from Case 945 is Part C in 946-AT-19</i>
Part C: Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.	<i>Part C from Case 945 is Part D in 946-AT-19</i>
Part D: Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.	<i>Part D from Case 945 is Part E in 946-AT-19</i>

**STATUS**

At the October 31, 2019 public hearing, the Zoning Board of Appeals voted 3-3 to forward Case 945-AT-19 with NO RECOMMENDATION, and voted 4-2 to RECOMMEND APPROVAL of Case 946-AT-19. These cases are the same with the exception that 946-AT-19 increases the minimum required separation between a PV solar farm and a municipal boundary from one-half mile to one-and-one-half miles.

The proposed amendments were placed on file for a 30-day comment period at the January 9, 2020, ELUC meeting. No protests or comments have yet been received, but protests may be placed as late as the County Board meeting.

A municipal protest against a proposed text amendment triggers the requirement for a ¾ super majority vote (17 of 22 all elected members) by the County Board to override the municipal protest.

**ATTACHMENTS**

- A Side by side comparison of Cases 945-AT-19 and 946-AT-19

**Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19**

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

Gray highlight is only difference between the cases

<p><b>Case 945-AT-19</b></p>	<p><b>Case 946-AT-19 (SAME AS 2/27/19 ELUC MEMO)</b></p>
<p><b>1. Revise Section 6.1.5B.(2) as follows:</b>                      (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:                      a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance <u>except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include <del>unless the following is provided:</del></u>                      (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, <del>and there shall be a separation of one-half mile from a proposed PV SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV-SOLAR FARM substation and related proposed connection to an existing substation.</del></p>	<p><b>1. Revise Section 6.1.5B.(2) as follows:</b>                      (2) The PV SOLAR FARM County Board SPECIAL USE permit shall not be located in the following areas:                      a. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance <u>except for any power lines of 34.5 kVA or less and any related proposed connection to an existing substation. Any request for a waiver of this minimum separation shall include <del>unless the following is provided:</del></u>                      (a) No part of a PV SOLAR FARM shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan, <del>and there shall be a separation of one-half mile from a proposed PV-SOLAR FARM to a municipal boundary at the time of application for the SPECIAL USE Permit, except for any power lines of 34.5 kVA or less and except for any proposed PV-SOLAR FARM substation and related proposed connection to an existing substation.</del></p>
<p>(b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.</p>	<p>(b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed PV SOLAR FARM upon the receipt of any substantial PV SOLAR FARM SPECIAL USE permit application in addition to any notice otherwise required.</p>
<p>(bc) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.</p>	<p>(bc) The PV SOLAR FARM SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed PV SOLAR FARM.</p>
<p>(d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.</p>	<p>(d) Municipal subdivision approval for any PV SOLAR FARM land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.</p>

**Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19**

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

**Gray highlight** is only difference between the cases

(e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.

(df) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

(eg) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

(eh) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR

(e) The public hearing for any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.

(df) For any proposed PV SOLAR FARM that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

(eg) After the initial review of the BOARD recommendation for the PV SOLAR FARM SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the PV SOLAR FARM SPECIAL USE permit shall remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the PV SOLAR FARM SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a PV SOLAR FARM is not located within one-and-one-half miles of a municipality the Environment and Land Use recommendation can be referred to the County Board without a municipal comment period.

(eh) If no municipal resolution regarding the PV SOLAR FARM is received from any municipality located within one-and-one-half miles of the PV SOLAR FARM prior to the consideration of the PV SOLAR FARM SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR

**Side-by-side comparison of proposed text amendments in Cases 945-AM-19 and 946-AM-19**

Underline is proposed added language

~~Strikethrough~~ is proposed deleted language

**Gray highlight** is only difference between the cases

<p>shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board.</p>	<p>shall provide documentation to the County Board that any municipality within one-and-one-half miles of the PV SOLAR FARM was provided notice of the meeting dates for consideration of the proposed PV SOLAR FARM SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board.</p>
<p><b>2. Add the following to Section 8.2.3 at the end:</b> The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM <u>authorized prior to {effective date of this amendment}</u> or PV SOLAR FARM equipment that is in the process of being repaired or replaced.</p>	<p><b>2. Add the following to Section 8.2.3 at the end:</b> The requirements of Section 8.2.3 shall not apply to any PV SOLAR FARM <u>authorized prior to {effective date of this amendment}</u> or PV SOLAR FARM equipment that is in the process of being repaired or replaced.</p>
<p><b>3. Add new Section 8.2.4 as follows:</b> For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.</p>	<p><b>3. Add new Section 8.2.4 as follows:</b> For purposes of applicability of this Section 8.2 to any PV SOLAR FARM, any PV SOLAR FARM for which a SPECIAL USE permit had been authorized prior to {effective date of this amendment}, said PV SOLAR FARM may be constructed in compliance with the SPECIAL USE permit and subject to a duly approved Zoning Use Permit so long as the construction shall be consistent with the SPECIAL USE permit expiration requirements of Section 6.1.5T. and any special conditions of approval that may be applicable.</p>

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: **Environment and Land Use Committee**

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

Date: **January 28, 2020**

RE: **Zoning Ordinance Text Amendment  
Case 948-AT-19**

Request: **Amend the Champaign County Zoning Ordinance by amending  
Section 8.3.2 to authorize a variance to rebuild a nonconforming  
structure before the structure is damaged.**

Petitioner: **Zoning Administrator**

---

## **STATUS**

P&Z Staff received a Resolution of Protest for Case 948-AT-19 from the City of Urbana on January 14, 2020; see Attachment B. The protest from a municipality signifies that three-fourths (17 members) of all members of the County Board are needed to approve the proposed text amendment rather than the standard simple majority of 12 members.

At the January 13, 2020 Urbana City Council Meeting, Council members expressed concerns about the preemptive nature of the variance, coupled with the fact that the variance would not have an expiration date. The vote was 4-2 in favor of protesting this case.

The protest came as a surprise to P&Z Staff because the Urbana Plan Commission voted unanimously to recommend defeating a Resolution of Protest at its December 5, 2019 meeting. In addition, City of Urbana Staff wrote a memo favoring defeat of a Resolution of Protest dated January 9, 2020 for City Council.

## **URBANA CITY COUNCIL COMMENTS**

Marcus Ricci, Planner II with the City of Urbana, explained to the Urbana City Council that if a property with such a variance were to be annexed by a municipality, the County variance would no longer apply. The City could choose to grant a similar variance as part of the negotiations for an annexation agreement, or could tell the owner that any needed variance would have to wait until after the structure is damaged or destroyed.

Mr. Ricci told the Council that at the time a variance for a non-conforming structure would be considered by the County Zoning Board of Appeals, anyone with concerns about such a variance could voice their concerns at that time.

The minutes from the Urbana City Council meeting are not yet available, so P&Z Staff watched the 25-minute video of their discussion about this case. One council member remarked that they would not approve a preemptive variance like this if it came before the City, and said that having something in perpetuity is, in their opinion, not good planning. They added that they support the protest because this preemptive variance could be about anything in the Zoning Ordinance, not even a particular type of variance.

**P&Z STAFF RECOMMENDATION**

P&Z Staff recommend approval of the text amendment with no changes. It is of note that no variance granted by the Champaign County Zoning Board of Appeals has an expiration date. Further, a property with a variance from the County that does not meet a municipality's minimum standards could be annexed in the future, and a municipality would still need to consider if structures on the property conform to their own Zoning Ordinance and how to proceed if they are non-conforming.

