

**CHAMPAIGN COUNTY BOARD
COMMITTEE OF THE WHOLE – Highway/Facilities/ELUC Agenda**
County of Champaign, Urbana, Illinois
Tuesday, May 4, 2010 – 6:00 p.m.

*Lyle Shields Meeting Room, Brookens Administrative Center
1776 East Washington Street, Urbana, Illinois*

	<u>Page Number</u>
I. <u>Call To Order</u>	
II. <u>Roll Call</u>	
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IV. <u>Approval of Minutes</u>	
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V. <u>Approval of Agenda/Addenda</u>	
VI. <u>Public Participation</u>	
VII. <u>Communications</u>	
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1. County & Township Motor Fuel Tax Claims – April 2010	*15
B. <u>County Engineer</u>	
1. Resolution Awarding Contract for the Furnish and Spread of Bituminous Materials for 2010 Maintenance of Various Road Districts in Champaign County	*16-17
2. Resolution Awarding Contract for the Improvement of County Highway 20 (Sellers Road) Between TR1800E and 2200E – Section #09-00426-01-RS	*18-19
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IX. <u>County Facilities</u>	
A. <u>Courthouse Exterior/Clock & Bell Tower Renovation Project</u>	
1. Project Update	*20
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1. Capital Improvement Projections – Roofing	*21
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3. Physical Plant Monthly Report – March 2010 *24-27

C. County Administrator

1. Brookens Lease for Access Initiative Project *28-35

2. Annual Renewal of Gill Building Lease *36-37

D. Other Business

E. Chair’s Report

F. Designation of Items to be Placed on County Board Consent Agenda

X. Environment & Land Use

A. Zoning Ordinance Amendments

1. Request to Amend Champaign County Zoning Ordinance *38-86
Zoning Case 634-AT-09 Part B Petitioner: Champaign County Zoning
Administrator

2. Request to Amend Champaign County Zoning Ordinance *87-95
Zoning Case 664-AT-10 Petitioner: Champaign County Administrator

B. Direction to Zoning Administrator Regarding Necessary Zoning Ordinance
Text Amendment

1. Request to Conduct a Champaign County Zoning Ordinance Text Amendment *96-104
To Add Residential Recovery Center as an Authorized Use in the R-4 Zoning
District & as a Special Use in the AG-2 District When Operated by &
Located with a Church or Temple

C. Zoning Administrator Recommendation for Removal of Garbage & Debris
at 1504 North Eastern Avenue, Urbana *105-107

D. Land Resource Management Plan Implementation for Remainder of FY2010
Planning Contract *108-111

E. Monthly Report

1. April 2010 (*To Be Distributed*)

F. Other Business

G. Chair’s Report

H. Designation of Items to be Placed on County Board Consent Agenda

XI. Adjournment

1 **CHAMPAIGN COUNTY BOARD**
2 **COMMITTEE OF THE WHOLE MINUTES**
3

4
5 **Tuesday, April 6, 2010**

6 **Lyle Shields Meeting Room, Brookens Administrative Center**
7 **1776 E. Washington St., Urbana, Illinois**
8

9 **MEMBERS PRESENT:** Jan Anderson, Steve Beckett, Thomas Betz, Lloyd Carter, Lorraine
10 Cowart, Chris Doenitz, Matthew Gladney, Stan James, John Jay, Brad
11 Jones, Greg Knott, Alan Kurtz, Ralph Langenheim, Brendan
12 McGinty, Diane Michaels, Steve Moser, Alan Nudo, Steve O'Connor,
13 Michael Richards, Giraldo Rosales, Larry Sapp, Jonathan Schroeder,
14 Samuel Smucker, C. Pius Weibel, Barbara Wysocki
15

16 **MEMBERS ABSENT:** Carol Ammons, Ron Bensyl
17

18 **OTHERS PRESENT:** Jeff Blue (County Engineer), Kat Bork (Administrative Secretary),
19 Deb Busey (County Administrator), Nicole George (RPC
20 Transportation Planner), John Hall (Planning & Zoning Director),
21 Rita Morocoima-Black (RPC Transportation Planning Manager),
22 Alan Reinhart (Facilities Director), T.J. Blakeman (City of
23 Champaign Planner), Kathy Cooksey (CRIS Rural Transit), Bruce
24 Knight (City of Champaign Planning Director), Amy Marchant (CRIS
25 Rural Transit), Bill Vavrik (Applied Research Associates)
26

27 **CALL TO ORDER**
28

29 Wysocki called the meeting to order at 6:02 p.m.
30

31 **ROLL CALL**
32

33 Bork called the roll. Anderson, Beckett, Betz, Carter, Doenitz, Gladney, James, Jay, Jones,
34 Knott, Kurtz, Langenheim, McGinty, Michaels, Moser, Nudo, Richards, Rosales, Sapp, Schroeder,
35 Smucker, Weibel, and Wysocki were present at the time of roll call, establishing the presence of a
36 quorum.
37

38 **APPROVAL OF COUNTY BOARD RESOLUTION TO MEET AS COMMITTEE OF THE**
39 **WHOLE**
40

41 **MOTION** by Beckett to approve the County Board Resolution to meet as a Committee of
42 the Whole; seconded by Carter. **Motion carried with all ayes.**
43

44 **APPROVAL OF MINUTES**
45

46 **MOTION** by Rosales to approve the Committee of the Whole minutes of March 2, 2010;
47 seconded by James.

48 Langenheim requested the minutes be amended to include the word “not” on line 406.
49 Smucker asked that line 593 reflect that he changed his vote.

50
51 **Motion carried as amended with all ayes.**

52
53 **APPROVAL OF AGENDA/ADDENDA**

54
55 **MOTION** by Rosales to approve the agenda; seconded by Langenheim. **Motion carried**
56 **with all ayes.**

57
58 Cowart entered the meeting at 6:06 p.m.

59
60 **PUBLIC PARTICIPATION**

61
62 Morgan Johnston, University of Illinois Transportation Demand Management Coordinator,
63 spoke in support of developing a rural public transportation system that offers demand response and
64 curb to curb rides. Many university students, faculty, staff, and retirees live in the areas that would
65 be served by the system.

66
67 Hal Barnhart, spoke about the Land Resource Management Plan (LRMP) and the historical
68 by right development limitation of one per forty acres in Champaign County to preserve best prime
69 farmland. The protection of agriculture and preservation of farmland are prevalent in LRMP. He
70 distributed an exercise to the Board members to consider before voting on the proposed LRMP and
71 suggested amendments.

72
73 Eric Thorsland spoke in support of the LRMP’s one per forty guideline. Various discussions
74 on priorities for Champaign County during public meetings have demonstrated the public’s desire to
75 preserve best prime farmland. He urged the County Board to stick with the original policy proposed
76 in the LRMP.

77
78 Norman Stenzel spoke about rural residential overlay and the past proposed zoning
79 ordinance amendments. He suggested that moving forward with the rural residential overlay will
80 create problems in ultimate zoning activities.

81
82 After confirming no one else wished to address the Board, Wysocki declared public
83 participation closed.

84
85 **COMMUNICATIONS**

86
87 There were no communications.

88
89 **HIGHWAY & TRANSPORTATION**

90 **Monthly Reports**

91
92 **MOTION** by Beckett to receive and place on file the County & Township Motor Fuel Tax
93 Claims Monthly Reports for March 2010; seconded by Carter. **Motion carried with all ayes.**

94 **Final Bridge Reports**

95
96 **MOTION** by Beckett to receive and place on file the Final Bridge Reports for April 2010;
97 seconded by James.

98
99 Weibel questioned why the some completed bride project costs were higher than the
100 awarded price. Blue explained those projects included change orders and adjustments made during
101 the course of the projects, which were approved by Blue and IDOT.

102
103 **Motion carried with all ayes.**

104
105 **County Engineer**

106 **Pavement Management System Update – Presentation by Applied Research Associates**

107
108 Blue introduced Bill Vavrik from Applied Research Associates and described how the
109 Highway Department began working with the firm in 2006 on the County’s pavement management
110 system. Vavrik gave a PowerPoint presentation on the pavement management system, including its
111 background, development, and capital maintenance plans. Vavrik offered to answer any questions
112 and said he would leave a copy of the presentation materials with Blue.

113
114 Rosales asked if alternatives to road salt were used to help preserve the roads. Vavrik
115 explained the County road system mostly consists of asphalt pavements and salt is less damaging to
116 asphalt than concrete. A telling factor for a road network is the amount of rain in November.
117 Champaign County’s roads have faired very well this year. Rosales asked if there was a plan to
118 replace the oil and chip roads. Blue explained almost all the chip and seal roads are township roads
119 and not part of the County’s system. James asked if the townships have expressed interest in using
120 a pavement management system. Blue explained the townships do not have the level of funding for
121 roads the County does. Townships try to keep the chip roads together, but a pavement management
122 system is not as great a necessity for township roads as it is for the County road system.

123
124 Blue spoke about how the pavement management system has been used extensively on the
125 Monticello Road project to determine the different road conditions and needs for repair. Monticello
126 Road is not on a single repair timeline because it was built in different sections at different times.
127 His goal is to get the entire road on the same timeline. The pavement management system selects
128 the right application on the right roads at right times. The Highway Department looks at other
129 factors to select projects, but the system has been very beneficial.

130
131 **Resolution Appropriating \$125,000.00 from County Bridge Funds for the Repair of Structure #010-**
132 **4271 Located on County Highway 6 – Section #10-00965-00-BR**

133
134 Blue stated this project is for the bridge five miles south of Seymour on County Road 6.
135 The bridge was designed with an expansion joint that has not done its job and has allowed deicing
136 materials and salt to corrode the steel and rocker bearings on the bridge. One of Highway’s trucks
137 caught the expansion joint with a plowing blade this winter and bent its frame. The expansion joint
138 and rocker baring will be replaced and the bridge will be reinforced with steel beams. Blue felt this
139 type of repair is the best bang for the County’s buck. The work needs to be done this summer.

140 **MOTION** by Jay to approve Resolution Appropriating \$125,000.00 from County Bridge
141 Funds for the Repair of Structure #010-4271 Located on County Highway 6 – Section #10-00965-
142 00-BR; seconded by Kurtz. **Motion carried with all ayes.**
143

144 Resolution Appropriating \$100,000.00 from County Bridge Funds and \$125,000.00 from County
145 Motor Fuel Tax Funds for the Replacement of Structure #010-3336 located on County Highway 23
146 – Section #10-00963-00-BR
147

148 Blue described the project located four miles north of Dewey on County Highway 23. It is a
149 severely deteriorated old concrete slab bridge. The money will pay for engineering fees and
150 construction of the bridge.
151

152 **MOTION** by Jay to approve Resolution Appropriating \$100,000.00 from County Bridge
153 Funds and \$125,000.00 from County Motor Fuel Tax Funds for the Replacement of Structure #010-
154 3336 located on County Highway 23 – Section #10-00963-00-BR; seconded by James. **Motion**
155 **carried with all ayes.**
156

157 Rosales asked for a timeframe on both bridge repairs. Blue stated the projects are slated for
158 this summer to fall and are included in this year’s budget.
159

160 **Other Business**

161
162 Blue announced a fire occurred in the Highway Fleet Maintenance Facility on Sunday night.
163 An electrical fire started in front of a dump truck. The engine and cab were burnt to a crisp. Minor
164 damage occurred to the truck immediately adjacent to the dump truck. The sprinklers and fire
165 suppression kicked on and contained the fire until the fire department arrived. There is a lot of
166 smoke damage and soot in the building, but no major structural damage. The County is self-insured
167 and will have repair the truck at a cost between \$80,000-\$90,000. The insurance adjuster estimated
168 it will cost between \$200,000-\$250,000 to repair the equipment and building damage. Everything
169 in the building functioned according to design. All the smoke smell was contained in the large shop
170 area. The Highway Department has a similar truck and have parked it outside as a precaution. The
171 insurance company will look into the origin of the fire to determine why it happened. Blue is
172 looking into adding a switch to the trucks that will cut all electricity after the truck is turned off.
173 The truck had not been on the road since the Monday before the Sunday fire. Blue remarked it was
174 great to have a state of the art building to minimize damage and losses.
175

176 **Chair’s Report**

177
178 There was no Chair’s report.
179

180 **Designation of Items to be Placed on County Board Consent Agenda**

181
182 Agenda items 8.B.2-3 were designated for the consent agenda.
183
184
185

186 **COUNTY FACILITIES**

187 **Courthouse Exterior/Clock & Bell Tower Renovation Project**

188 Project Update

189
190 **MOTION** by James to receive and place on file the project update; seconded by Rosales.
191 **Motion carried with all ayes.**

192
193 **County Administrator**

194 Supplemental Lease Agreement – U.S. Army Corp of Engineers

195
196 A revised supplemental lease agreement was distributed. Beckett stated the lease with the
197 United States government and the County for the East Main Street property. The rental is \$40,600
198 compared to the previous lease of \$1.

199
200 **MOTION** by Kurtz to approve the supplemental lease agreement with the United States,
201 subject to review by the County’s legal counsel; seconded by Rosales. **Motion carried with all**
202 **ayes.**

203
204 **Facility Director**

205 Courthouse Exterior Restoration and Landscaping Tentative Schedule

206
207 Reinhart stated the stone has been quarried and is being shaped to continue the exterior
208 renovation. It will take five weeks to finish replacing the remaining stone, tuck-pointing, and
209 banding on the south side, plus a couple weeks of clean-up. He plans to landscape the Courthouse’s
210 north side with six ornamental trees and sod in the front from Broadway to the existing grass. There
211 are no plans to sod the other sides of the building, though there may be some seeding.

212
213 Downtown Correctional Center Replacement Chiller Update

214
215 Reinhart announced delivery of the new chiller is expected within the next couple of weeks.
216 The old chiller has been cut loose and the back-up unit is running. The downtown Correctional
217 Center does have functional air-conditioning.

218
219 Chiller Waste Water Contract Information

220
221 Reinhart explained the County always independently contracts for hazardous waste removal
222 and is contracting with an environmental company for the contaminated chiller water disposal. The
223 disposal cost will depend on the bleach level in the water. The price can range from \$125 per barrel
224 to \$1,200 per barrel. Weibel asked how many barrels are involved. Reinhart estimated the amount
225 of contaminated water at 550 gallons or 10 barrels.

226
227 Reinhart stated the new pay station for the Courthouse parking lot has been installed and
228 will be operational tomorrow morning. This means parking enforcement will commence tomorrow
229 morning. Rosales asked if a sign would be posted informing Courthouse employees and visitors
230 that the pay station is working. Beckett noted all Courthouse employees has been directed not to
231 park in the Courthouse lot in order to leave it open to the public.

232 Energy Efficiency Update

233
234 Reinhart remarked the motion and occupancy sensor equipment arrived this week for the
235 Courthouse. He hopes to start the installation and de-lamping process next week.

236
237 Physical Plant Monthly Report – February 2010

238
239 **MOTION** by Jones to receive and place on file the Physical Plant February 2010 monthly
240 report; seconded by Smucker. **Motion carried with all ayes.**

241
242 Other Business

243
244 There was no other business.

245
246 Chair's Report

247
248 There was no Chair's report.

249
250 Designation of Items to be Placed on County Board Consent Agenda

251
252 Agenda item 9.B.1 was designated for the consent agenda.

253
254 ENVIRONMENT & LAND USE

255 Approval of Main Transportation Provider for Countywide Transportation

256
257 **MOTION** by Beckett to designate CRIS Rural Transit as the main transportation provider
258 for countywide transportation services; seconded by Rosales.

259
260 James agreed having a rural transportation system would serve a need, but he wanted to
261 know the federal and local match funding will be used to provide actual services, not administrative
262 jobs, and that the program will not become a burden on the property tax base. Morocoima-Black
263 confirmed the funding was from federal and local match sources. The program would provide
264 transportation services. She noted the CRIS Rural Transit people were present.

265
266 Nudo asked how this program works in Vermilion County. Amy Marchant from CRIS
267 explained they have been providing transportation services in Vermilion County for almost 25
268 years. CRIS obtains matching funds through the development of service contracts with
269 organizations needing transportation. The service is primarily used by people with disabilities or
270 significant issues who can no longer operate a vehicle. There are also opportunities to raise money
271 by contracting with local nursing homes. Any money raised through service contracts can be used
272 towards the local match requirement. Marchant anticipates acquiring additional money through the
273 downstate operating assistance fund.

274
275 Weibel asked how soon the service would begin following County Board approval.
276 Marchant said they are at the mercy of the Illinois Department of Transportation. She hopes to be
277 operating by fall.

278 Langenheim requested a roll call vote.

279

280 Schroeder questioned what percentage of the program is state funding. Marchant said it is
281 flow through money from the federal government. Once this is in place, they can move towards
282 obtaining state funding to expand the project. Schroeder asked how the state generates that funding.
283 Kathy Cooksey from CRIS believed 3/32 of the sales tax raised in every Illinois county is placed in
284 a downstate operating assistance fund. She thought money from Champaign County is going into
285 the fund regardless of whether they provide services. It is a dedicated funding source, not general
286 revenue funds.

287

288 Nudo asked what fare is charged to the general public in Vermilion County. Marchant
289 stated the fare was \$5 per trip. Cooksey added the hours of operation are 7:00 a.m. to 5:00 p.m.
290 Monday thru Friday.

291

292 O'Connor entered the meeting at 7:10 p.m.

293

294 **Motion carried with a vote of 21 to 4.** Anderson, Beckett, Betz, Carter, Cowart, Gladney,
295 James, Knott, Kurtz, Langenheim, McGinty, Michaels, Nudo, O'Connor, Richards, Rosales, Sapp,
296 Schroeder, Smucker, Weibel, and Wysocki voted in favor of the motion. Doenitz, Jay, Jones, and
297 Moser voted against the motion.

298

299 **Letter of Support for Term Extension of the East University Avenue Tax Increment Finance**
300 **District**

301

302 **MOTION** by Beckett to approve leaving the County Board Chair's letter of support for the
303 East University Avenue Tax Increment Finance District on file with legislators; seconded by
304 McGinty.

305

306 Weibel explained he received a telephone call on March 19th from Mayor Schweighart and
307 Fred Stavins of the City of Champaign requesting a letter of support for the East University Avenue
308 Tax Increment Finance District. Weibel decided to write the letter as requested with the
309 understanding that it can be withdrawn if the County Board does not approve.

310

311 Bruce Knight, the City of Champaign Planning Director, stated the request was for a letter to
312 allow action at the state legislature that does not itself extend the TIF district. Tax Increment
313 Finance (TIF) districts are a key tool in the City of Champaign's efforts to promote infield
314 development rather than fringe growth. The new development of land in the City's core area is
315 more expensive and difficult than building on the fringe. TIF districts provide a tool to try to
316 overcome those challenges, promote a higher level of investment, and build a larger tax base.

