

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: May 27, 2010  
Time: 7:00 P.M.  
Place: Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.  
Use Northeast parking lot via Lierman Ave.,  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (May 13, 2010)
5. Continued Public Hearings
  - \*Case 645-S-09    Petitioner: **Robert and Barbara Gerdes**  
  
Request:    **Authorize the construction and use of a “Restricted Landing Area” as a Special Use in the AG-1 Agriculture Zoning District.**  
  
Location:    **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**
  - Case 665-AT-10    Petitioner: **Zoning Administrator**  
  
Request:    **Amend the Champaign County Zoning Ordinance by revising paragraph 4.3.3 G. as follows:**
    - A. **Increase the maximum fence height allowed in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on residential lots in the AG-1 and AG-2 Zoning Districts.**
    - B. **Require all fencing that is in the front yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning Districts and on residential lots in the AG-1, AG-2, and CR Zoning Districts.**
    - C. **Increase the maximum allowed height of all fencing to allow up to three inches of ground clearance.**

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6. New Public Hearings

Case 668-AT-10    Petitioner: **Zoning Administrator**

Request:    **Amend the Champaign County Zoning Ordinance as follows:**

1.    **In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term that generally is a group living facility for residents who are receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.**
2.    **In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.**
3.    **In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit subject to standard conditions only in the AG-2 Agriculture Zoning District and indicate a new footnote.**
4.    **In Section 5.2 add the new footnote indicating RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use Permit in AG-2 District when:**
  - (1)    **Located within one-and-one-half miles of a home rule municipality with an adopted comprehensive plan; and**
  - (2)    **Operated by a church or temple and located on the same property as the operating church or temple.**
5.    **Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:**
  - (1)    **The property must be served by public transportation; and**
  - (2)    **A limit of 30 residents; and**
  - (3)    **24-hour, seven days per week supervision by a responsible and qualified staff person.**

7. Staff Report

8. Other Business

9. Audience Participation with respect to matters other than cases pending before the Board

10. Adjournment

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**\* Administrative Hearing. Cross Examination allowed.**

1 **MINUTES OF REGULAR MEETING**  
2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
3 **1776 E. Washington Street**  
4 **Urbana, IL 61801**

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7 **DATE:** May 13, 2010 **PLACE:** Lyle Shields Meeting Room  
8 **TIME:** 7:00 p.m. **1776 East Washington Street**  
9 **Urbana, IL 61802**

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11 **MEMBERS PRESENT:** Doug Bluhm, Catherine Capel, Thomas Courson, Roger Miller, Eric  
12 Thorsland, Paul Palmgren

14 **MEMBERS ABSENT :** Melvin Schroeder

16 **STAFF PRESENT :** John Hall, J.R. Knight

18 **OTHERS PRESENT :** Leslie Cooperband, Wes Jarrell, Herb Schildt, Sherry Schildt

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21 **1. Call to Order**

23 The meeting was called to order at 7:03 p.m.

25 **2. Roll Call and Declaration of Quorum**

27 The roll was called and a quorum declared present with one member absent.

29 **3. Correspondence**

31 None

33 **4. Approval of Minutes (March 25, 2010 and April 15, 2010)**

35 **Mr. Palmgren moved, seconded by Mr. Courson to approve the March 25, 2010 and April 15, 2010,**  
36 **minutes as submitted. The motion carried by voice vote.**

38 **Mr. Thorsland moved, seconded by Mr. Palmgren to rearrange the agenda and hear Case 667-S-10,**  
39 **Leslie Cooperband and Wesley Jarrell, d.b.a. Prairie Fruits Farm prior to Case 665-AT-10, Zoning**  
40 **Administrator. The motion carried by voice vote.**

42 **5. Continued Public Hearing**

44 **Case 665-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
45 **Ordinance by revising paragraph 4.3.3G. as follows: A. Increase the maximum fence height allowed**  
46 **in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on**  
47 **residential lots in the AG-1 and AG-2 Zoning Districts; and B. Require all fencing that is in the front**  
48 **yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning**

**DRAFT**  
**SUBJECT TO APPROVAL**



1 Board may want to spend some time with the illustrations before they go through the new language.  
2

3 Mr. Hall discussed the distributed illustrations as follows: Illustration A: In regards to the top figure the  
4 bold line indicates the outline of the lot and illustrates that currently in the residential districts the Zoning  
5 Ordinance allows a six foot high fence all the way around the lot with the exception of the area of the  
6 driveway visibility triangle. He said that the bottom figure refers to the revised draft without the comments  
7 from the plan commission and proposes an eight foot fence in side and rear yards but six feet in the front  
8 yard, which is everything between the line of the house closest to the street and the street itself. He said that  
9 that the dotted line below the house around the lot is indicating the transparent fencing above four feet  
10 therefore for residential districts anything in the front yard would have to be transparent above four feet and  
11 the driveway visibility triangle still applies. He said that Illustration B is an attempt to illustrate the existing  
12 rules for a residential lot less than five acres in the Ag districts. He said that the drawing is roughly at a scale  
13 of one inch equals 40 feet indicating a one acre lot which is 200 feet wide with a currently allowed six foot  
14 fence in all yards except in the area of the driveway visibility triangle. He said that the visibility triangle  
15 could go right up to the driveway but the fence would have to be a fully transparent fence, much like a  
16 woven, chain-link fence, and no changes are being proposed to the visibility triangle requirements. He said  
17 that Illustration C indicates the proposed draft of a residential lot less than five acres in the Ag district  
18 allowing a fence with an eight foot height limit in side and rear yards, six foot height limit in front yard just  
19 like currently but adding the transparency requirement above four feet in the front yard. He said that  
20 Illustration C indicates an optional eight foot fencing which recognizes that fencing running from the  
21 perimeter fence to the side of the house in that location, at least on the right side of the house, is allowing an  
22 eight foot fence. He said that on the left side of the house part of the fence is in the side yard but there is a  
23 question mark in the area in front of the house and that area or yard is undefined in the Zoning Ordinance  
24 and staff's recommendation is to clarify, in regards to fencing height, that that area would be considered a  
25 side yard therefore the fencing could be eight feet in height which would bring us back to the issue of  
26 transparency for fencing between the house and the street. He said that Illustration D is meant to be illustrate  
27 a residential lot which is greater than five acres in the Ag and CR districts indicating that there no height  
28 limits in any yard in the existing Ordinance for these lots. He said that Illustration E illustrates for  
29 consistency that there is no height limits on the large lots but the transparency would be required for anything  
30 in the front yard and again the way that yards are defined in the Ordinance there is still a problem with  
31 houses that are not simple rectangles. He said that the Alternative Illustrations C and E are the changes that  
32 would address the concerns that he would expect to receive from a township plan commission and the  
33 changes to require the transparency is only on the fencing that is directly in the front of the house. He said  
34 that he has described these alternatives to Sheriff Walsh and Lt. Jones and they have indicated that they  
35 would accept this change and there is no doubt that these alternatives would provide more public safety than  
36 what the current Ordinance provides. He said that in implementing these requirements a lot of text is  
37 created, as seen on Attachment B of the May 13, 2010, Supplemental Memorandum. He said that he has  
38 reviewed this text with the Zoning Officer and the Zoning Technicians and he is happy to say that they all  
39 understood it. He said that if the Board were ready to take action on the case tonight he would prefer that the  
40 Board did not so that everyone has a chance to review this fully to assure that there are no hidden errors. He  
41 said that he does not know what the Board's reaction will be to this alternative revised version but it  
42 increases the height in the side and rear yards which is something that staff has been wanting to do for some  
43 time and it improves public safety in the front yard. He said that it could be argued that not requiring

1 transparency everywhere intrudes less on private property rights.

2

3 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.

4

5 Mr. Courson stated that the Board could require transparency fencing in the front yard and the homeowner  
6 could plant vegetation right behind the fence which would eliminate the public safety benefit. He said that if  
7 the homeowner really wants their privacy they can get around the requirement.

8

9 Mr. Bluhm asked Mr. Courson if he would prefer the 50% transparency in the entire front yard.

10

11 Mr. Courson stated that the transparency should not be required at all because it can be easily by-passed by  
12 planting a row of trees behind the fence therefore the public safety issue is mute. He said that if the County  
13 is not going to prohibit the planting of trees between the house and the road then what is the difference if a  
14 fence is there.

15

16 Mr. Bluhm stated that the Board has control over the fence and public safety.

17

18 Mr. Courson stated that he dislikes fences and it is his opinion that they shouldn't be allowed at all and this  
19 is just another way of the government telling people what they can and cannot do with their property.

20

21 Mr. Bluhm stated that homeowners can bypass the requirement with the planting of trees but he has friends  
22 which are on the Sheriff's patrol and they have indicated that they would prefer that nothing is in the front  
23 yard so that they can see.

24

25 Mr. Courson stated that again he does not like fences at all.

26

27 Mr. Hall stated that the Board could prohibit landscaping that would be a solid barrier between the structure  
28 and the fence.

29

30 Mr. Courson stated he would not agree to such a requirement because it would be infringing upon the  
31 property owner's rights by telling them what they can and cannot do with their property.

32

33 Mr. Hall stated that a Zoning Ordinance cannot exist that does not infringe on private property rights and the  
34 reason for having a Zoning Ordinance is for public health, safety and welfare which is exactly the topic of  
35 the transparency of the fencing in the front yard. He said that it isn't like the Board is bringing in some  
36 weird consideration into the Zoning Ordinance.

37

38 Mr. Bluhm asked the Board if there were additional questions for Mr. Hall.

39

40 Mr. Thorsland stated that the Board is going to ponder this issue until a later date. He said that his first  
41 review appeared pretty simple but now it appears more complicated with the alternatives. He said that he  
42 was under the impression that the eight foot fence would be allowed in the front yard on any lots which are  
43 five acres or more.

1  
2 Mr. Hall stated that staff never discussed allowing an eight foot fence in the front yards and under the current  
3 Ordinance there is no height limit anywhere on a lot in the Ag districts for lots which are five acres or  
4 greater.

5  
6 Mr. Thorsland stated that he agrees with the Sheriff on some level but he also agrees with Mr. Courson in  
7 that vegetation could be planted to by-pass the transparency requirement. He said that during one of the  
8 cases the Board had the homeowner did trim back some of the vegetation for public safety. He said that he  
9 would appreciate additional time to review this case before a final determination is made. He said that  
10 pondering the front yard issue would not affect the pending fence height variance case.

11  
12 Mr. Bluhm called Mr. Herb Schildt to testify.

13  
14 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that to avoid any ambiguity in the  
15 memorandum, if the text included as new Item 8.A.(3)(e) is referring to the conversation that he had with  
16 Mr. Hall then the text should indicate that the preliminary comments were from the Newcomb Township  
17 Planning Commission Chair. He said that the Plan Commission was not able to have a meeting about this  
18 issue as of this time and the feedback that he was giving Mr. Hall was from feedback and conversations that  
19 occurred with the Newcomb Township Board of Trustees. He said that since the Newcomb Township Plan  
20 Commission was formed there is an organizational mandate where the Newcomb Township Plan  
21 Commission only reviews those cases which the Newcomb Board of Trustees request that they review. He  
22 said that when the Newcomb Township Board of Trustees is concerned enough about a zoning case then they  
23 vote to have the Newcomb Township Plan Commission review it. He said that the first meeting that has  
24 occurred since notification of this case was mailed was on Monday, May 10, 2010. He said that the problem  
25 is that the Newcomb Township Plan Commission Meeting is prior to the Newcomb Township Board of  
26 Trustees meeting on the that same day and the Board of Trustees instructs the Plan Commission as to what  
27 they want reviewed. He said that at the Newcomb Township Plan Commission meeting he, under his  
28 general comments, mentioned that there had been a re-advertisement of this case and gave them a very brief  
29 overview of the changes but it was not allowed to be business before them because it was not on the agenda  
30 and it had not been requested for review by the Board of Trustees. He said that the Board of Trustees voted  
31 to have the Plan Commission review the case based on the concern of the four foot restriction. He said that  
32 he has been the Plan Commission Chair for a number of years and he found significant concern about the  
33 restriction and one reason why he called Mr. Hall was because he believes that this would be stirring up a  
34 hornet's nest. He said that he was a member of the Land Resource Management Plan Steering Committee  
35 which incurred an 18 month process which helped write the recently adopted Land Resource Management  
36 Plan. He said that a couple of things that are included in the LRMP bear significantly on the issue of the  
37 proposed fence requirements and one of those things is spray drift. He said that one of the over-arching  
38 concerns that were in the backdrop of the discussions that occurred over the 18 months was reducing conflict  
39 with agriculture from non-agricultural uses. He said that the second thing was farmland preservation. He  
40 said that there are several policies that are in the LRMP that stressed the reduction of conflicts with  
41 agriculture and one of the issues was the idea of spray drift and a four foot fence that is transparent will not  
42 stop spray drift from an adjacent field. He said that anyone who farms does not want their spray to go  
43 anywhere but on their field but anyone who has lived in the country for awhile realizes that due to the wind

1 they receive that spray drifts and four feet does not stop that drift. He said that he can only say that he has  
2 always been pro-law enforcement and it is his opinion that security starts at home and everyone has a  
3 different view as to how they want to assure security in a rural setting. He said that some people like bright  
4 security lights making the house visible all of the time and some people like to control their security with  
5 vision barriers. He said that children playing in pools, on trampolines, etc, in side yards are not visions that  
6 many parents like being visible from the street. He said that after he received the notification on this case he  
7 was working in the field and a neighbor stopped by to chat and they began talking about the case at hand. He  
8 said that the neighbor's first response was that the County should not do that because there are child  
9 predators that cruise the rural areas. He said that everyone balances their security in different ways and what  
10 makes one person comfortable in how they want to secure their safety may not be necessarily what makes  
11 another person comfortable. He said that those of us who live in rural areas realize that they have different  
12 security needs than those who live in cities. He said that in the years that he has been the Newcomb  
13 Township Plan Commission Chair he is surprised by the level of concern that the notification caused at the  
14 Board of Trustee's level and he does believe that this concern would be shared by the Plan Commission.  
15