**ATTACHMENTS**

- A Legal advertisement for Case 948-AT-19
- B City of Urbana Resolution of Protest No. 2020-01-006R
- C Memo to Urbana City Council from City of Urbana Staff dated January 9, 2020
- D Proposed text amendment

**LEGAL PUBLICATION: WEDNESDAY, SEPTEMBER 11, 2019**

**CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19**

**NOTICE OF PUBLIC HEARING IN REGARD TO PROPOSED AMENDMENTS TO THE  
CHAMPAIGN COUNTY ZONING ORDINANCE.**

CASES: 945-AT-19, 946-AT-19, 947-AT-19 & 948-AT-19

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to change the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, September 26, 2019, at 6:30 p.m.** prevailing time in the John Dimit Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition to amend the Champaign County Zoning Ordinance as follows:

Case 945-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required time for municipal review by adding the following:
  1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
  2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
  3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
  4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- B. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- C. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- D. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 946-AT-19

Amend the requirements for a photovoltaic (PV) solar farm in Section 6.1.5 B.(2) of the Champaign County Zoning Ordinance by adding the following requirements for any proposed PV solar farm that is located within 1.5 miles of a municipality:

- A. Increase the minimum required separation between a PV solar farm and a municipal boundary from 0.5 mile to 1.5 miles.
- B. Increase the minimum required time for municipal review by adding the following:

1. Require the Zoning Administrator to send notice to any municipality located within 1.5 miles of a proposed PV solar farm prior to the start of a public hearing, in addition to any notice otherwise required.
  2. Require the public hearing at the Zoning Board of Appeals (ZBA) for the PV solar farm to occur at a minimum of two ZBA meetings that are not less than 28 days apart unless the 28-day period is waived in writing by any relevant municipality.
  3. Require the Zoning Administrator to notify said municipality of the ZBA recommendation after the close of the public hearing.
  4. If the Environment and Land Use Committee (ELUC) makes a preliminary determination to accept the ZBA recommendation, the PV solar farm shall remain at ELUC for a maximum 30-day municipal comment period until the next ELUC meeting, unless the municipal comment period is waived in writing by any relevant municipality.
- C. Require municipal subdivision approval for any PV solar farm land lease exceeding five years when required by any relevant municipal authority that has an adopted comprehensive plan.
- D. Amend Section 8.2.3 to allow any PV solar farm authorized prior to the effective date of this amendment and that is in the process of being repaired to not lose its zoning right to operate.
- E. Add new Section 8.2.4 to allow any PV solar farm authorized prior to the effective date of this amendment to be constructed pursuant to the standard requirement of a Zoning Use Permit, provided that the Special Use Permit for the solar farm has not expired.

Case 947-AT-19

Amend the Champaign County Zoning Ordinance by amending the requirements for PV solar farms by deleting Section 6.1.5 B.(2)b. that requires a 0.5 mile separation between a proposed PV solar farm and the CR Conservation Recreation Zoning District, and amend the requirements in Section 6.1.5 Q.(4)e. to add requirements for financial assurance provided by financial institutions headquartered in Champaign County.

Case 948-AT-19

Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

**TO BE PUBLISHED: WEDNESDAY, SEPTEMBER 11, 2019 ONLY**

Send bill and one copy to: Champaign County Planning and Zoning Dept.  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802  
Phone: 384-3708



**RESOLUTION NO. 2020-01-006R**

**A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO  
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

**(CCZBA-948-AT-19 / Nonconforming Structure Preemptive Variance)**

**WHEREAS**, the Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. 948-AT-19 to address nonconforming structures in the unincorporated areas of Champaign County. This amendment authorizes the County to grant a variance to rebuild a nonconforming structure before that structure is damaged; and

**WHEREAS**, the proposed text amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of “CCZBA-948-AT-19”; and

**WHEREAS**, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed zoning amendment where the land affected lies within one-and-one-half (1-½) miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed text amendment; and

**WHEREAS**, the proposed text amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan; and

**WHEREAS**, the Urbana Plan Commission met on December 5, 2019, to consider the proposed text amendment and voted with eight ayes and zero nays to forward to the City Council a recommendation to defeat a resolution of protest; and

**WHEREAS**, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is not in the best interest of the City of Urbana.

**RECEIVED**

**JAN 14 2020**

CHAMPAIGN COUNTY

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

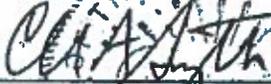
Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution of Protest against the proposed text amendment as presented in CCZBA-948-AT-19.

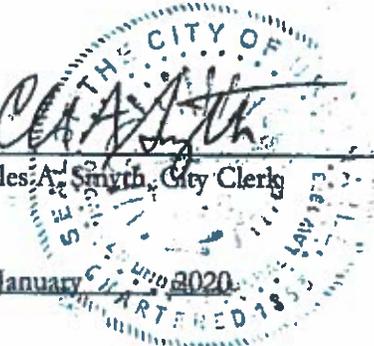
PASSED BY THE CITY COUNCIL this 13<sup>th</sup> day of January, 2020.

AYES: Hursey, Jakobsson, Roberts, Wu

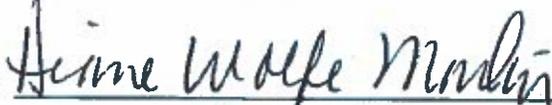
NAYS: Brown, Miller

ABSTENTIONS:

  
\_\_\_\_\_  
Charles A. Smyth, City Clerk



APPROVED BY THE MAYOR this 14<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
Diane Wolfe Marlin, Mayor



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Mayor Diane Wolfe Marlin and City Council Members

**FROM:** Lorrie Pearson, AICP, Community Development Services Director  
 Marcus Ricci, AICP, Planner II

**DATE:** January 9, 2020

**SUBJECT:** A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (CCZBA-948-AT-19 / Nonconforming Structure Preemptive Variance)

**Introduction**

The Champaign County Zoning Administrator (Zoning Administrator) requests an amendment to § 8.3.2. of the Champaign County Zoning Ordinance (Ordinance) to authorize a variance to rebuild a nonconforming structure before that structure is damaged.

This proposed text amendment is of minimal interest to the City of Urbana, because it will not significantly affect zoning and land use development decisions within the City’s one-and-a-half-mile extraterritorial jurisdiction (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area. The Champaign County Environmental Land Use Committee (ELUC) will hold its public hearings on this case at its January 9 and February 6, 2020, meetings. The Champaign County Board would hear this case at its February 20, 2020, meeting, at the earliest.

The City has the right to protest County text amendments by filing a protest by the date the case goes before the County Board. **On December 5, 2019, the Urbana Plan Commission recommended that City Council DEFEAT a resolution of protest of this case.** Under state law, a municipal protest of the proposed amendment would require three-quarters super-majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required.

**Background**

According to the applicant, there have been numerous variance cases where Champaign County Planning and Zoning (P&Z) staff have discovered nonconforming structures on a property, which are unrelated to the original variance request, but would require their own variance to be rebuilt should they be destroyed by fire or a natural disaster (Exhibit A). P&Z staff believe that an applicant should have the option to request a variance to rebuild a nonconforming structure before it is destroyed. Preemptively granting a variance to rebuild a structure prior to its destruction would reduce the time to rebuild it by months, since variance cases may have to wait several meetings before they can be heard by the Champaign County Zoning Board of Appeals (CCZBA).

A recent example occurred at the January 17, 2019, meeting at which a CCZBA case was heard that included several required variances for a property. P&Z staff included a variance request for an existing nonconforming house, to be proactive in case it is damaged in the future. A CCZBA member stated they had a very strong reservation to hearing the nonconforming structure variance...

“...because the existing house is a lawful nonconforming structure that can continue to be used, and this Board does not have the legal authority to grant a variance to simply make a nonconforming structure conforming...Section 9.1.9 of the Champaign County Zoning Ordinance indicates that the Board is prohibited from granting variances for nonconforming structures except for those that are specifically provided for in Section 8, which provides for granting variances for expansions of nonconforming uses and provides for granting variances for the reconstruction of nonconforming uses that have been destroyed. The home is still there, so there is no provision in the Zoning Ordinance for granting a variance for an existing structure just because it is nonconforming. The Board is not authorized to erase the nonconforming status of existing structures; we can provide for their expansion and reconstruction, but the Board is not authorized to change their status and that is what Part B proposes to do and would be violating Section 9.1.9 of the Ordinance.”

Zoning Administrator John Hall responded that he seeks to reduce the “unintentional bad effects” of the Ordinance daily, that this lack of proactive planning is one of those bad effects, and that rebuilding a nonconforming structure is one of the most common variances requested. At its November 14, 2019, meeting, the CCZBA voted to forward the proposed amendment to the ELUC with a unanimous recommendation for approval, including the CCZBA member who had expressed concerns (five ayes, zero nays). These meeting memoranda can be found at [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php) (see “2019 Meetings” for the September 26 Preliminary Memo and October 31 Supplemental Memo). If forwarded by the ELUC, the Champaign County Board would hear this case at its February 20, 2020, meeting, at the earliest.

## Discussion

### *County Zoning*

City staff reviewed the proposed text amendment to determine potential impacts to land within the City’s boundary and ETJ, and for potential impacts to the City’s ability to plan or manage development. **Staff does not anticipate a negative impact to the City or to the City’s ability to plan or manage growth or development.** Any variance granted by the County should be considered by the City if and when the land on which the nonconforming use is located is proposed to be annexed into the City. Below is a mark-up of the text of § 8.3.2. with additions underlined:

**8.3.2** Should such STRUCTURE be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9. The BOARD may authorize such a VARIANCE prior to such STRUCTURE incurring any damage or destruction.

### *Urbana 2005 Comprehensive Plan*

By State law, the City has the ability to review zoning decisions within its ETJ for consistency with the City's comprehensive plan. Therefore, Champaign County's proposed Zoning Ordinance text amendment should be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan, which includes the following pertinent goals and objectives:

**Goal 15.0 Encourage compact, contiguous, and sustainable growth patterns.**

*Objective 15.5* Promote intergovernmental cooperation on development and growth issues.

**Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-a-half-mile Extraterritorial Jurisdictional area (ETJ).**

*Objectives 21.1* Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed Ordinance text amendment to authorize a variance to rebuild a nonconforming structure before the structure is damaged is generally consistent with these City goals and objectives. It seeks to proactively plan for damage to nonconforming structures to minimize the time between the actual damage and the permitted rebuild date.

### *Impacts to City of Urbana Zoning*

**Staff does not anticipate a negative impact to the City or to the City's ability to plan or manage growth or development.** Within the City's municipal boundaries, the proposed text amendment does not directly affect the use of land, nor does it affect the City's ability to manage growth and development. If the County grants a preemptive variance for a nonconforming structure that is subsequently annexed into the City, that variance no longer applies, as the land is no longer under the County's zoning authority. If the corporate authorities believe that the preemptive variance is beneficial to the City, they may issue a variance to allow its continuation as part of an Annexation Agreement, should it even need a variance under the City's Zoning Ordinance.

### *Plan Commission*

The Plan Commission discussed the proposed text amendment at its December 5, 2019, regular meeting (Exhibit D). The most salient points of the public hearing are briefly summarized here. Marcus Ricci, Planner II, confirmed that, if the text amendment is approved, a property owner in the County could apply for a preemptive nonconforming structure variance by itself, with no other requested variances. Mr. Ricci stated that, in Urbana, there is no time limit for variances, and variances transfer to subsequent owners; variances issued by the County likely follow the same rules. Plan Commissioner Lew Hopkins asked what would happen if a nonconforming structure with a preemptive reconstruction variance from the County were annexed. Mr. Ricci replied that the City could elect to issue a similar preemptive reconstruction variance, or could require it to be brought up to current zoning code [if it is destroyed]. **The Plan Commission voted unanimously (eight ayes, zero nays) to recommend DEFEATING A RESOLUTION OF PROTEST for CCZBA Case No. 948-AT-19.**

## Summary of Staff Findings

1. The Champaign County Zoning Administrator proposes an amendment to § 8.3.2. of the Champaign County Zoning Ordinance to authorize a variance to rebuild a nonconforming structure before that structure is damaged.
2. The proposed text amendment is generally compatible with the land use policy goals and objectives of the 2005 Urbana Comprehensive Plan, which promote natural resource preservation, contiguous growth, economic stability, and compatibility of land uses.
3. The proposed text amendment would not pose significant negative impacts to land uses or to the ability of the City to manage growth and development of land currently within the City's ETJ. If County land is subsequently annexed, the County variance no longer applies and the City can choose to issue a similar variance as part of an Annexation Agreement. Additionally, the City has already granted a preemptive variance for a nonconforming structure.

## Options

City Council has the following options in **CCZBA Case No. 948-AT-19**, a request to amend the Champaign County Zoning Ordinance to authorize a variance to rebuild a nonconforming structure before that structure is damaged:

- a. **Defeat** a resolution of protest; or
- b. **Defeat** a resolution of protest, contingent upon specific provisions to be identified; or
- c. **Approve** a resolution of protest.

## Recommendation

At its December 5, 2019, meeting, the Urbana Plan Commission voted eight ayes to zero nays to forward Case **CCZBA 948-AT-19 (Nonconforming Structure Preemptive Variance) to City Council with a recommendation to DEFEAT a resolution of protest**. Staff concur with the Plan Commission's recommendations.

Attachments: Exhibit A: Excerpt of Champaign County Planning & Zoning Preliminary Memorandum

Exhibit B: Minutes of December 5, 2019, Plan Commission Meeting – DRAFT

Full County Memos available at [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php)

cc: John Hall, Director, Champaign County Planning & Zoning  
Susan Burgstrom, Planning, Champaign County Planning & Zoning

Champaign County  
Department of



**CASE 948-AT-19**  
*PRELIMINARY MEMORANDUM*  
September 19, 2019

**Petitioner:** Zoning Administrator

**Request:** Amend the Champaign County Zoning Ordinance by amending Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

**Location:** Unincorporated Champaign County

**Time Schedule for Development:** As soon as possible

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

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)

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**BACKGROUND**

At its May 9, 2019 meeting, ELUC reviewed a memorandum dated May 1, 2019 regarding proposed changes to Zoning Ordinance Section 8.3: Nonconforming Structures – see Attachment B. The proposed change is to authorize a variance to rebuild a nonconforming structure before the structure is damaged.

ELUC approved opening a ZBA public hearing for these amendments at its June 6, 2019 meeting.

**REASONS FOR THE PROPOSED AMENDMENT**

Section 8.3.2 currently requires a variance in order to reconstruct a nonconforming structure destroyed to an extent greater than 50% of its replacement cost. As Section 8.3.2 is written, a property owner would have to wait for a structure to be damaged or destroyed before they could apply for a variance to rebuild.

Numerous variance cases have resulted in P&Z Staff finding that there is also a nonconforming structure on the property that would require a variance should it be destroyed. P&Z Staff believe the option should be available to request the variance before a nonconforming structure is destroyed when there is another required zoning variance needed for the property. Allowing the variance prior to destruction could reduce the time between when a structure is destroyed and when it can be rebuilt by months, since variance cases may have to wait several ZBA meetings before they can be heard.

**ADDITIONAL INFORMATION RELATED TO THE PROPOSED AMENDMENT**

Section 9.1.9 B.4. of the Zoning Ordinance states, “At no time shall the BOARD, the Hearing Officer or the GOVERNING BODY grant a VARIANCE to waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.”

At the January 17, 2019 ZBA meeting, there was a case that included several required variances. P&Z Staff decided to include a variance for a nonconforming house to be proactive about the possibility of the structure being damaged in the future. Mr. DiNovo stated that he had a very strong reservation

with respect to hearing the variance about the nonconforming structure “because the existing house is a lawful nonconforming structure that can continued to be used, and this Board does not have the legal authority to grant a variance to simply make a nonconforming structure conforming.” Further, Mr. DiNovo stated, “Section 9.1.9 of the Champaign County Zoning Ordinance indicates that the Board is prohibited from granting variances for nonconforming structures except for those that are specifically provided for in Section 8, which provides for granting variances for expansions of nonconforming uses and provides for granting variances for the reconstruction of nonconforming uses that have been destroyed. The home is still there, so there is no provision in the Zoning Ordinance for granting a variance for an existing structure just because it is nonconforming. The Board is not authorized to erase the nonconforming status of existing structures; we can provide for their expansion and reconstruction, but the Board is not authorized to change their status and that is what Part B. proposes to do and would be violating Section 9.1.9 of the Ordinance.”

The January 17, 2019 minutes state, “Mr. Hall stated he understands Mr. DiNovo’s point, but as the Zoning Administrator, he sees the Ordinance having unintentional bad effects, and every day he minimizes those as much as he possibly can, and this is another aspect of that, but this is a decision by this Board...Mr. Hall stated that this is one of the most common variances. He asked the Board to recall how many variances they have received with this part to it, so he would consider this a critical amendment. He said that he does not like doing text amendments because they always end up taking up more time than can be imagined, but this is something that is fundamental.”

Ultimately, the ZBA voted in favor of allowing the variance 5-0, with Mr. DiNovo voting in favor, but with strong reservations.

## **ATTACHMENTS**

- A Legal advertisement
- B ELUC Memorandum dated May 1, 2019, with attachment:
  - Proposed Changes to Zoning Ordinance Other Than in Response to Municipal Concerns dated February 27, 2019
- C Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 948-AT-19 dated September 26, 2019, with attachment:
  - Annotated version of proposed amendment

# Exhibit B: Plan Commission Meeting Minutes

## MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

**DRAFT**

**DATE:** December 5, 2019

**TIME:** 7:00 P.M.

**PLACE:** Urbana City Building  
Council Chambers  
400 South Vine Street  
Urbana, IL 61801

**MEMBERS PRESENT:** Barry Ackerson, Dustin Allred, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Jonah Weisskopf, Chenxi Yu

**STAFF PRESENT:** Kevin Garcia, Planner II; Marcus Ricci, Planner II

**OTHERS PRESENT:** Jahnisi A., Karen Fresco, Carlin Hastings, Rolf Hudall, Malik Jackson, Michael Kilcullen, Andrew Koterias, Samantha Lenocho, Michael Mirrs, Nicole Mormando, Alice Novak, Maximo Pita, Charley Rasmussen, Eric Ziegler

## COMMUNICATIONS

- Email from Susan Burgstrom regarding the splitting of CCZBA-947-AT-19 into two cases, CCZBA-947-AT-19 and CCZBA-971-AT-19.