317

318 TJ Blakeman, the City of Champaign Planner and project leader, conducted a PowerPoint
319 presentation describing the three TIF districts in Champaign: Downtown, East University Avenue,
320 and North Campustown (Burnham). Blakeman described the East University plan and current
321 status of the TIF district. The City is proposing a different strategy for East University Avenue
322 District than Downtown. The plan is to shrink the TIF and release 50% of property value back to
323 the taxing districts. The City would retain \$376,000/year to go towards the projects' operating

324 budgets. A smaller area allows a more targeted approach. Around \$40,000 would be returned to
325 the County's tax rolls with the TIF reduction. The legislature has to authorize Champaign City
326 Council's ability to extend TIF district and the letter from the County Board Chair is in support of
327 this authorization.

328
329 Sapp and McGinty exited the meeting at 7:28 p.m.

330
331 Knott asked why the City of Champaign waited until last minute to request the letter of
332 support and put Weibel on the spot to submit a letter without the County Board's authority when the
333 City has known the TIF district would expire for twenty-three years. Obtaining the County Board's
334 support seemed to be an afterthought. Knight confirmed there was no intent to put anyone on the
335 spot and explained the City has been working with legislators on the process to extend the district.
336 All district extensions are placed in a single bill.

337
338 McGinty and Sapp returned to the meeting at 7:30 p.m.

339
340 Rosales received an email from a Champaign City Council member indicating that the
341 Champaign 150th Celebration would be using \$50,000 from the Downtown TIF District and
342 \$10,000 from the East University Avenue TIF District. He wanted to know how such activities
343 would stimulate economic development and growth. Knight said the Downtown TIF District
344 revenue is used to promote downtown Champaign with the downtown festivals and the park district.
345 Blakeman said the historical museum will receive a \$7,000 redevelopment incentive grant for the
346 150th exhibition and to promote the area. Another \$50,000 will be used towards the downtown
347 fountain infrastructure.

348
349 Kurtz agreed with Knott on the issue of timing. He received a 44-page email attachment
350 over the weekend about the TIF district that will affect the next ten years. He did like being rushed
351 into a vote without time to research the issue.

352
353 Beckett applauded Knight and City of Champaign for what they have accomplished with
354 TIF districts. Downtown Champaign and campustown look wonderful. He trusts the City in the
355 spirit of intergovernmental cooperation.

356
357 James felt the general public would like to see tax money spent in rightful ways and not on
358 fountains and fluff. As a representative of County residents, he could not support beautification
359 issues when the money could be used elsewhere.

360
361 Carter supported the efforts made to improve the downtown and increase business activity.

362
363 Anderson applauded efforts by the City to develop vacant lots within city limits and asked
364 about the amount of money lost by taxing districts with a TIF district. Blakeman said the City
365 agreed in a 2005 intergovernmental agreement to incrementally pay the County an annual surplus
366 payment. The County will receive the amount they would have received if the TIF district did not
367 exist every year from now until the end of the Downtown TIF District. The City of Champaign was
368 trying to find a winning solution for all parties while keeping successful programs alive. Knight

369 stated the released increment money comes on the tax rolls as new growth, which is important for a
370 tax cap government. It is not impacted by the tax caps.

371

372 Richards spoke about the blighted University Avenue corridor twenty-three years after the
373 TIF district was implemented. He did not support extending the TIF district and referred to it as a
374 city slush fund to improve the area and increase tax revenue for all taxing districts. He had not
375 heard any reasons why the TIF District would be successful if extended and, in the meantime, the
376 County is missing out on \$100,000 in revenue and \$400,000 is being taken away from the schools.
377 This is not something the County Board can afford unless shown this will get the results it was
378 supposed to accomplish twenty-three years ago. Blakeman stated that TIF districts are evaluated by
379 determining what the district would have been, but for the TIF. He thought the City has made great
380 strides in the area with the work from North First Street, cleaning up University Avenue, and the
381 preservation of existing buildings. The City was prevented from doing all that it wanted in the area
382 because some owners refuse to improve their property. He wondered what the district will look like
383 in thirteen years if the City abandons it and property owners move away. The City is proposing to
384 incentivize infield development that creates property tax revenue.

385

386 Kurtz commented that he was not informed the County received a \$77,000 check from the
387 TIF district and asked if they would receive more. Blakeman said the County would also realize
388 any new growth in the area cut from the TIF district. Busey verified the \$77,000 was not a surprise;
389 it was budgeted revenue built into the General Corporate Fund FY2010 budget.

390

391 Schroeder said the City has demonstrated how TIF districts should work with rehabilitating
392 the downtown and campustown areas. He asked what was the longest term for a TIF district and
393 whether the City would expand the district after thirteen years. Knight answered the maximum TIF
394 term is thirty-five years. There are no plans to create new TIF districts because no other areas really
395 qualify. Blakeman added that state law prohibits expansion of a TIF district's original boundaries.

396

397 Cowart exited the meeting at 7:49 p.m.

398

399 Langenheim inquired what the City would do if the County does not support the extension.
400 Knight said they would continue to work with legislators. If the bill does not pass it is a moot point.
401 How they will proceed will be a City Council decision.

402

403 **Motion carried with a vote of 14 to 8 with 2 abstentions.** Anderson, Beckett, Betz,
404 Carter, Gladney, Jones, Kurtz, Moser, Nudo, O'Connor, Rosales, Schroeder, Weibel, and Wysocki
405 voted in favor of the motion. Doenitz, James, Jay, Knott, Langenheim, Michaels, Richards, and
406 Smucker voted against the motion. McGinty and Sapp abstained from voting because they were
407 waiting on advice from the County's legal counsel.

408

409 **County Concurrence for Inclusion of Champaign County in the Service Area of Foreign-**
410 **Trade Zone (FTZ) No. 114**

411

412 **MOTION** by Weibel to authorize a service area concurrence letter to the Foreign-Trade
413 Zones Board for the inclusion of Champaign County within the service area of Foreign-Trade Zone
414 No. 114; seconded by Beckett.

415 Weibel explained this request started with the letter on Page 48 of the agenda packet. This
416 concurrence would reduce the paperwork and time it takes for entities in Champaign County to join
417 a foreign trade zone, which reduces some tariffs. Weibel consulted with the Rantoul area County
418 Board representatives and they supported this action. Beckett asked for an explanation for the
419 downside. Weibel could not think of any downside.

420

421 **Motion carried.**

422

423 **Approval of the Land Resource Management Plan**

424

425 **MOTION** by Beckett to approve the Land Resource Management Plan; seconded by
426 McGinty.

427

428 Wysocki commended Chavarria and Monte for their work since the last meeting in
429 developing the proposed text revisions to LRMP to address Board members' requests at the March
430 2nd meeting.

431

432 O'Connor and Michaels exited the meeting at 8:01 p.m.

433

434 **MOTION** by Beckett to amend the LRMP to include the text revision items 1-8 on Page 52
435 of the agenda packet; seconded by Kurtz.

436

437 Nudo spoke about the addition of a clarifying clause with priorities to the document's
438 beginning and the funding mechanism. Some language remains in the plan about things being done
439 by a certain date, but he felt deadlines are the prerogative of the County Board to decide. He would
440 like the deadlines addressed before the final LRMP is approved. Weibel noted that tonight is not
441 the final vote on LRMP, so there is more time to work on it.

442

443 O'Connor re-entered the meeting at 8:04 p.m. Michaels returned at 8:05 p.m.

444

445 Jay expressed concern with the broad reach and complexity of the plan and did not see the
446 rush in adopting it. He felt some policies in the plan had nothing to do with land use management.
447 He suggested the Board could have adopted the plan in segments instead of as a whole document.
448 Knott asked for a clarification about what exactly the Board was voting on. Wysocki reminded the
449 Board they are considering including the proposed eight amendments found on Page 52 to the
450 LRMP.

451

452 **Motion carried to amend the LRMP to include the eight revisions listed on Page 52 in**
453 **the agenda packet with a vote of 21 to 3.** Anderson, Beckett, Betz, Carter, Doenitz, Gladney,
454 James, Jones, Knott, Kurtz, Langenheim, McGinty, Michaels, Moser, Nudo, Rosales, Sapp,
455 Schroeder, Smucker, Weibel, and Wysocki voted in favor of the motion. Jay, O'Connor, and
456 Richards voted against the motion.

457

458 Wysocki drew the Board's attention to another set of proposed revisions placed at the
459 members' desks. The revisions concerned Policies 4.1.5 and 4.1.6. Beckett stated those
460 amendments would change a core part of the LRMP without the significant public input the rest of

461 the plan has received. McGinty concurred with Beckett and statements made during public
462 participation that it was impractical to bring forth these amendments at this point.

463
464 Moser said he proposed the amendments to Policies 4.1.5 and 4.1.6 in September. It was
465 adopted and then removed. He was concerned about altering the plan at a late date, but his
466 constituents in Broadlands and Longview would love to have more people and tax money for their
467 townships and roads. He suggested the alternative that might be acceptable to the half of the Farm
468 Bureau membership who oppose the policies. Moser does not like farming around houses, but felt
469 people have a right to do what they want to with part of their property. He did not like the deadlines
470 in the LRMP and could not support the plan with the one per forty policy because it is too stringent
471 on rural property owners. The idea of three-acre lots were more detrimental than four one-acre lots.
472 He was frustrated the County Board has not been able to come to any agreement on this issue in
473 twenty years. The loss of farmland in Champaign County is occurring next to small towns and
474 Champaign-Urbana. There are a lot of things in the plan that he likes, but he would not support it.
475 Beckett suggested Moser make a motion to amend the plan to address his objections instead of
476 criticizing the plan and offered to demonstrate.

477
478 **MOTION** by Beckett to amend the LRMP by adopting the alternative Policies 4.1.5 and
479 4.1.6 as documented on the handout from Susan Chavarria; seconded by James.

480
481 Beckett requested a roll call vote on the amendment. Schroeder spoke about how the
482 Zoning Board of Appeals will be guided by the land use goals and policies in LRMP. He is
483 concerned that the LRMP reads like an ordinance.

484
485 Sapp exited the meeting at 8:23 p.m.

486
487 Gladney felt presenting these revisions now circumvents the public review process the plan
488 has undergone. He wished the plan had more teeth, but it was designed to be an advisory, free-
489 flowing set of guidelines.

490
491 McGinty exited the meeting at 8:26 p.m.

492
493 Gladney noted the LRMP Steering Committee was carefully selected two years ago and
494 great care was taken to appease certain groups to get everyone on board. If some Board members
495 do not like what the Steering Committee has produced and planned to toss out two years of work or
496 radically change it, he suggested ELUC hold extra meetings so the County Board members could
497 develop a new plan themselves.

498
499 James stated the plan and information was well put together, but he would rather see it done
500 right and re-examined. The things that seem right for urban areas do not always work for rural
501 areas. He did not see a problem with spending more time on the plan to determine it was the tool
502 the County Board wanted. He urged Board members to remember they represented the whole of
503 Champaign County.

504
505 McGinty returned to the meeting at 8:29 p.m.

506 Carter did not see why Board members who had objections did not put their changes on
507 paper and bring them to the meeting for consideration.

508
509 Sapp returned at 8:32 p.m.

510
511 Anderson agreed with Gladney and reminded the Board that each goal had to receive the
512 support of 75% of the Steering Committee to be included. She was not sure how to vote on the
513 plan.

514
515 Knott had spoken with Wysocki about some of the Republican Caucus's issues with the
516 plan, which lead to Moser bringing forward the revisions. The Republicans were asked for their
517 input and provided it. These two issues are the core concerns of disagreement for Republicans.

518
519 Kurtz supported the one per forty acres policy because it has been used as a Farm Bureau
520 policy for many years. All the policies can be compromised to prevent losing the entire two years
521 of the plan's development. He wanted to see the LRMP passed with a supermajority at the County
522 Board meeting.

523
524 Hall stated that Barnhart's example was ambiguous. In terms of by right lots, the alternative
525 policies would result in approximately fourteen lots, which is three fewer lots than what would
526 occur under the one per forty policy. He reminded the Board it was very difficult for a recent
527 landowner to gain County Board approval for three lots on non-best prime farmland. The goal is to
528 protect agriculture, not to save farmland. The agricultural impact is considered when the RROs are
529 reviewed. The alternative policies would allow less best prime be used by right with Barnhart's
530 example. However, the example is not an actual section and the impact varies depending on the
531 parcel size distribution. The alternative policy only allows more to happen by right in the range of
532 tracks from forty to seventy-nine acres. The alternative policy is the same as the one per forty
533 policy on all lots with less than forty acres. The alternative policy is more conservative on all lots
534 larger than seventy-nine acres. Schroeder thanked Hall and stressed they are not trying to get more
535 houses built on farmland. In certain situations, the policy of forty acres would limit where a person
536 could build a house. Twenty acres seems a better fit for those situations with a smaller parcel.

537
538 Gladney exited the meeting at 8:43 p.m. and returned at 8:44 p.m.

539
540 McGinty was not averse to change, however, he objected to receiving the proposed revisions
541 at this meeting. McGinty was concerned with changing the plan without the input of the diverse,
542 knowledgeable group of people who developed the plan. He would like LRMP to be forwarded to
543 the County Board and have the opportunity to put more thought into the proposed revisions.

544
545 Moser and Beckett left the meeting at 8:46 p.m. and returned at 8:47 p.m.

546
547 Carter wanted to table the LRMP and set a deadline for people to bring grievances before
548 the County Board. Weibel called for a point of order because Robert's Rules does not allow that
549 motion to be made at a Committee of the Whole meeting. Carter objected and Wysocki referred to
550 the information provided by County Board Chair.

551 The County Board continued to discuss the proposed amendment to the LRMP. Smucker
552 called the question.

553
554 **Motion carried to amend LRMP with the alternative Policies 4.1.5 and 4.1.6 with a**
555 **vote of 19 to 5.** Anderson, Beckett, Carter, Doenitz, James, Jay, Jones, Knott, Kurtz, McGinty,
556 Michaels, Moser, Nudo, O'Connor, Rosales, Sapp, Schroeder, Weibel, and Wysocki voted in favor
557 of the motion. Betz, Gladney, Langenheim, Richards, and Smucker voted against the motion.

558
559 Beckett called the question on the main motion.

560
561 **Motion carried to approve LRMP as amended with a vote of 18 to 6.** Anderson,
562 Beckett, Carter, Gladney, James, Jones, Knott, Kurtz, McGinty, Michaels, Moser, Nudo, Rosales,
563 Sapp, Schroeder, Smucker, Weibel, and Wysocki voted in favor of the motion. Betz, Doenitz, Jay,
564 Langenheim, O'Connor, and Richards voted against the motion.

565
566 **Change to Electronic Recycling Agreements**

567
568 **MOTION** by Beckett to approve the revised agreements for the 2010-2011 Countywide
569 Residential Electronics Collection Events; seconded by Rosales.

570
571 Weibel exited the meeting at 8:58 p.m.

572
573 **Motion carried.**

574
575 **Zoning Ordinance Amendments**

576 **Request to Amend Champaign County Zoning Ordinance Zoning Case 658-AT-09**

577
578 Hall stated the amendment received no protest and was ready for final approval.

579
580 **MOTION** by McGinty to amend the Champaign County Zoning Ordinance per Zoning
581 Case 658-AT-09; seconded by Beckett.

582
583 Moser asked about the airstrip at Allerton and Hall confirmed that is still a pending case.
584 Anderson asked for the basis of the Zoning Board of Appeals' decision. Hall explained no other
585 county has faced this situation. It was realized the setback could be tailored to preserve land and
586 this amendment allows lesser setback. This adds a greater degree of protection along with
587 protecting the land.

588
589 Weibel returned to the meeting at 9:01 p.m.

590
591 **Motion carried.**

592
593 **Request to Amend Champaign County Zoning Ordinance Zoning Case 634-AT-09 Part B**

594
595 **MOTION** by Schroeder to amend the Champaign County Zoning Ordinance per Zoning
596 Case 634-AT-09 Part B; seconded by Kurtz.

597 Hall stated no pending application was waiting for a decision. This amendment could be
598 deferred until next month at the Board's discretion.

599
600 **MOTION** by Moser to defer; seconded by Beckett. Weibel stated no items could be tabled
601 or deferred at Committee of the Whole meetings under Robert's Rules.

602
603 **MOTION** by Beckett to suspend the rules; seconded by Moser. **Motion carried.**

604
605 The Board returned to the original motion to defer. Jay asked if there were different rules
606 for Republicans and Democrats. Beckett stated an issue cannot be killed at Committee of the
607 Whole meetings. Smucker made a point of information that the rules have to first be suspended to
608 defer an item at Committee of the Whole meetings.

609
610 **Motion carried to defer with all ayes.**

611
612 **Monthly Report**

613
614 **MOTION** by Beckett to receive and place on file the March 2010 monthly report; seconded
615 by James. **Motion carried with all ayes.**

616
617 **Other Business**

618
619 There was no other business.

620
621 **Chair's Report**

622
623 There was no Chair's report.

624
625 **Designation of Items to be Placed on County Board Consent Agenda**

626
627 No agenda items were designated for the consent agenda.

628
629 **ADJOURNMENT**

630
631 The meeting was adjourned at 9:07 p.m.