16 Mr. Bluhm asked the Board if there were any questions for Mr. Schildt and there were none.  
17

18 Mr. Bluhm commented that spray drift will not be stopped by a four, six or eight foot fence. He said that he  
19 has a tree in his front yard which is 18 feet high and it has crinkled leaves and is dying because of spray drift.  
20 He said that he appreciates the spray drift concern but the wind is going to take it where ever it wants to take  
21 it and it is his opinion that the spray drift is a limited theory.  
22

23 Mr. Bluhm asked the Board if there were any additional thoughts or comments that they would like to share.  
24

25 Mr. Schildt requested the opportunity to re-address the Board.  
26

27 Mr. Bluhm stated that Mr. Schildt had his opportunity to testify and at this point and time it is the Board's  
28 opportunity to discuss the case. He informed Mr. Schildt that he will have an opportunity to address the  
29 Board regarding his additional comments at the next meeting.  
30

31 Mr. Bluhm stated that he brought up the issue of visibility of the front yard and he understands the viewpoint  
32 that everyone has different ideas and needs for their security but it is the Board's responsibility to protect  
33 public safety and one of those public members is a policeman who is driving up to a house in a rural area.  
34 He said that the Board may not be able to control this issue but the attempt has been made.  
35

36 Mr. Hall stated that the case could be continued to the May 27, 2010, meeting. He said that there is a  
37 petitioner that has been carried on the docket for a long time and he is not complaining about how long this  
38 case has taken therefore there is no immediate deadline. He said that as long as it takes for the Board to be  
39 comfortable with an approach there is time available. He said that a new text amendment is coming before  
40 the Board on May 27<sup>th</sup> and staff is trying to get it done so that a future petitioner could have a case as soon as  
41 possible therefore there are some timelines on that case. He said that it may be a good idea to continue this  
42 case to the June 17<sup>th</sup> meeting or later.  
43

5/13/10

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Mr. Bluhm asked Mr. Hall if there is any update on Case 645-S-09 which is scheduled for the May 27<sup>th</sup>  
2 meeting.

3  
4 Mr. Hall stated that the court case is still ongoing and it is undetermined when a court decision will be made.

5  
6 Mr. Bluhm asked Mr. Hall if he believes that the Board will be addressing Case 645-S-09 on May 27<sup>th</sup>.

7  
8 Mr. Hall stated no.

9  
10 Mr. Bluhm stated that since the Board will not be addressing Case 645-S-09 at the May 27<sup>th</sup> meeting perhaps  
11 it would be good to continue Case 665-AT-10 to the May 27<sup>th</sup> meeting.

12  
13 Mr. Hall stated that the Board could continue Case 665-AT-10 to the May 27<sup>th</sup> meeting and keep it as the last  
14 case to be heard.

15  
16 Mr. Thorsland agreed. He said that Case 665-AT-10 may not be finalized at the May 27<sup>th</sup> meeting but it may  
17 be a good time to exchange some new ideas and concerns.

18  
19 **Mr. Thorsland moved, seconded by Mr. Courson to continue Case 665-AT-10 to the May 27, 2010,**  
20 **meeting. The motion carried by voice vote.**

21  
22 **Case 667-S-10 Petitioner: Leslie Cooperband and Wesley Jarrell, d.b.a. Prairie Fruits Farm Request**  
23 **to authorize a Major Rural Specialty Business in the AG-2 District with waivers of standard**  
24 **conditions including, but not limited to, the prohibition of sales of alcohol not produced on the**  
25 **premises. Location: Lot 1 of Jamestown Subdivision in the Northeast Quarter of the Southeast**  
26 **Quarter of Section 29 of Somer Township and commonly known as Prairie Fruits Farm at 4410 North**  
27 **Lincoln Avenue, Champaign.**

28  
29 Mr. Hall distributed a new Supplemental Memorandum dated May 13, 2010, to the Board for review. He  
30 said that the new memorandum includes an updated Summary of Evidence and even though he dislikes  
31 distributing a new Summary of Evidence at a meeting there were some required changes and it was worth  
32 distributing a revised document tonight. He said that the new memorandum is incorrectly dated as May 7,  
33 2010 and should be corrected to indicate May 13, 2010. He said that Item #1 of the new memorandum  
34 carries on with the review of livestock management facilities. He said that the previous Summary of  
35 Evidence referred to rules promulgated by the IEPA but did not mention them. He said that there are rules  
36 for waste handling for livestock facilities of this size and based on testimony received from the petitioner and  
37 what has been indicated on the site plan the petitioner's are in compliance. He said that the Board has not  
38 had a livestock facility with such a small number of animal units but the review was completed and again the  
39 facility is in compliance.

40  
41 Mr. Hall stated that Item #2 of the new Supplemental Memorandum is a review of the Illinois Dead Animal  
42 Disposal Act (225 ILCS610). He said that the Board received testimony, via e-mail, at the last meeting by  
43 Mr. Bates questioning what would happen if the petitioner buried dead goats. Mr. Hall stated that Co-

1 petitioner Wesley Jarrell testified that they compost all of their deceased animals and currently those animals  
 2 have only consisted of very small newborns. Mr. Hall stated that the Illinois Dead Animal Disposal Act does  
 3 allow composting but not in a location that is less than one-quarter mile from the nearest occupied residence  
 4 and a two bin method is required, rather than the windrow method that is being currently used by the  
 5 petitioners. He said that staff reviewed this information with the petitioners and the petitioners indicated that  
 6 they do not have a problem complying with the Illinois Dead Animal Disposal Act, as indicated in Item  
 7 9.H(8). He said that he is sure that the Board is aware of the fact that even if the petitioners were composting  
 8 dead livestock it is considered an agricultural activity and is out of the realm of jurisdiction by the Zoning  
 9 Board of Appeals but is also part of the proposed special use and the testimony was given during the public  
 10 hearing.

11  
 12 Mr. Hall stated that Item #3 of the new Supplemental Memorandum is in regard to a letter received from the  
 13 City of Urbana on May 13, 2010. He said that the following should be added as new Item 3.A on page 1 of  
 14 33 and new Item 8.C.(7) on page 12 of 33: A. A letter was received from the City of Urbana on May 13,  
 15 2010, which indicated: (1) The subject property is located within the City’s one and one-half mile  
 16 extraterritorial jurisdiction, which, per state law, applies to subdivision jurisdiction; (2) Based on their  
 17 jurisdiction the City review the proposed special use permit with respect to the City of Urbana Subdivision  
 18 and Land Development Code; and (3) The City noted the access to the overflow parking area as indicated on  
 19 the site plan received on May 4, 2010; and (4) Under the Urbana Subdivision and Land Development Code  
 20 no additional driveways would be allowed on the subject property because North Lincoln Avenue is  
 21 designated a minor arterial street; and (5) However, the north 60 feet of the subject property has been  
 22 dedicated as public right-of-way as part of the approval of the Illinois Farm to Table Subdivision; and (6)  
 23 The City requests that a special condition of approval be included which requires the access for the overflow  
 24 parking area to be within the dedicated 60 feet right-of-way on the north edge of the subject property.

25  
 26 Mr. Hall noted that the existing field entrance on the north portion of the property is within the 60 feet right-  
 27 of-way that has been dedicated therefore it is as the City would like it to be. He said that the Board needs to  
 28 decide whether they want to include a condition so that it can be enforced over time but as it is right now and  
 29 as it is being used it is in conformance with the City’s desire.

30  
 31 Mr. Hall stated that after speaking with the petitioners staff discovered that the facility was visited by Chief  
 32 Mike Kobel of the Eastern Prairie Fire Protection District and he gave his approval on the access therefore  
 33 revised special condition 12.E should read as follows:

34 **12.E The petitioners shall abide by their agreement with Mike Kobel, Chief of Eastern**  
 35 **Prairie Fire Protection District, including but not limited to the following: (1) The**  
 36 **petitioners shall keep the existing driveway clear of vehicles for a width of fifteen feet**  
 37 **along the entire length of the driveway; and the petitioners shall not allow vehicles**  
 38 **parked south of the dining barn to interfere with emergency vehicle access to the**  
 39 **subject property or fire-fighting operations on the subject property.**

40  
 41 The above stated special condition is necessary to ensure the following:

42  
 43 **Emergency vehicle access and fire-fighting operations on the subject property are**

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Mr. Hall stated that attached to the new Supplemental Memorandum is a letter from Kathleen and Stephen Dyson received on May 11, 2010. He said that Mr. and Mrs. Dyson owns the property that is encompassed by the property of the Prairie Fruits Farm and the letter is in full support of the requested special use permit. Mr. Hall stated that also attached to the new Supplemental Memorandum is the revised site plan and floor plan of the indoor dining area. He said that site plan, received on May 4, 2010, is compared to the site plan that was submitted at application there are some things that need to be added to the May 4, 2010, site plan to make it consistent. He said that the platform, which is where the dinners are held, was included on the original site plan and as far as staff knows that is still the plan and the accessible parking located on the south side of the dining barn. He said that the petitioners have new information on accessibility and they are still planning to have the accessible parking at the same location. He said that the petitioners are planning to speak about the accessible path that is required to go from the accessible parking to the platform therefore once all of these things are added to the revised site plan it will be up-to-date. He said that a photograph of the dinner platform has been included for the Board's review as well as a photograph of the driveway. He said that Chief Kobel is satisfied with the existing width of the driveway and wants to make sure that the driveway is kept clear.

Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

Mr. Bluhm called Mr. Wesley Jarrell to testify.

Mr. Wesley Jarrell, who resides at 4410 N. Lincoln Avenue, Champaign stated that they did contact Chief Kobel on Monday and he visited the farm on Wednesday. Mr. Jarrell stated that during the visit they showed Chief Kobel their plans, the dining area and the parking area in the front of the property upon which he submitted a letter regarding his findings. Mr. Jarrell read Mr. Kobel's letter dated May 12, 2010, as follows: Thank you for taking time to visit with me this morning. The results of my site inspection revealed the following conditions. There is more than adequate space in your parking design to allow for emergency vehicles to operate safely. The area just outside the dining hall is also adequate for an emergency vehicle to perform a turn-around maneuver. Additionally, I see no issues with your establishment and any emergency operations. If I can be of further assistance, please do not hesitate to contact me.

Mr. Jarrell stated that they contacted Doug Gamble, Accessibility Specialist with the Illinois Capitol Development Board to discuss their modified accessibility plan. Mr. Jarrell stated that Mr. Gamble determined that based on the number of available parking spaces, over 25 but less than 50, the facility needed two 20 foot long and 16 foot wide accessible parking spaces. Mr. Jarrell stated that due to this new information they will be expanding their existing concrete pad so that it will accommodate the two required accessible spaces. Mr. Jarrell stated that Mr. Gamble indicated that they can use either asphalt or cement for the three foot walkway therefore they will be comparing the costs of each. He said that the walkway will provide accessible access across the driveway to the dining platform. Mr. Jarrell stated that the dining platform is approximately six inches tall therefore they will be providing a three foot ramp from the walkway to the dining platform. He said that there is a four inch threshold that goes into the building therefore they will be providing a three foot ramp for access to the restroom facility. He said that based on these

1 descriptions and the modified drawings Mr. Gamble faxed a message to them indicating that the modified  
2 drawings and plans look great and he was pleased that people with disabilities will be able to enjoy their  
3 farm.

4  
5 Mr. Bluhm asked the Board if there were any questions for Mr. Jarrell and there were none.

6  
7 Mr. Bluhm asked if staff had any questions for Mr. Jarrell and there were none.

8  
9 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Jarrell and there was no one.

10  
11 Mr. Bluhm apologized for not reading the administrative statement prior to accepting testimony from Mr.  
12 Jarrell. Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows  
13 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show  
14 of hands for those who would like to cross examine and each person will be called upon. He requested that  
15 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
16 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
17 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
18 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt  
19 from cross examination.

20  
21 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding  
22 this case and there was no one.

23  
24 Mr. Bluhm closed the witness register.

25  
26 Mr. Bluhm stated that the comments were received from the township road commissioner indicating that he  
27 prefers that no parking occur on the street. He said that the petitioners have indicated in their description  
28 that three “no parking” signs will be placed along the front of the property, on the east side of the road.

29  
30 Mr. Hall stated that there is a proposed condition that no parking related to the special use permit shall occur  
31 in the any public right-of-way. He said that a new Item 8.C(7) should be added as follows: In a memo  
32 submitted on April 15, 2010, the petitioners stated their intent to post three “no parking” signs along the  
33 property on the east side of the road.

34  
35 Mr. Bluhm asked if the testimony included in the letter from the Chief Mike Kobel of Eastern Prairie should  
36 be added as evidence.

37  
38 Mr. Hall stated that a new Item 8.D(4) should read as follows: At the public hearing on May 13, 2010, the  
39 petitioners submitted a letter from Chief Mike Kobel dated May 12, 2010, describing the results of his  
40 inspection in which he approved the existing parking, driveway width and emergency access and turn-around  
41 provisions.

42  
43 Mr. Bluhm asked if the testimony included in the letter from Doug Gamble of the Capitol Development

1 Board should be added as evidence.

2  
3 Mr. Hall stated that a new Item 8.L(1)(n) should read as follows: At the public hearing on May 13, 2010, the  
4 petitioners submitted a fax from Doug Gamble, Accessibility Specialist with the Illinois Capitol  
5 Development Board detailing necessary changes to the accessible parking, addition of an accessible path and  
6 addition of a ramp at the dining platform and dining barn which will make the proposed special use  
7 accessible. Mr. Hall stated that Item 8.L(1)(m) should be revised as follows: Mike Kobel, Chief of the  
8 Eastern Prairie Fire Protection District has inspected the subject property and has approved the provisions for  
9 emergency access and public safety.