## NEW BUSINESS

**CCZBA-948-AT-19 – A request by the Champaign County Zoning Administrator to amend Section 8.3.2 to authorize a variance to rebuild a nonconforming structure before the structure is damaged.**

Chair Fitch opened this case. Marcus Ricci, Planner II, presented the staff report to the Plan Commission. He explained the reason for the proposed text amendment.

Mr. Fell stated that most property owners discover that their property is non-conforming after something happens and they want to rebuild. Mr. Ricci replied that the language is written for when a non-conformity is identified when the owner applies for other variances.

Mr. Hopkins commented that there is no language in the proposed text amendment prohibiting a property owner from proactively seeking a variance in the event something should happen to

## Exhibit B: Plan Commission Meeting Minutes December 5, 2019

their property. He could see a property owner asking for this type of variance to be able to pay a lower insurance premium because the variance would allow the non-conformity to continue should it need to rebuild. Mr. Ricci said that was correct.

Mr. Weisskopf asked if there was another way of solving the problem...maybe by amending the percentage of damage to a property to allow them to rebuild. Mr. Ricci said that Champaign County could amend the percentage, but then there would be some property that is damaged just above the new percentage and the owner would need to request a variance to rebuild.

Mr. Weisskopf asked for clarification that more than 50% of the properties in West Urbana have non-conforming structures. Mr. Ricci said that was correct. He pointed out that the proposed text amendment does not cover non-conforming uses; only non-conforming structures.

Chair Fitch opened the case for public input.

Michael Kilcullen approached the Plan Commission to speak. He asked if there would be a time limit on a variance for this nature. Can the variance be sold or transferred with the property? The unintended consequences have not been thought of yet so he encouraged the Plan Commission members to think about them before making a decision about this case.

Another issue is that part of the idea of allowing variances for non-conforming structures to be rebuilt becomes a non-conformity due to change of laws or standards. We want new structures to conform to the new laws and rules over time, so giving a preemptive variance could create many problems.

Whoever creates the non-conformity, such as the Illinois Department of Transportation using eminent domain to acquire land to widen the streets, should compensate or give the property owner money to use to rebuild should something ever happen to their property. It should not come from insurance or from the public or taxpayer.

He stated that he believed variances of this nature were not necessary because something that has become non-conforming may likely become conforming again in the future when the laws or regulations change. We should wait until the moment when the variance is needed.

Chair Fitch closed the public input portion and asked if any of the Plan Commission members had additional questions for City staff.

Mr. Ackerson asked if a variance of this nature could be passed down to future owners of a property. Mr. Ricci responded that he was not an expert in the language in the Champaign County Zoning Ordinance. He noted that the proposed type of variances would be granted by the Champaign County Zoning Board of Appeals. Should a property be annexed into the City of Urbana, the City would not be required to honor the variance; however, the variance could be negotiated as part of an annexation agreement between the property owner and the City of Urbana.

Mr. Hopkins wondered what would happen if the City of Urbana annexes a property with a structure that was built while the property was located in Champaign County jurisdiction and the

## Exhibit B: Plan Commission Meeting Minutes December 5, 2019

property does not meet the City's regulations. Does the property annex into the City as a non-conforming property? Mr. Ricci said yes.

Mr. Hopkins asked if the City has the ability to grant variances with time limitations. Mr. Ricci said no.

Chair Fitch opened the case for Plan Commission discussion and/or motion(s).

Mr. Ackerson stated that if this was a City text amendment, then he would have more discussion and concerns. It gave him qualms to think that a variance could be granted for an indefinite period of time for something that is already non-conforming. Since it is a County text amendment, he did not see it directly affecting the City.

Mr. Ackerson moved that the Plan Commission forward Case No. CCZBA-948-AT-19 to the City Council with a recommendation to defeat a resolution of protest. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Mr. Ackerson	-	Yes	Mr. Allred	-	Yes
Ms. Billman	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Mr. Weisskopf	-	Yes	Ms. Yu	-	Yes

The motion passed by unanimous vote.

Mr. Garcia noted that this case would be forwarded to the City Council on December 16, 2019.

## **PROPOSED AMENDMENT FOR CASE 948-AT-19**

Amend Section 8.3.2 to read as follows (proposed new text is underlined):

### **8.3 NONCONFORMING STRUCTURES**

Where, on the effective date of adoption or amendment of this ordinance, a lawful STRUCTURE exists that could not be built under the regulations and standards of this ordinance as adopted or amended, by reason of restrictions on LOT AREA, LOT COVERAGE, HEIGHT, YARDS, spacing between BUILDINGS, or other characteristics of the STRUCTURE or its location on the LOT, such STRUCTURE may be continued so long as it remains otherwise lawful subject to the following provisions:

- 8.3.1 No such STRUCTURE may be enlarged or ALTERED in a way which increases its nonconformity unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.
- 8.3.2 Should such STRUCTURE be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9. The BOARD may authorize such a VARIANCE prior to such STRUCTURE incurring any damage or destruction.
- 8.3.3 Should any STRUCTURE be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the DISTRICT in which it is located after it is moved unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.

# MONTHLY REPORT for SEPTEMBER 2019<sup>1</sup>

Champaign County  
Department of

**PLANNING &  
ZONING**

## Zoning Cases

The distribution of cases filed, completed, and pending is detailed in Table 1. Four zoning cases were filed in September and no cases were filed in September 2018. The average number of cases filed in September in the preceding five years was 2.8.

Two Zoning Board of Appeals (ZBA) meetings were held in September and three cases were completed and one case was withdrawn. Two ZBA meetings were held in September 2018 and four cases were completed. The average number of cases completed in September in the preceding five years was 3.2.

By the end of September there were 14 cases pending. By the end of September 2018 there were 11 cases pending.

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

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

**Table 1. Zoning Case Activity in September 2019 & September 2018**

Type of Case	September 2019 2 ZBA meetings		September 2018 2 ZBA meetings	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	3	2	0	2
SFHA Variance	0	1	0	0
Special Use	1	1**	0	2
Map Amendment	0	0	0	0
Text Amendment	0	0	0	0
Change of Nonconforming Use	0	0	0	0
Administrative Variance	0	0	0	0
Interpretation / Appeal	0	0	0	0
<b>TOTALS</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>4</b>
Total cases filed (fiscal year)	34 cases		27 cases	
Total cases completed (fiscal year)	33 cases		25 cases	
Cases pending*	14 cases		11 cases	
* Cases pending includes all cases continued and new cases filed				
** One Special Use Permit Application was withdrawn in September 2019				

<sup>1</sup> Note that approved absences and sick days resulted in an average staffing level of 91.3% or the equivalent of 6.4 full time staff members (of the 7 authorized) present on average for each of the 20 work days in September.

## **Subdivisions**

One County subdivision application was received in September. No municipal subdivision plats were reviewed for compliance with County zoning in September.

## **Zoning Use Permits**

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

- 18 permits for 14 structures were approved in September compared to 17 permits for 15 structures in September 2018. The five-year average for permits in September in the preceding five years was 15.
- 27 months out of the last 60 months have equaled or exceeded the five-year average for number of permits (including September 2019, August 2019, July 2019, April 2019, January 2019, February 2018, January 2018, October 2017, September 2017, March 2017, February 2017, January 2017, November 2016, September 2016, August 2016, July 2016, May 2016, April 2016, March 2016, February 2016, December 2015, October 2015, July 2015, June 2015, January 2015, December 2014, and October 2014).
- 5.4 days was the average turnaround (review) time for complete initial residential permit applications in September.
- \$821,996 was the reported value for the permits in September compared to a total of \$1,268,700 in September 2018. The five-year average reported value for authorized construction in September was \$1,561,624.
- 24 months in the last 60 months have equaled or exceeded the five-year average for reported value of construction (including July 2019, April 2019, January 2019, March 2018, February 2018, January 2018, October 2017, September 2017, April 2017, March 2017, November 2016, October 2016, September 2016, August 2016, May 2016, April 2016, March 2016, February 2016, January 2016, September 2015, July 2015, June 2015, December 2014, and October 2014).
- \$2,944 in fees were collected in September compared to a total of \$4,398 in September 2018. The five-year average for fees collected in September was \$4,122.
- 27 months in the last 60 months have equaled or exceeded the five-year average for collected permit fees (including April 2019, December 2018, November 2018, September 2018, March 2018, February 2018, January 2018, December 2017, October 2017, May 2017, March 2017, January 2017, November 2016, October 2016, August 2016, April 2016, March 2016, February 2016, January 2016, December 2015, October 2015, September 2015, July 2015, January 2015, December 2014, November 2014, and October 2014).