632 Respectfully submitted,

633
634
635 Kat Bork
636 Administrative Secretary

637
638 *Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*

CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE
COUNTY ENGINEER

1605 E. MAIN STREET

(217) 384-3800
FAX (217) 328-5148

URBANA, ILLINOIS 61802

May 4, 2010

COUNTY MOTOR FUEL TAX CLAIMS FOR APRIL

Req No.	Payee	Description	Amount
30	East Central Illinois Highway Commissioners Association	Registration - ECIHCA Spring Seminar Decatur, IL - 3/23-3/24/10	55.00
31	National Committee on Uniform Traffic Control Devices	Registration - NCUTCD Meeting Chicago, IL - 6/30-7/2/10	130.00
32	Cargill, Inc.	987.19 T. De-icing Salt	66,033.13
33	Allied Municipal Supply	School Speed Limit Signs	93.29
34	Champaign County Regional Planning Commission	CUUATS FEES - 7/1/10 - 6/30/11	25,032.00
35	Treasurer, State of Illinois	Curtis Road Interchange - 06-00374-01-FP Engineering & Construction - Final	47,362.95

\$ 138,706.37

TOWNSHIP MOTOR FUEL TAX CLAIMS APRIL

Req No.	Payee	Description	Amount
17	Tuscola Stone Company	Tolono- 104.46 TN CA-06 F&D - 213.58 TN CA-16 F&D	3,679.34
18	Ron Smith Trucking	Stanton- 1,205.51 TN CA-15 F&D	18,962.73
19	Ron Smith Trucking	Ayers- 607.91 TN CA-15 F&D	8,984.95
20	Osterbur Trucking	Urbana- 1,339.35 TN CA-16 F&D	19,889.38
21	Voided		0.00
22	Tuscola Stone Company	Scott- 1,006.73 TN CA-16 F&D	14,164.74
23	Osterbur Trucking	Kerr- 379.15 TN CA-10 F&D	4,777.31
24	Osterbur Trucking	Kerr- 909.62 TN CA-10 F&D - 1,288.77 TN CA-10 spread	12,685.53
25	Osterbur Trucking	Urbana- 43.47 TN CA-16 F&D	645.53
26	Tuscola Stone Company	Compromise- 1,753.93 TN CA-16 F&D	29,238.04
27	Tuscola Stone Company	Rantoul- 143.223 TN CA-16 F&D	2,109.62
28	Tuscola Stone Company	Sadorus- 1,454.36 TN CA-16 F&D	17,786.80

\$132,923.97

RESOLUTION NO. _____

**RESOLUTION AWARDING OF CONTRACT
FOR THE FURNISH AND SPREAD ON THE ROAD
OF BITUMINOUS MATERIAL FOR
2010 MAINTENANCE OF VARIOUS ROAD DISTRICTS
IN CHAMPAIGN COUNTY**

WHEREAS, On the attached sheet and as part of this resolution is the listing of low bid which was received at a Public Letting held on April 09, 2010 in Urbana, Illinois, for the furnish and/or spread on the road of Bituminous Materials for the 2010 Maintenance of Various Road Districts In Champaign County; and

WHEREAS, The Highway and Transportation Committee of the Champaign County has awarded the low bid as listed, subject to concurrence of the County Board;

NOW, THEREFORE, BE IT RESOLVED, By the County Board of Champaign County that it concurs in the action taken by the Committee and approves the bid received on the attached "2010 Bituminous Materials Tabulation" to Illiana Construction Co. - Urbana, Illinois.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 20th day of May A.D., 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

2010 BITUMINOUS MATERIALS TABULATION
APRIL 22, 2010

	<u>MATERIAL</u>	<u>VOLUME</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
ITEM I	HFE-90, 150, HFRS & CRS-2 Furnished and spread on the road	755,955 Gal.	2.22	\$ 1,678,220.10
ITEM II	MC-30 Furnished and spread on the road	1,000 Gal.	3.40	\$ 3,400.00
ITEM III	CM-300 Furnished and mixed	27,357 Gal.	3.40	\$ 93,013.80
ITEM IV	HFE-300 Furnished and spread on the road	1,000 Gal.	2.45	\$ 2,450.00
ITEM V	SC-800-3000 Furnished and spread on the road	25,200 Gal.	3.35	\$ 84,420.00
ITEM VI	HF-P Furnished and spread on the road	1,000 Gal.	2.72	\$ 2,720.00
TOTAL AMOUNT AWARDED:				<u>\$ 1,864,223.90</u>

RESOLUTION NO. _____

RESOLUTION AWARDING OF CONTRACT
FOR THE IMPROVEMENT OF
COUNTY HIGHWAY 20 (SELLERS ROAD)
SECTION #09-00426-01-RS

WHEREAS, The following low bid was received at a Public Letting held on April 20, 2010, in Urbana, Illinois, for the improvement of County Highway 20 from CR. 1800E easterly 2200E, a distance of approximately 4 miles, Section #09-00426-01-RS:

Open Road Paving Company – Champaign, Illinois.....\$1,240,425.75; and

WHEREAS, The County Highway Engineer recommends to the County Board that the above bid be awarded; and

WHEREAS, The County Board of Champaign County concurs in the action recommended by the County Highway Engineer;

NOW, THEREFORE, BE IT RESOLVED, That the County Board of Champaign County does hereby award the above listed bid to Open Road Paving Company - Champaign, Illinois.

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit three (3) certified copies of this resolution to the Illinois Department of Transportation, Springfield, Illinois.

PRESENTED, ADOPTED, APPROVED and RECORDED this 20th day of May A.D., 2010.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark Shelden, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

Resolution No.

I, Mark Shelden, County Clerk in and for said County, in the State aforesaid and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Champaign County at its County Board Meeting held at Urbana, Illinois, on May 20, 2010.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Urbana in said County, this _____ day of _____ A.D., 2010.

(SEAL) _____ County Clerk

APPROVED

Date

Department of Transportation

District Engineer

COURTHOUSE MASONRY STABILIZATION & RESTORATION PROJECT

Prepared By: E Boatz May 4, 2010

	ORIGINAL CONTRACT	CHANGE ORDERS	CONTRACT TOTAL	PAYMENTS THIS MONTH	PAYMENTS YEAR TO DATE	BALANCE TO FINISH
Original Project Budget	\$6,747,552.14					
Current Budget w/Change Orders	\$7,209,584.60					
<i>Architect Fees-White & Borgognoni</i>						
Basic Service	\$425,641.74			\$0.00	\$416,291.46	\$9,350.28
Amend #1-Option 4 Tower		\$43,425.00		\$0.00	\$42,413.60	\$1,011.40
Amend #2-Temp Cool/Jury Assembly		\$853.40		\$0.00	\$853.40	\$0.00
Amend #3-Tower Exit		\$6,221.74		\$0.00	\$6,221.74	\$0.00
Amend #4-Security Camera		\$4,130.73		\$0.00	\$4,130.73	\$0.00
Amend #5-Clk Face Stone;Lightning Prot		\$10,129.12		\$0.00	\$10,129.12	\$0.00
Amend #6-Bollard Security/Crthse Plaza		\$2,845.00		\$0.00	\$2,845.00	\$0.00
Amend#7-South Security; Energy Mod		\$23,388.00		\$0.00	\$23,388.00	\$0.00
Amend #8-Pathways & landscaping		\$11,738.20		\$0.00	\$11,738.20	\$0.00
Amend #9 - Emergency Masonry Repair		\$3,077.50		\$0.00	\$3,077.50	\$0.00
Amend #10 - Test/Balance Existing HVAC		\$2,143.05		\$0.00	\$0.00	\$2,143.05
Total Architect Fees	\$425,641.74	\$107,951.74	\$533,593.48	\$0.00	\$521,088.75	\$12,504.73
<i>Reimbursables-White & Borgognoni</i>						
Analysis/Testing; On-site Observation	\$98,092.72			\$0.00	\$85,847.53	\$12,245.19
Amendment #1 - Option 4 Tower		\$7,494.18	\$105,586.90			\$7,494.18
Miscellaneous Reimbursable Expenses	\$39,839.50			\$0.00	\$35,595.71	\$4,243.79
Amendment #1- Option 4 Tower		\$20,593.82	\$60,433.32	\$0.00	\$1,692.22	\$18,901.60
Total Reimbursable Expenses	\$137,932.22	\$28,088.00	\$166,020.22	\$0.00	\$123,135.46	\$42,884.76
<i>Building Const - Roessler Const</i>						
Existing Building	\$2,787,950.00	\$350,817.72	\$3,138,767.72	\$0.00	\$2,958,334.31	\$180,433.41
Tower	\$2,804,150.00	\$352,855.57	\$3,157,005.57	\$0.00	\$2,975,148.66	\$181,856.91
Owner Items			\$170,197.61	\$0.00	\$170,197.61	
Contingency	\$591,878.18	-\$111,795.11	\$0.00			\$0.00
Total Building Construction	\$6,183,978.18	\$703,673.29	\$6,465,970.90	\$0.00	\$6,103,680.58	\$362,290.32
<i>Additional Contracts</i>						
Todd Frahm - Gargoyles		\$44,000.00	\$44,000.00	\$0.00	\$44,000.00	\$0.00
Total Additional Contracts	\$0.00	\$44,000.00	\$44,000.00	\$0.00	\$44,000.00	\$0.00
PROJECT TOTAL	\$6,747,552.14	\$291,834.85	\$7,209,584.60	\$0.00	\$6,791,904.70	\$417,679.81

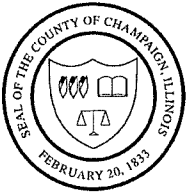
% of Project Paid to Date

94.21%

**Champaign County Administrative Services Physical Plant
Capital Improvement Projections - Roofing**

Buidling	Description	Year Installed	Warrenty Period	Installation Cost	Replacement Date	Estimated Cost	Annual Fund Reserve To meet projected dates
Existing Courthouse 101 E. Main	1/2 Shingle 1/2 Adhered EPDM	2009 1989 2010	30 yrs. Shingle only 10 yrs. TRS/20 years Membrane (Re-seamed and coated)	84,025.00 <u>25,000.00</u> 21,172.00	30yrs. - 2039 20 yrs - 2009 5 yrs - 2015	203,950.73 \$45,152.78 \$45,152.78	\$6,798.36 \$9,030.56
Courthouse Addition 101 E. Main	Ballasted EPDM Shingled Wind Screen	5/9/2002 4/15/2002	15 yrs. TRS 40 yrs. Shingle only	187,037.00	20 yrs. - 2022	\$337,809.63	\$28,150.80
Sheriff's Office 204 E. Main	Ballasted EPDM	2/2/1995	10 yrs. TRS/20 years Membrane	93,382.00	20 yrs. - 2015	168,658.28	\$33,731.66
E.O.C. 1905 E. Main	Admered EPDM	1/11/2002	15 yrs. TRS	86,527.00	15 yrs. - 2017	\$134,806.25	\$19,258.04
J.D.C. 400 S. Art Bartell Drive	Adhered EPDM	11/11/1999	10 yrs. RSL	65,482.00	15 yrs. -2014	\$102,018.82	\$25,504.71
Adult Dent. Facility 502 Lierman Av.	Ballasted EPDM	10/28/1996	15 yrs TRS	70,383.00	20 yrs. - 2016	\$127,119.53	\$21,186.59
Brookens Admin. 1776 E. Washington							
Pod 100	Adhered EPDM	2/29/1996	10 yrs. TRS/20 years Membrane	78,782.00	20 yrs- 2016	\$142,289.06	\$23,714.84
Pod 200	Adhered EPDM	(1993?)	10 yrs. TRS/20 years Membrane	<u>75,000.00</u>	20 yrs- 2015	\$135,458.34	\$27,091.67
Pod 300	Adhered EPDM	1/9/2003	15 yrs. RSL.	105,552.00	20 yrs- 2023	\$190,638.65	\$14,664.51
Pod 400	Adhered EPDM	1/9/2003	15 yrs. RSL.	117,216.00	20 yrs- 2023	\$211,705.13	\$16,285.01
Highway Fleet Maintenance 1605 E. Main St. 2/3 Highway Cost 1/3 General Corp.	Standing Seam Metal	2008	20 yrs. Weathertightness	250,840.00 167,226.67 83,613.33	30 yrs.- 2038	608,854.52 \$405,903.01 \$202,951.51	\$13,996.66 \$6,998.33
Animal Shelter 1909 E. Main	Metal	1989					
Sheriff/Clerk Bldg. 1701 E. Main	Metal	1969					
Highway Storage Bldg. 1701 E. Main	Metal	1981					
E.S.D.A. Garage	Metal	1970					
Total Annual Reserve Funds							\$239,613.36

Notes: TRS = Total Roofing System RSL. = Roofing Systems Limited *Italicized & Underlined* = Estimated



CHAMPAIGN COUNTY ADMINISTRATIVE SERVICES

1776 EAST WASHINGTON
URBANA, IL 61802
(217) 384-3776
(217) 384-3765 – PHYSICAL PLANT
(217) 384-3896 – FAX
(217) 384-3864 – TDD
Website: www.co.champaign.il.us

ADMINISTRATIVE SUPPORT
DATA PROCESSING
MICROGRAPHICS
PURCHASING
PHYSICAL PLANT
SALARY ADMINISTRATION

BUILDING AND EQUIPMENT CAPITAL REPLACEMENT GUIDELINES

The goal of this program is to perform a Condition Assessment of all buildings and equipment, use historical information available, estimate replacement values as practical as possible and schedule replacement dates. With the proper funding, on an annual basis, we should be able to prevent failures of critical equipment/components which force us into emergency situations mandating replacements.

The replacement of fixed assets for buildings and equipment can break down into two different categories:

- Components - Individual items such as a boiler, chiller, variable frequency drives, return/ exhaust fans or a single large air handling unit.
- Systems - Removal and replacement of an entire roof system, installation or upgrade of an emergency generator and power distribution network, whole sale replacement of outdated building lighting systems.

Resources available to us that will help us determine priorities and cost:

- Past and Present Utilities Cost.
- Construction Dates and the original cost.
- Prior energy audits and deficiency reports.

- Historical component and systems failure.
- Energy Grant Opportunities' Studies

A Condition Assessment will be performed for each building looking at Architectural and Engineering issues. Public Safety Risks, code violations and life expectancies of the buildings should also be taken into to consideration. All information will be prioritized by building with the estimated associated cost.

Physical Plant Monthly Expenditure Report

March, 2010

EXPENDITURE ITEM	FY2009 YTD 3/31/2009	FY2009 ACTUAL 11/30/2009	FY2009 YTD as % of Actual	FY2010 ORIGINAL BUDGET	FY2010 BUDGET 3/31/2010	FY2010 YTD 3/31/2010	FY2010 YTD as % of Budget	FY2010 Remaining Balance
Gas Service	\$210,987	\$410,906	51.35%	\$547,793	\$547,793	\$216,353	39.50%	\$331,440
Electric Service	\$179,382	\$879,648	20.39%	\$974,737	\$974,737	\$168,247	17.26%	\$806,490
Water Service	\$14,550	\$47,286	30.77%	\$57,000	\$57,000	\$14,023	24.60%	\$42,977
Sewer Service	\$10,268	\$41,186	24.93%	\$35,800	\$35,800	\$9,356	26.13%	\$26,444
All Other Services	\$87,110	\$261,866	33.26%	\$241,743	\$242,532	\$88,036	36.30%	\$154,496
Cths R & M	\$10,309	\$39,649	26.00%	\$30,113	\$27,959	\$15,687	56.11%	\$12,272
Downtown Jail R & M	\$13,582	\$52,714	25.76%	\$26,498	\$24,049	\$4,942	20.55%	\$19,107
Satellite Jail R & M	\$20,308	\$54,266	37.42%	\$27,342	\$25,342	\$13,488	53.22%	\$11,854
1905 R & M	\$6,110	\$13,601	44.93%	\$10,075	\$10,075	\$6,057	60.12%	\$4,018
Brookens R & M	\$6,969	\$27,275	25.55%	\$31,020	\$28,171	\$8,132	28.86%	\$20,039
JDC R & M	\$3,775	\$6,037	62.53%	\$11,366	\$11,366	\$993	8.74%	\$10,373
1701 E Main R & M	\$12,519	\$26,980	46.40%	\$45,000	\$42,930	\$8,173	19.04%	\$34,757
Other Buildings R & M	\$644	\$13,676	4.71%	\$7,520	\$12,966	\$6,786	52.34%	\$6,180
Commodities	\$34,338	\$69,679	49.28%	\$64,207	\$65,487	\$35,215	53.77%	\$30,272
Gas & Oil	\$1,841	\$6,369	28.90%	\$10,810	\$10,810	\$1,981	18.32%	\$8,829
1701 - South Garage Remodel	\$206	\$108,755	0.19%	\$0	\$5,299	\$16	0.31%	\$5,283
Totals	\$612,898	\$2,059,894		\$2,121,024	\$2,122,316	\$597,485		\$1,524,831

Prepared by:
Ranae Wolken
4/19/2010

This report does not include information on personnel, intergovernmental loans and capital projects.

Electric Utilities - FY2009

Period	Courthouse	204 E Main	502 S Lierman	JDC	1905 E Main	1701 E Main Rear EMA/METCAD	Nite Lite	Brookens	ITC	1705 E Main North Garage	1705 E Main South Garage	Monthly Totals
December	\$15,098.34	\$7,346.38	\$8,776.98	\$4,351.68	\$4,371.47	\$149.44	\$254.17	\$5,172.19	\$7,225.78	\$80.68	\$117.27	\$52,944.38
January	\$15,939.57	\$6,879.57	\$9,520.51	\$4,741.26	\$5,302.29	\$154.44	\$248.64	\$6,972.73	\$7,481.97	\$65.21	\$144.95	\$57,451.14
February	\$14,835.64	\$6,674.54	\$8,309.10	\$4,067.02	\$4,387.50	\$130.23	\$243.57	\$9,124.23	\$6,340.91	\$60.75	\$112.50	\$54,112.74
March	\$17,583.26	\$6,710.69	\$9,004.40	\$3,706.08	\$4,346.92	\$123.51	\$229.13	\$8,746.31	\$5,803.86	\$54.55	\$99.70	\$56,254.16
April												\$0.00
May												\$0.00
June												\$0.00
July												\$0.00
August												\$0.00
September												\$0.00
October												\$0.00
November												\$0.00
Total to Date	\$63,456.81	\$27,611.18	\$35,610.99	\$16,866.04	\$18,408.18	\$557.62	\$975.51	\$30,015.46	\$26,852.52	\$261.19	\$474.42	\$221,089.92

Prepared by Ranae Wolken
4/19/2010

Gas Utilities - FY2009

Period	Courthouse	204 E Main	502 S Lierman	JDC	1701 E Main			Brookens	ITC	1705 E Main North Garage	1705 E Main South Garage	Monthly Totals
					1905 E Main	Rear EMA/METCAD						
December	\$12,146.91	\$2,768.92	\$7,849.04	\$2,036.89	\$1,370.26	\$366.53	\$3,500.41	\$14,358.77	\$376.97	\$164.02	\$44,938.72	
January	\$17,577.70	\$3,790.73	\$12,163.62	\$3,198.80	\$1,808.75	\$648.46	\$6,322.46	\$23,179.19	\$583.06	\$1,151.07	\$70,423.84	
February	\$17,116.01	\$3,649.78	\$10,514.45	\$2,874.68	\$1,654.72	\$464.97	\$5,531.14	\$18,285.82	\$561.63	\$954.72	\$61,607.92	
March	\$13,817.44	\$2,654.20	\$7,097.29	\$1,523.73	\$1,433.01	\$275.89	\$3,170.57	\$17,035.11	\$372.23	\$572.40	\$47,951.87	
April											\$0.00	
May											\$0.00	
June											\$0.00	
July											\$0.00	
August											\$0.00	
September											\$0.00	
October											\$0.00	
November											\$0.00	
Total to date	\$60,658.06	\$12,863.63	\$37,624.40	\$9,634.10	\$6,266.74	\$1,755.85	\$18,524.58	\$72,858.89	\$1,893.89	\$2,842.21	\$224,922.35	

Prepared by Ranae Wolken
4/19/2010

Building/Grounds Maintenance work hour comparison

FY2010

Weekly Period	Repair & Maintenance	Scheduled Maintenance	Nursing Home	Special Project	Grounds Maintenance	Other Tenants	TOTAL
11/29/09-12/5/09	384.00	2.00	0.00	17.00	0.00	0.00	403.00
12/6/09-12/12/09	342.00	0.00	0.00	48.00	14.50	0.00	404.50
12/13/09-12/19/09	268.75	0.00	0.00	113.00	0.50	0.00	382.25
12/20/09-12/26/09**	197.50	0.00	5.00	15.00	37.25	0.00	254.75
12/27/09-1/2/10*	202.50	0.00	5.00	0.00	87.25	0.00	294.75
1/3/10-1/9/10	284.75	0.00	3.25	0.00	151.25	0.00	439.25
1/10/10-1/16/10	304.75	0.00	2.00	36.50	19.50	4.50	367.25
1/17/10-1/23/10*	212.75	0.00	5.00	0.00	47.50	15.00	280.25
1/24/10-1/30/10	342.75	23.00	9.50	0.00	24.00	0.00	399.25
1/31/10-2/6/10	309.75	0.00	1.75	0.00	39.50	0.00	351.00
2/7/10-2/13/10	324.75	0.00	5.00	2.00	101.25	2.00	435.00
2/14/10-2/20/10*	234.25	0.00	1.75	0.00	59.00	10.50	305.50
2/21/10-2/27/10	298.25	14.00	0.00	0.00	50.75	7.50	370.50
2/28/10-3/6/10	288.50	77.75	0.00	0.00	30.00	0.00	396.25
3/7/10-3/13/10	345.00	0.00	0.00	0.00	43.00	25.00	413.00
3/14/10-3/20/10	270.00	34.00	4.50	22.75	45.50	7.00	383.75
3/21/10-3/27/10	285.00	40.00	0.00	0.00	74.00	0.00	399.00
3/28/10-4/3/10*	210.00	39.25	0.00	7.75	52.25	18.50	327.75
4/4/10-4/10/10	287.00	44.50	0.00	5.00	66.00	7.25	409.75
4/11/10-4/17/10	205.75	46.00	3.00	0.00	51.50	0.00	306.25

*week includes a holiday

One work week: 435.00 hours with regular staff

There are currently 411.63 comp time hours available to the maintenance staff

Total comp time hours earned in FY10 to date- 2394.44

Total spent to date on overtime in FY09 - \$1,543.28 (Original Budgeted Amount - \$3,000)

Prepared by: Ranae Wolken
4/20/2010

**LEASE AGREEMENT BETWEEN THE COUNTY OF CHAMPAIGN
AND THE
CHAMPAIGN COUNTY MENTAL HEALTH BOARD ACCESS INITIATIVE PROJECT**

THIS LEASE AGREEMENT is and entered into this first day of June, 2010, by and between the Champaign County Board (hereinafter referred to as “Landlord”) and the Champaign County Mental Health Board Access Initiative Project (hereinafter referred to as “Tenant”).