10  
11 Mr. Bluhm asked the Board if there were any additional changes to the Summary of Evidence and there were  
12 none.

13  
14 Mr. Thorsland asked if the special conditions would be a good place to insert a condition regarding the 60  
15 foot right-of-way and the overflow parking access.

16  
17 Mr. Hall stated that he intends to add a new Item 12.H.

18  
19 Mr. Bluhm read the conditions as follows:

20  
21 **12.A The petitioners shall ensure that no parking related to the special use permit**  
22 **shall occur in any public right-of-way.**

23 The above special condition is necessary to ensure the following:

24 **There is no unreasonable risk to public safety caused by on street parking.**  
25

26 **12.B The proposed Major Rural Specialty Business shall conform to all relevant**  
27 **Champaign County Ordinances including the following:**

28 (1) **The Champaign county Health Ordinance, including, but not limited**  
29 **to, any required licenses for food service portion of the use, and any**  
30 **required permits for onsite wastewater treatment and disposal.**

31 (2) **The Champaign County Liquor Ordinance, including any required**  
32 **liquor license.**

33 (3) **The Champaign County Recreation and Entertainment Ordinance,**  
34 **including any required Recreation and Entertainment License.**

35 The above special condition is necessary to ensure the following:

36 **The Major Rural Specialty Business conforms to all relevant Champaign County**  
37 **Ordinances.**  
38

39 **12.C Any non-agricultural building or use must be fully consistent with the approved**  
40 **Site plan, testimony, and evidence given in this public hearing, as required by**  
41 **Section 9.1.11B.6. of the Zoning Ordinance.**

42 The above stated special condition is necessary to ensure the following:

43 **The Major Rural Specialty Business conforms to the approved site plan,**

testimony, and evidence given in the public hearing for Case 667-S-10.

**12.D The Zoning Administrator shall not authorize a Zoning Use Permit for the proposed Special Use without documentation of compliance with the Illinois Environmental Barriers Act and the Illinois Accessibility Code.**

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

**The proposed Special Use complies with state accessibility requirements.**

**12.E The petitioners shall abide by their agreement with Mike Kobel, Chief of Eastern Prairie Fire Protection District, including, but not limited to the following:**

**(1) The petitioners shall keep the existing driveway clear of vehicles for a width of fifteen feet along the entire length of the driveway; and**

**(2) The petitioners shall not allow vehicles parked south of the dining barn to interfere with emergency vehicle access to the subject property or fire-fighting operations on the subject property.**

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

**Emergency vehicle access and fire-fighting operations on the subject property are not impeded by parking on either side of the driveway or south of the dining barn.**

Mr. Hall stated that due to the letter received from Chief Kobel the special condition indicated in Item 12.F of the Supplemental Memorandum is no longer required.

Mr. Bluhm read new Item 12.F as follows:

**12.F The petitioner shall submit a Zoning Use Permit Application for a Change of Use with fees and a revised site plan that indicates all changes required to comply with the special conditions of approval within 30 days of the Zoning Board of Appeals approval of Case 667-S-10.**

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

**The Major Rural Specialty Business complies with the approval in Case 667-S-10 in a reasonable and timely manner and the petitioners submit a complete site plan.**

**12.G The site plan is currently in conformance with the Urbana Land Development Code based on the location of existing access to the overflow parking area and the City of Urbana has requested a special condition to ensure that any new private drive or access, if it occurs, would remain in the existing dedicated right of way.**

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**Access to the overflow parking area shall remain in the north 60 feet of the property that is already a dedicated right-of-way.**  
The special condition stated above is required to ensure the following:  
**The proposed special use permit remains in conformance with the Urbana Land Development Code.**

Mr. Hall stated that Urbana is the only municipality in the County that has a combined zoning ordinance and subdivision ordinance. He said that it is a land development code and no one else has that but it does require, in an instance like this normally subdivision issues are separate from zoning issues, but in Urbana where their land development code is more than just a subdivision regulation it does require a little more coordination. He said that it works out great in this instance because the driveway access is already in the appropriate location and it could be moved around anywhere within that 60 feet but Urbana would like it to stay within that 60 feet and this condition would do that. He said that this condition would allow a new entrance be constructed, even in a different location, provided that it is within that 60 feet.

Mr. Bluhm asked Mr. Jarrell if he is in agreement with all of the special conditions.

Mr. Jarrell stated that he is in agreement.

**Mr. Thorsland moved, seconded by Ms. Capel to accept the special conditions as read. The motion carried by voice vote.**

Mr. Hall stated that the following new items should be added to the Documents of Record: #9: Letter dated May 13, 2010, from Chief Mike Kobel of the Eastern Prairie Fire Protection District; and #10: Fax from Doug Gamble received on May 13, 2010; and #11: Letter dated May 12, 2010, from Robert Myers, City of Urbana Planning Manager. He said that this is the shortest list of Documents of Record for any Major Rural Specialty Business that the Board has ever reviewed. He said that it probably seems like a huge project to the petitioners but this has gone so much easier than most previous Rural Specialty Business.

Mr. Courson stated that he does not believe that lighting issues have been addressed.

Mr. Bluhm stated that the petitioners included lighting plans in their description as follows: Candle light and oil lamps at dusk for outdoor dinners; no other lighting is required.

Mr. Courson stated that the picture of the dining platform appears to be a potential dangerous area for people with disabilities that could fall off that six inch platform. He said that someone in a wheelchair that is backing away from the table could easily fall off of the platform and cause injury. He asked if there should be a curb or railing around the platform.

Mr. Hall stated that he had the same concerns and he assumes that the petitioners mentioned to Mr. Gamble that the platform is raised and in fact they did because he informed them that a ramp was required. He said that the accessibility standards require that when a ramp is more than a certain height that a curb must be

1 placed so that someone could not roll off by accident. He asked Mr. Courson if his concern is mainly to  
2 ensure that the petitioners comply with the accessibility standards.

3  
4 Mr. Courson stated yes.

5  
6 Mr. Bluhm stated that it could be as simple as a 2 x 4 being nailed to the platform to prevent such an  
7 occurrence.

8  
9 Ms. Cooperband requested the opportunity to present testimony.

10  
11 Mr. Bluhm called Ms. Cooperband to testify.

12  
13 Ms. Cooperband stated that they can accommodate a wheelchair person in an area where if they do have to  
14 push back there is no danger of them falling off of the platform. She said that there are various locations for  
15 seating which are not close to the platform. She said that she would assume that it would be more of a risk  
16 for the other guests of tripping over a 2 x 4 than someone falling off of the platform in a wheelchair.

17  
18 Mr. Thorsland asked Ms. Cooperband if Mr. Gamble reviewed the photographs of the platform.

19  
20 Ms. Cooperband stated no, but the platform was described to Mr. Gamble. She said that the platform can be  
21 seen on their website.

22  
23 Mr. Thorsland stated that Mr. Gamble signed off on the platform providing that a ramp was installed.

24  
25 Mr. Courson stated that he just wanted to make the petitioners aware that there is a potential liability with the  
26 platform and they may want to check with their insurance company to make sure that they are protected.

27  
28 Mr. Jarrell stated that he appreciates Mr. Courson’s suggestion.

29  
30 **Finding of Fact for Case 667-S-10:**

31  
32 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
33 667-S-10 held on April 15, 2010, and May 13, 2010, the Zoning Board of Appeals of Champaign County  
34 finds that:

- 35  
36 **1. The requested Special Use Permit, subject to the special conditions imposed**  
37 **herein, IS necessary for the public convenience at this location.**  
38

39 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein  
40 is necessary for the public convenience at this location because it provides unique local employment and an  
41 outlet for citizens to partake in locally produced meals produced in an on-farm setting which is not readily  
42 available in Champaign County.

2. The requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

Mr. Courson stated that the street has adequate traffic capacity and the entrance location has adequate visibility.

b. Emergency services availability is ADEQUATE.

Mr. Courson stated that emergency services availability is adequate because the site was visited by the Chief of the Eastern Prairie Fire Protection District and he sent a letter approving the accessibility to the site.

c. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.

Mr. Thorsland stated that the Special Use will be designed to conform to all relevant County ordinances and codes.

d. The Special Use WILL be compatible with adjacent uses.

Mr. Thorsland stated that the Special Use will be compatible with adjacent uses.

e. Surface and subsurface drainage will be ADEQUATE.

Ms. Capel stated that surface and subsurface drainage will be adequate.

f. Public safety will be ADEQUATE.

Ms. Capel stated that public safety will be adequate.

g. The provisions for parking will be ADEQUATE.

Ms. Capel stated that the provisions for parking will be adequate.

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located and proposed to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

3a. The requested Special Use Permit, subject to the special conditions imposed

herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein, does conform to the applicable regulations and standards of the DISTRICT in which it is located.

3b. The requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.

Mr. Thorsland stated that the Special Use will be designed to conform to all relevant County ordinances and codes.

b. The Special Use WILL be compatible with adjacent uses.

Mr. Courson stated that the Special Use will be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Ms. Capel stated that public safety will be adequate.

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed Herein, does preserve the essential character of the DISTRICT in which it is located.

4. The requested Special Use Permit, subject to the special conditions imposed herein, IS in harmony with the general purpose and intent of the Ordinance.

a. The Special Use is authorized in the district.

b. The requested Special Use Permit IS necessary for the public convenience at this location.

Ms. Capel stated that the requested Special Use Permit is necessary for the public convenience at this location.

c. The requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

1 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein, is  
2 so designed, located, and proposed to be operated so that it will not be injurious to the district in which it  
3 shall be located or otherwise detrimental to the public health, safety and welfare.

- 4
- 5 **d. The requested Special Use Permit, subject to the special conditions imposed**
- 6 **herein, DOES preserve the essential character of the DISTRICT in which it**
- 7 **is located.**
- 8

9 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
10 does preserve the essential character of the DISTRICT in which it is located.

11  
12 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
13 is in harmony with the general purpose and intent of the Ordinance.

- 14
- 15 **5. The requested Special Use IS an existing nonconforming use.**
- 16

17 Mr. Thorsland stated that the requested Special Use is an existing nonconforming use.

- 18
- 19 **6. The special conditions imposed herein are required to ensure compliance with**
- 20 **the criteria for Special Use Permits and for the particular purposes described below:**
- 21

- 22 **A. The petitioners shall ensure that no parking related to the special use permit**
- 23 **shall occur in any public right-of-way.**

24 The above special condition is necessary to ensure the following:

25 **There is no unreasonable risk to public safety caused by on street parking.**

- 26
- 27 **B. The proposed Major Rural Specialty Business shall conform to all relevant**
- 28 **Champaign County Ordinances including the following:**

- 29 (1) **The Champaign county Health Ordinance, including, but not limited**
- 30 **to, any required licenses for food service portion of the use, and any**
- 31 **required permits for onsite wastewater treatment and disposal.**

- 32 (2) **The Champaign County Liquor Ordinance, including any required**
- 33 **liquor license.**

- 34 (3) **The Champaign County Recreation and Entertainment Ordinance,**
- 35 **including any required Recreation and Entertainment License.**

36 The above special condition is necessary to ensure the following:

37 **The Major Rural Specialty Business conforms to all relevant Champaign**

38 **County Ordinances.**

- 39
- 40 **C. Any non-agricultural building or use must be fully consistent with the approved**
- 41 **Site plan, testimony, and evidence given in this public hearing, as required by**
- 42 **Section 9.1.11B.6. of the Zoning Ordinance.**

43 The above stated special condition is necessary to ensure the following:

The Major Rural Specialty Business conforms to the approved site plan, testimony, and evidence given in the public hearing for Case 667-S-10.

D. The Zoning Administrator shall not authorize a Zoning Use Permit for the proposed Special Use without documentation of compliance with the Illinois Environmental Barriers Act and the Illinois Accessibility Code.

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

The proposed Special Use complies with state accessibility requirements.

E. The petitioners shall abide by their agreement with Mike Kobel, Chief of Eastern Prairie Fire Protection District, including, but not limited to the following:

(1) The petitioners shall keep the existing driveway clear of vehicles for a width of fifteen feet along the entire length of the driveway; and

(2) The petitioners shall not allow vehicles parked south of the dining barn to interfere with emergency vehicle access to the subject property or fire-fighting operations on the subject property.

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

Emergency vehicle access and fire-fighting operations on the subject property are not impeded by parking on either side of the driveway or south of the dining barn.

F. The petitioner shall submit a Zoning Use Permit Application for a Change of Use with fees and a revised site plan that indicates all changes required to comply with the special conditions of approval within 30 days of the Zoning Board of Appeals approval of Case 667-S-10.

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

The Major Rural Specialty Business complies with the approval in Case 667-S-10 in a reasonable and timely manner and the petitioners submit a complete site plan.

G. Access to the overflow parking area shall remain in the north 60 feet of the property that is already a dedicated right-of-way.

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

The proposed special use permit remains in conformance with the Urbana Land Development Code.

7. The requested waiver of the standard condition in Section 6.1.3. that requires that alcoholic beverages not produced on the premises shall not be sold IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be

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Mr. Thorsland stated that the requested waiver of the standard condition in Section 6.1.3. that requires that alcoholic beverages not produced on the premises shall not be sold is in accordance with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or to the public health, safety and welfare.

**Ms. Capel moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.**

**Mr. Courson moved, seconded by Mr. Palmgren to close the public hearing for Case 667-S-10. The motion carried by voice vote.**

Mr. Bluhm informed Mr. Jarrell that one Board member is absent from tonight’s meeting therefore it is at his discretion to either continue Case 667-S-10 until a full Board is present or request that the present Board move forward to the Final Determination. He informed Mr. Jarrell that four affirmative votes are required for approval.

Mr. Jarrell requested that the present Board move to the Final Determination at tonight’s meeting.