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**Table 2. Zoning Use Permits Approved in September 2019**

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL: Residential				1	0	228,140
Other	2	0	140,000	29	0	1,580,967
SINGLE FAMILY Resid.: New - Site Built	1	909	340,000	18	11,445	5,191,550
Manufactured				2	375	166,000
Additions	7	999	240,996	24	3,544	1,058,496
Accessory to Resid.	3	543	49,000	30	6,928	1,119,636
TWO-FAMILY Residential						
<b>Average turn-around approval time for the above permit categories</b>			5.4 days			
MULTI - FAMILY Residential						
HOME OCCUPATION: Rural						
Neighborhood				2	0	0
COMMERCIAL: New						
Other				4	3,202	1,595,000
INDUSTRIAL: New				1	598	10,000
Other				3	3,179	625,000
OTHER USES: New						
Other	1	163	25,000	4	213	60,000
SIGNS				5	405	107,600
TOWERS (Incl. Acc. Bldg.)				1	439	250,000
OTHER PERMITS	4	330	27,000	20	1,532	2,932,000
<b>TOTAL APPROVED</b>	<b>18/14</b>	<b>\$2,944</b>	<b>\$821,996</b>	<b>144/122</b>	<b>\$31,860</b>	<b>\$14,924,389</b>

\*18 permits were issued for 14 structures in September 2019; 18 permits require inspect. and Compl. Certif.

◇ 144 permits have been issued for 122 structures since 1/1/19

**NOTE:** Home occupations and Other permits (change of use, temporary use) total 22 since 1/1/19, (this number is not included in the total number of structures).

There were 21 Zoning Use Permit Apps. *received* in September 2019 and 15 were *approved*.

3 Zoning Use Permit App.s *approved* in September 2019 had been *received* in prior months.

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- There were also six lot split inquiries and 217 other zoning inquiries in September.
- Minutes were completed for 1.5 ZBA meetings.
- Two rural addresses were assigned in September

**Conversion of Best Prime Farmland**

Table 3 summarizes conversion of Best Prime Farmland as a result of any County zoning approval so far in 2018.

**Table 3. Best Prime Farmland Conversion in 2018**

	September 2019	2019 to date
<b>Zoning Cases.</b> Approved by the ZBA, a Zoning Case September authorize a new principal use on Best Prime Farmland that was previously used for agriculture.	0.0 acres	0.00 acres
<b>Subdivision Plat Approvals.</b> Approved by the County Board outside of ETJ areas, a subdivision approval September authorize the creation of new Best Prime Farmland lots smaller than 35 acres: Outside of Municipal ETJ areas <sup>1</sup>	0.00 acres	0.0 acres
Within Municipal ETJ areas <sup>2</sup>	0.0 acre	0.0 acre
<b>Zoning Use Permits.</b> Approved by the Zoning Administrator, a Permit September authorize a new non-agriculture use on a lot that did not previously exist or was not previously authorized in either a zoning case or a subdivision plat approval.	0.00 acres	4.23 acres
Agricultural Courtesy Permits	0.00 acres	2.99 acres
<b>TOTAL</b>	0.00 acres	7.27 acres
<b>NOTES</b>		
1. Plat approvals by the County Board.		
2. Municipal plat approvals.		

**Zoning Compliance Inspections**

- No Zoning Compliance Inspections were made in September.
- 2 Zoning Compliance Certificates were issued in September. The 2019 budget anticipated a total of 180 compliance inspections and certificates for an average of 3.5 certificates per week.

## **Zoning and Nuisance Enforcement**

The Department was without a Zoning Officer in September following the retirement of the Zoning Officer at the end of June. Table 4 contains the detailed breakdown of enforcement activity for September 2019 and can be summarized as follows:

- 31 new complaints were received in September compared to 2 new complaints received in September 2018. No complaint was referred to another agency in September and no complaint was referred to another agency in September 2018.
- 32 enforcement inspections were conducted in September compared to 11 inspections in September 2018.
- No contact was made prior to written notification in September and none was made in September 2018.
- 32 investigation inquiries were made in September. The 2019 budget anticipates an average of 11.5 initial investigation inquiries per week.
- Three First Notices and no Final Notice were issued in September and one First Notice and one Final Notice were issued in September 2018. The budget anticipated a total of 29 First Notices for 2019.
- No case was referred to the State's Attorney's Office in September and one case was referred in September 2018. The budget anticipated a total of three cases to be forwarded to the State's Attorney's Office in 2019.
- 12 cases were resolved in September compared to no cases that were resolved in September 2018. The 2018 budget anticipated a total of 62 resolved cases in 2019.
- 436 cases remain open at the end of September compared to 380 open cases at the end of September 2018.
- In addition to the activities summarized in Table 4, other activities of Enforcement staff in September included the following:
  1. Answering phones and helping customers when needed due to unavailability or absence of Zoning Technicians.
  2. Coordinated with land owners, complainants, and the State's Attorney's Office regarding enforcement cases that have been referred to the State's Attorney's Office and particularly those cases that involve dangerous structures.
  3. Coordinated the marketing of County owned properties at 1101 Carroll Avenue, Urbana and 2603 Campbell Drive, Champaign.

## **APPENDICES**

- A Zoning Use Permit Activity In September 2019**
- B Active Land Disturbance Erosion Control Permits In The Champaign County MS4 Jurisdictional Area**
- C Zoning Compliance Certificates Issued In September 2019**

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**Table 4. Enforcement Activity During September 2019**

	FY2018 TOTALS <sup>1</sup>	Jan. 2019	Feb. 2019	March 2019	April 2019	May 2019	June 2019	July 2019	Aug. 2019	Sep. 2019	Oct. 2019	Nov. 2019	Dec. 2019	TOTALS <sup>1</sup> FY2019
Complaints Received	62	2	1	3	7	3	4	14	16	31				81
Initial Complaints Referred to Others	1	0	0	1	0	2	0	0	0	0				3
Inspections	423	19	41	34	35	60	50	0	14	42 <sup>4</sup>				295 <sup>5</sup>
Phone Contact Prior to Notice	6	0	0	1	1	0	0	0	0	0				2
First Notices Issued	27	1	2	4	4	3	0	0	2	3				19
Final Notices Issued	20	0	2	0	0	1	0	0	1	0				4
Referrals to State's Attorney's Office	8	0	2	0	1	1	0	0	0	0				4
Cases Resolved <sup>2</sup>	35	2	4	1	5	2	0	0	0	9 <sup>6</sup>				23 <sup>7</sup>
Open Cases <sup>3</sup>	381	381	378	380	382	383	387	401	417	439				439 <sup>8</sup>

Notes

- Total includes cases from previous years.
- Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.
- Open Cases are unresolved cases and includes any case referred to the State's Attorney or new complaints not yet investigated.
- 19 inspections of the 42 performed were for the 31 complaints received in September 2019.
- 44 inspections of the 295 inspections performed in 2019 were for complaints received in 2019.
- 8 of the 9 cases resolved were for complaints received in September 2019.
- 8 of the cases resolved in FY 2019 were for complaints that were also received in 2019.
- Total open cases include 16 cases that have been referred to the State's Attorney, one of which was referred as early as 2009. 2 of the 15 cases are currently active cases in Champaign County Circuit Court.

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**APPENDIX A. ZONING USE PERMITS ACTIVITY IN SEPTEMBER 2019**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
128-19-01  R-2	Lot 403 of Scottswood 6 <sup>th</sup> Subdivision, Section 15, Urbana Township; 2603 E. Illinois Street, Urbana, IL PIN: 30-21-15-257-004	BRK Investments	05/08/19 09/18/19	Construct a second story addition to an existing single family home
220-19-01  FP  CR	A tract of land located in the NW ¼ of Section 8, Urbana Township; 1302 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	David Kirby/ Champaign County Fair Association	08/08/19 09/27/19	Place fill in the mapped floodplain for a BMX track
220-19-02  CR	A tract of land located in the NW ¼ of Section 8, Urbana Township; 1302 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	David Kirby/ Champaign County Fair Association	08/08/19 09/27/19	Construct a BMX track  CASE: 886-S-17
247-19-01  AG-1	Parcel II of the Bialeschki Section 5 Survey of Part of the NE ¼ of Section 5, Pesotum Township; 753 County Road 600N, Sadorus, Illinois PIN: 18-32-05-200-001	Mark and Kathryn Bialeschki	09/04/19 09/16/17	Construct an addition to an existing single family home
248-19-01  AG-1	A tract of land located in the NE Corner of the W ½ of the NW ¼ of Section 3, Compromise Township; 2123 County Road 3000N, Rantoul, Illinois PIN: 06-10-03-100-003	Casey Roseman	09/05/19 09/16/19	Construct an addition to an existing single family home
*252-19-01	Additional information required			
252-19-02  AG-1	A tract of land located in the SW Corner of the SW ¼ of Section 23, Compromise Township; 2216 County Road 2600N, Gifford, IL PIN: 06-10-23-300-004	Tracy and Jess Childress	09/05/19 09/24/19	Construct a detached storage shed for agriculture equipment
252-19-03  AG-2	A tract of land located in the SW ¼ of Section 29, Somer Township; 510 Centennial Farm Road, Champaign, IL PIN: 25-15-29-300-005	Juan Cruz	09/09/19 09/30/19	Construct a covered deck addition to an existing single family home