ARTICLE I

Premises

Landlord does hereby lease to Tenant office space located in Rooms 240-245 of Pod 200 of the Champaign County Brookens Administrative Center, which is located at 1776 East Washington Street, Urbana, Illinois. The Tenant will lease 1,300 square feet of office space during the period of June 1, 2010 – May 31, 2013. The office space leased is identified in the floor plan of the Brookens Administrative Center, which is attached as Exhibit “A”.

ARTICLE II

Term

This lease shall be for a two-year period commencing on June 1, 2010 and ending on May 31, 2013. The lease term shall automatically renew for one year periods thereafter, commencing June 1, 2013, unless the Tenant gives Landlord notice at least ninety (90) days prior to the end of each lease period that the Tenant does not wish to renew the lease.

ARTICLE III

Rent

Rent for said premises shall be at the following rates:

- a. From June 1, 2010 – May 31, 2011 – The rent for this term shall be \$18,888.96 with monthly payment of \$1,574.08 due on the first day of each calendar month.
- b. For every lease period on or after June 1, 2011 - Rent as charged in the previous rental period plus CPI (as documented to Champaign County by the Illinois Department of Revenue in January of the renewal year, to determine the maximum extension under the Property Tax Extension Limitation Law), except that if the CPI is negative, the rent shall be adjusted by 0%, and if the CPI exceeds 5%, the rent increase shall be capped at 5%.

ARTICLE IV

Utilities

At no additional cost to Tenant, Landlord shall provide electric current, plumbing, and heat and air conditioning, during the appropriate seasons. Landlord shall not be liable for failure to furnish or for suspension or delays in furnishing any utilities caused by breakdown, maintenance or repair work, strike, riot, civil disturbance, or any cause or reason whatsoever beyond the control of the Landlord.

ARTICLE V

Use of Premises

- a) Tenant shall use and occupy the leased premises as a business office for the Champaign County Mental Health Board Access Initiative Project and for no other purpose whatsoever without the prior written consent of Landlord. Tenant shall not use or permit the leased premises or any part thereof to be used for any disorderly, unlawful, or extra hazardous purpose.
- b) Tenant shall commit no act of waste and shall take good care of the leased premises and the fixtures and appurtenances therein, and shall, in the use and occupancy of the leased premises, conform to all laws, orders, and regulations of the federal, state, and municipal or local governments or any of their departments. Tenant further agrees to save Landlord harmless from all fines, penalties and costs for violations of or non-compliance with the same.
- c) Tenant shall not use or permit the use of machinery or equipment which shall cause an unreasonable consumption of utilities within the leased premises beyond that made known to Landlord at the time of execution of this lease.
- d) Tenant shall not use any equipment or engage in any activity on the leased premises which shall cause an increase in the insurance rate of the Brookens Administrative Center or which shall create or cause undue expense to Landlord for maintenance and/or utilities.
- e) At the expiration or other termination of this lease, Tenant shall surrender and deliver the leased premises in as good a condition as when Tenant first received possession of the leased premises, ordinary wear and tear and damage by the elements, fire, and other unavoidable casualty excepted. Tenant shall serve upon Landlord within ninety (90) days of the commencement of this lease written notice specifying what parts, if any, of the leased premises are not in good order.

ARTICLE VI

Subletting and Assignment

Tenant shall not, without first obtaining the written consent of Landlord, assign, mortgage, pledge, or encumber this lease, or sublet the leased premises or any part thereof.

ARTICLE VII

Alterations

a) Tenant will not make any alterations, installations, changes, replacements, additions or improvements (structural or otherwise) in or to the leased premises or any part thereof, without the prior written approval of Landlord of the design, plans and specifications therefore, which approval shall not unreasonably be withheld. Tenant shall keep the leased premises and the building and grounds of which it is a part free and clear of liens arising out of any work performed, materials furnished, or obligations incurred by Tenant, including mechanic's liens.

b) It is distinctly understood that all alterations, installations, changes, replacement, additions, or improvements upon the leased premises made by the Tenant pursuant to (a) herein, shall at the election of Landlord, remain upon the leased premises and be surrendered with the leased premises at the expiration of this lease without disturbance or injury. Should Landlord elect that same be removed upon termination of this lease or any extension thereof, Tenant hereby agrees to cause same to be removed at the sole cost and expense of Tenant. Should Tenant fail to remove same, then Landlord may cause same to be removed, and Tenant hereby agrees to reimburse Landlord for the cost of such removal together with any and all damages with Landlord may suffer and sustain by reason of the failure of Tenant to remove the same.

c) Maintenance and repair of any items installed pursuant hereto shall be the sole responsibility of Tenant, and Landlord shall have no obligation in connection therewith.

d) Tenant shall promptly repair any and all damage caused to the leased premises or to the building and grounds of which the leased premises are a part occasioned by the installation or removal of any alteration made pursuant hereto.

ARTICLE VIII

Parking

a) At no additional cost to Tenant, Tenant's employees may park in either the rear employee parking lot, located at the northern and northeastern portion of the property, or in the Washington Street employee parking lot located on the southeast side of the property. Parking spaces shall be available on first-come-first-served basis.

b) Tenant's temporary business guests and visitors will be permitted to use the visitors' reserved parking spaces available off Washington Avenue and in the northeast parking lot off of Lierman Avenue. Parking spaces shall be available on a first-come-first-served basis.

ARTICLE IX

Signs, Notices, Advertisements, Etc.

- a) Landlord shall place a sign with Tenant's name on the exterior of the building of which the leased premises is a part.
- b) Tenant shall not inscribe, print, affix, or otherwise place any sign, advertisement, or notice on the grounds, or the exterior or interior of the building of which the leased premises is a part, except on the doors of leased premises and only in a size, color and style approved by Landlord.

ARTICLE X

Services

At no additional cost, Landlord agrees to furnish custodial services that are customary in the building of which the leased premise is a part. Landlord shall furnish adequate lavatory supplies and normal and usual maintenance, Mondays through Fridays, except that, during weeks having a legal holiday during the normal work week, such services shall not be available on such holidays.

ARTICLE XI

Damage to Premises

If, without the fault of Tenant, the leased premises is damaged by fire or other casualty to such extent that the leased premises is totally destroyed or if the damage occurs during the last six (6) months of the term of this lease, this lease shall cease and rent shall be apportioned to the time of the damage. In all other cases when the leased premises is damaged by fire or other casualty, without the fault of Tenant, Landlord shall repair the damage with reasonable dispatch, and if the damage has rendered the leased premises untenable, in whole or in part, there shall be an apportionment of the rent until the damage has been repaired. However, should the leased premises not be restored to tenantable condition within three (3) months from the date of said damage, then Tenant may, at its option, cancel and terminate this lease in its entirety. In determining what constitutes reasonable dispatch, consideration shall be given to delays caused by strikes, adjustment of insurance, and other causes beyond Landlord's control. If the damage results from the fault of Tenant, or Tenant's agents, servants, visitors, or licensees, Tenant shall not be entitled to any abatement or reduction of rent.

No compensation, claim, or diminution of rent shall be allowed or paid by Landlord, by reason of inconvenience, annoyance, or injury to business, arising from the necessity of repairing the leased premises or any portion of the building of which it is a part, however, the necessity may occur.

Landlord shall not be liable for damages for, nor shall this lease be affected by, conditions arising or resulting from construction on contiguous premises which may affect the building of which the leased premises is a part.

ARTICLE XII

Access

Landlord, its agents and employees, shall have the right to enter the leased premises at all reasonable hours and necessary times to inspect the premises and to make necessary repairs and improvements to the premises and the building in which the premises is located.

ARTICLE XIII

Cumulative Remedies and Waiver

The specified remedies to which Landlord may resort under the terms of this lease are cumulative and are not intended to be exclusive of any other remedies or means of redress to which Landlord may be lawfully entitled in case of any breach or threatened breach by Tenant of any provision of this lease. The failure of Landlord to insist on strict performance of any covenant or condition of this lease, or to exercise any option herein contained, shall not be construed as a waiver of such covenant, condition, or option in any other instance. No waiver by Landlord of any provision of this lease shall be deemed to have been made unless expressed in writing and signed by Landlord.

ARTICLE XIV

Partial Invalidity

Should any provision of this lease be or become invalid or unenforceable, the remaining provisions shall be and continue to be fully effective.

ARTICLE XV

Successors

All of the terms and provisions of this lease shall be binding upon and inure to the benefit of and be enforceable by and upon the representatives, successors and assigns of Landlord and Tenant.

ARTICLE XVI

Notices and Payments

All rent or other payments under this lease shall be paid to Landlord at Champaign County Treasurer's Office, 1776 East Washington Street, Urbana, Illinois, 61802, or at such other place as Landlord may from time to time designate by written notice to Tenant. All notices required or desired to be furnished to Landlord by Tenant shall be in writing and shall be furnished by mailing the same by certified mail to Landlord addressed to Champaign County Administrator, 1776 East Washington Street, Urbana, Illinois 61802. All notices to Tenant shall be in writing and shall be furnished by Landlord by mailing the same by certified mail addressed to Champaign County Mental Health Board Access Initiative Project, 1776 East Washington Street, Urbana, Illinois 61802.

ARTICLE XVII

Governing Law

This lease shall be construed, enforced, and considered made in accordance with the laws of the State of Illinois.

ARTICLE XVIII

Titles

All titles, captions and headings contained in this lease are for convenience only and shall not be taken into consideration in any construction or interpretation of this lease or any of its provisions.

ARTICLE XIX

Entire Agreement

The terms of this lease constitute the whole and entire agreement between the parties and supersede any and all prior understandings, discussions, agreements or otherwise between the parties hereto with respect to the subject matter hereof.

ARTICLE XX

Amendment

No amendment to this lease shall be effective unless it is in writing and signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written, in duplicate documents, each of which shall be considered to be an original.

Landlord:

COUNTY OF CHAMPAIGN, ILLINOIS

By: _____ Date: _____
C. Pius Weibel, Chair
Champaign County Board

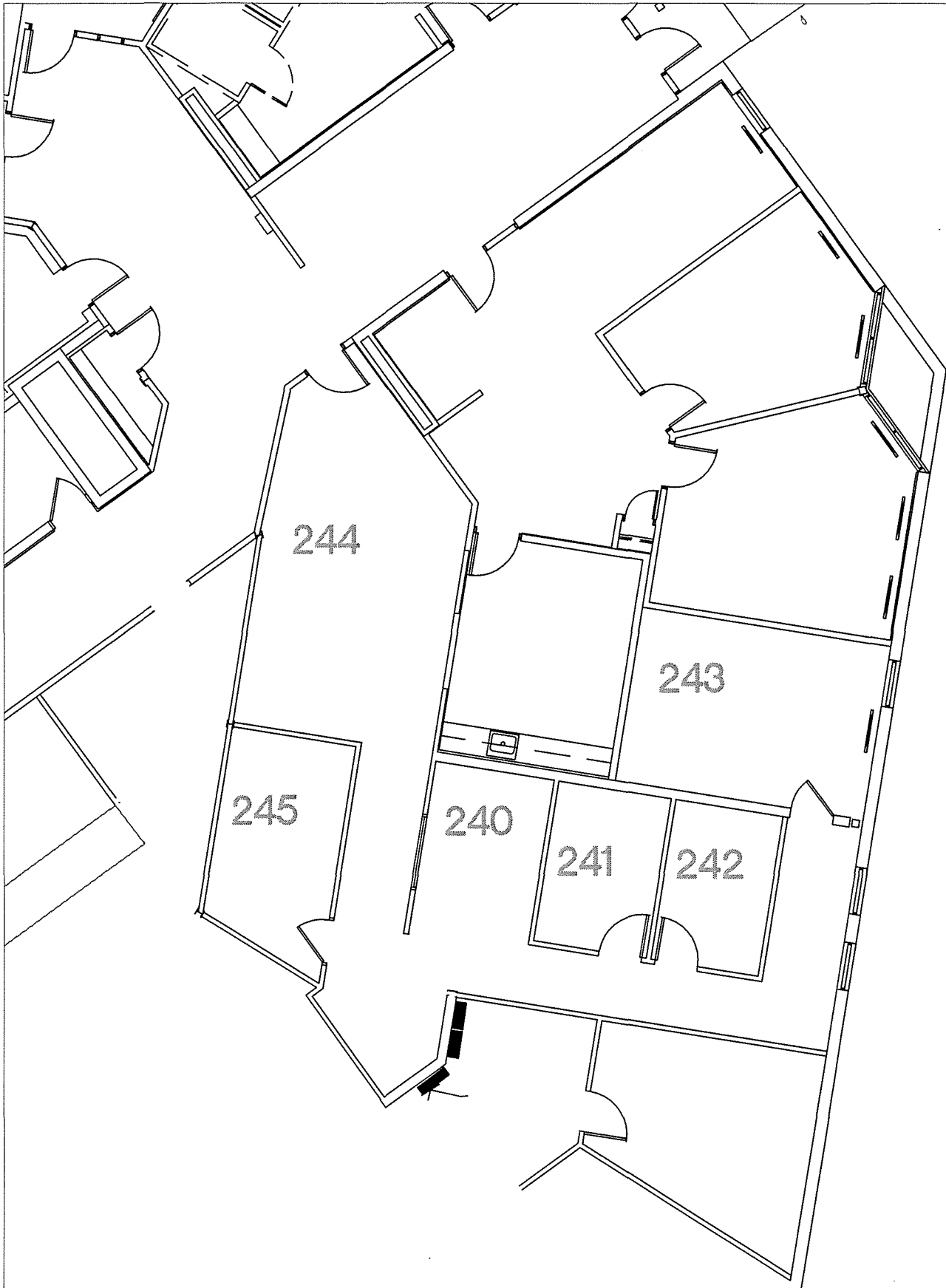
ATTEST: _____
Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

Tenant:

CHAMPAIGN COUNTY MENTAL HEALTH BOARD

By: _____ Date: _____

ATTEST: _____



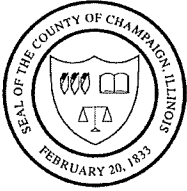
CHAMPAIGN COUNTY ADMINISTRATIVE SERVICES
PHYSICAL PLANT DIVISION
1776 E. WASHINGTON, URBANA, IL

Pod 200 - Access Initiative

Not to scale

DATE: 4-27-2010

Exhibit A



CHAMPAIGN COUNTY ADMINISTRATIVE SERVICES

1776 EAST WASHINGTON
URBANA, IL 61802
(217) 384-3776
(217) 384-3765 – PHYSICAL PLANT
(217) 384-3896 – FAX
(217) 384-3864 – TDD
Website: www.co.champaign.il.us

ADMINISTRATIVE SUPPORT
DATA PROCESSING
MICROGRAPHICS
PURCHASING
PHYSICAL PLANT
SALARY ADMINISTRATION

MEMORANDUM

TO: Steve Beckett, Chair – COUNTY FACILITIES COMMITTEE and MEMBERS OF the CHAMPAIGN COUNTY BOARD

FROM: Deb Busey, County Administrator *DB*

DATE: April 27, 2010

RE: Gill Building Lease

This is to advise the County Facilities Committee and members of the County Board, that the County's lease with Bear Properties for the Gill Building requires an annual renewal notice to be provided by the County. The Optional Extension Language of the lease is as follows:

22. **OPTIONAL EXTENSION:** Lessee may extend the term of this lease and the provisions hereof for nineteen 1-year option periods commencing December 1, 2004, provided that Lessee is not in default in any terms of this lease at the time such extensions are exercised. Lessee shall notify Lessor in writing of its intent to exercise the first option at least forty-five (45) days prior to the expiration of the first term. Lessee shall notify Lessor in writing of its intent to exercise each successive option at least 160 days prior to the expiration of the then current term. The option periods shall be on the same terms and conditions as herein, except that for each option period, the base rent shall be increased by the percentage by which the CPI has increased from August of the prior year to August of the current year, or by 3%, whichever is greater.

The current fiscal year base rent for the Gill Building is \$102,008. It is anticipated the CPI increase to be applied to the FY2011 rent will be 3% bringing the total cost of rent to \$105,068.

In addition to rent, the County pays for utilities and maintenance of the Gill Building. In FY2009, the total spent for utilities was 12,122.42, and the total spent for maintenance was \$1,664.21. Assuming utilities and maintenance costs will continue at these rates in FY2010, the total cost to the County for this space in FY2010 is anticipated to be 115,794.63.