**Final Determination for Case 667-S-10:**

**Mr. Thorsland moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B. HAVE been met, and pursuant to the authority granted by Section 9.1.6B of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 667-S-10 is hereby GRANTED WITH SPECIAL CONDITIONS to the petitioners Leslie Cooperband and Wesley Jarrell to authorize a Major Rural Specialty Business in the AG-2 District with a waiver of standard conditions including the prohibition of sales of alcohol not produced on the premises, subject to the following special conditions:**

- A. The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**  
The above special condition is necessary to ensure the following:  
**There is no unreasonable risk to public safety caused by on street parking.**
- B. The proposed Major Rural Specialty Business shall conform to all relevant Champaign County Ordinances including the following:**
  - (1) The Champaign county Health Ordinance, including, but not limited to, any required licenses for food service portion of the use, and any required permits for onsite wastewater treatment and disposal.**
  - (2) The Champaign County Liquor Ordinance, including any required liquor license.**

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(3) **The Champaign County Recreation and Entertainment Ordinance, including any required Recreation and Entertainment License. The above special condition is necessary to ensure the following: The Major Rural Specialty Business conforms to all relevant Champaign County Ordinances.**

**C. Any non-agricultural building or use must be fully consistent with the approved Site plan, testimony, and evidence given in this public hearing, as required by Section 9.1.11B.6. of the Zoning Ordinance.**

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

**The Major Rural Specialty Business conforms to the approved site plan, testimony, and evidence given in the public hearing for Case 667-S-10.**

**D. The Zoning Administrator shall not authorize a Zoning Use Permit for the proposed Special Use without documentation of compliance with the Illinois Environmental Barriers Act and the Illinois Accessibility Code.**

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

**The proposed Special Use complies with state accessibility requirements.**

**E. The petitioners shall abide by their agreement with Mike Kobel, Chief of Eastern Prairie Fire Protection District, including, but not limited to the following:**

**(1) The petitioners shall keep the existing driveway clear of vehicles for a width of fifteen feet along the entire length of the driveway; and**

**(2) The petitioners shall not allow vehicles parked south of the dining barn to interfere with emergency vehicle access to the subject property or fire-fighting operations on the subject property.**

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

**Emergency vehicle access and fire-fighting operations on the subject property are not impeded by parking on either side of the driveway or south of the dining barn.**

**F. The petitioner shall submit a Zoning Use Permit Application for a Change of Use with fees and a revised site plan that indicates all changes required to comply with the special conditions of approval within 30 days of the Zoning Board of Appeals approval of Case 667-S-10.**

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

**The Major Rural Specialty Business complies with the approval in Case 667-S-10 in a reasonable and timely manner and the petitioners submit a complete site plan.**

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**G. Access to the overflow parking area shall remain in the north 60 feet of the property that is already a dedicated right-of-way.**

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

**The proposed special use permit remains in conformance with the Urbana Land Development Code.**

The roll was called:

<b>Courson – yes</b>	<b>Palmgren – yes</b>	<b>Miller – yes</b>
<b>Schroeder – absent</b>	<b>Thorsland – yes</b>	<b>Capel – yes</b>
<b>Bluhm – yes</b>		

Mr. Hall informed Ms. Cooperband and Mr. Jarrell that they have received approval of their Special Use and Mr. Knight will be contacting them soon regarding their next step.

**6. New Public Hearings**

None

**7. Staff Report**

**A. Monthly Report for April, 2010**

Mr. Hall distributed the Monthly Report for April, 2010, to the Board for review. He said that staff distributes these reports to the County Board for review and believes that the Zoning Board of Appeals should also receive a copy so that they can review the general level of activity and how things are going in the office. He said that staff has seen a greater percentage of residential permits lately but it is no where near the historic numbers. He said that there are more new residences being built than there has been for some time but permitting numbers are still down. He said that there hasn't been an application for a zoning case since March 30<sup>th</sup> and that application was for an Administrative Variance. He said that the lack of zoning case applications is a good thing because the upcoming text amendment, Case 668-AT-10, has had staff's time to work on it. He said that this text amendment has been needed for some time and now is a good time to get it finalized. He said that there are few more critical text amendments which have not been proposed to the County Board yet and staff is trying to take advantage of this slow time as much as possible. He said that the County Board did make a preliminary recommendation of the small wind text amendment although there were some doubters but they did accept the Board's recommendation. He said that the County Board had followed the wind farm amendment fairly closely and they were up-to-date on it when they received it and it is fair to say that the County Board knew nothing about the small wind text amendment and trying to get them informed about something as extensive as the small wind text amendment is a real challenge. He said that it is a good thing that some members of the County Board really wants to think about things and have their own informed opinion but starting out from scratch at a Committee of the Whole meeting is a real challenge to get them up to speed. He said that the County Board made a preliminary recommendation and it

1 will be back before them in June for hopefully a final recommendation. He said that the same this is true  
2 with Case 664-AT-10 regarding Wind Farm Shadow Flicker and ZBA votes. He said that the wind farm  
3 separation for RLA's was adopted on April 22, 2010. He said that the County Board has been seeing more  
4 text amendments every month than they have for a long time and that is going to continue. He said that the  
5 LRMP was approved with a vote of 20 to 6. He said that having 20 of the County Board members on board  
6 with the LRMP was fantastic.

7

8 **8. Other Business**

9

10 Mr. Hall noted that every ZBA member will be receiving their own copy of the adopted LRMP.

11

12 **9. Audience Participation with respect to matters other than cases pending before the Board**

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14 None

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16 **10. Adjournment**

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18 The meeting adjourned at 8:35 p.m.

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26 Respectfully submitted

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31 Secretary of Zoning Board of Appeals

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# CASE NO. 645-S-09

SUPPLEMENTAL MEMORANDUM

May 21, 2010

Champaign  
County  
Department of



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

(217) 384-3708

Petitioners: **Robert and Barbara Gerdes**

Site Area: **approx. 83 acres**

Time Schedule for Development:  
**Immediate**

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

Request: **Authorize the construction and use of a "Restricted Landing Area" as a Special Use in the AG-1 Agriculture Zoning District**

Location: **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**

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## *STATUS*

This is the sixth meeting for this case. The petitioner has previously requested that the ZBA continue this case until a decision is made in the petitioner's court case seeking declaratory judgment that the County has no jurisdiction on the proposed RLA.

In a letter dated May 3, 2010, the judge in the case notified the parties that the case would continue until a decision is made but there is no date certain.

The petitioner may still request a continuance in this case and if a continuance is requested the Board must decide if the continuance is warranted.

From a staff perspective there is little to be gained from continuing the zoning case until a decision is made in the court case. However, because of the length of time this case has already been continued with no discussion of the case since December 2009, staff recommends that the Board not take final action without giving all parties at least two weeks advance notice of the intent to take final action.

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# CASE NO. 668-AT-10

Champaign County PRELIMINARY MEMORANDUM

May 21, 2010

Department of Petitioner: **Zoning Administrator**



Prepared by: **John Hall**  
Zoning Administrator  
**J.R. Knight**  
Associate Planner

Brookens  
Administrative Center

1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term that generally is a group living facility for residents who are receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.**
2. **In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.**
3. **In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit subject to standard conditions only in the AG-2 Agriculture Zoning District and indicate a new footnote.**
4. **In Section 5.2 add the new footnote indicating RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use Permit in AG-2 District when:**
  - (1) **Located within one-and-one-half miles of a home rule municipality with an adopted comprehensive plan; and**
  - (2) **Operated by a church or temple and located on the same property as the operating church or temple.**
5. **Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:**
  - (1) **The property must be served by public transportation; and**
  - (2) **A limit of 30 residents; and**
  - (3) **24-hour, seven days per week supervision by a responsible and qualified staff person.**

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## BACKGROUND

The text amendment is necessary because the Apostolic Church at 2107 High Cross Road, Urbana, has been operating a small, eight person recovery program (the Lifeline Connect Ministry) since the fall of 2007 as an unauthorized use in the AG-2 District. The recovery program is not currently an allowed use in the Zoning Ordinance, and the church now wishes to expand the program and is seeking County approval.

The Champaign County Board Committee of the Whole authorized this text amendment at their meeting on May 4, 2010, see Attachment A.

The proposed amendment will add "Residential Recovery Center" as a defined term to the Zoning Ordinance and as a use in Section 5.2 Table of Authorized Principal Uses. The use will only be authorized by-right in the R-4 Multiple Family Residence District and only by Special Use Permit in AG-2 Agriculture District.

This is the first text amendment to be reviewed since the Champaign County Land Resource Management Plan (LRMP) was approved by the County Board on April 22, 2010. A Finding of Fact with a full review of relevant Goals, Objectives, and Policies from the LRMP will be available at the meeting, but a copy of the Goals, Objectives, and Policies chapter of the LRMP has been included for the Board's review.

Attachment A to the Committee of the Whole memo reviews the logic of the amendment, but does not review specific policies. Churches and temples have been authorized by Special Use Permit in the AG-2 District under the Land Use Regulatory Policies (LURP's), and the LRMP incorporated the LURP's without significant changes in that regard. The proposed amendment authorizes "Residential Recovery Centers" by Special Use Permit in the AG-2 District only when co-located and operated by a church or temple, and represents a minor increase over the church's activities so this use is expected to conform to all relevant LRMP Goals, Objectives, and Policies.

### **OTHER LOCAL ORDINANCES**

The Cities of Champaign and Urbana have uses similar to a "Residential Recovery Center" as proposed in this amendment. Staff reviewed both cities' Zoning Ordinances.

#### **City of Champaign**

The City of Champaign Zoning Ordinance includes "Recovery Home" as a defined term, as follows:

Recovery home shall mean a dwelling unit operated for the purpose of promoting the joint rehabilitation of its occupants from alcohol or drug addiction. A recovery home shall be registered with (appropriate local authority) and shall be limited to not more than eight (8) individuals recovering from alcohol or drug addiction and up to two (2) live-in staff members. The occupants of a recovery home shall not include persons for whom such course of rehabilitation is a requirement of a sentence upon conviction of a criminal offense, nor shall it include those for whom the need for such rehabilitation occurs during or immediately following a sentence of incarceration for a criminal offense. Occupants of said home shall also not include any individual who has been convicted of either the manufacture or delivery of a controlled substance as prohibited by the Illinois Controlled Substances Act, 720 ILCS 570/401 et seq., or as prohibited by any other similar law from another jurisdiction.

Attachment C is a table that indicates in which districts a Recovery Home is allowed in the City and how it is authorized in those districts. A Recovery Home must also be licensed by the State Department of Human Services under the requirements of the Illinois Drug and Alcohol Dependency Act.

#### **City of Urbana**

The City of Urbana Zoning Ordinance includes "Homes for Adjustment" as a defined term, as follows:

Dwelling, Home for Adjustment (e.g., halfway houses, rehabilitation centers, crisis centers, etc.):

1. A dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency; and

2. A dwelling to provide emergency shelter. (Ord. No. 8889-44, § 1, 1-3-89)

Attachment D is a table that indicates in which districts a Home for Adjustment is allowed in Urbana and how it is authorized in those districts. Urbana's Zoning Ordinance also includes a limit on the occupancy of a "home for adjustment," as follows: (underlining added)

A dwelling unit in the following classes of uses shall be occupied at any given time by no more than the maximum occupancy limit specified on the Certificate of Occupancy: single-family extended group occupancy, duplex extended group occupancy, community living facility, dormitory, home for adjustment, hotel or motel, nursing home, home for the aged, or bed and breakfast.

This limit on occupancy makes it more difficult to estimate the size of a Home for Adjustment because it is based on the structure where the use is located, and the requirements of Urbana's building code.

### **RELEVANT STATE LAW**

The relevant state statute with regard to "Residential Recovery Centers" is 20 ILCS 301/, which is the Alcoholism and Other Drug Abuse and Dependency Act (the Act). The Act requires any person or program providing treatment services described in the Act to be licensed by the Department of Human Services. There are several categories of licensure, including: residential treatment, outpatient treatment, early recovery, etc. The Act specifically defines treatment as:

The broad range of emergency, outpatient, intermediate, and residential services and care...which may be extended to individuals who abuse or are dependent on alcohol or other drugs or families of those persons.

As defined in the proposed amendment, RESIDENTIAL RECOVERY CENTER does not require a State license. However, any RESIDENTIAL RECOVERY CENTER that advertises that it provides "treatment" will presumably have to be licensed by the State.

Title 77 of the Illinois Administrative Code Part 2060 implements the Act. Attachment D contains several excerpts from the Code. Section 509 of that Part includes requirements for Recovery Homes, which includes relevant life safety codes depending on the number of patients a Recovery Home is treating.

For programs with 16 or fewer patients the requirements of Chapter 26 of the National Fire Protection Association (NFPA) Life Safety Code of 2000 is required, and for programs with 17 or more patients the requirements of Chapter 29 of the NFPA Life Safety Code of 2000 is required.

### **ATTACHMENTS**

- A Memo to Champaign County Board Committee of the Whole regarding Zoning Ordinance text amendment for "Residential Recovery Center"
- B Tables Summarizing Zoning Requirements for Similar Use in Champaign and Urbana
- C Table 3. Comparison of Proposed County Ordinance with Existing Municipal Requirements
- D Various Excerpts from 77 Ill. Admin. Code Part 2060
- E Proposed Draft Amendment

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F Goals, Objectives, and Policies of the Champaign County Land Resource Management Plan  
(included separately)

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**

From: **JR Knight, Associate Planner**  
**John Hall, Zoning Administrator**

Date: **April 23, 2010**

RE: **Direction to Zoning Administrator Regarding a Necessary  
Zoning Ordinance Text Amendment**

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Request **Authorization to conduct a proposed Zoning Ordinance text amendment adding "Residential Recovery Center" as a by-right use in the R-4 Multiple Family Residence Zoning District and as a Special Use Permit in the AG-2 Agriculture Zoning District when operated by and located with a church or temple.**

Petitioner **Zoning Administrator**

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## **BACKGROUND**

Committee approval is sought to conduct a text amendment to the Zoning Ordinance to add "Residential Recovery Center" as a by-right use in the R-4 Multiple Family Residence Zoning District and as a Special Use Permit in the AG-2 Agriculture Zoning District when operated by and located with a church or temple. A Residential Recovery Center is a group living facility for residents who are receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.