 Land Disturbance Erosion Control Permit also required

\*received and reviewed, however, not approved during reporting month

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**APPENDIX A. ZONING USE PERMITS ACTIVITY IN SEPTEMBER 2019**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
252-19-04  R-5	Three tracts of land located in the SE ¼ of the SE ¼ of Section 9 and the W ½ of the SW ¼ of Section 10, Urbana Township; 4 Toni Lane, Urbana, Illinois PIN: 30-21-10-351-023	Stonetown Woodland Acres	09/09/19 09/18/19	Replace an existing manufactured home with a new manufactured home
252-19-05  R-5	Three tracts of land located in the SE ¼ of the SE ¼ of Section 9 and the W ½ of the SW ¼ of Section 10, Urbana Township; 5 Toni Lane, Urbana, Illinois PIN: 30-21-10-351-023	Stonetown Woodland Acres	09/09/19 09/18/19	Replace an existing manufactured home with a new manufactured home
*253-19-01				
253-19-02  AG-2	Lot 56 of Wiltshire 4 <sup>th</sup> Subdivision, Section 11, St. Joseph Township; 1301 Dover Drive, St. Joseph, IL PIN: 28-22-13-309-001	Harold Hamilton	09/10/19 09/18/19	Construct an addition to an existing single family home and authorize a previously placed detached storage shed
253-19-03  AG-1	A 1 acre tract of land located in the NE ¼ of Section 21, St. Joseph Township; 2095 Homer Lake Road, St. Joseph, Illinois PIN: 28-22-21-200-008	Jeff Birkey	09/10/19 09/19/19	Construct a room addition and an attached garage addition to an existing single family home
254-19-01  AG-1	A tract of land located in the SW ¼ of the SE ¼ of Section 27, Compromise Township; 216 County Road 2500N, Thomasboro, Illinois PIN: 06-10-27-400-004	Kenneth and DeAnn Buhr	09/11/19 09/23/19	Construct a detached garage
256-19-01  AG-2	Lot 3 of Hudson Acres Subdivision, Section 11, Urbana Township; 3708 E. University Ave., Urbana, IL PIN: 30-21-11-376-010	Michael K. Armstrong	09/13/19 09/23/19	Change the Use from a detached storage shed to a single family residence
256-19-02  R-1	Lot 55 in Rolling Acres 4 <sup>th</sup> Subdivision, Section 34, Champaign Township; 2409 Berniece Drive, Champaign, Illinois PIN: 03-20-34-131-008	Nick Malkewicz	09/13/19 09/23/19	Construct an addition to an existing single family home

 Land Disturbance Erosion Control Permit also required

\*received and reviewed, however, not approved during reporting month

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**APPENDIX A. ZONING USE PERMITS ACTIVITY IN SEPTEMBER 2019**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
256-19-03  AG-2	Lot 17 of meridian Estates Subdivision, Section 28, Hensley Township; 4001 Highland Place, Champaign, Illinois PIN: 12-14-28-251-004	LeAntwone Davis	09/12/19 09/23/19	Construct a detached storage shed for personal storage
259-19-01  AG-2	Lot 16 of Rolling Acres 2 <sup>nd</sup> Subdivision, Section 12, Mahomet Township; 2104 Fogel Road, Mahomet, IL PIN: 15-13-12-127-002	Ken Foster	09/16/19 09/24/19	Construct an addition to an existing single family home
259-19-02  AG-1	A tract of land located in the W ½ of the SW ¼ of Section 20, Newcomb Township; 2622 County Road 100E, Mahomet, Illinois PIN: 16-07-20-300-003	Curtis and Sandra Alexander	09/16/19 09/23/19	Construct a detached storage shed for personal storage
*262-19-01 RHO	SUP requird			
*263-19-01	Variance required			
*266-19-01	Under review			
267-19-01  AG-1	Tract 2 of the Behnke Plat of Survey, Section 18, Ogden Township; 1593 County Road 2450E, St. Joseph, IL PIN: 17-23-18-100-008	Richard Behnke	09/24/19 09/26/19	Construct a single family home with attached garage  CASE: 842-V-17
*273-19-01	Under review			

 Land Disturbance Erosion Control Permit also required  
 \*received and reviewed, however, not approved during reporting month

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**APPENDIX B. ACTIVE LAND DISTURBANCE EROSION CONTROL PERMITS**

<b>Permit Number; Zoning;</b>	<b>Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied Date Approved Date of Final Stabilization</b>	<b>Project (Related Zoning Case)</b>
302-15-01  I-1	A tract of land located in the NE ¼ of Section 34, Tolono Township; 981 County Road 700N, Tolono, Illinois PIN: Pt. of 29-26-34-100-006	Eastern Illini Electric Coop	10/29/15 05/18/16	Construct an electrical substation
155-16-02  CR	A 53.79 acre tract of land located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	Champaign County Fair Association	06/03/16 08/10/16	Construct a parking lot and bus shelter
195-16-01  CR	A 53.79 acre tract of land located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	Champaign County Fair Association	07/13/16 08/02/16	Construct a detached storage shed
97-17-01  R-1	Lot 12, Lincolnshire Fields West 1 Subdivision, Section 21, Champaign Township; 3912 Clubhouse Drive, Champaign, Illinois PIN: 03-20-21-301-012	Tim and Toni Hoerr	04/07/17 04/27/17	Construct a single family home with attached garage and detached pool house

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**APPENDIX C. ZONING COMPLIANCE CERTIFICATES ISSUED IN SEPTEMBER 2019**

<b>Date</b>	<b>Permit Number</b>	<b>Property Description; Address; PIN</b>	<b>Project (Related Zoning Case)</b>
09/18/18	59-17-02	A leased area of Part of a 5 acre tract of land located in the SW ¼ of the SE ¼ of Section 4, South Homer Township; 2762 County Road 1100N, Homer, Illinois PIN: 26-30-04-400-016	A 199' cellular communication tower
09/26/19	151-18-02	Tract A and Tract B of a Plat of Survey, Heppe Section 14, Part of the SW ¼ of Section 14, Raymond Township; 2246 County Road 300N, Broadlands, Illinois PIN: 21-34-14-300-005 & 006	A single family home with attached garage

# MONTHLY REPORT for OCTOBER 2019<sup>1</sup>

Champaign County  
Department of

**PLANNING &  
ZONING**

## Zoning Cases

The distribution of cases filed, completed, and pending is detailed in Table 1. One zoning case was filed in October and one case was filed in October 2018. The average number of cases filed in October in the preceding five years was 1.8.

Three Zoning Board of Appeals (ZBA) meetings were held in October and nine cases were completed. Two ZBA meetings were held in October 2018 and four cases were completed. The average number of cases completed in October in the preceding five years was 1.8.

By the end of October there were 6 cases pending. By the end of October 2018 there were 8 cases pending.

**Brookens Administrative  
Center**  
1776 E. Washington Street  
Urbana, Illinois 61802  
  
(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

**Table 1. Zoning Case Activity in October 2019 & October 2018**

Type of Case	October 2019 3 ZBA meetings		October 2018 2 ZBA meetings	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	1	4	0	1
SFHA Variance	0	0	0	0
Special Use	0	1	1	3
Map Amendment	0	0	0	0
Text Amendment	0	3	0	0
Change of Nonconforming Use	0	0	0	0
Administrative Variance	0	1	0	0
Interpretation / Appeal	0	0	0	0
<b>TOTALS</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>4</b>
Total cases filed (fiscal year)	35 cases		28 cases	
Total cases completed (fiscal year)	42 cases		26 cases	
Cases pending*	6 cases		8 cases	
* Cases pending includes all cases continued and new cases filed				

<sup>1</sup> Note that approved absences and sick days resulted in an average staffing level of 81.0% or the equivalent of 5.7 full time staff members (of the 7 authorized) present on average for each of the 22 work days in October.

## **Subdivisions**

No County subdivision application was received in October. No municipal subdivision plats were reviewed for compliance with County zoning in October.