June 23, 2010 is the 160 days prior to November 30th expiration of current term for this lease. The County Board Meeting in June is on June 24, 2010, which means the notification to extend this lease will need to be determined by the County Board at its May 20th meeting.

I look forward to discussing this issue further with the County Board at the May 4th Committee of the Whole Meeting. If you have questions or concerns, please feel free to contact me.

Champaign
County
Department of



To: **Champaign County Board Committee of the Whole**
From: **JR Knight, Associate Planner**
John Hall, Zoning Administrator

Date: **April 26, 2010**

RE: **Zoning Case 634-AT-08 Part B**

Zoning Case 634-AT-08 Part B

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

(217) 384-3708

- Request: **Amend the Champaign County Zoning Ordinance as follows:**
1. **Add definitions for "SMALL WIND TURBINE TOWER" and "BIG WIND TURBINE TOWER", and revise the definition for "WIND FARM."**
 2. **Add new subsection 7.7 making SMALL WIND TURBINE TOWER an authorized accessory use by-right in all zoning districts and add various new requirements for SMALL WIND TURBINE TOWER; and amend paragraph 4.3.1E. to add new height regulations that apply to "SMALL WIND TURBINE TOWER" and amend Section 9.3 by adding zoning use permit fees for SMALL WIND TURBINE TOWER (originally parts 3, 6, and 8 of legal advertisement).**
 3. **In Section 5.2 replace "wind turbine" with "BIG WIND TURBINE TOWER"; add new standard conditions for BIG WIND TURBINE TOWER in Section 6.1.3 that are similar to the standard conditions for WIND FARM; and amend subsection 4.2.1. to allow BIG WIND TURBINE TOWER as a second principal use on lots in the AG-1 and AG-2 Zoning Districts; and amend Section 9.3 by adding Special Use Permit application fees and zoning use permit fees for BIG WIND TURBINE TOWER (originally parts 2, 4, 5, 8, and 9 of legal advertisement).**

Petitioner **Zoning Administrator**

STATUS

The Board voted to defer action on this proposed text amendment the last two months.

The February 22, 2010, memo is attached with all of its attachments for the Board's review in anticipation of action being taken this month.

ATTACHMENT

- A Memo to the Champaign County Board Committee of the Whole regarding Zoning Case 634-AT-09 Part B, dated February 22, 2010

Champaign
County
Department of



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: **February 22, 2010**

RE: **Zoning Case 634-AT-08 Part B**

Zoning Case 634-AT-08 Part B

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

1. **Add definitions for “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER”, and revise the definition for “WIND FARM.” (Note: See items 1 & 2 of proposed amendment)**
2. **Add new subsection 7.7 making SMALL WIND TURBINE TOWER an authorized accessory use by-right in all zoning districts and add various new requirements for SMALL WIND TURBINE TOWER; and amend paragraph 4.3.1E. to add new height regulations that apply to “SMALL WIND TURBINE TOWER” and amend Section 9.3 by adding zoning use permit fees for SMALL WIND TURBINE TOWER (originally parts 3, 6, and 8 of legal advertisement). (Note: See items 4, 9, 10, and 12 of the proposed amendment)**
3. **In Section 5.2 replace “wind turbine” with “BIG WIND TURBINE TOWER”; add new standard conditions for BIG WIND TURBINE TOWER in Section 6.1.3 that are similar to the standard conditions for WIND FARM; and amend subsection 4.2.1. to allow BIG WIND TURBINE TOWER as a second principal use on lots in the AG-1 and AG-2 Zoning Districts; and amend Section 9.3 by adding Special Use Permit application fees and zoning use permit fees for BIG WIND TURBINE TOWER (originally parts 2, 4, 5, 8, and 9 of legal advertisement). (Note: See items 3, 5, 6, 7, 8, 11, and 13 of the proposed amendment)**

Petitioner **Zoning Administrator**

STATUS

The Zoning Board of Appeals voted to “RECOMMEND ENACTMENT” of this proposed Zoning Ordinance Text Amendment at their February 1, 2010, meeting. The Approved Finding of Fact is attached.

Like all text amendments this case needs to be coordinated to allow for municipal and township plan commission comments and that generally starts with a tentative recommendation by the Committee of the Whole to either accept the ZBA recommendation or modify it in some way. There are no applications pending the outcome of this case so there is no particular rush and the Committee could defer the initial recommendation.

BACKGROUND

The ZBA made a final recommendation to the County Board on the wind farm amendment, Case 634-AT-08 Part A, on March 26, 2009. Part B (this case) had been included in the original legal advertisement

and was intended to correct problems with the current Zoning Ordinance requirements for “small” wind turbines. This was included as item 45 in Attachment A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment on p. 79 of the November 10, 2008, ELUC Agenda. However, Part A occupied all staff and ZBA time and no progress was made on Part B until Part A was completed.

Residential scale wind turbine towers have always been permitted as a by-right use under Sec. 4.3.1 of the Ordinance. Sec. 4.3.1 allows towers up to 100 feet in height by zoning use permit so long as the minimum yard requirements are complied with. Towers over 100 feet in height require a special use permit approval from the ZBA.

Over the years it has become apparent that 100 feet did not really satisfy many applicants. Nonetheless, applicants complied with that limit rather than go through the special use permit process. In one instance it was determined that the applicant actually qualified for the agricultural exemption which meant that only the street setback requirement applied and the tower was constructed to the desired height of 115 feet.

A local wind turbine retailer contacted the Department in January 2009 and again identified that 100 feet was not an adequate height. In fact, the retailer wanted to construct a wind turbine tower more than 100 feet tall at their store just outside the City of Urbana. After some discussion, it was discovered that municipalities with zoning now had the right to regulate all wind turbines within 1.5 miles of their boundaries and the County had no wind turbine authority within that area. After contacting the City of Urbana the turbine was subsequently constructed.

The ZBA recommendation in this case is to allow a “by right” height of 150 feet for “small” wind turbines and that will solve the small wind turbine height problem with the current Ordinance. This case will also add many new standards to protect neighbors that are not in the current Ordinance. Those standards have received strong public support in the public hearing. And agricultural wind turbines will continue to qualify under the agricultural exemption.

TYPES OF WIND TURBINES

The proposed amendment includes new definitions for SMALL WIND TURBINE TOWERS and BIG WIND TURBINE TOWERS and revises the definitions for WIND FARM and WIND FARM TOWER. The definitions are mutually exclusive and prevent anyone from using variances or waivers as a loophole to construct a larger turbine by using the regulations for a smaller type. See Attachment A for more information.

MUNICIPAL WIND TURBINE ORDINANCES

As reviewed in the Background, state statute was recently amended to give municipalities jurisdiction over wind farms and all wind turbines within one and one-half miles of their zoning jurisdiction. As the County was working on its own small wind ordinance the City of Champaign and the City of Urbana began working on their own small wind ordinances as well. County staff met with staff from each city to attempt to coordinate the different ordinances as much as possible.

The City of Champaign adopted a small wind ordinance at the City Council meeting on December 15, 2009. The City of Urbana staff is still working on an ordinance to present to their City Council.

COMPARISON WITH OTHER COUNTIES

During the public hearing for Case 634-AT-08 Part B staff investigated what certain other Illinois counties required for small wind turbines and this information is included in Attachment B. The table also includes a comparison to the American Wind Energy Association model ordinance and the small wind ordinance adopted by the City of Champaign.

PROPOSED AMENDMENT

The Proposed Amendment is included as Attachment C and includes the following items:

- Item 1 of the Proposed Amendment deals only with the definition of WIND FARM and WIND FARM TOWER.
- SMALL WIND TURBINE TOWER requirements are found in items 2, 4, 9, 10, and 12 of the Proposed Amendment.
- BIG WIND TURBINE TOWER requirements are found in items 2, 3, 5, 6, 7, 8, 11, and 13 of the Proposed Amendment.

ATTACHMENTS

- A Table Comparing Types of Wind Turbine Towers and the Requirements for Each
- B Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances and Largest Local Municipalities
- C Draft Proposed Amendment (all sections)
- D Finding of Fact and Final Determination of the Champaign County Zoning Board of Appeals for Case 634-AT-08 Part B as approved on February 1, 2010

Table Comparing Types of Wind Turbine Towers And The Requirements for Each

Case 634-AT-08 Part B

RECOMMENDED DRAFT

January 28, 2010

Parameter	Small Wind Turbine Tower	Big Wind Turbine Tower	Wind Farm & Wind Farm Tower
Type of use	Accessory (must serve a principal use such as a dwelling)	Principal but must be located on same property as another principal use and must provide power for that other principal use	Principal use
Purpose	Produce energy for use onsite and sell unused power to electric power provider	Produce energy for use onsite and sell unused power to electric power provider	Produce energy to sell to the national electric grid
Anticipated use	Residential, business, industrial, institutional	Industrial, institutional	Wind farm development
Agriculture exemption	Yes	If justified	No
Anticipated power rating	100 kilowatt max. allowed	Same as wind farm	Approx. 1.5 to 3.0 megawatt per turbine
Authorized zoning districts	Any zoning district	AG-1, AG-2, I-1, I-2	AG-1 only
Type of authorization	By right (zoning use permit)	Special use permit plus zoning use permit	County Board special use permit plus zoning use permit for each wind farm turbine
Authorized within 1.5 miles of zoned municipality	No	No	No
Limits on physical size of turbine tower	150 feet maximum height if all separations are met**; rotor diameter based on lot area but not larger than 75 feet**	Same as wind farm	500 feet maximum height
Limits on number of towers	Four	Three	As authorized by the Board
Minimum separation to nearby dwellings	1.11 times the overall height (7.7 B.1.); more if rotor diameter exceeds 24 feet	Same as wind farm	1,000 feet to participating and 1,200 feet to non-participating (6.1.4 C. 1. & 2.)
to property line	1/3 overall height	Same as wind farm	1.1 times height for wind farm property and 1.5 times height for non-wind farm property (6.1.4 C. 4. & 6.)
to third party power lines, public street, railroad	1.11 times the overall height (7.7 B.2.)	Same as wind farm	Varies; 1.1 to 1.5 times height (6.1.4 C. 5. & 7.)
to other features	NR	Same as wind farm	Yes
to CR zoning district	NR	Same as wind farm	Yes- one mile
Safety certification	Yes (7.7 P.1.)	Same as wind farm	Yes (6.1.4 D. 1.)
Minimum type of pole	NR	Same as wind farm	Monopole (6.1.4 D.4.)
Compliance w/ FAA req'ts	Yes(7.7H.)	Same as wind farm	Yes (6.1.4 D.7.)
Brakes and overspeed controls	Yes (7.7 G.)	Same as wind farm	Yes (6.1.4 D.2.)
Color requirements	Yes (7.7 J.; manuf. color or unob.)	Same as wind farm	Yes (6.1.4 D.7.; unobtrusive as appr. by Board)
Prevent unauthorized climbing	Yes in Residential districts (7.7 L.)	Same as wind farm	Yes (6.1.4 D.9.)
Mitigate damage to farmland	NR	NR (may be special condition)	Yes (6.1.4 E.)

Table Comparing Types of Wind Turbine Towers And The Requirements for Each

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Parameter	Small Wind Turbine Tower	Big Wind Turbine Tower	Wind Farm & Wind Farm Tower
Requirements for street access	NR	Same as wind farm*	Yes (6.1.4 F.)
Coordinate with fire protection district	NR	Same as wind farm	Yes (6.1.4 G.)
Limits on electromagnetic interference	Yes (7.7 M.)	Same as wind farm	Yes (6.1.4 H.)
Limits on permissible noise	Same as wind farm (7.7F.)	Same as wind farm	Yes (6.1.4 I.)
Required noise study	NR	Same as wind farm	Yes (6.1.4 I.)
Endangered species consultation	NR	Same as wind farm	Yes (6.1.4 J.)
Historic resource review	NR	Same as wind farm	Yes (6.1.4 K.)
Limits on wildlife impacts	NR	NR	Yes (6.1.4 L.)
Wildlife studies	NR	NR	Yes (6.1.4 L.)
Limits on shadow flicker	NR	Same as wind farm	Yes (6.1.4 M.)
Required shadow flicker study	NR	Same as wind farm	Yes (6.1.4 M.)
Requirement for liability insurance	NR	Same as wind farm	Yes (6.1.4 N.)
Operational requirements	NR	Same as wind farm	Yes (6.1.4 O.)
Requirement for decommissioning plan and reclamation agreement	NR	Same as wind farm	Yes (6.1.4 P.)
Requirement for complaint hotline	NR	NR	Yes (6.1.4 Q.)
Expiration of special use permit	NR	Same as wind farm	Yes (6.1.4 R.)
Application fees	\$100 for first 50 feet and \$80 for each 20 feet increment plus \$33 compliance certificate (\$100 for 50 feet; \$300 for 100 feet; \$533 for 150 feet)	SUP- \$ 3,300 per tower and \$10,000 maximum ZUP- \$4,500 per tower	SUP-\$20,000 min or \$440 per tower, whichever is greater ZUP- \$4,500 per tower

Notes

NR= no requirement

* Road access permits for a big wind turbine tower may be much simpler than for a wind farm and waivers may be requested for specific requirements.

** A variance can be requested for height of a small wind turbine tower but not for a rotor diameter greater than 75 feet.

Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances And Largest Local Municipalities

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RECOMMENDED DRAFT

January 28, 2010

Standard	American Wind Energy Assoc. Model Ord.	Ford County	Macon County	McLean County	Sangamon County	Will County	Woodford County	Champaign County ZBA Recommendation*	City of Champaign (Adopted)	City of Urbana
Type of approval	By right	By right	By right	By right	By right accessory use	By right	By right if all req. are met; SUP otherwise	By right	By right if within height limits; SUP otherwise	
Max. turbine rating	100kW	100kW	50Kw	No specific limit	100kW	100kW	No specific limit	100kW	No limit	
Height limit* * to top of highest blade	Based on min. separations & FAA limits	NONE	100 FT	Based on zoning district & lot area: •50FT on .99 AC or less for all districts •65FT on 1AC to 1.99AC for all districts •80FT on 2AC to 4.99 AC for all districts and maximum for R-1 & R-2 Districts •150FT for 5AC or more in AG, C, M1, M2 dist.	Based on lot area & rating: • 35FT if less than 10kW (no min. lot area) •80FT for 10kW to 100 kW and 3 AC min lot area	Based on zoning district & lot area: • 70FT on 5AC to 19AC for all districts •80FT on 20AC plus for Ag & Residential Districts •120FT on 20AC plus for Commercial & Industrial	150 FT	150FT max. based on: a. separation from adjacent principal building; and b.min. sep. from power lines and streets (1.1 times height) c. erection clearance; d. 1/3 ht. from prop. line (Note: taller turbine requires a variance)	Based on sep. from residential zoning district: •100 FT in residential district or within 1,000 FT of residential district •175 FT if more than 1,000 FT from residential district (shadow flicker limit applies if greater than 150 FT) (Note: taller turbine requires a special use permit)	
Maximum rotor diameter	NONE	NONE	30FT	NONE	NONE	NONE	NONE	Varies: ♣ 15FT if less than 1 acre or less ♣ 24FT if one acre or more ♣ More than 24FT req. min. sep. to nearest dwelling of 8.3 times diameter up to 75FT max.	Varies based on separation from res. zoning district: •50 FT in residential district or within 1,000 FT of residential district •100 FT if more than 1,000 FT from resid. district	

Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances And Largest Local Municipalities

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RECOMMENDED DRAFT

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Standard	American Wind Energy Assoc. Model Ord.	Ford County	Macon County	McLean County	Sangamon County	Will County	Woodford County	Champaign County ZBA Recommendation *	City of Champaign (Adopted)	City of Urbana
Minimum lot area	NONE	NONE	NONE	Based on height-see above	Based on height & rating-see above	5 AC	2AC	NONE	Only for multiple units	
Minimum separations	100% height from property lines, street right of way, & utility lines	110% height from property lines & utility lines 150% height from adj. res.	110% height from adj. res. property lines & utility lines and 50% height from onsite res.	110% height from property lines & utility lines	110% height from property lines & utility lines	125% height from property line	110% height from property lines 150% height from adj. res. & utility lines	110% height from adj. principal building under owner ownership; utility lines & rights of way; Side & rear yard equal to 1/3 height	100% height from property lines	
Min. ground clearance	NONE	15FT	30FT	15FT	NONE	15FT	15FT	20FT	20FT	
Limit on number per lot	NONE	NONE	NONE	One	One	One	NONE	Varies: •One if less than 3AC •Four if 3AC or more (one roof mounted turbine also allowed)	Varies: •Three if five acres or less • Five if more than five acres and not exceeding 10 acres • No limit on lots greater than 10 acres	
Engineering certification	Required	NONE	?	Required	Required	Required	Required	Required	Apparently required	
FAA compliance	Required	Required	Required	Required	Required	Required	Required	Required	Apparently required	
Noise limit	Based on limit for nuisance noise	60 decibels at property line	?	60 decibels at property line	Ill. Pollution Control Board w/ guidelines	Ill. Pollution Control Board but 60dB is limit	Ill. Pollution Control Board	Ill. Pollution Control Board w/ guidelines; proof req. at time of permitting	Ill. Pollution Control Board	

Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances And Largest Local Municipalities

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January 28, 2010

Standard	American Wind Energy Assoc. Model Ord.	Ford County	Macon County	McLean County	Sangamon County	Will County	Woodford County	Champaign County ZBA Recommendation*	City of Champaign (Adopted)	City of Urbana
Limit on shadow flicker	NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE	Applies to heights greater than 150 FT: • shadow flicker study required • no more than 30 hours flicker on residential structures • no more than 30 hours flicker on street carrying less than 500 ADT	
Utility company notice required	Yes if interconnected	NONE	?	Yes	Yes	Yes	Yes	Yes if interconnected	NONE	
Required removal	Yes	Yes	?	Yes	Yes	Yes	?	Yes	Yes	
Prohibition on electromagnetic Interference	Assumes FCC compliance	Yes	Yes	Yes	NONE	NONE	Yes	Yes; proof of FCC compliance req. at time of permitting	Yes	

Notes

* Requirements for Champaign County "big" wind turbine are not included here

Shading indicates **less restrictive** regulations than Champaign County

♣ indicates Champaign County has the **most restrictive** regulations

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1. Revise the following in Section 3.0 Definitions:

(Note: strike out and underlining indicate changes from the current Ordinance)

WIND FARM: A unified development of WIND FARM TOWERS and all other necessary components including cabling, transformers, a common switching station, and maintenance and management facilities which are intended to produce electricity by conversion of wind energy and to deliver the electricity to the power grid ~~and having a name plate capacity of more than 10 megawatts (MW)~~. A WIND FARM is under a common ownership and operating control even though the individual WIND FARM TOWERS may be located on land that is leased from many different landowners. A WIND TURBINE TOWER or WIND TURBINE TOWERS that do not conform to the definitions of either a SMALL WIND TURBINE TOWER or a BIG WIND TURBINE TOWER shall by definition be considered a WIND FARM and may only be authorized as a WIND FARM.