The text amendment is necessitated because the Apostolic Church at 2107 High Cross Road, Urbana, has been operating a small eight person recovery program (the Lifeline Connect Ministry) since the fall of 2007 as an unauthorized use in the AG-2 District. The recovery program is not currently an allowed use in the Zoning Ordinance. The church now wishes to expand the program and is seeking County approval. See Attachment A for more background on the existing unauthorized use and the logic of the proposed text amendment.

With the Board's approval the Zoning Board of Appeals will conduct a public hearing on the proposed text amendment and forward a recommendation to the County Board. Upon approval of the text amendment by the County Board the Apostolic Church will need to apply for and receive any zoning approvals that are ultimately required.

## **PROPOSED AMENDMENT**

The proposed amendment will add "Residential Recovery Center" as a defined term to the Zoning Ordinance and as a use in Section 5.2 Table of Authorized Principal Uses. The use will only be authorized by-right in the R-4 Multiple Family Residence District and only by Special Use Permit in the AG-2 Agriculture District.

“Residential Recovery Center” is not proposed to be authorized in either the R-1 Single Family Residence or R-2 Single Family Residence Zoning Districts under any circumstance.

**By-Right in R-4 Multiple Family Residence Zoning District**

Because a “Residential Recovery Center” is very similar to an apartment or a dormitory type of use, it is proposed to be authorized by-right in the R-4 Multiple Family Residence Zoning District in which “dormitory”, “multi-family dwelling”, and “nursing home” are all authorized by right. The general intent of the R-4 District as stated in the Zoning Ordinance is, “to provide areas for single family, two family, and multiple family dwellings set in a medium density housing environment.”

**By Special Use Permit in the AG-2 Agriculture Zoning District When Located With a Church**

In the AG-2 Zoning District a “Residential Recovery Center” is proposed to be authorized by Special Use Permit only and only so long as the following is true (these conditions are proposed to be footnotes to Section 5.2 and thus, not subject to waiver):

1. The use must be within one and one-half miles of a home rule municipality with an adopted comprehensive plan; and
2. The use must be on the same property of, and operated by, a church or temple. A Residential Recovery Center is not proposed to be allowed in the AG-2 District as a stand alone use. (Note that this particular requirement itself necessitates amending paragraph 4.2.1 C. which identifies when it is lawful to have more than one principal use on a lot in the Agriculture Districts.)

Several pages from the Zoning Ordinance are included as attachments and illustrate all instances in which specific uses are authorized in both the AG-2 and the R-4 Districts. Attachment A lists the uses that are authorized in both districts for comparison purposes.

Attachment C lists several standard conditions proposed to be required for the Special Use Permit in the AG-2 District.

**ATTACHMENTS**

- A Background on the Text Amendment
- B Excerpts from Zoning Ordinance (p. 5-4, 5-5, 5-6, 5-9)
- C Proposed Special Use Permit Standard Conditions in the AG-2 District

## **Attachment A. Background on the Text Amendment**

APRIL 26, 2010

### **NEED FOR THE TEXT AMENDMENT**

The Apostolic Church is a legal non-conforming church in the AG-2 District. Churches in the AG-2 District (and AG-1 and CR) are required to be authorized via Special Use Permit as a result of Ordinance No. 660 that was adopted on August 20, 2002, but the Apostolic Church was already established at this location prior to that date.

Since the fall of 2007 the Apostolic Church at 2107 High Cross Road (in the AG-2 Zoning District) has been operating their "Lifeline Connect Ministry" which would fall under the proposed definition of a "Residential Recovery Center." When staff first found out about this program there were eight men enrolled in it. Staff contacted the Church in a letter dated May 1, 2007, and the letter makes it clear that in our opinion this activity was not authorized and could not be authorized until the Zoning Ordinance was amended. At the time Pastor D.L. Rogers provided the Zoning Administrator with the information requested regarding the use and assured that the program would not expand without proper zoning approval.

In November 2008 the Zoning Administrator was contacted by attorney Carl Webber who represents the Apostolic Church. The church had been given funds to expand the Lifeline Connect Ministry and the issue of proper zoning needed to be addressed.

### **LOGIC OF THE TEXT AMENDMENT**

In responding to the needs of the Apostolic Church, staff has proposed an amendment which authorizes "Residential Recovery Center" in both the R-4 (by right) and AG-2 (by special use permit but only if conducted at a church or temple) Districts. Staff would not have proposed allowing "Residential Recovery Center" in the AG-2 District if this amendment were being proposed on its own. However, this amendment would likely not have been proposed without an expressed need for it, such as currently demonstrated by the Apostolic Church that is located in the AG-2 District. A number of conditions have also been included to limit such uses to the most appropriate locations in the AG-2 District.

The Board is not obligated at this time to consider the proposed AG-2 authorization. However, this specific use at this specific location by this specific owner involves two substantial land use questions with specific legal considerations.

First, the facility is being sponsored by a church and the church has suggested that this use is part of their ministry and is an essential part of their religious practice and service. By law the County has little regulatory control over religious practice and service. However, neither the State's Attorney nor the Zoning Administrator are convinced that this use is an essential part of the religious practice of the Apostolic Church. And although the Apostolic Church does not agree with this determination, the church has been cooperative with the County in an attempt to resolve the matter in another way.

Secondly, the proposed use is also subject to the Fair Housing Act. This Act prevents discrimination based upon, among other things, disability. Someone in a program that is intended to help and assist them in overcoming a dependency can be considered to be disabled and the Fair Housing Act would apply to such a program.

## **Attachment A. Background on the Text Amendment**

APRIL 26, 2010

Note that 77 Illinois Administrative Code Part 2060 establishes licensure requirements for "...all persons engaged in substance abuse treatment and intervention as defined in Section 301/15-5 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/15-5] and further defined in this Part." The "Lifeline Connect Ministry" program is not referred to as a treatment program in the literature distributed by the church but is referred to as a "training" program.

Attachment B is an excerpt of several pages from Section 5.2 Table of Authorized Uses from the Zoning Ordinance. The excerpted pages illustrate all instances in which specific uses are authorized in both the AG-2 and the R-4 Districts. The types of uses that are authorized in both districts generally compare as follows:

- **Uses authorized by right in both districts:**
  - Dwelling, single family
  - Agriculture
  - Country club or golf course
  
- **Uses authorized by special use permit in AG-2 District and by right in R-4:**
  - Dwelling, two family
  - Home for the aged
  - Nursing home
  - School
  - Church or temple
  - Municipal or government building
  - Police station or fire station
  - Library, museum, or gallery
  - Public park or recreational facility
  - Country club clubhouse
  - Lodge or private club
  
- **Uses authorized by special use permit in both districts:**
  - Adaptive reuse of government building for any use permitted by right
  - Electrical substation
  - Telephone exchange
  - Mortuary or funeral home
  - Private indoor recreational development

Champaign County, Illinois  
Zoning Ordinance

**Section 5.2 Table of Authorized Principal USES**

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<b>Residential Uses</b>															
BOARDING HOUSE						S									
DWELLING, SINGLE FAMILY															
DWELLING, TWO-FAMILY			S	S	S										
DWELLING, MULTI-FAMILY															
Fraternity, Sorority, or Student Cooperative															
Dormitory															
Home for the aged			S												
NURSING HOME			S												
MANUFACTURED HOME PARK								S							
HOTEL - No more than 15 LODGING UNITS	S	S	S						S				S		
HOTEL - over 15 LODGING UNITS															
TRAVEL TRAILER Camp			S												
Residential PLANNED UNIT DEVELOPMENT	S	S	S	S	S	S	S	S							
MANUFACTURED HOME in MANUFACTURED HOME PARK															
SUBDIVISION(s) totaling three LOTS or less															
SUBDIVISION(s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS	10	10	10												
<b>Resource Production and Agricultural Uses</b>															
AGRICULTURE, including customary ACCESSORY USES															
Roadside Stand Operated by Farm Operator															
RURAL SPECIALTY BUSINESS, Minor	S														
RURAL SPECIALTY BUSINESS, Major	S	S	S												
Artificial lake of 1 or more acres	S	S	S	S	S	S	S	S					S	S	
Commercial greenhouse			S												
Greenhouse (not exceeding 1,000 sq. ft.)			S												
Garden Shop			S												
Plant Nursery															

 = Permitted by right

 = Permitted on individual LOTS as a SPECIAL USE

Champaign County, Illinois  
Zoning Ordinance

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES - CONTINUED**

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Mineral Extraction, Quarrying, topsoil removal and allied activities	S	S	S												S
<b>Public and Quasi-Public Facilities</b>															
Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL	S	S	S												
Institution of an Educational, Philanthropic or Eleemosynary Nature															
Church, Temple or church related TEMPORARY USES on church PROPERTY	S	S	S												
Municipal or GOVERNMENT BUILDING	S	S	S	S	S	S									
Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right		S	S	S	S	S	S	S	S	S	S	S	S	S	S
Penal or correctional institution		S	S												
Police station or fire station	S	S	S	S	S	S									
Library, museum or gallery	S	S	S	S	S	S									
Public park or recreational facility		S	S												
Sewage disposal plant or lagoon	S	S	S												S
PARKING GARAGE or LOT															
Private or commercial transmission and receiving towers (including antennas) over 100' in HEIGHT		S	S							S	S	S	S	S	S
Water Treatment Plant			S											S	S
Radio or Television Station		S	S							S				S	S
Electrical Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Telephone Exchange	S	S	S	S	S	S	S	S							
Public Fairgrounds	S		S											S	S
HOSPITAL						S	S				S	S			
Telegraph Office															
<b>Transportation Uses</b>															
Railway Station															
MOTOR BUS Station			S						S						
Truck Terminal			S												
Railroad Yards and Freight Terminals			S												
AIRPORT <sup>2</sup>			S										S	S	
RESIDENTIAL AIRPORTS <sup>2</sup>		S	S												
RESTRICTED LANDING AREAS <sup>2</sup>		S	S											S	S

 = Permitted by right

 = Permitted on individual LOTS as a SPECIAL USE

Champaign County, Illinois  
Zoning Ordinance

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES - CONTINUED**

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
HELIPORT/HELISTOPS <sup>2</sup>			S											S	S
HELIPORT-RESTRICTED LANDING AREAS <sup>2</sup>		S	S						S		S	S		S	S
<b>Business Uses: Personal Services</b>															
Barber Shop															
Beauty Shop															
Reducing Salon															
Dressmaking Shop															
Drycleaning ESTABLISHMENT															
Laundry and/or drycleaning pick-up															
Millinery shop															
Self-service laundry															
Shoe repair shop															
Tailor and pressing shop															
Diaper Service ESTABLISHMENT															
Clothing Repair and Storage															
Mortuary or Funeral Home			S <sub>s</sub>				S								
Medical and Dental CLINIC															
<b>Business Uses: Agriculture</b>															
Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer		S	S												
Roadside Produce Sales Stand			S												
Farm Equipment Sales & Service															
Feed and Grain (sales only)			S												
Livestock Sales Facility and Stockyards		S	S					S							
Slaughter Houses		S	S					S					S		
Grain Storage Elevator and Bins		S	S												



= Permitted by right



= Permitted on individual LOTS as a SPECIAL USE

Champaign County, Illinois  
Zoning Ordinance

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES - CONTINUED**

Principal USES	Zoning DISTRICTS													
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1

**Business Uses: Recreational**

Amusement Park			S									S	S	S	S
Resort or Organized CAMP	S		S												
Bait Sales	S		S												
Billiard Room															
Bowling Alley															
Country club or golf course	S														
Country Club Clubhouse	S		S												
Dancing Academy or hall															
Lodge or private club	S		S												
Outdoor commercial recreational enterprise (except amusement park)	S		S												
Private Indoor Recreational Development			S			S	S								
Public CAMP or picnic area	S		S												
Riding Stable	S	S	S	S											
Seasonal hunting or fishing lodge	S		S												
Stadium or coliseum			S										S	S	S
THEATER, indoor															
THEATER, OUTDOOR			S												
Commercial Fishing Lake	S	S	S												

**Business Uses: Miscellaneous**

Aviation sales, service or storage			S												
Cemetery or Crematory		S	S												
Pet Cemetery	S	S	S												
KENNEL	S	S	S								S				
VETERINARY HOSPITAL	S	S	S							S	S	S			
Commercial Breeding Facility															
Wholesale Business															
Warehouse										S					
Self-storage Warehouses, providing heat and utilities to individual units									S	S		S			
Self-Storage Warehouses, not providing heat and utilities to individual units			S						S	S		S			
Auction House (non-animal)															



= Permitted by right



= Permitted on individual LOTS as a SPECIAL USE

**Attachment C. Proposed Special Use Permit Standard Conditions in the AG-2 District**  
APRIL 26, 2010

The proposed Special Use Permit in the AG-2 District will be subject to several standard conditions, including, but not limited to, the following:

1. A location served by public transportation; and
2. No more than 30 residents shall be housed at one time; and
3. The following minimum lot area:
  - A minimum lot area of 20,000 square feet if served by a connected public sanitary sewer system; or
  - A minimum lot area of 20,000 square feet plus 7,000 square feet per resident if served by an onsite sanitary waste disposal system and a connected public water supply; or
  - A minimum lot area of 30,000 square feet plus 7,000 square feet per resident if served by an onsite sanitary waste disposal system and a private well.
4. If an onsite sanitary waste disposal system is proposed, it shall be designed by an Illinois Licensed Professional Engineer; and
5. Compliance with the Illinois State Fire Marshal Policies, Procedures and Code Requirements Applicable to Small Residential Board and Care Occupancies including Community Integrated Living Arrangements (CILA's) if the facility serves less than 16 residents or compliance with the National Fire Protection Association "Life Safety Code" 2000 Edition if the facility serves 16 or more residents; and
6. All onsite food service must be compliant with the Champaign County Health Ordinance and other applicable regulations; and
7. That it have 24 hour supervision by a responsible and qualified staff person.