## **Zoning Use Permits**

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

- 22 permits for 19 structures were approved in October compared to 15 permits for 14 structures in October 2018. The five-year average for permits in October in the preceding five years was 17.6.
- 27 months out of the last 60 months have equaled or exceeded the five-year average for number of permits (including October 2019, September 2019, August 2019, July 2019, April 2019, January 2019, February 2018, January 2018, October 2017, September 2017, March 2017, February 2017, January 2017, November 2016, September 2016, August 2016, July 2016, May 2016, April 2016, March 2016, February 2016, December 2015, October 2015, July 2015, June 2015, January 2015, and December 2014).
- 5.3 days was the average turnaround (review) time for complete initial residential permit applications in October.
- \$12,023,603 was the reported value for the permits in October compared to a total of \$1,323,749 in October 2018. The five-year average reported value for authorized construction in October was \$1,506,393.
- 24 months in the last 60 months have equaled or exceeded the five-year average for reported value of construction (including October 2019, July 2019, April 2019, January 2019, March 2018, February 2018, January 2018, October 2017, September 2017, April 2017, March 2017, November 2016, October 2016, September 2016, August 2016, May 2016, April 2016, March 2016, February 2016, January 2016, September 2015, July 2015, June 2015, and December 2014).
- \$6,100 in fees were collected in October compared to a total of \$2,832 in October 2018. The five-year average for fees collected in October was \$4,786.
- 27 months in the last 60 months have equaled or exceeded the five-year average for collected permit fees (including October 2019, April 2019, December 2018, November 2018, October 2018, March 2018, February 2018, January 2018, December 2017, October 2017, May 2017, March 2017, January 2017, November 2016, October 2016, August 2016, April 2016, March 2016, February 2016, January 2016, December 2015, October 2015, September 2015, July 2015, January 2015, December 2014, and November 2014).

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**Table 2. Zoning Use Permits Approved in October 2019**

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL:						
Residential				1	0	228,140
Other	3	0	176,000	32	0	1,756,967
SINGLE FAMILY Resid.:						
New - Site Built	3	2,031	1,024,800	21	13,476	6,216,350
Manufactured				2	375	166,000
Additions	3	483	206,650	27	4,027	1,265,146
Accessory to Resid.	7	1,384	333,623	37	8,312	1,453,259
TWO-FAMILY Residential						
<b>Average turn-around approval time for the above permit categories</b>			5.25 days			
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural						
Neighborhood	1	0	0	3	0	0
COMMERCIAL: New	1	1,533	10,000,000	1	1,533	10,000,000
Other				4	3,202	1,595,000
INDUSTRIAL: New				1	598	10,000
Other				3	3,179	625,000
OTHER USES: New						
Other				4	213	60,000
SIGNS	1	66	300	6	471	107,900
TOWERS (Incl. Acc. Bldg.)	1	453	250,000	2	892	500,000
OTHER PERMITS	2	150	32,230	22	1,682	2,964,230
<b>TOTAL APPROVED</b>	<b>22/19</b>	<b>\$6,100</b>	<b>\$12,023,603</b>	<b>166/141</b>	<b>\$37,960</b>	<b>\$26,947,992</b>

\*22 permits were issued for 19 structures in October 2019; 20 permits require inspection and Compl. Certif.

◇ 166 permits have been issued for 141 structures since 1/1/19

**NOTE:** Home occupations and Other permits (change of use, temporary use) total 25 since 1/1/19, (this number is not included in the total number of structures).

There were 27 Zoning Use Permit Apps. *received* in October 2019 and 14 were *approved*.

7 Zoning Use Permit App.s *approved* in October 2019 had been *received* in prior months.

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- There were also six lot split inquiries and 193 other zoning inquiries in October.
- Minutes were completed for 3 ZBA meetings.
- Four rural addresses were assigned in October

**Conversion of Best Prime Farmland**

Table 3 summarizes conversion of Best Prime Farmland as a result of any County zoning approval so far in 2018.

**Table 3. Best Prime Farmland Conversion in 2018**

	October 2019	2019 to date
<b>Zoning Cases.</b> Approved by the ZBA, a Zoning Case October authorize a new principal use on Best Prime Farmland that was previously used for agriculture.	0.0 acres	0.00 acres
<b>Subdivision Plat Approvals.</b> Approved by the County Board outside of ETJ areas, a subdivision approval October authorize the creation of new Best Prime Farmland lots smaller than 35 acres:	0.00 acres	0.0 acres
Outside of Municipal ETJ areas <sup>1</sup>		
Within Municipal ETJ areas <sup>2</sup>	0.0 acre	0.0 acre
<b>Zoning Use Permits.</b> Approved by the Zoning Administrator, a Permit October authorize a new non-agriculture use on a lot that did not previously exist or was not previously authorized in either a zoning case or a subdivision plat approval.	0.00 acres	4.23 acres
Agricultural Courtesy Permits	1.00 acres	3.99 acres
<b>TOTAL</b>	0.00 acres	8.27 acres
NOTES 1. Plat approvals by the County Board. 2. Municipal plat approvals.		

**Zoning Compliance Inspections**

- No Zoning Compliance Inspections were made in October.
- 1 Zoning Compliance Certificate was issued in October. The 2019 budget anticipated a total of 180 compliance inspections and certificates for an average of 3.5 certificates per week.

## **Zoning and Nuisance Enforcement**

The Department was without a Zoning Officer in October following the retirement of the Zoning Officer at the end of June. Table 4 contains the detailed breakdown of enforcement activity for October 2019 and can be summarized as follows:

- 16 new complaints were received in October compared to 6 new complaints received in October 2018. No complaint was referred to another agency in October and no complaint was referred to another agency in October 2018.
- 14 enforcement inspections were conducted in October compared to 50 inspections in October 2018.
- No contact was made prior to written notification in October and none was made in October 2018.
- 14 investigation inquiries were made in October. The 2019 budget anticipates an average of 11.5 initial investigation inquiries per week.
- Two First Notices and one Final Notice were issued in October and one First Notice and two Final Notices were issued in October 2018. The budget anticipated a total of 29 First Notices for 2019.
- No case was referred to the State's Attorney's Office in October and one case was referred in October 2018. The budget anticipated a total of three cases to be forwarded to the State's Attorney's Office in 2019.
- No case was resolved in October compared to three cases that were resolved in October 2018. The 2018 budget anticipated a total of 62 resolved cases in 2019.
- 417 cases remain open at the end of October compared to 378 open cases at the end of October 2018.
- In addition to the activities summarized in Table 4, other activities of Enforcement staff in October included the following:
  1. Answering phones and helping customers when needed due to unavailability or absence of Zoning Technicians.
  2. Coordinated with land owners, complainants, and the State's Attorney's Office regarding enforcement cases that have been referred to the State's Attorney's Office and particularly those cases that involve dangerous structures.
  3. Coordinated the marketing of County owned properties at 1101 Carroll Avenue, Urbana and 2603 Campbell Drive, Champaign.

## **APPENDICES**

- A Zoning Use Permit Activity In October 2019**
- B Active Land Disturbance Erosion Control Permits In The Champaign County MS4 Jurisdictional Area**
- C Zoning Compliance Certificates Issued In October 2019**

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**Table 4. Enforcement Activity During October 2019**

	FY2018 TOTALS <sup>1</sup>	Jan. 2019	Feb. 2019	March 2019	April 2019	May 2019	June 2019	July 2019	Aug. 2019	Sep. 2019	Oct. 2019	Nov. 2019	Dec. 2019	TOTALS <sup>1</sup> FY2019
Complaints Received	62	2	1	3	7	3	4	14	16	31	8			89
Initial Complaints Referred to Others	1	0	0	1	0	2	0	0	0	0	0			3
Inspections	423	19	41	34	35	60	50	0	14	42	17 <sup>4</sup>			302 <sup>5</sup>
Phone Contact Prior to Notice	6	0	0	1	1	0	0	0	0	0	0			2
First Notices Issued	27	1	2	4	4	3	0	0	2	3	3			22
Final Notices Issued	20	0	2	0	0	1	0	0	1	0	0			4
Referrals to State's Attorney's Office	8	0	2	0	1	1	0	0	0	0	0			4
Cases Resolved <sup>2</sup>	35	2	4	1	5	2	0	0	0	9	6 <sup>6</sup>			29 <sup>7</sup>
Open Cases <sup>3</sup>	381	381	378	380	382	383	387	401	417	436	438			438 <sup>8</sup>

**Notes**

- Total includes cases from previous years.
- Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.
- Open Cases are unresolved cases and includes any case referred to the State's Attorney or new complaints not yet investigated.
- 3 inspections of the 17 performed were for the 8 complaints received in October 2019.
- 47 inspections of the 302 inspections performed in 2019 were for complaints received in 2019.
- 1 of the 6 cases resolved were for complaints received in October 2019.
- 9 of the cases resolved in FY 2019 were for complaints that were also received in 2019.
- Total open cases include 16 cases that have been referred to the State's Attorney, one of which was referred as early as 2009. 2 of the 15 cases are currently active cases in Champaign County Circuit Court.