WIND FARM TOWER: A wind turbine nacelle and rotor and the supporting tower structure that are part of a WIND FARM development and intended to produce electricity for the power grid or any WIND TURBINE TOWER that does not conform to the definitions of either a SMALL WIND TURBINE TOWER or a BIG WIND TURBINE TOWER.

2. Add the following in Section 3.0 Definitions:

WIND TURBINE TOWER, BIG: A wind turbine nacelle and rotor and the supporting tower structure and associated control or conversion electronics that is owned (or leased to be owned) by the owner of land on which it is located for the purpose of producing electrical energy to be used onsite by another principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and which is not more than 500 feet in overall height measured to the tip of the highest blade and that is not connected to or part of a system of more than two other BIG WIND TURBINE TOWERS.

WIND TURBINE TOWER, SMALL: A wind turbine nacelle and rotor and the supporting tower structure and associated control or conversion electronics that is owned (or leased to be owned) by the owner of land on which it is located and which produces electrical energy to be used onsite by the principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and which is not more than 150 feet in overall height measured to the tip of the highest blade and with a rotor diameter of not more than 75 feet.

3. Add new subparagraph 4.2.1 C.2. as follows:

2. Up to three BIG WIND TURBINE TOWERS may be authorized as a second PRINCIPAL USE on a LOT as a Special Use Permit in the AG-1 Agriculture and AG-2 Agriculture DISTRICTS.

4. Revise subparagraph 4.3.1 E. as follows:

(Note: strike out and underlining indicate changes from the current Ordinance)

- E. Any tower (including antenna) over 100 feet in HEIGHT shall be subject to the SPECIAL USE requirements in the DISTRICT in which it is located except for the following:

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- (1) any tower that meets the requirements of Section 4.3.1 C.; or
- (2) any TEST WIND TOWER that does not exceed 200 feet in HEIGHT; or
- (3) any WIND FARM TOWER except as HEIGHT regulations are required as a standard condition in Section 6.1.4. ; or
- (4) any SMALL WIND TURBINE TOWER.

5. In Section 5.2 replace “Wind Turbine (1-3 wind turbines)” with “**BIG WIND TURBINE TOWER¹⁷** (1-3 **BIG WIND TURBINE TOWERS**)”
6. Add footnote 17 to the indication for special use permit in all Districts where **BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS)** is authorized (AG-1, AG-2, I-1, and I-2).
7. Add the following footnote 17 in Section 5.2:

17. A BIG WIND TURBINE TOWER must be located on the same property as another principal use for the purpose of producing electrical energy that shall be used onsite by that other principal use provided that any energy not used onsite may be sold to the electric power provider.

8. Add “BIG WIND TURBINE TOWER” to Subsection 6.1.3 and indicate the following standard conditions:

1. No minimum fencing is required.
2. The Minimum lot size is the same as applicable in the zoning DISTRICT.
3. The Maximum HEIGHT is the same as par. 6.1.4 D. 6.
4. The minimum required YARDS are the following:
 - (a) The front setback is the same as par. 6.1.4 C.5.
 - (b) The SIDE and REAR YARDS are the same as par. 6.1.4 C.6.
5. Add the following explanatory provisions:
 - (a) No BIG WIND TURBINE shall be located in the following areas:
 - (1) Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.

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- (2) In any area leased for underground gas storage or under easement for same, unless the lease or easement requires that gas injection wells and other above-ground appurtenances be located in conformance with paragraph 6.1.4 C.9.
- (3) Less than one mile from the CR Conservation Recreation Zoning District.
- (b) The special use permit for a BIG WIND TURBINE TOWER shall include all land area within 1,320 feet of a public STREET right of way that is also within 1,000 feet from the base of each BIG WIND TURBINE TOWER except that in the case of BIG WIND TURBINE TOWER in compliance with the minimum STREET separation required by paragraph 6.1.4 C. 5. in which case land on the other side of the public STREET right of way does not have to be included in the SPECIAL USE Permit.
- (c) The requirements of paragraphs 6.1.4 C. through 6.1.4 S. with the exception of paragraphs 6.1.4 E., L., and Q. shall apply.
- (d) For purposes of applying paragraphs 6.1.4 C. through 6.1.4 S. to a BIG WIND TURBINE TOWER, PARTICIPATING DWELLING or PARTICIPATING PRINCIPAL USE shall mean a DWELLING or PRINCIPAL USE that is on the same land and under the same ownership as the BIG WIND TURBINE TOWER and NON- PARTICIPATING DWELLING or NON- PARTICIPATING PRINCIPAL USE shall mean a DWELLING or PRINCIPAL USE that is not on the same land as the BIG WIND TURBINE TOWER and is under different ownership than the BIG WIND TURBINE TOWER.

9. Add the following new subsection 7.7:

7.7 SMALL WIND TURBINE TOWER

A SMALL WIND TURBINE TOWER shall be allowed as an ACCESSORY USE by Zoning Use Permit in all DISTRICTS as follows:

- A. No SMALL WIND TURBINE TOWER shall be located less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.
- B. The maximum allowable HEIGHT of a SMALL WIND TURBINE TOWER (measured to the tip of the highest rotor blade) shall be the smaller of the following dimensions:
 1. A dimension equal to 90% of the minimum distance from the base of the proposed SMALL WIND TURBINE TOWER to the nearest DWELLING, PRINCIPAL STRUCTURE, or PRINCIPAL BUILDING under different ownership; or
 2. A dimension equal to 90% of the minimum distance from the base of the proposed SMALL WIND TURBINE TOWER to the nearest third party above-ground electrical transmission lines, communication towers, railroad

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right of way, or public street right of way. This limit on height may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said electrical transmission line or communication tower or the relevant railroad or public street maintenance jurisdiction. The PRIVATE WAIVER must specify the agreed minimum separation and maximum height; or

3. A dimension that for any SMALL WIND TURBINE TOWER that must be assembled on the ground and tilted vertically into final position, is no greater than the maximum length that can fit within the LOT LINES prior to being tilted into final position, as measured from the actual point of tilt up; or
 4. 150 feet; provided that
 5. The above limits on maximum allowable height notwithstanding, the maximum HEIGHT of a SMALL WIND TURBINE TOWER on a LOT in a subdivision shall not exceed 75% of the minimum required AVERAGE LOT WIDTH when any adjacent and bordering subdivision LOT is vacant; and also provided that
 6. The HEIGHT is no more than three times the side and rear yard required by paragraph 7.7 D.
 7. A SMALL WIND TURBINE TOWER taller than 150 feet must be authorized by VARIANCE.
- C. The maximum allowable rotor diameter for any vertical or horizontal axis SMALL WIND TURBINE TOWER shall be as follows:
1. 15 feet on a LOT with less than one acre LOT AREA.
 2. 24 feet on a LOT with one acre or more of LOT AREA.
 3. Rotor diameter greater than 24 feet may be authorized as follows:
 - (a) when the separation distance from the SMALL WIND TURBINE TOWER to the nearest DWELLING under other ownership is a minimum of 8.3 times the rotor diameter, up to a maximum diameter of 75 feet; and
 - (b) when the LOT AREA is three acres or larger.
 4. VARIANCES for a maximum SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet shall be prohibited.

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- D. A SMALL WIND TURBINE TOWER shall be allowed within any YARD in all DISTRICTS subject to the following:
1. The minimum SIDE YARD as measured to the base of the SMALL WIND TURBINE TOWER shall be one-third of the total HEIGHT and the minimum REAR YARD shall be same as the minimum SIDE YARD less the width of any ALLEY that may exist; and provided there is
 2. A required separation distance to the nearest PRINCIPAL STRUCTURE or PRINCIPAL BUILDING under different ownership that is equal to at least a distance of 1.11 times the overall HEIGHT (measured to the tip of the highest rotor blade) of the SMALL WIND TURBINE TOWER; and provided that
 3. The blades of the SMALL WIND TURBINE TOWER shall not cross the property line.
- E. The number of SMALL WIND TURBINE TOWERS that shall be allowed per LOT is as follows:
1. Only one SMALL WIND TURBINE TOWER shall be authorized on a lot with less than three acres of LOT AREA.
 2. No more than four SMALL WIND TURBINE TOWERS with a total nameplate rating of not more than 100kW shall be authorized on a lot with three acres or more LOT AREA.
 3. One roof-mounted or wall-mounted wind turbine shall be authorized in addition to the above limits. The roof-mounted or wall-mounted wind turbine shall not be more than 15 feet higher than any other portion of the STRUCTURE on which it is mounted.
- F. Maximum allowable noise level.
1. A SMALL WIND TURBINE TOWER shall always be operated as recommended by the manufacturer to minimize noise.
 2. The maximum allowable noise level of a SMALL WIND TURBINE TOWER at the time of Zoning Use Permit approval shall generally not exceed the regulatory standards set by the Illinois Pollution Control Board (IPCB) as implemented by this Ordinance, except during short term periods due to high winds or power outages as follows:
 - (a) For the purposes of implementing the IPCB noise regulatory standards by this Ordinance, land use shall be considered as follows:

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- (1) A SMALL WIND TURBINE TOWER shall be considered a Class C land use as defined in the IPCB noise regulations regardless of the principal use on the LOT.
 - (2) Both DWELLINGS and LOTS that are 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE shall be considered as Class A land uses as defined in the IPCB noise regulations.
 - (3) A LOT on which a business USE is established as a PRINCIPAL USE shall be considered as Class B land use as defined in the IPCB noise regulations.
 - (4) In accordance with the IPCB noise regulatory standards the maximum noise level shall apply at the property line although for LOTS that are more than 10 acres in area the standard shall apply at the DWELLING.
- (b) There shall be no maximum noise level at the time of construction provided that at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located 900 feet or more from either of the following:
- (1) the nearest property line of a LOT that is 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE;
or
 - (2) a DWELLING on a LOT that is 10 acres or larger.
- (c) If at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located less than 900 feet from any LOT or BUILDING as described in subparagraph 7.7 2.(b), the maximum noise level from the SMALL WIND TURBINE TOWER shall comply with the noise regulatory standards set by the Illinois Pollution Control Board as implemented by this Ordinance and shall be documented by manufacturer's data that shall be submitted with the application.
3. The Zoning Administrator shall include with any zoning use permit for a SMALL WIND TURBINE TOWER a statement that compliance with these requirements does not necessarily indicate compliance with the Illinois Pollution Control Board noise regulations.
- G. The SMALL WIND TURBINE TOWER shall have an automatic over speed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render

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the system inoperable in the event of a structural or mechanical failure of any part of the system.

- H. SMALL WIND TURBINE TOWERS shall comply with all applicable regulations of the FAA.
- I. No illumination of the SMALL WIND TURBINE TOWER shall be allowed unless required by the Federal Aviation Administration.
- J. The SMALL WIND TURBINE TOWER shall either be the color supplied by the manufacturer or else painted white or gray or another non-reflective, unobtrusive color that shall be specified in the Zoning Use Permit application.
- K. There shall be a minimum clearance of 20 feet between the ground and the lowest arc of the rotor blades for a SMALL WIND TURBINE TOWER.
- L. Any SMALL WIND TURBINE TOWER in a Residential Zoning District must be protected from unauthorized climbing by any of the following means:
 - 1. removal of climbing rungs, if possible, to a height of 12 feet, provided that the SMALL WIND TURBINE TOWER is unclimbable without the rungs; or
 - 2. Devices such as fences at least six feet high with locking portals or anti-climbing devices 12 feet vertically from the base of the SMALL WIND TURBINE TOWER.
- M. The SMALL WIND TURBINE TOWER shall not cause any significant electromagnetic interference with any radio, television, microwave communication, or satellite navigation on other properties and compliance with the following shall be deemed to be full compliance for the purposes of this Ordinance:
 - 1. All wind turbines shall comply with the Federal Communication Commission (FCC) requirements for electromagnetic interference including FCC Part 15. The applicant shall provide a copy of the wind turbine manufacturer's certification of compliance with FCC requirements with the Zoning Use Permit Application.
 - 2. Metal blades shall not be used.
- N. In the event of destruction by any means or the need for replacement, wind turbine towers and wind turbines located more than one-and-one-half miles from an incorporated municipality that has a zoning ordinance may be replaced as follows:

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1. The wind turbine may be replaced on the original tower pursuant to a new Zoning Use Permit provided that the replacement complies with all manufacturer's safety recommendations and requirements.
 2. If a replacement wind turbine cannot be installed on an existing wind turbine tower in compliance with all manufacturer's safety recommendations and requirements and a new SMALL WIND TURBINE TOWER is required, the new SMALL WIND TURBINE TOWER shall be in full compliance with these regulations.
- O. If a wind turbine is derelict for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower and also remove the tower if it has guy cables, for safety reasons. If the owner fails to remove the wind turbine within one month the Zoning Administrator shall send a notice that the wind turbine is in violation of the Zoning Ordinance and subject to a daily fine as provided for in Section 10.
- P. The Zoning Use Permit application for the SMALL WIND TURBINE TOWER shall include the following:
1. A copy of the manufacturers standard drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/ or foundations as provided by the manufacturer sufficient to prove that the wind turbine tower is safe for the use intended. Wet stamps shall not be required.
 2. Evidence must be given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
 3. Such evidence and documentation as required to verify that the SMALL WIND TURBINE TOWER meets all other Zoning Ordinance requirements.

10. Revise paragraph 9.1.9 B. as follows:

B. Prohibited VARIANCES

At no time shall the BOARD or the Hearing Officer grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.

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2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section 14.2.1.
6. To authorize a SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet.

11. Add new subparagraph 9.3.1 D. H. as follows:

H. WIND FARM TOWER or BIG WIND TURBINE TOWER \$4500

12. Add new subparagraph 9.3.1 D. I. as follows:

- I. SMALL WIND TURBINE TOWER
 1. Not over 50 feet in HEIGHT.....\$100
 2. greater than 50 feet in HEIGHT.....\$100 plus \$80 for each
20 feet in excess of 50 feet in height
(round to next highest 20 feet
increment)
 3. Replacement of turbine on existing tower..... \$100

13. Add new subparagraph 9.3.3 B.7. as follows:

7. BIG WIND TURBINE TOWER Special Use Permit.....
\$3,300 per BIG WIND TURBINE TOWER

AS APPROVED

634-AT-08 Part B

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: **RECOMMEND ENACTMENT**

Date: February 1, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Add definitions for "SMALL WIND TURBINE TOWER" and "BIG WIND TURBINE TOWER," and revise the definition for "WIND FARM".
2. Amend subsection 4.2.1. to allow BIG WIND TURBINE TOWER as a second principal use on lots in the AG-1 and AG-2 Zoning Districts.
3. Amend paragraph 4.3.1 E. to add new height regulations that apply to "SMALL WIND TURBINE TOWER" and "BIG WIND TURBINE TOWER".
4. In Section 5.2 replace "wind turbine" with "BIG WIND TURBINE TOWER", and indicate BIG WIND TURBINE TOWER is only authorized as a second principle use on lots in certain Zoning Districts.
5. In Section 6.1.3 add new standard conditions for "BIG WIND TURBINE TOWER" that are similar to the standard conditions for a WIND FARM.
6. Add new subsection 7.7 making "SMALL WIND TURBINE TOWER" an authorized accessory use by-right in all zoning districts and add requirements including but not limited to (a) the turbine must be located more than one and one half miles from the nearest municipal zoning jurisdiction; and (b) minimum required yards that are the same as for other accessory structures in the district provided that the overall height is not more than 100 feet; and (c) an overall height limit of 200 feet provided that the separation from the nearest property line is at least the same as the overall height and authorize private waivers of the separation by adjacent neighbors; and (d) a limit of no more than two turbine towers per lot; and (e) allowable noise limits; and (f) a requirement for engineer certification; and (g) a requirement to notify the electrical power provider if interconnected to the electrical grid; and (h) a requirement for no interference with neighboring TV, radio, or cell phone reception; and (i) a requirement for the removal of inoperable wind turbines.
7. In Section 9.3.1 add fees for SMALL WIND TURBINE TOWER and BIG WIND TURBINE TOWER.
8. In Section 9.3.3 add application fees for BIG WIND TURBINE TOWER Special Use Permit.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2009, June 11, 2009, July 16, 2009, October 15, 2009, November 12, 2009, January 14, 2010, and February 1, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.

2. The need for the amendment came about as follows:
 - A. The current *Zoning Ordinance* authorizes wind turbines (or any tower) 100 feet or less in height by-right. However, wind turbines over 100 feet in height are only authorized as a Special Use Permit.
 - B. Eric McKeever, representative of Arends Bros., submitted a letter from Arends Bros. that indicated the following:
 - (1) They would like to see no height limit placed on small wind turbine towers.
 - (2) They would instead suggest making the minimum separation from lot lines equal to the overall height of the wind turbine.
 - (3) At the June 11, 2009, ZBA meeting Mr. McKeever testified that even a small increase in height can create a large increase in average wind speed and a wind turbine's output.
 - C. At the July 16, 2009, ZBA meeting Bill Fabian, owner of Mid-State Renewable Energy Services testified, as follows:
 - (1) Mid-State Renewable Energy Services contracts solar and small wind energy systems throughout central Illinois.
 - (2) He has been involved in the business since 1998 and established it as an incorporated business in 2002.
 - (3) He commended Planning and Zoning staff for proactively addressing many concerns related to residential small scale wind turbines.
 - (4) He has had to address many of the Board's concerns on his own over his years of working with residential scale units.
 - D. The Zoning Board of Appeals took final action on Part A on March 26, 2009, and Ordinance No. 848 (Zoning Case 634-AT-09 Part A) was enacted by the County Board on May 21, 2009. Part C was subsequently withdrawn by the Zoning Administrator.
 - E. Part B is necessary to allow for smaller wind turbines that do not require the same restrictions as large, industrial turbines. Part B has been amended to also include regulations for construction of one to three industrial turbines.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

4. Existing Zoning regulations regarding the separate parts of the proposed amendment are as follows:

- A. Requirements for wind turbine facilities were added to the *Zoning Ordinance* by Ordinance No. 617 (Case 236-AT-00) on October 24, 2000. Ordinance No. 617 specifically authorized the following:
- (1) The current *Zoning Ordinance* only authorizes wind turbines 100 feet or less in height as by-right uses, anything over 100 feet in height requires a Special Use Permit.
 - (2) Development of up to three wind turbines by Special Use Permit (approved by the Zoning Board of Appeals (ZBA)) in the AG-1 Agriculture, AG-2 Agriculture, I-1 Light Industry, and I-2 Heavy Industry Zoning Districts.
 - (3) Development of more than three wind turbines is authorized only in the I-2 Heavy Industry Zoning District and then only with a Special Use Permit (approved by the ZBA).
 - (4) Ordinance No. 617 did not distinguish between large, industrial turbines and small wind turbines used for private homes or business uses. Ordinance No. 617 was only concerned with the number of turbines on a property.
- B. A related Ordinance No. 625 (Case 273-AT-00 Part B) added requirements for reclamation agreements on May 22, 2001. It is anticipated that any wind turbine tower would be considered a “non-adaptable structure” and the ZBA would require a reclamation agreement as part of any discretionary approval.
- C. Ordinance No. 848 (Zoning Case 634-AT-08 Part A) was adopted on May 21, 2009, and added requirements for industrial scale wind farms. Wind farms are a County Board Special Use Permit in the AG-1 District only. Standard conditions for wind farms are described in Subsection 6.1.4 of the *Zoning Ordinance*. The definition of wind farm that was added in Case 634-AT-08 Part A is proposed to be revised in this case.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm

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BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (4) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (5) "NON-ADAPTABLE STRUCTURE" is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by-right or by SPECIAL USE).
- (6) "WIND FARM" is a unified development of WIND FARM TOWERS and all other necessary components including cabling, transformers, a common switching station, and maintenance and management facilities which are intended to produce electricity by conversion of wind energy and to deliver the electricity to the power grid and having a name plate capacity of more than 10 megawatts (MW). A WIND FARM is under a common ownership and operating control even though the individual WIND FARM TOWERS may be located on land that is leased from many different landowners.
- (7) "WIND FARM TOWER" is a wind turbine nacelle and rotor and the supporting tower structure that are part of a WIND FARM development and intended to produce electricity for the power grid.