**Attachment B. Tables Summarizing Zoning Requirements for Similar Uses in Champaign and Urbana**

**Table 1. “Recovery Homes” in City of Champaign Zoning Ordinance**

<b>Champaign City Districts Permitted In</b>	<b>Authorized as</b>	<b>Equivalent County Zoning District</b>
SF1 Single-Family District	Permitted Use	AG-1 Agriculture, AG-2 Agriculture, CR Conservation-Recreation, R-1 Single Family Residence, or R-2 Single Family Residence
SF2 Single- and Two-Family District	Permitted Use	R-3 Two-Family Residence
MF1 Multifamily Low Density District	Permitted Use	R-4 Multiple Family Residence
MF2 Multifamily Medium Density District	Permitted Use	No Equivalent
MF3 Multifamily High Density/Limited Business District	Permitted Use	No Equivalent
MHS Manufactured Housing Subdivision	Permitted Use	No Equivalent
MHP Manufactured Housing Park	Permitted Use	R-5 Manufactured Home Park

**Table 2. “Homes for adjustment” in City of Urbana Zoning Ordinance**

<b>Urbana City Districts Permitted In</b>	<b>Authorized as</b>	<b>Equivalent County Zoning District</b>
R-4 Medium Density Multiple-Family Residential	Special Use only	R-4 Multiple Family Residence
R-5 Medium High Density Multiple-Family Residential	Permitted Use	No Equivalent
R-6 High Density Multiple-Family Residential	Permitted Use	No Equivalent
R-6B High Density Multiple-Family Residential— Restricted Business	Permitted Use	No Equivalent
R-7 University Residential	Special Use only	No Equivalent
B-2 Neighborhood Business – Arterial	Permitted Use	No Equivalent
B-3 General Business	Permitted Use	B-3 Highway Business; or B-4 General Business
B-3U General Business – University	Permitted Use	No Equivalent
B-4 Central Business	Permitted Use	B-5 Central Business
B-4E Central Business – Expansion	Permitted Use	No Equivalent
MOR Mixed Office Residential	Special Use only	No Equivalent

**Table 3. Comparison Of Proposed County Ordinance With Existing Municipal Requirements**

May 21, 2010

Selected Parameters (not all requirements)	Champaign County Proposed	City of Champaign	City of Urbana
Name of Use	Residential Recovery Center	Recovery Home	Home for Adjustment
Districts authorized  By right:	R-4 Multiple Family Residence	MF1 Multifamily Low Density (other districts also)	R-5 Medium High Density Multiple Family Residential (other districts also)
By special use permit:	AG-2 Agriculture, provided : 1) must be on same property as and under same management as a church or temple 2) must be within 1.5 miles of a home rule municipality with an adopted comprehensive plan	NOT APPLICABLE	R-4 Medium Density Multiple Family Residence (NOT COMPARABLE TO AG-2; other districts also)
Requirements  State licensure	NOT REQUIRED	YES	NOT REQUIRED
Size limit	By right: 16 occupants By special use permit: 25 occupants	8 occupants and 2 live-in staff members	Whatever
Public transportation	Required for special use permit	NOT REQUIRED	NOT REQUIRED
Minimum lot area	By right: 6,500SF (w/ sewer and water; see Sec. 4.3.4 if no water or sewer) By special use permit: • w/ sewer: 20,000SF • w/ public water but no sewer: 20,000SF + 7,000SF/ occ. • w/o public water or sewer: 30,000SF + 7,000SF/ occ.	6,500SF	6,000SF
Onsite sanitary waste disposal system (if no sewer)	Onsite sanitary waste disposal system shall be designed by an Illinois Licensed Professional Engineer	NOT ALLOWED	NOT ALLOWED

**Table 3. Comparison Of Proposed County Ordinance With Existing Municipal Requirements**

May 21, 2010

Selected Parameters (not all requirements)	Champaign County Proposed	City of Champaign	City of Urbana
Life safety	Compliance with the Illinois State Fire Marshal Policies, Procedures and Code Requirements	International Building Code	International Building Code
Supervision	REQUIRED 24/7	REQUIRED 24/7	NOT REQUIRED

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 77: PUBLIC HEALTH**  
**CHAPTER X: DEPARTMENT OF HUMAN SERVICES**  
**SUBCHAPTER d: LICENSURE**  
**PART 2060 ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT AND**  
**INTERVENTION LICENSES**  
**SECTION 2060.101 APPLICABILITY**

**Section 2060.101 Applicability**

This Part shall apply to all persons engaged in substance abuse treatment and intervention as defined in Section 301/15-5 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/15-5] and further defined in this Part.

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 77: PUBLIC HEALTH**  
**CHAPTER X: DEPARTMENT OF HUMAN SERVICES**  
**SUBCHAPTER d: LICENSURE**  
**PART 2060 ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT AND**  
**INTERVENTION LICENSES**  
**SECTION 2060.103 INCORPORATION BY REFERENCE AND DEFINITIONS**

**Section 2060.103 Incorporation by Reference and Definitions**

"Act" means the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

"Admission" means what occurs after a patient has completed an assessment, received placement into a level of care, and been accepted for and begins such treatment.

"Adolescent" means a person who is at least 12 years of age and under 18 years of age.

"Adult" means a person who is 18 years of age or older.

"Alcohol and Drug Evaluation Report Summary" means the form, developed by the Office of the Secretary of State and required for use by the Illinois courts when granting judicial driving privileges, as defined in Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201].

"Alcohol and Drug Evaluation Uniform Report" means the form, mandated by the Department and produced from the DUI Services Reporting System (DSRS), that is required to report a summary of the DUI evaluation to the circuit court or the Office of the Secretary of State.

"Americans with Disabilities Act of 1990 (ADA)", 42 USC 12101, is the federal law requiring that public accommodations offer their services equally to persons without discrimination based on disabilities. An organization may not deny its services, offer unequal services or separate services, or have policies and procedures that have a discriminatory effect based on a disability, and shall remove barriers where possible and provide alternatives where not possible.

"ASAM Patient Placement Criteria" means the American Society of Addiction Medicine's Patient Placement Criteria for the Treatment of Substance-Related Disorders, Fourth Edition (ASAMPPC-2R), 4601 North Park Avenue, Upper Arcade Suite 101, Chevy Chase MD 20815 (2001, no later amendments or editions included).

"Assessment" means the process of collecting and professionally interpreting data and information from an individual and/or collateral sources, with the individual's permission, about alcohol and other drug use and its consequences as a basis for establishing a diagnosis of a substance use disorder, determining the severity of the disorder and comorbid conditions and identifying the appropriate level and intensity of substance abuse treatment, as well as needs for other services.

"Associate Director" means the Associate Director of the Department of Human Services Office of Alcoholism and Substance Abuse (OASA).

"Authorized Prescriber" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] or a physician under federal authority who issues prescriptions pursuant to 21 CFR 1301.25 (2000).

"Authorized Organization Representative" means the individual in whom authority is vested for the management, control and operation of all services at a facility and for communication with the Department regarding the status of the organization's licenses at that facility.

"CDC Tuberculosis Guidelines" means "Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities", MMWR 1994 (no. RR13).

"Case Management" means the provision, coordination, or arrangement of ancillary services designed to support a specific patient's substance abuse treatment with the goal of improving clinical outcomes.

"Chemical Test" means, in the context of intervention services, a breath, blood or urine test that measures the blood alcohol concentration (BAC) and/or drug concentration.

"Client" means a person who receives intervention services as defined in this Part.

"Clinical Services" means substance abuse assessment, individual or group counseling, and discharge planning. The organization may also determine that other specified activities require the services of a professional staff member.

"Continuing Recovery Plan" means a plan developed with the patient prior to discharge that identifies recommended activities, support groups, referrals and any other necessary follow-up activities that will support and enhance patient progress, to date.

"Continuum of Care" means a structure of interlinked treatment services (either offered by one organization or through linkage agreements with other organizations) that is designed so a patient's changing needs will be met as that individual moves through the treatment and recovery process.

"Controlled Substance" means a drug or substance, or immediate precursor, that is enumerated in the Schedules of Article II of the Illinois Controlled Substances Act

[720 ILCS 570] and in the Cannabis Control Act [720 ILCS 550]

"Department" means the Department of Human Services.

"Detoxification" means the process of withdrawing a person from a specific psychoactive substance in a safe and effective manner.

"Discharge" means the point at which the patient's treatment is terminated either by successful completion or by some other action initiated by the patient and/or the organization.

"Drunk and Drugged Driving Prevention Fund" means a special fund in the State Treasury created by Section 50-20 of the Alcoholism and Other Drug Abuse and Dependency Act out of which the Department may provide reimbursement for DUI evaluation and risk education services to indigent DUI offenders pursuant to this Part, and that it may also use to enhance and support its regulatory inspections and investigations.

"DUI" means driving while under the influence of alcohol, other drugs or combination thereof as defined in the Illinois Vehicle Title and Registration Law [625 ILCS 5/Ch. 2-5] or a similar provision of a local ordinance.

"DUI Evaluation" means the services provided to a person relative to a DUI offense in order to determine the nature and extent of the use of alcohol or other drugs as required by the Unified Code of Corrections [730 ILCS 5] and Section 6-206.1 of the Illinois Driver Licensing Law [625 ILCS 5/6-206.1].

"DUI Service Reporting System (DSRS)" means the computer software that shall be utilized to summarize all evaluation and risk education services statistics semi-annually and to produce the "Alcohol and Drug Evaluation Uniform Report" and other associated forms.

"Early Intervention" means services that are sub-clinical or pre-treatment and are designed to explore and address problems or risk factors that appear to be related to substance use and/or to assist individuals in recognizing the harmful consequences of inappropriate substance abuse.

"Facility" means the building or premises that are used for treatment and intervention services as specified in this Part.

"Good Cause" means conditions that would prevent a reasonable licensee from meeting one or more of the requirements of this Part.

"HIPAA" means the Health Insurance Portability and Accountability Act, 42 USC 1320(d) et seq. and the regulations promulgated thereunder at 45 CFR 160, 162 and 164 (Privacy and Security).

"Incident" means any action by staff or patients that led, or is likely to lead, to adverse effects on patient services.

"Indigent DUI Offender" means anyone who has proven inability to pay the full cost

of the DUI evaluation or risk education service as determined through criteria established by the U.S. Department of Health and Human Services and published in the Federal Register and whose costs for such DUI services may be reimbursed from the Drunk and Drugged Driving Prevention Fund, subject to availability of such funds.

"Individual Counseling" means a therapeutic interaction between a patient and professional staff that includes but is not limited to the following: assessment of the patient's needs; development of a treatment plan to meet those identified needs; continual assessment of patient progress toward identified treatment plan goals and objectives; referral, if necessary; and discharge planning.

"Informed Consent" means a legally valid written consent by an individual or legal guardian that authorizes treatment, intervention or other services or the release of information about the individual, and that gives appropriate information to the individual so that he or she can authorize the service or disclosure with understanding of the consequences.

"Intervention" means activities or services that assist persons and their significant others in coping with the immediate problems of substance abuse or dependence and in reducing their substance use. Such services facilitate emotional and social stability and involve referring persons for treatment, as needed.

"Investigational New Drugs" means those substances that require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 (2002 ).

"LAAM" means levo-alpha-acetyl-methadol that is a synthetic opioid agonist whose opioid effect is slower in onset and longer in duration (72 hours) than methadone and that is used in opioid maintenance therapy.

"Life Safety Code of 2000" means the National Fire Protection Association's Life Safety Code of 2000, National Fire Protection Association, 1 N. Batterymarch Park, Quincy MA 02269 (2000, no later amendments or editions included).

"Linkage Agreement" means a written agreement with an external organization to supplement existing levels of care and to arrange for other specialty services not directly provided by the organization.

"Methadone" means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) that is used in opioid maintenance therapy.

"Mission Statement" means the reason for existence for the organization and/or specific setting or service.

"Opioid Maintenance Therapy (OMT)" means the medical prescription, medical monitoring and dispensing of opioid compounds (such as Methadone and LAAM) as a medical adjunct to substance abuse treatment.

"Off-Site Delivery of Services" means licensable services that are delivered at a

location separate from the licensed facility.

"Organization" means any public or private agency, corporation, unit of State or local government or other legal entity acting individually or as a group that seeks licensure or is licensed to operate one or more substance abuse treatment or intervention services.

"Patient" means a person who receives substance abuse treatment services as defined in this Part from an organization licensed under this Part.

"Person" means any individual, firm, group, association, partnership, corporation, trust, government or governmental subdivision or agency.

"Physician" means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60].

"Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise permitted by the United States pursuant to 21 CFR 1301.21 and this State to distribute or dispense in accordance with Section 312 of the Illinois Controlled Substances Act [720 ILCS 510], conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Professional Staff" means any person who provides clinical services or who delivers intervention services as defined in this Part.

"Protected Health Information" means the health information governed by HIPAA privacy and security requirements set forth in 45 CFR 164.501.

"Psychiatrist" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Recovery Home" means alcohol and drug free housing authorized by an intervention license issued by the Department, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

"Relapse" means a process manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction.

"Residential Extended Care" (formerly halfway house) means residential clinical services for adults (17 year olds may be admitted provided that their assessment includes justification based on their behavior and life experience) or adolescents provided by professional staff in a 24 hour structured and supervised treatment

environment. This type of service is primarily designed to provide residents with a safe and stable living environment in order to develop sufficient recovery skills.

"Revocation" means the termination of a treatment or intervention license, or any portion thereof, by the Department.

"Risk" means, in the context of intervention services, the designation (minimal, moderate, significant, or high) assigned to a person who has completed a substance abuse evaluation as a result of a charge for DUI that describes the person's probability of continuing to operate a motor vehicle in an unsafe manner. This assignment is based upon the following factors: the nature and extent of the person's substance use; chemical testing results; prior dispositions for DUI, statutory summary suspensions or reckless driving convictions reduced from a DUI; and any other significant dysfunction resulting from substance abuse or dependence.