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**APPENDIX A. ZONING USE PERMIT ACTIVITY IN OCTOBER 2019**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
196-19-01  R-1/CR	A tract of land located in the NE ¼ of the S ½ of the W ½ of the SE ¼ of Section 5, Urbana Township; 100 W. Country Club Road, Urbana, Illinois PIN: 30-21-05-426-020	Thomas Clarkson/ Urbana Golf and Country Club	07/15/19 10/10/19	Construct a hotel/spa for Urbana Golf and Country Club members only  CASE: 953-V-19
204-19-02  FP  AG-1	A three acre tract of land located in the SE ¼ of the SE ¼ of Section 15, Stanton Township; 2176 County Road 2100N, St. Joseph, IL PIN: 27-16-15-400-006	Brad Ribbe	08/02/19 10/25/19	Construct a detached agricultural shed  CASE: 955-FV-19
206-19-01  AG-1	A leased area in Part of the E ½ of the NW ¼ of the NE ¼ of Section 32, Raymond Township; 1963 County Road 100N, Longview, IL PIN: Pt. of 21-34-32-200-005	Mastec Network Solutions/ Calvin Mohr	07/25/19 10/22/19	Erect a 263' cellular communication tower  CASE: 952-S-19
252-19-01  R-3	The S ½ of Lot 13 and all of Lot 14, except the South 100' thereof, in Fred C. Carroll's Subdivision of the E ½ of the NW ¼ of Section 9, Urbana Township; 1010 Eastern Avenue, Urbana, IL PIN: 30-21-09-128-021	Phil Fiscella	09/05/19 10/08/19	Construct a detached storage shed for agriculture use only
263-19-01  CR	Lot 1 of a Replat of Lot 5 of Robert Wolf Sub. and Lots 7 & 9 of Robert Wolf 2 <sup>nd</sup> Sub., Section 15, St. Joseph Township; 2192 Parrish Drive, St. Joseph, Illinois PIN: Part of 28-22-15-476-0089 & 009	Kevin and Jan Walsh	09/20/19 10/22/19	Construct a single family home with attached garage  CASES: 958-V-19 & 959-V-19
266-19-01  AG-1	Lot 11 of Prairiewest Subdivision, Section 32, Champaign Township; 4301 Prairiewest Drive, Champaign, Illinois PIN: 03-20-32-326-024	Doris and John Lawyer	09/19/19 10/10/19	Construct an addition to an existing single family home and to authorize a previously constructed detached garage

 Land Disturbance Erosion Control Permit also required

\*received and reviewed, however, not approved during reporting month

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**APPENDIX A. ZONING USE PERMIT ACTIVITY IN OCTOBER 2019**

Permit Number	Zoning District; Property Description; Address; PIN	Owner Name	Date Applied, Date Approved	Project (Related Zoning Case)
273-19-01 R-1	The N ½ of Lot C of the First Plat of Prairieview Subdivision, Section 3, Urbana Township; 1909 Brownfield Road, Urbana, IL PIN: 30-21-03-302-006	Evan Barnhart/ Olympian Development	09/30/19 10/10/19	Demolish the existing single family home with attached garage, returning the property to a level surface
274-19-01 AG-1	A tract of land located in the SW Corner of the W ½ of the SW ¼ of Section 36, Brown Township; 502 County Road 3000N, Fisher, Illinois PIN: 02-01-36-300-033	David Morgan and Elizabeth Pfeifer	10/01/19 10/10/19	Construct a detached storage shed and authorize a previously constructed attached garage
280-19-01 AG-1	A tract of land located in the E ½ of the SE ¼ of Section 32, Kerr Township; 2688 County Road 3000N, Penfield, Illinois PIN: 13-06-32-400-006	Dallas and Kacie Osterbur	10/07/19 10/10/19	Construct a detached agriculture storage shed
280-19-02 AG-1	Lot 119 of Thor-O-Bred Acres Subdivision, Section 14, Hensley Township; 2104 Belmont Park Lane, Champaign, Illinois PIN; 12-14-14-376-004	Daniel Tappendorf	10/07/19 10/11/19	Construct an in-ground swimming pool and spa
283-19-01 AG-1	A tract of land located in the SW Corner of the N ½ of the SW ¼ of Section 4, Condit Township; 2932 County Road 800E, Dewey, Illinois PIN: 07-08-04-100-009	Andrew and Julie Holland	10/10/19 10/16/19	Construct a single family home with attached garage
*284-19-01	Additional information needed			
*284-19-02	Additional information needed			
*284-19-03	Additional information needed			
*284-19-04	Additional information needed			
*284-19-05	Additional information needed			
*284-19-06	Additional information needed			
*284-19-07	Additional information needed			
*284-19-08	Additional information needed			

Land Disturbance Erosion Control Permit also required  
\*received and reviewed, however, not approved during reporting month

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**APPENDIX A. ZONING USE PERMIT ACTIVITY IN OCTOBER 2019**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
284-19-09 AG-2	A tract of land being the SW ¼ of the SE ¼ of Section 26, Urbana Township; 3802 East Curtis Road, Urbana, Illinois PIN: 30-21-26-400-002	Craig Wakeland	10/11/19 10/16/19	Construct a detached shed for agriculture storage only
289-19-01 AG-1	A .39 acre tract located in the SE ¼ of the SE ¼ of Section 14, Rantoul Township; 2709 County Road 1700E, Rantoul, Illinois PIN: 20-09-14-400-005	Pat and Ann Garey	10/16/19 10/21/19	Construct an addition to an existing single family home
289-19-02 AG-1	Lot 1 of Moraine View Subdivision; Section 3, Tolono Township; 1197 County Road 800E, Champaign, Illinois PIN: 29-26-05-201-001	John Whittington	10/16/19 10/30/19	Construct a sunroom addition to an existing single family home
290-19-01 CR	Two tracts of land located in the NE Corner of the S ½ of the SE ¼ of Section 18, Condit Township; 2723 County Road 700E, Fisher, Illinois PIN: 07-08-18-400-004 & 006	Lynn Doran	10/17/19 10/29/19	Construct a lean-to for agriculture and personal storage
290-19-02 CR	A tract of land located in the NE Corner of the E ½ of the NE ¼ of Section 26, Sadorus Township; 497 County Road 200N, Sadorus, Illinois PIN: 22-31-26-200-005	Avaristo and Jessica Lopez	10/17/19 10/29/19	Construct a detached shed for agriculture and personal storage
291-19-01 AG-1	Tract C of a Plat of Survey of Part of the SW ¼ of Section 30, Condit Township; address to be assigned PIN: 07-08-30-300-025	Gerald and Tricia Gula	10/17/19 10/29/19	Construct a single family home with attached garage

 Land Disturbance Erosion Control Permit also required  
\*received and reviewed, however, not approved during reporting month

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**APPENDIX B. ACTIVE LAND DISTURBANCE EROSION CONTROL PERMITS**

<b>Permit Number; Zoning;</b>	<b>Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied Date Approved Date of Final Stabilization</b>	<b>Project (Related Zoning Case)</b>
302-15-01  I-1	A tract of land located in the NE ¼ of Section 34, Tolono Township; 981 County Road 700N, Tolono, Illinois PIN: Pt. of 29-26-34-100-006	Eastern Illini Electric Coop	10/29/15 05/18/16	Construct an electrical substation
155-16-02  CR	A 53.79 acre tract of land located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	Champaign County Fair Association	06/03/16 08/10/16	Construct a parking lot and bus shelter
195-16-01  CR	A 53.79 acre tract of land located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	Champaign County Fair Association	07/13/16 08/02/16	Construct a detached storage shed
97-17-01  R-1	Lot 12, Lincolnshire Fields West 1 Subdivision, Section 21, Champaign Township; 3912 Clubhouse Drive, Champaign, Illinois PIN: 03-20-21-301-012	Tim and Toni Hoerr	04/07/17 04/27/17	Construct a single family home with attached garage and detached pool house

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**APPENDIX C. ZONING COMPLIANCE CERTIFICATES ISSUED IN OCTOBER 2019**

<b>Date</b>	<b>Permit Number</b>	<b>Property Description; Address; PIN</b>	<b>Project (Related Zoning Case)</b>
10/17/19	98-19-02	The West Tract of a survey of Part of the NE ¼ of Section 22, Newcomb Township; 373 County Road 2700N, Mahomet, Illinois PIN: 16-07-22-200-022	A detached agriculture equipment shed