SUMMARY OF THE PROPOSED AMENDMENT

5. The proposed amendment establishes standards for construction of non-wind farm turbines (SMALL WIND TURBINE TOWERS) not over 150 feet tall, and construction of one to three industrial-scale turbines (BIG WIND TURBINE TOWERS) that are serving another principal use on the same property. A copy of the proposed amendment is attached.

GENERALLY REGARDING THE LAND USE GOALS AND POLICIES

6. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:

- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

REGARDING SPECIFICALLY RELEVANT LAND USE POLICIES

- 7. There are policies for a variety of land uses in the Land Use Goals and Policies, but only some are relevant to the proposed amendment. Specifically relevant policies include two agricultural policies, one residential policy, one commercial policy, and one conservation policy, as follows:
 - A. Policy 1.2 of the Land Use Goals and Policies relates to agricultural land use and states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or those areas served by adequate utilities, transportation facilities and commercial services or those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

The proposed amendment **CONFORMS** to Policy 1.2 because of the following:

- (1) SMALL WIND TURBINE TOWERS are only authorized as accessory uses on a lot with a principal use, as follows:
 - (a) SMALL WIND TURBINE TOWERS that serve agricultural uses would be considered agricultural uses themselves, however, most agricultural uses do not require the amount of power that a BIG WIND TURBINE TOWER provides so only a pro-rated agricultural exemption would be allowed in those cases.
 - (b) Wind turbines that serve an authorized principal use in the AG-1, AG-2, B-1, or CR zoning districts are associated with a use that has been determined to not be incompatible with surrounding agriculture.
 - (c) Changes to subparagraph 4.3.1 E. allow SMALL WIND TURBINE TOWERS to exceed 100 feet in height and be up to 150 feet in height, but only if they meet the yard and separation requirements of proposed subsection 7.7, as follows:
 - i. A SMALL WIND TURBINE TOWER must be 110% of the overall height of the turbine away from the nearest dwelling, or principal structure or use under different ownership, or third-party above ground power line.
 - ii. A tilt-up wind turbine can be no taller than the maximum height that can fit within the lot lines of the property on which it is located.
 - iii. The maximum height is 150 feet.

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- iv. 75% of the minimum required AVERAGE LOT WIDTH in a subdivision where any adjacent lot is vacant.
 - v. A SMALL WIND TURBINE TOWER must be no taller than three times the distance from the base of the tower to the nearest side or rear lot line.
 - vi. The standards listed above allow towers up to 150 feet in height. Heights greater than 150 feet must be authorized by a variance.
- (d) The standard listed in Item 7.A.(1)(c)iv. and included in the proposed amendment as subparagraph 7.7 B.5. is intended to minimize conflict between wind turbines and home construction in new subdivisions.
- (2) BIG WIND TURBINE TOWERS are only authorized as a second principal use on a lot with another principal use, as follows:
- (a) The turbine is intended to be subordinate to the first principal use.
 - (b) Wind turbines that serve an authorized principal use in the AG-1, AG-2, or B-1 zoning districts are associated with a use that has been determined to not be incompatible with surrounding agriculture.
 - (c) Subparagraph 4.2.1 C. is revised to authorize BIG WIND TURBINE TOWERS as a second principal use on lots in the AG-1 and AG-2 zoning districts, but only as a Special Use Permit.
 - (d) New Footnote 17 to subsection 5.2 is proposed to limit the placement of BIG WIND TURBINE TOWERS to lots with another principal use and only if the BIG WIND TURBINE TOWER is owned or leased to be owned by the owner of the land on which it is located for the purpose of producing electrical energy to be used onsite, provided that any energy not used onsite may be sold to an electric power provider.
- B. Policy 1.3 of the Land Use Goals and Policies relates to agricultural land use and states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.

The proposed amendment **CONFORMS** to Policy 1.3 because BIG WIND TURBINE TOWERS are proposed to be authorized only as Special Use Permits in the AG-1, AG-2, I-1, and I-2 Zoning Districts, as follows:

- (1) Requirements in revised subparagraphs 4.2.1 C. and 4.3.1 E. make it clear that a BIG WIND TURBINE TOWER is only authorized as a subordinate second principal use on a lot with an already existing principal use, and only for the purpose of generating

electricity to be used onsite, provided that any excess energy may be sold to an electric power provider.

- (2) BIG WIND TURBINE TOWER is proposed to be added to subsection 6.1.3, the Table of Standard Conditions for Specific Special Uses with several standard conditions, as follows:
- (a) BIG WIND TURBINE TOWERS are large-scale, industrial size wind turbines that are similar to wind farm towers. Many of the standard conditions listed below were originally drafted for wind farm towers in Case 634-AT-09 Part A.
 - (b) The maximum height and minimum required yard and separations are the same for a BIG WIND TURBINE TOWER as for a wind farm tower.
 - (c) The special use permit for a big wind turbine tower must include an area surrounding the tower that is similar to what is required around a wind farm tower.
 - (d) The standard conditions for BIG WIND TURBINE TOWERS in subsection 6.1.3 incorporate standard conditions from 6.1.4, including: minimum separations; design and installation safety; road usage; coordination with fire protection; mitigation of electromagnetic interference; maximum noise level; endangered species; historical review; shadow flicker; liability; operational safety; decommissioning agreement; expiration of the SUP; and application requirements because a BIG WIND TURBINE TOWER has similar impacts to those of a wind farm tower.
 - (e) The standard conditions for BIG WIND TURBINE TOWERS in subsection 6.1.3 do not incorporate certain standard conditions from 6.1.4, including: mitigation of damage to farmland; wildlife impacts; and a complaint hotline because one to three BIG WIND TURBINE TOWERS should not have the same level of impact as a whole wind farm development in these cases.

- C. Policy 2.5 of the Land Use Goals and Policies relates to residential land use and states that the Zoning Board of Appeals, the Environment and Land Use Committee and the County Board will only support the development of residential areas separated from incompatible non-residential uses, unless natural or man-made buffering is provided.

The proposed amendment **CONFORMS** to Policy 2.5 because of the following:

- (1) Regarding the definition of small wind turbine tower:
 - (a) The proposed definitions in Section 3 are as follows:
 - i. SMALL WIND TURBINE TOWER refers generally to a wind turbine which produces electrical energy to be used onsite by the principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and which is not more than 150 feet in overall

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- height measured to the tip of the highest blade and with a rotor diameter of not more than 75 feet.
- ii. BIG WIND TURBINE TOWER refers generally to a wind turbine used for the purpose of producing electrical energy to be used onsite by another principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and height of no more than 500 feet.
- iii. WIND FARM and WIND FARM TOWER refers generally to wind turbines that do not conform to the definitions of either a SMALL WIND TURBINE TOWER or a BIG WIND TURBINE TOWER
- iv. The proposed definitions SMALL WIND TURBINE TOWER and BIG WIND TURBINE TOWER provide the following benefits:
- The definitions imply no limit on the amount of power that can be sold to the electric power provider.
 - The definitions do not include any limit on electrical power output which means that the definition will not limit the power rating if technology allows small wind systems to have greater output in the future.
 - The definitions generally rely on physical dimensions and characteristics which relate directly to impacts on adjacent land uses.
 - The definitions provide an intermediate level of wind turbine between small wind turbines and wind farms with different standards for each level.
 - The definitions are mutually exclusive and provide clear distinctions between the three types of wind turbines and wind turbine developments.
- (b) The American Wind Energy Association's (AWEA) Model Small Wind Ordinance (included as an attachment to the Supplemental Memorandum of June 5, 2009) recommends that a "small wind energy system" is a wind turbine which has a rated capacity of not more than 100 kW and which is intended to primarily reduce onsite consumption of utility power.
- (c) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following definitions for small wind turbine towers:

- i. Macon County defines a small wind turbine as a small wind energy conversion system having a capacity of 50 kilowatts or less and anything larger is a large wind energy conversion system
 - ii. Ford, McLean & Sangamon counties limit small wind turbines to ratings of 100 kilowatts or less.
 - iii. Woodford County defines a small wind turbine as a small wind energy system that generates power for an individual property.
 - iv. Will County does not have a definition of small wind turbine system.
- (2) Subparagraph 7.7 B includes height limits for SMALL WIND TURBINE TOWERS based on their proximity to other nearby land uses, as reviewed in Item 7.A.(1)(c):
- (a) Discussion by the Board at the October 15, 2009, meeting indicated that the Board was inclined to allow the 150 feet maximum height for any turbine (i.e. residential or industrial) provided that the turbine meets the standards reviewed in Item 7.A.(1)(c), and included in the amendment as new paragraph 7.7 B. However, the Board also indicated that turbines over 150 feet in height could be authorized by variance:
 - i. The proposed amendment ensures that neither power lines nor rights of way nor principal structures nor principal buildings on adjacent properties will not be put at risk due to the height of the a small wind turbine. However, the proposed amendment does not provide any protection for accessory structures or accessory buildings (such as detached garages) on adjacent property.
 - ii. The maximum height allowed by the setbacks in the proposed amendment will ensure the maximum benefits of wind energy potential.
 - (b) The American Wind Energy Association's (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a "small wind energy system" as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and with a tower height no greater than the setback of the tower from the property line or public right of way or nearest utility lines unless the abutting property owner or relevant jurisdiction granted permission for a taller height.
 - (c) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following height limits for small wind turbine towers:

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- i. Ford County has no maximum height but does require a separation to the property line of 110% of the tower height and a separation to an adjacent dwelling of 150% of the tower height;
 - i. Woodford County has a 150 feet maximum height and also requires a separation to the property line of 110% of the tower height and a separation to an adjacent dwelling of 150% of the tower height;
 - ii. Macon County has a 100 feet maximum height limit and also requires a separation to the property line of 110% of the tower height and a separation to the same dwelling of 50% of the tower height;
 - iii. McLean, Sangamon, and Will counties have maximum heights that vary based on lot area and zoning district. McLean County has a 150 feet maximum height on lots that 5 acres or larger in the AG, C, M1, and M2 districts and also requires a separation to the property line of 110% of the tower height. Sangamon County has a maximum height of 80 feet on lots that are three acres or larger and also requires a separation to the property line of 110% of the tower height. Will County has a maximum height of 120 feet on lots that are 20 acres or larger and used for commercial & industrial uses and also requires a separation to the property line of 125% of the tower height and a maximum height of 80 feet on lots that are 20 acres or larger and used for residential uses and also requires a separation to the property line of 125% of the tower height.
 - iv. The City of Champaign has a height limit based on the separation from a residential zoning district. The limit is 100 feet of total height in or within 1000 feet of a residential zoning district. The limit is 175 feet farther than 1000 feet from a residential zoning district. A special use permit is required for any turbine greater than 175 feet in height. There is also a requirement for a shadow flicker study for any turbine greater than 150 feet in height.
- (3) Subparagraph 7.7 C. includes limits on rotor diameter based on the size of the lot and separation of the turbine tower from other land uses, as follows:
- (a) The maximum rotor diameter limit on lots less than one acre in area is 15 feet. This is the same limit on the height of residential accessory buildings on lots less than one acre in area in Footnote 4 of subsection 5.3.
 - (b) The maximum rotor diameter limit on lots one acre or more in area is 24 feet. This is the same limit on the height of residential accessory buildings on lots one acre or more in area in Footnote 4 of subsection 5.3.

- (c) The current revision no longer distinguishes between residential and non-residential turbines and requires a greater separation distance for any rotor larger than 24 feet in diameter and requires at least three acres of lot area. The requirement that rotors larger than 24 feet require a separation distance to the nearest dwelling (under different ownership) that is 8.3 times the rotor diameter is intended to minimize nuisance effects (including shadow flicker) from the larger rotors. A 200 feet separation is 8.3 times as long as a 24 feet diameter rotor.
- (d) Variances for rotor diameters larger than 75 feet are prohibited by the proposed amendment to make sure there is no loophole in the regulations that would allow what is essentially a BIG WIND TURBINE TOWER from being authorized by variance rather than special use permit or in a district where it could not be authorized by special use permit.
- (e) The American Wind Energy Association's (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a "small wind energy system" as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and there are no maximum recommended rotor diameters for a small wind energy system.
- (f) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following limits on wind turbine power ratings for small wind turbine towers:
 - i. McLean and Woodford counties do not limit wind turbine power ratings;
 - ii. Ford, Sangamon, and Will counties have a 100 kilowatt limit.
 - iii. Macon County has a 50 kilowatt limit.
- (g) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following limits on rotor diameter for small wind turbine towers:
 - i. Ford, McLean, Sangamon, Will, and Woodford counties do not limit rotor diameter;
 - ii. Macon County limits rotor diameter to 30 feet.
- (h) An informal survey of rotor diameter sizes by turbine nameplate rating found the following:
 - i. Wind turbines with nameplate ratings of 1kW or less had rotor diameters from 7 feet to 11.8 feet.
 - ii. Wind turbines with nameplate ratings of more than 1kW but less than 10kW had rotor diameters between 7 feet to 22 feet.

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- iii. Wind turbines with nameplate ratings of between 10kW and 40kW had rotor diameters between 22 feet and 49 feet.
- iv. Wind turbines with nameplate ratings of between 40kW and 100kW had rotor diameters between 49 feet and 69 feet.
- (i) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated the following:
 - i. The City has no limit on turbine power ratings.
 - ii. The limit on rotor diameter is based on the separation from a residential zoning district. Within or up to 1000 feet from a residential district the limit is 50 feet. The limit is 100 feet farther than 1000 feet from a residential district.
- (4) Regarding the maximum allowable noise limit for small wind turbines:
 - (a) Proposed subparagraph 7.7 F. establishes the maximum allowable noise level based generally on the Illinois Pollution Control Board (IPCB) limits and are as follows:
 - i. A SMALL WIND TURBINE TOWER shall always be operated as recommended by the manufacturer to minimize noise.
 - ii. The allowable noise limit may be exceeded during short term periods due to high winds or power outages.
 - iii. In accordance with the IPCB noise regulatory standards the maximum noise level shall apply generally at the property line although for large tracts the standard shall apply at the dwelling.
 - iv. Specific land use classifications are included for the purposes of implementing the IPCB noise limits because it is not clear how the IPCB noise regulations are intended to interpret a residential wind turbine.
 - v. The Illinois Environmental Protection Agency (IEPA) is responsible for enforcing the Illinois Pollution Control Board (IPCB) noise regulations but it is a fact that the IEPA does not currently have adequate staffing to enforce the IPCB noise regulations.
 - vi. There is no maximum noise level at the time of construction provided that at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located 900 feet or more from either the nearest property line of a LOT that is 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE or a DWELLING on a LOT that is 10 acres or larger.

- vii. If at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located less than 900 feet from any either the nearest property line of a LOT that is 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE or a DWELLING on a LOT that is 10 acres or larger the SMALL WIND TURBINE TOWER shall comply with the noise regulatory standards set by the IPCB and shall be documented by manufacturer's data that shall be submitted with the application.
- viii. The maximum noise limit established by the IPCB as implemented by this Ordinance equates to a 46 decibel noise limit for residences and a 61 decibel limit for businesses.
- ix. The 900 feet distance that applies to the residential noise limit is an arbitrary standard and is 90% of the minimum 1,000 feet separation for wind farms from non-participating dwellings. Some small wind turbines can make as much noise as wind farm turbines. A wind turbine that is bordered by farmland for a distance of 900 feet at the time of construction has no maximum noise level.
- x. Based on information in the report *Wind Turbine Noise Issues* (see p. 12) that was included with the Supplemental Memorandum dated January 8, 2010, the Class C to Class B standard (61 decibels) is so high that no minimum separation from adjacent businesses appears to be warranted.
- xi. It is not clear whether or not the IPCB noise regulations are intended to interpret a residential wind turbine as a Class C land use or a Class A land use (the same as the dwelling) and interpreting it as Class C results in a much higher allowable noise than would interpreting it as Class A. Another difference between the proposed amendment and a literal interpretation of the IPCB noise regulations is that if a dwelling is constructed within 900 feet of an existing wind turbine that does not comply with the IPCB regulations, the amendment will not consider the noise from the turbine to be in violation whereas it is not clear what is the intent of the IPCB regulations in such instances. For these reasons the proposed amendment requires that for any small wind turbine zoning use permit the Zoning Administrator must include a statement that compliance with these requirements does not necessarily indicate compliance with the Illinois Pollution Control Board noise regulations.
- xii. The noise limits in the proposed amendment are consistent with the noise limits for wind farms.

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- xiii. A fixed separation for noise can have undesirable results such as overprotection if it is larger than necessary. Unless the separation is set so low that it will clearly be inadequate in some instances there will always be some degree of overprotection.
 - xiv. At this time the 900 feet separation required by the proposed amendment is the only way to reliably prevent nuisance noise when the manufacturer does not provide noise data that indicates compliance with the IPCB noise standard.
 - xv. Landowners who feel that the 900 feet separation is unreasonable will have to apply for a variance and provide convincing and reliable evidence regarding the noise performance of their desired wind turbine. Such evidence will probably have to be developed by a professional noise consultant.
- (b) The American Wind Energy Association's (AWEA) Model Small Wind Ordinance (included as an attachment to the Supplemental Memorandum of June 5, 2009) recommends the following regarding noise:
- i. The sound produced by a turbine under normal operating conditions as measured at the property line should not exceed the definition of nuisance noise.
 - ii. Sound levels may be exceeded during short-term events out of anyone's control such as utility outages and/or severe storms.
- (c) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following definitions for small wind turbine towers:
- i. Ford, McLean and Will counties require a 60 decibel noise limit at the closest property line and the noise level may be exceeded during short term events such as utility outages or severe storms. Will County requires proof of compliance as part of the application process.
 - ii. Woodford County requires compliance with IEPA regulations.
 - iii. Sangamon County requires compliance with the IPCB noise regulations for Class C to Class A land regardless of the land use of the receiving land and Sangamon County can enforce the noise level.
 - iv. Macon County apparently has no maximum noise limit for small wind turbines.