"Secretary" means the Secretary of the Department of Human Services or his or her designee.

"Significant Incident" means any occurrence at a licensed facility that requires the services of the coroner and/or that renders the facility inoperable.

"Significant Other" means the spouse, immediate family member, other relative or individual who interacts most frequently with the patient in a variety of settings and who may also receive substance abuse services.

"Substance Abuse or Dependence" means maladaptive patterns of substance use leading to a clinically significant impairment or distress as defined in the American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders Fourth Edition (DSM-IV), 1400 K Street NW, Washington, DC 20005 (1994, no later amendments or editions included).

"Support Staff" means any staff who do not deliver clinical or intervention services.

"Transfer" means the process that occurs when a patient can no longer receive services at an organization because the appropriate level of care is not available, or the movement of the patient from one level of care to another within an organization's continuum of care.

"Treatment" means a continuum of care provided to persons addicted to or abusing alcohol or other drugs that is designed to identify and change patterns of behavior that are maladaptive, destructive and/or injurious to health; or to restore appropriate levels of physical, psychological, and/or social functioning.

"Treatment Plan" means an individually written plan for a patient that identifies the treatment goals and objectives based upon a clinical assessment of the patient's individual problems, needs, strengths and weaknesses.

"Tuberculosis Services" means counseling the person regarding tuberculosis; testing to determine whether the person has been infected with mycobacteria tuberculosis to determine the appropriate form of treatment; and providing for or referring the infected person for appropriate medical evaluation and treatment.

"U.S. Drug Enforcement Administration rules and regulations pertaining to medical dispensary services" means 21 CFR 1301.71-1301.76, 1304, and 1307.2 (2000).

"Universal Precautions" means the following guidelines published by the U.S. Centers for Disease Control and Prevention:

"Recommendations for Prevention of HIV Transmission in Health Care Settings", MMWR 1987; 36 (2s); and

"Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health Care Settings, MMWR 1988; 37 (no. 24).

"Utilization Review" means a quality protective function that attempts to ensure that the patient is receiving an appropriate level of services, in accordance with assessed clinical conditions. Utilization review activities focus primarily in four major areas:

the appropriateness and clinical necessity of admitting a patient to a level of care;

the appropriateness and clinical necessity of continuation of the initiated level of care;

the initiation and completion of timely discharge planning; and

the appropriateness and clinical necessity and timelines of support services.

(Source: Amended at 27 Ill. Reg. 13997, effective August 8, 2003)

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**SECTION 2060.201 TYPES OF LICENSES**

**Section 2060.201 Types of Licenses**

Substance abuse treatment and intervention services as specified in Section 2060.101 of this Part shall be licensed by the Department. An organization may apply for an intervention and a treatment license at the same facility and all services authorized by both an intervention and a treatment license shall be authorized by a single license issued to that facility. Consistent with rules herein, services may be provided to adults as well as adolescents. The license certificate for the facility shall specify all levels of care and a designation of adult and or adolescent services. Individuals who are 16 and 17 may be admitted as adults and individuals who are 18, 19 and 20 may be admitted as adolescents provided that the assessment of such individuals includes justification based on the person's behavior and life experience.

- a) Treatment  
A treatment license issued by the Department may authorize substance abuse services as established in the ASAM Patient Placement Criteria. The level of care and category (adolescent/adult) shall be specified on the license application or, after licensure, on any application to add an additional level of care and/or category (adolescent/adult).
- b) Intervention  
An intervention license issued by the Department may authorize the following services:
  - 1) DUI Evaluation  
Substance abuse evaluation services for persons who are charged with driving under the influence (DUI) offenses pursuant to the Illinois Vehicle Code [625 ILCS 5/11-501] or similar local ordinances that determine the offender's risk to public safety and make a subsequent corresponding recommendation for intervention to the Illinois courts or the Office of the Secretary of State.
  - 2) DUI Risk Education  
Substance abuse risk education services for persons who are charged with driving under the influence (DUI) offenses pursuant to the Illinois Vehicle Code [625 ILCS 5/11-501] or similar local ordinances.

- 3) Designated Program  
A program designated by the Department to provide screening, assessment, referral and tracking services pursuant to Article 40 of the Act.
- 4) Recovery Homes  
Alcohol and drug free housing with rules, peer-led groups, staff activities and/or other structured operations which are directed toward maintenance of sobriety for persons in early recovery from substance abuse or persons who have completed substance abuse treatment services or who may still be receiving such treatment at another licensed facility.

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**SECTION 2060.305 FACILITY REQUIREMENTS**

**Section 2060.305 Facility Requirements**

- a) At the time of application for initial or renewal licensure, all organizations, with the exception of Recovery Homes that are subject to the provisions specified in Section 2060.509 of this Part, shall, on a form supplied by the Department, document full compliance with all applicable provisions specified in this Section and, specifically, with the following:
  - 1) all local and State health, safety, sanitation, building and zoning codes;
  - 2) all applicable sections, as specified in this Section, of the National Fire Protection Association's (NFPA) Life Safety Code of 2000;
  - 3) the facility requirements specified in the Environmental Barriers Act [410 ILCS 25] and the Illinois Accessibility Code (71 Ill. Adm. Code 400); and
  - 4) the facility requirements specified in Section 12181 of the Americans with Disabilities Act of 1990 (42 USC 12181).
- b) The days and hours of operation shall be posted at each facility where treatment or intervention services are provided. This information shall be displayed in a location that is visible to all persons.
- c) Each facility shall also:
  - 1) have a written emergency preparedness plan that ensures appropriate disaster preparedness and continuation of services, if possible, after a disaster. This plan shall contain provisions for a tornado and fire drill at least annually, identify the role of the facility in a community-wide disaster and have an emergency evacuation plan, including provisions for disabled persons: and
  - 2) have areas for confidential interviewing, counseling, and administration and public reception and waiting areas.
- d) Residential extended care facilities shall comply with the provisions specified in

- Chapter 26 (Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 2000 for any building housing 16 or fewer residents and with the provisions specified in Chapter 29 (Existing Hotels and Dormitories) of the NFPA Life Safety Code of 2000 for any building housing 17 residents or more.
- e) Inpatient treatment facilities shall comply with the provisions specified in Chapter 28 (New Hotels and Dormitories) of the NFPA Life Safety Code of 2000.
  - f) All existing outpatient treatment facilities shall comply with Chapter 39 (Existing Business Occupancies) of the NFPA Life Safety Code of 2000. Any outpatient treatment facility constructed after promulgation of this Part shall comply with Chapter 38 (New Business Occupancies) of the NFPA Life Safety Code of 2000.
  - g) Organizations shall also ensure, as applicable:
    - 1) that each bedroom is kept clean and organized;
    - 2) that each bedroom is occupied only by those of the same sex, except in situations where children are in residence with a parent in treatment;
    - 3) a separate bedroom is provided for any 16 or 17 year old patient admitted to an adult inpatient service or any patient 17 years old or younger admitted to medically monitored detoxification services;
    - 4) a minimum of 80 square feet is provided in a single bedroom and 60 square feet per bed in a multi-bed room with no more than four beds per room;
    - 5) at least three feet of space is provided at the foot or head and one side of each bed and at least three feet between each bed;
    - 6) that bunk beds will not be used for any detoxification patient and all other beds shall be non-folding, at least 36 inches wide and have flame retardant mattresses;
    - 7) that each inpatient bedroom is an outside room with not less than the equivalent of ten percent of its floor area devoted to windows, which shall be covered with curtains, blinds, or shades;
    - 8) that no inpatient bedroom opens into the kitchen or necessitates passing through the kitchen to reach any other part of the facility;
    - 9) that no bedroom is in an attic or in an area with a floor more than three feet below the adjacent ground level;
    - 10) that each inpatient has a wardrobe, locker, or closet;
    - 11) that each bedroom has a swinging door no less than 32 inches in width that opens directly into a corridor or to the outside;
    - 12) that doors in inpatient facilities that lead to corridors shall not be lockable

from the inside:

- 13) that each bathroom contains a toilet and sink and that each tub or shower is enclosed with space for drying and dressing (the sink may be omitted from a bathroom that serves two adjacent bedrooms if each of these rooms contains a sink);
- 14) that a bathroom is accessible to each central bathing area and that a minimum of one toilet, one sink and one bathtub or shower for each sex shall be provided on each inpatient floor occupied by both sexes;
- 15) that one sink, one toilet and one bathtub or shower is provided for each eight beds on each floor where bathrooms are not adjacent to bedrooms;
- 16) that all bathrooms are well lighted and vented to the outside, either by means of a window that can be opened or by an exhaust fan; that no bathroom, other than for employees, shall open directly into a kitchen, pantry, food preparation area or food storage room;
- 17) that, in inpatient facilities with a capacity to serve more than 20 patients, a separate enclosed room is available for group counseling, other than the one used for recreation or dining;
- 18) that any facility that provides 24 hour care or that provides any meals shall do so under the direction, as an employee or through a contractual agreement, of a licensed dietician (LD) or a licensed nutrition counselor (LNC);
- 19) that the dietitian or licensed nutrition counselor shall develop a written plan for the provision of food services that describes either the organization of the food service and the delivery of food services or the arrangements for the provision of such services to patients;
- 20) that all nutritional aspects of patient care, including any specific dietary patient needs, shall be under the direction of the licensed dietitian, the licensed nutrition counselor or other persons who are supervised by the licensed dietitian or the licensed nutrition counselor;
- 21) that the dining area is supervised and staffed to provide assistance to the patients when needed, shall be sized and equipped to accommodate the age and number of patients served and shall be separate from the kitchen area;
- 22) that the preparation or cooking of regularly scheduled hot meals is restricted to kitchen areas that shall be designed and equipped to meet the requirements of the services provided, including provisions for food receiving, storage, and preparation, dish and pot washing, and waste disposal;
- 23) that there is access to a handwashing sink and toilet and that all equipment and appliances are installed to permit thorough cleaning of all equipment, walls, baseboards, and non-absorbent floor material and that each kitchen

has an Underwriters Laboratories (U.L.) approved five pound class B:C dry chemical fire extinguisher; and

- 24) that if laundry is done at the facility, space for soiled linen sorting, laundry equipment, including washers and dryers, and clean linen storage space is provided. If laundry is done outside the facility, a soiled linen storage room or area shall be provided.

(Source: Amended at 26 Ill. Reg. 16913, effective November 08, 2002)

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**SECTION 2060.509 RECOVERY HOMES**

**Section 2060.509 Recovery Homes**

Recovery Homes are alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility. In order to be called a Recovery Home, the home shall:

- a) provide a structured alcohol and drug free environment for congregate living that shall offer regularly scheduled peer-led or community gatherings (self-help groups, etc.) that are held a minimum of five days per week and provide recovery education groups weekly;
- b) have written linkage agreements with substance abuse providers in accordance with the provisions specified in Section 2060.329 of this Part;
- c) establish a referral network to be utilized by residents for any necessary medical, mental health, substance abuse, vocational or employment resources, and maintain the confidentiality of client identifying information in accordance with 42 CFR 2 (Confidentiality of alcohol and drug abuse patient records);
- d) establish a budget that specifies monthly operating expenses and demonstrates sufficient income to meet these expenses plus emergency reserve by providing documentation of access to a minimum sum equivalent to the total of two months of operating expenses;
- e) comply with all applicable zoning and local building ordinances and the provisions specified in Chapter 26 (Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 2000 (no later amendments or editions included) for any building housing 16 or fewer residents and with the provisions specified in Chapter 29 (Existing Hotels and Dormitories) of the NFPA Life Safety Code of 2000 (no later amendments or editions included) for any building housing 17 or more residents;
- f) maintain fire, hazard, liability and other insurance coverages appropriate to the

administration of a recovery home;

- g) employ at least one full-time Recovery Home Operator who is responsible for the daily operations at the Recovery Home (i.e., fiscal, personnel, rule compliance, etc.) who shall:
  - 1) either:
    - A) hold clinical certification from IAODAPCA or receive that certification within two years after the date of employment; or
    - B) hold certification as a National Certified Recovery Specialist (NCRS) as specified by the Association of Halfway House Alcohol Programs (AHHAP), RR 2 Box 415, Kerhonkson NY 12446
    - C) have a minimum of 2000 hours of work experience or 4000 hours of volunteer experience in the field of substance abuse of which 1500 hours shall have been in direct Recovery Support Systems Services (i.e., Residential Extended Care Facility or Recovery Home); and
  - 2) provide three letters of recommendation from substance abuse professional staff as defined in Section 2060.309 of this Part; and
  - 3) provide a signed and dated acceptance of the Code of Ethics as established by the Illinois Association of Residential Extended Care Programs, Box 269180, Chicago, Illinois 60626, website: AHHAP.org; and
- h) have on-site at least one Recovery Home Manager who oversees all Recovery Home activities under the direction of the Recovery Home Operator. Recovery Home Managers shall:
  - 1) hold certification as a National Certified Recovery Specialist (NCRS) as specified by the Association of Halfway House Alcoholism Programs of North America, Inc. (AHHAP), RR2 Box 415 Kerhonkson NY 12446, or receive such certification within two years after the date of employment; or
  - 2) hold certification from IAODAPCA or receive the certification within two years after the date of employment; or
  - 3) have a minimum of 1000 hours of work experience or 2000 hours of volunteer experience in the field of substance abuse of which 750 hours shall have been in direct Recovery Support Systems Services (i.e., Residential Extended Care Facility or Recovery Home) and provide a signed and dated acceptance of the Code of Ethics as established by the Illinois Association of Residential Extended Care, Box 269180, Chicago, Illinois, 60626, website: AHHAP.org.

The Recovery Home Operator may also function as the Recovery Home Manager as long as the requirements for both positions are met.

(Source: Amended at 27 Ill. Reg. 13997, effective August 8, 2003)

**1. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term, as follows:**

RESIDENTIAL RECOVERY CENTER: A living facility in which occupants live as a single, cooperative housekeeping unit while receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.

**2. Amend Subparagraph 4.2.1 C., as follows:**

(Underline and ~~strikeout~~ text indicate changes from the existing Ordinance text.)

- C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:
1. Mortuary or funeral home may be authorized as a Special Use Permit in the AG-2, Agriculture Zoning DISTRICT, when it is on a lot under common management with a cemetery.
  2. RESIDENTIAL RECOVERY CENTER may be authorized as a Special Use Permit in the AG-2 Agriculture Zoning DISTRICT in accordance with Section 5.2.

**3. In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit subject to standard conditions only in the AG-2 Agriculture Zoning District and indicate two new footnotes, as follows:**

Principal USES	Zoning DISTRICTS					Zoning DISTRICTS									
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<b>Residential Uses</b>															
RESIDENTIAL RECOVERY CENTER			S <sup>18</sup>				19								

**4. In Section 5.2 add the two new footnotes, as follows:**

18. RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use in the AG-2 DISTRICT when:
  - (a) Located within one and one-half miles of a home-rule municipality with an adopted comprehensive plan; and
  - (b) Operated by a church or temple and located on the same property as the operating church or temple.
19. A RESIDENTIAL RECOVERY CENTER located in the R-4 District shall have a limit of 16 occupants.

**Attachment E Draft Proposed Amendment**

MAY 21, 2010

**5. Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, as follows:**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR	
						MAJOR	COLLECTOR	MINOR			
RESIDENTIAL RECOVERY CENTER in the AG-2 DISTRICT in accordance with Section 5.2	NR	See #4. below	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
<p>1. The property must be served by public transportation.</p> <p>2. The maximum number of residents allowed at one time shall be 25.</p> <p>3. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week.</p> <p>4. A minimum lot area of:</p> <p>(a) 20,000 square feet if served by a connected PUBLIC SANITARY SEWER SYSTEM; or</p> <p>(b) 30,000 square feet plus 7,000 square feet per resident if not served by a connected PUBLIC SANITARY SEWER SYSTEM.</p> <p>5. Compliance with relevant life safety regulations based on the number of residents, as follows:</p> <p>(a) For a RESIDENTIAL RECOVERY CENTER with less than 16 residents the relevant regulation shall be the <i>Illinois State Fire Marshal Policies, Procedures, and Code Requirements Applicable to Small Residential Board and Care Occupancies including Community Integrated Living Arrangements (CILA's)</i>; or</p> <p>(b) For a RESIDENTIAL RECOVERY CENTER with 16 or more residents the relevant regulation shall be the <i>National Fire Protection Association "Life Safety Code" 2000</i> edition</p> <p>6. All onsite food service shall be compliant with the Champaign County Health Ordinance.</p>											

## LRMP GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

### Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary

guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

"It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:"

### LRMP Goals

<b>1 Planning and Public Involvement</b>	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
<b>2 Governmental Coordination</b>	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
<b>3 Prosperity</b>	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
<b>4 Agriculture</b>	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
<b>5 Urban Land Use</b>	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
<b>6 Public Health and Public Safety</b>	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
<b>7 Transportation</b>	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
<b>8 Natural Resources</b>	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
<b>9 Energy Conservation</b>	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
<b>10 Cultural Amenities</b>	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

## Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

### Goal 1 Objectives

#### **Objective 1.1** *Guidance on Land Resource Management Decisions*

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

#### **Objective 1.2** *Updating Officials*

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

#### **Objective 1.3** *Incremental Updates*

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

#### **Objective 1.4** *Comprehensive Updates*

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

### Goal 1 Objectives and Policies

#### **Objective 1.1** *Guidance on Land Resource Management Decisions*

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

#### **Objective 1.2** *Updating Officials*

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

##### **Policy 1.2.1**

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

#### **Objective 1.3** *Incremental Updates*

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

##### **Policy 1.3.1**

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

**Objective 1.4** *Comprehensive Updates*

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

**Policy 1.4.1**

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

**Policy 1.4.2**

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

## **Goal 2 Governmental Coordination**

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

### **Goal 2 Objectives**

**Objective 2.1** *Local and Regional Coordination*

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

**Objective 2.2** *Information Sharing*

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

### **Goal 2 Objectives and Policies**

**Objective 2.1** *Local and Regional Coordination*

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

**Policy 2.1.1**

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

**Policy 2.1.2**

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

**Policy 2.1.3**

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

**Objective 2.2 *Information Sharing***

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

**Goal 3 Prosperity**

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

**Goal 3 Objectives**

**Objective 3.1 *Business Climate***

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

**Objective 3.2 *Efficient County Administration***

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

**Objective 3.3 *County Economic Development Policy***

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

**Goal 4 Agriculture**

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

**Goal 4 Objectives**

**Objective 4.1 *Agricultural Land Fragmentation and Conservation***

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

**Objective 4.2 *Development Conflicts with Agricultural Operations***

Champaign County will require that each discretionary review development will not interfere with agricultural operations.

**Objective 4.3** *Site Suitability for Discretionary Review Development*

Champaign County will require that each discretionary review development is located on a suitable site.

**Objective 4.4** *Regulations for Rural Residential Discretionary Review*

Champaign County will update County regulations that pertain to rural residential discretionary review developments to best provide for site specific conditions by 2010.

**Objective 4.5** *LESA Site Assessment Review and Updates*

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

**Objective 4.6** *Protecting Productive Farmland*

Champaign County will seek means to encourage and protect productive farmland within the County.

**Objective 4.7** *Right to Farm Resolution*

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

**Objective 4.8** *Locally Grown Foods*

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

**Objective 4.9** *Landscape Character*

Champaign County will seek to preserve the landscape character of the agricultural and rural areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a rural area.

**Goal 4 Objectives and Policies**

**Objective 4.1** *Agricultural Land Fragmentation and Conservation*

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

**Policy 4.1.1**

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.

**Policy 4.1.2**

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

**Policy 4.1.3**

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of *best prime farmland* and the *by right development*

allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

**Policy 4.1.4** The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

**Policy 4.1.5**

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
- 1 new lot allowed per parcel less than 40 acres in area;
  - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
  - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

**Policy 4.1.6** Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

**Policy 4.1.7**

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

**Policy 4.1.8**

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

**Policy 4.1.9**

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

**Objective 4.2** *Development Conflicts with Agricultural Operations*

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

**Policy 4.2.1**

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

**Policy 4.2.2**

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

**Policy 4.2.3**

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

**Policy 4.2.4**

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

**Objective 4.3** *Site Suitability for Discretionary Review Development*

Champaign County will require that each *discretionary review* development is located on a suitable site.

**Policy 4.3.1**

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

**Policy 4.3.2**

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

**Policy 4.3.3**

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

**Policy 4.3.4**

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

**Policy 4.3.5**

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

**Objective 4.4** *Regulations for Rural Residential Discretionary Review*

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

**Objective 4.5** *LESA Site Assessment Review and Updates*

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

**Objective 4.6** *Protecting Productive Farmland*

Champaign County will seek means to encourage and protect productive farmland within the County.

**Policy 4.6.1** The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

**Policy 4.6.2** The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

**Policy 4.6.3** The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

**Objective 4.7** *Right to Farm Resolution*

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

**Objective 4.8** *Locally Grown Foods*

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

**Objective 4.9** *Landscape Character*

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

**Policy 4.9.1**

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

## Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

### Goal 5 Objectives

#### **Objective 5.1** *Population Growth and Economic Development*

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

#### **Objective 5.2** *Natural Resources Stewardship*

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

#### **Objective 5.3** *Adequate Public Infrastructure and Services*

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

### Goal 5 Objectives and Policies

#### **Objective 5.1** *Population Growth and Economic Development*

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

##### **Policy 5.1.1**

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

##### **Policy 5.1.2**

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

##### **Policy 5.1.3**

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

##### **Policy 5.1.4**

- The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:
- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;

- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

**Policy 5.1.5**

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

**Policy 5.1.6**

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

**Policy 5.1.7**

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

**Policy 5.1.8**

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

**Policy 5.1.9**

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

**Objective 5.2 *Natural Resources Stewardship***

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

**Policy 5.2.1**

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

**Policy 5.2.2**

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

**Policy 5.2.3**

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

**Objective 5.3 Adequate Public Infrastructure and Services**

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

**Policy 5.3.1**

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

**Policy 5.3.2**

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

**Policy 5.3.3**

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

## Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

### Goal 6 Objectives

**Objective 6.1 Protect Public Health and Safety**

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

**Objective 6.2 Public Assembly Land Uses**

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

**Objective 6.3 Development Standards**

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

**Objective 6.4 Countywide Waste Management Plan**

Champaign County will develop an updated *Champaign County Waste Management Plan* by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

## Goal 6 Objectives and Policies

### **Objective 6.1** *Protect Public Health and Safety*

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

#### **Policy 6.1.1**

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

#### **Policy 6.1.2**

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

#### **Policy 6.1.3**

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

#### **Policy 6.1.4**

The County will seek to abate blight and to prevent and rectify improper dumping.

### **Objective 6.2** *Public Assembly Land Uses*

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

**Policy 6.2.1** The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

**Policy 6.2.2** The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

**Policy 6.2.3** The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

### **Objective 6.3** *Development Standards*

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

### **Objective 6.4** *Countywide Waste Management Plan*

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

## Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

### Goal 7 Objectives

#### Objective 7.1 *Traffic Impact Analyses*

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

#### Objective 7.2 *Countywide Transportation System*

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

### Goal 7 Objectives and Policies

#### Objective 7.1 *Traffic Impact Analyses*

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

##### Policy 7.1.1

The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.

#### Objective 7.2

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

##### Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

##### Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

##### Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

##### Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

##### Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

##### Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities

## **Goal 8 Natural Resources**

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

### **Goal 8 Objectives**

#### **Objective 8.1 *Groundwater Quality and Availability***

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

#### **Objective 8.2 *Soil***

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

#### **Objective 8.3 *Underground Mineral and Energy Resource Extraction***

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

#### **Objective 8.4 *Surface Water Protection***

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

#### **Objective 8.5 *Aquatic and Riparian Ecosystems***

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

#### **Objective 8.6 *Natural Areas and Habitat***

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

#### **Objective 8.7 *Parks and Preserves***

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

#### **Objective 8.8 *Air Pollutants***

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

#### **Objective 8.9 *Natural Resources Assessment System***

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

## Goal 8 Objectives and Policies

### **Objective 8.1** *Groundwater Quality and Availability*

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

#### **Policy 8.1.1**

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

#### **Policy 8.1.2**

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

#### **Policy 8.1.3**

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

#### **Policy 8.1.4**

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

#### **Policy 8.1.5**

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

#### **Policy 8.1.6**

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

#### **Policy 8.1.7**

The County will ensure that existing and new developments do not pollute the groundwater supply.

#### **Policy 8.1.8**

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

#### **Policy 8.1.9**

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

### **Objective 8.2** *Soil*

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

#### **Policy 8.2.1**

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*.

*Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

**Objective 8.3** *Underground Mineral and Energy Resource Extraction*

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

**Policy 8.3.1**

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

**Objective 8.4** *Surface Water Protection*

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

**Policy 8.4.1**

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development.

**Policy 8.4.2**

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

**Policy 8.4.3**

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

**Policy 8.4.4**

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

**Policy 8.4.5**

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

**Policy 8.4.6**

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

**Objective 8.5** *Aquatic and Riparian Ecosystems*

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

**Policy 8.5.1**

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

**Policy 8.5.2**

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

**Policy 8.5.3**

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

**Policy 8.5.4**

The County will support efforts to control and eliminate invasive species.

**Policy 8.5.5**

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

**Objective 8.6** *Natural Areas and Habitat*

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

**Policy 8.6.1**

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

**Policy 8.6.2**

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

**Policy 8.6.3**

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

**Policy 8.6.4**

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

**Policy 8.6.5**

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

**Policy 8.6.6**

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

**Objective 8.7 *Parks and Preserves***

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

**Policy 8.7.1**

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

**Policy 8.7.2**

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

**Policy 8.7.3**

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

**Policy 8.7.4**

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

**Policy 8.7.5**

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

**Policy 8.7.6** The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

**Objective 8.8 *Air Pollutants***

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

**Policy 8.8.1** The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

**Policy 8.8.2** In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

**Objective 8.9 *Natural Resources Assessment System***

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

## **Goal 9 Energy Conservation**

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

### **Goal 9 Objectives**

**Objective 9.1 *Reduce Greenhouse Gases***

Champaign County will seek to reduce the discharge of greenhouse gases.

**Objective 9.2 *Energy Efficient Buildings***

Champaign County will encourage energy efficient building design standards.

**Objective 9.3 *Land Use and Transportation Policies***

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

**Objective 9.4 *Reuse and Recycling***

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

**Objective 9.5 *Renewable Energy Sources***

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

### **Goal 9 Objectives and Policies**

**Objective 9.1 *Reduce Greenhouse Gases***

Champaign County will seek to reduce the discharge of greenhouse gases.

**Policy 9.1.1**

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

**Policy 9.1.2**

The County will promote energy efficient building design standards.

**Policy 9.1.3**

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

**Objective 9.2 *Energy Efficient Buildings***

Champaign County will encourage energy efficient building design standards.

**Policy 9.2.1**

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

**Policy 9.2.2**

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

**Objective 9.3 *Land Use and Transportation Policies***

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

**Objective 9.4 *Reuse and Recycling***

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

**Objective 9.5 *Renewable Energy Sources***

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

## **Goal 10 Cultural Amenities**

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

**Goal 10 Objective**

**Objective 10.1 *Cultural Amenities***

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

**Goal 10 Objectives and Policy**

**Objective 10.1 *Cultural Amenities***

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

**Policy 10.1.1**

The County will work to identify historic structures, places and landscapes in the County.