- (d) An informal review of wind turbine manufacturers identified the following manufacturers who claim noise ratings that equal or exceed the IPCB noise regulations:
- i. Swift Wind Turbine (1.5kW nameplate rating; rotor diameter of 7 feet; noise rating of less than 35 dBA for all wind speeds at the hub)
 - ii. Kestrel e400ⁱ (3.0 kW nameplate rating; rotor diameter of 13 feet; noise rating of less than 30dB)
 - iii. Jacobs 31/20 with sufficient separation (20kW nameplate rating; rotor diameter of 31 feet; noise rating varies depending upon separation but 300 feet appears to be minimum)
 - iv. Honeywell WT650 (2.2kW nameplate rating; rotor diameter of 5.7 feet; noise rating of less than 35dB)
 - v. Falcon line of vertical axis wind turbines manufactures by WePower (600w,1.2kW,3.4kW, 5.5kW, 12kW; rotor diameters of 5'5" to 19'8";noise ratings of 32dB for all models)
 - vi. Hummer line of wind turbines (500w, 1kW, 2kW, 3kW, 5kW, 10kW, 20kW; rotor diameters between 8.9 feet to 29.5 feet; noise ratings between 29dB to 34dB)
- (e) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated that the city requires compliance with the IPCB noise regulations. The City does not require documentation of compliance at the time of permitting.
- (f) The paper *Wind Turbine Noise Issues* by Anthony L. Rogers and James Manwell discusses the unreliability of manufacturer claims regarding noise performance.
- (g) The National Renewable Energy Laboratory (NREL) began testing small wind turbines for performance (including noise output) in 2008.
- (h) The American Wind Energy Association (AWEA) has a Draft Small Wind Turbine Performance and Safety Standard with the intention of providing consumers with realistic and comparable performance ratings including noise. The final standard is intended to be an American National Standard recognized by the American National Standards Institute (ANSI). When finally adopted this Standard may provide more consistent and reliable noise claims by small wind turbine manufacturers.
- (5) *Small Wind Electric Systems A U.S. Consumer's Guide* indicates the following regarding the use of small wind turbine towers for residential use:

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- (a) A typical home uses approximately 10,000 kilowatt-hours (kWh) of electricity per year.
 - (b) A wind turbine must be rated in the range of five to 15 kW to make a significant contribution to this demand, depending on local average wind speed.
 - (c) A small wind turbine can cost anywhere from \$3,000 to \$50,000 installed depending on size, application, and service agreements.
 - (d) The American Wind Energy Association states that a comparable photovoltaic system could cost as much as \$80,000.
 - (e) Based on testimony during the public hearing, multiple small wind turbines would probably be necessary to generate enough power for a dwelling to go “off the grid.”
- (5) *Wind Turbine Buyer's Guide* by Mick Sagrillo and Ian Woofenden indicates the following regarding small wind turbine towers:
- (a) Many people are surprised to learn that the wind turbine cost can range from only 10% to 40% of the total cost of the entire wind system.
 - (b) A Vestas V-17 (considered a 90 kW turbine) typically costs \$180,000 installed on a 132 foot tall tower.
- (6) As indicated by the *Small Wind Electric Systems* consumer guide and testimony from representatives of small wind turbine retailers, a 100 foot height limit would likely be inadequate for many users of small wind turbine towers in this area, as follows:
- (a) At the June 11, 2009, ZBA meeting Philip Geil testified as follows:
 - i. He requested that the maximum height be adjusted to accommodate more than 100 feet. He said that the power of the wind turbine increases along with the cube of the height and wind speed and he wishes he had built a 120 foot tower rather than the 100 foot tower.
 - ii. He said that the 120 foot tower with 15 feet blades would have taken the height to around 135 feet and the company that he purchased his tower from can go up to a 140 foot tower. He said that assuming that someone has sufficient land to support it such a tower would justify a reasonable limitation of an increased height although a 200 foot tower would be excessive for an ordinary private turbine.
 - iii. He said that other issues with the height limitation of a 100 foot tower are existing tree heights, proximity of the trees and the wind turbulence that they produce and personally an additional 20 feet to his tower would have assisted him with his tower in regards to these issues.

- (b) At the June 11, 2009, ZBA meeting Eric McKeever, representative of Arends Bros., testified as follows:
- i. He said that Mr. Geil is exactly right when he indicated that the higher the tower the better the wind. He said that at a previous meeting he indicated that increasing the average annual wind speed by 1 mph you achieve the cubed root efficiency effect as an output. He said that there is proof that at 30 meters and at 50 meters there is a difference in the average wind for this area or any other area.
 - ii. He said that Mr. Geil had also mentioned that he wished that he had gone up to 120 feet and one of the general rules of thumb is that the bottom of the tip of the blade should be 20 feet higher than the closest obstacle. He said that a 105 feet tall tower with 9 feet blades is right at 96 feet and 20 feet below that is 76 feet therefore most trees that are 60 or 70 feet tall would not be an obstruction but if there is a grain leg in the area its height could be over 100 feet high.
- (c) At the June 11, 2009, ZBA meeting Birgit McCall testified that making the setback too large will restrict a lot of people from getting small wind and if she is going to put \$35,000 in a turbine she is not going to stick it on a 40 foot tower because she might as well throw her money away if she can't go 100 to 120 feet.
- (7) Regarding electromagnetic interference:
- (a) The American Wind Energy Association's (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a "small wind energy system" as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and there are no recommended regulations for electromagnetic interference. The American Wind Energy Association report *In the Public Interest How and Why to Permit for Small Wind Systems A guide for State and Local Governments* (an excerpt was included as Attachment I to the Supplemental Memorandum dated October 9, 2009) considers electrical signal interference by small wind turbine towers to be a non-issue.
 - (b) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following regulations regarding electromagnetic interference by small wind turbine towers:
 - i. Macon, Sangamon and Will counties have no regulations related to electromagnetic interference;
 - ii. Ford, McLean, and Woodford prohibit electromagnetic interference and require correction if any interference is identified.

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- (c) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated the city prohibits turbines that create electromagnetic interference.
- (8) Regarding shadow flicker:
- (a) The American Wind Energy Association's (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a "small wind energy system" as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and there are no recommended regulations for shadow flicker. The American Wind Energy Association report *In the Public Interest How and Why to Permit for Small Wind Systems A guide for State and Local Governments* (an excerpt was included as Attachment I to the Supplemental Memorandum dated October 9, 2009) considers shadow flicker by small wind turbine towers to be a non-issue due to the relative size of small wind turbine rotors and the speed of rotation compared to wind farm turbine rotors.
 - (b) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, did not find any regulations for shadow flicker caused by small wind turbine towers.
 - (c) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated the following:
 - i. A shadow flicker study is required for any turbine greater than 150 feet in height.
 - ii. No more than 30 annual hours of flicker is allowed on residential structures.
 - iii. No more than 30 annual hours of flicker is allowed on streets carrying less than 500 ADT.
- D. Policy 3.6 of the Land Use Goals and Policies relates to commercial land use and states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.
- The proposed amendment **CONFORMS** to Policy 3.6 based on the review of Policy 2.5, which addresses issues similar to Policy 3.6.
- E. Policy 5.7 of the Land Use Goals and Policies relates to conservation of natural resources, clean air and water, open space, recreation, and historic preservation and states that the County Board and the Environment and Land Use Committee will encourage the preservation of natural areas and will cooperate with the County Forest Preserve District and other interested groups in a preservation and restoration program.

The proposed amendment **CONFORMS** to Policy 5.7 because BIG WIND TURBINE TOWERS are proposed to be only authorized in the AG-1, AG-2, I-1, and I-2 zoning districts and not less than one mile from the CR Conservation-Recreation zoning district.

- F. None of the Transportation, Industrial, or Utilities Land Use Policies appear to be relevant to the proposed amendment.

REGARDING SPECIFICALLY RELEVANT LAND USE GOALS

- 8. There are goals for a variety of land uses in the Land Use Goals and Policies, but only some are relevant to the proposed amendment. Specifically relevant goals include one commercial land use goal and one conservation goal, as follows:

- A. The third commercial land use goal is commercial areas designed to promote compatibility within non-commercial uses and at the same time provide ease of access.

The proposed amendment **ACHIEVES** the third commercial land use goal because it requires greater separation for larger rotors on small wind turbine towers and the separations from dwellings required for big wind turbine towers which are similar as those required for wind farm towers.

- B. The first goal related to conservation of natural resources, clean air and water, open space, recreation, and historical preservation is protection and conservation of publicly designated environmental and natural resources and historical site through open space reservation, conservation, zoning, easement, development rights, tax exemption policy, public acquisition and performance standards for commercial and industrial development.

The proposed amendment **ACHIEVES** the first goal related to conservation of natural resources, clean air and water, open space, recreation, and historical preservation based on the conformance with Policy 5.7 (see Item 7.F.).

- C. None of the Agricultural Land Use Goals, Residential Land Use Goals, Industrial Land Use Goals, Transportation Land Use Goals, or Utility Goals appear to be relevant to the proposed amendment.

REGARDING THE GENERAL LAND USE GOALS AND POLICIES

- 9. Regarding the General Land Use Goals and Policies:

- A. The first, third, fourth, and fifth General Land Use Goals appear to be relevant to the proposed amendment, as follows:

- (1) The first General Land Use Goal is:

Promotion and protection of the health, safety, economy, convenience, appearance, and general welfare of the County by guiding the overall environmental development of the County through the continuous comprehensive planning process

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The proposed amendment **ACHIEVES** the first General Land Use Goal because of the following:

- (a) Based on the review of the preceding Goals and Policies relating to specific types of land uses (see Items 7 & 8).
- (b) A standard condition for big wind turbines incorporates the requirements of paragraph 6.1.4 I. that requires conformance with the Illinois Pollution Control Board noise regulation.
- (c) Regarding the requirement in proposed paragraph 7.7 A that no small wind turbine tower be located less than one-and-one-half-mile from an incorporated municipality that has a zoning ordinance, state law which was recently changed indicates that a zoned municipality has jurisdiction over wind conversion devices within one-and-one-half-miles of their zoning jurisdiction.
- (d) Regarding the requirement in proposed paragraph 7.7 B of the maximum allowable height for a small wind turbine tower see the discussion of the specific requirements in Item 7.A.(1)(b).
- (e) Regarding the requirements in proposed paragraph 7.7 C for maximum allowable rotor diameter:
 - i. Maximum rotor diameters and separations to nearby principal land uses are intended to mitigate nuisance conditions, in particular, noise and shadow flicker.
 - ii. A variance to allow rotor diameters greater than 75 feet for small wind turbine towers is prohibited due to concerns that noise and shadow flicker, as well as other nuisance conditions, may not be adequately mitigated by the requirements for small wind turbine towers and should instead be subject to site specific review provided by the Special Use Permit requirements for big wind turbine towers.
- (f) Regarding the requirement in proposed paragraph 7.7 D, the proposed amendment allows a small wind turbine tower to be placed in required yards, subject to certain limitations, which will allow a tower to fall on an accessory structure on neighboring properties, but not on a dwelling or other principal structure.
- (g) Regarding the requirement in proposed paragraph 7.7 E, the limit on numbers of small wind turbine towers is intended to protect against the unknown effects that many small wind turbine towers could produce. A variance from the maximum allowed number and power rating may be authorized if the land owner can prove there will be no harmful effects on the district.
- (h) The following requirements in proposed subsection 7.7 relate to the safe operation of a small wind turbine tower and prevent most nuisance conditions as well:

- i. Paragraph 7.7 G. requires that all small wind turbine towers have an automatic over speed control.
- ii. Paragraph 7.7 H. requires that all small wind turbine towers shall comply with the requirements of the FAA.
- iii. Paragraph 7.7 I. requires that all small wind turbine towers shall have no illumination unless required by the FAA.
- iv. Paragraph 7.7 J. requires that all small wind turbine towers shall be the manufacturer's supplied color or else an unobtrusive, non-reflective color.
- v. Paragraph 7.7 K. requires that all small wind turbine towers have a minimum 15 feet clearance between the lowest sweep of the rotors and the ground.
- vi. Paragraph 7.7 L. requires that all small wind turbine towers located in a residential zoning district be protected from unauthorized climbing to a height of 12 feet.
- vii. Paragraph 7.7 M requires that all small wind turbine towers not cause any significant electromagnetic interference by complying with FCC Part 15.
- viii. Paragraph 7.7 N requires that all small wind turbine towers that have been destroyed and were approved before the adoption of the proposed amendment can be reconstructed to their previous dimension provided they apply for a Zoning Use Permit that certifies that the reconstruction complies with all manufacturer's safety recommendations and requirements.
- ix. Paragraph 7.7 O requires that all small wind turbine towers that are derelict for six consecutive months must be removed within six months of receiving notice from the Zoning Administrator.
- x. Paragraph 7.7 P requires that all small wind turbine tower permits shall be accompanied by certified drawings from the manufacturer to prove that the small wind turbine tower is safe for the intended use, and certification that the utility company has been informed of the customer's intent to install an interconnected system.

(2) The third General Land Use Goal is:

Land uses appropriately located in terms of utilities, public facilities, site characteristics, and public services

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The proposed amendment **ACHIEVES** the third General Land Use Goal based on achievement of the Third Commercial Land Use Goal (see Item 8.A.).

- (3) The fourth General Land Use Goal is:

Arrangement of land use patterns designed to promote mutual compatibility

The proposed amendment **ACHIEVES** the fourth General Land Use Goal based on achievement of the Third Commercial Land Use Goal (see Item 8.A.) and achievement of the First Conservation Goal (see Item 8.B.).

- (4) The fifth General Land Use Goal is:

Establishment of processes of development to encourage the development of the types and uses of land that are in agreement with the Goals and Policies of this Land Use Plan

The proposed amendment **ACHIEVES** the fifth General Land Use Goal because it creates a process of development for both small wind turbine towers and big wind turbine towers, which are in agreement with the Land Use Goals and Policies as reviewed in this finding of fact.

- B. None of the General Land Use Policies appear to be relevant to the proposed amendment.

GENERALLY REGARDING COMPLIANCE WITH THE LAND USE REGULATORY POLICIES—RURAL DISTRICTS

10. The LURP's were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.

11. Regarding compliance with relevant Land Use Regulatory Policies (LURP's):

- A. LURP 1.4.1 states that non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative effect caused by agricultural activities.

The proposed amendment **ACHIEVES** this policy because **BIG WIND TURBINE TOWERS** are not negatively affected by agricultural activities.

- B. LURP 1.4.2 states that non-agricultural land uses will not be authorized if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) The presence of a BIG WIND TURBINE TOWER does not appear to create the same degree of difficulty in aerial spraying that a wind farm does and a BIG WIND TURBINE TOWER is unlikely to increase the costs of aerial application on adjacent fields. Shadow flicker caused by the turbine rotors on adjacent farmland may be a nuisance but it is not clear how significant it is. Paragraph 6.1.4.M. requires a shadow flicker analysis and limits the amount of flicker.
- (2) The separation distances proposed in paragraph 6.1.4 C. should mitigate the impacts to aerial spraying that do occur on neighboring farms.

- C. LURP 1.5.2 states that development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.

The proposed amendment **ACHIEVES** this policy because a Special Use Permit will be required, which will allow for site specific review for a proposed big wind turbine tower which will ensure that any site approved for a BIG WIND TURBINE TOWER would be well suited.

- D. LURP 1.5.3 states that development that requires discretionary review will not be allowed if the existing infrastructure, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.

The proposed amendment **ACHIEVES** this policy because standard conditions are proposed that require improvements to existing infrastructure without undue public expense.

- E. LURP 1.5.4 states that development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The proposed amendment **ACHIEVES** this policy because a standard condition is proposed in Paragraph 6.1.4.G. to ensure that the local fire protection district is notified of the proposed site plan for a proposed BIG WIND TURBINE TOWER and that the district can request help creating an emergency response plan for the BIG WIND TURBINE TOWER.

- F. LURP's 1.6.1 states that in all rural areas, businesses and other non-residential uses will be allowed if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) BIG WIND TURBINE TOWERS are not compatible with any land use that requires a structure to be located within 1.1 times the height of the turbine tower, which makes them incompatible with urban areas.
- (2) Although BIG WIND TURBINE TOWERS do not support surrounding agricultural uses directly they will be most used by large businesses or institutional uses in the rural area, most of which support agriculture.

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- G. LURP 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless they also serve the surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or the uses are otherwise appropriate in a rural area and the site is very well suited to them.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) A Special Use Permit will be required, which will allow for site specific review for a proposed big wind turbine tower.
- (2) Although BIG WIND TURBINE TOWERS do not serve surrounding agricultural uses directly they will be most used by large businesses or institutional uses in the rural area, most of which support agriculture.
- (3) BIG WIND TURBINE TOWERS are not compatible with any land use that requires a structure to be located within 1.1 times the height of the turbine tower, which makes them incompatible with urban areas.

- H. LURP 1.7.2 states that development in rural areas will be permitted only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent harm to those features.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) A standard condition is proposed in Paragraph 6.1.4.J. that requires big wind turbine tower developers to apply for Endangered Species Consultation with the Illinois Department of Natural Resources.
- (2) The standard conditions for big wind turbine towers in Subsection 6.1.3 of the proposed amendment require BIG WIND TURBINE TOWERS to be at least one mile from the CR District and the CR District is where natural areas are found.
- (3) A standard condition is proposed in paragraph 6.1.4.K. that requires a BIG WIND TURBINE TOWER developer to apply for consultation with the State Historic Preservation Officer of IDNR.

- I. LURP 1.1 states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
- a. the conversion of prime farmland is minimized;
 - b. the disturbance of natural areas is minimized;
 - c. the sites are suitable for the proposed use;
 - d. infrastructure and public services are adequate for the proposed use; and
 - e. the potential for conflicts with agriculture is minimized.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) The conversion of prime farmland is minimized because the proposed amendment requires BIG WIND TURBINE TOWERS to be located on an existing lot with another principal use already established. BIG WIND TURBINE TOWERS are proposed to be authorized by Special Use Permit which will include site specific review to prevent the conversion of prime farmland.
 - (2) The disturbance of natural areas is minimized by the following:
 - (a) Achievement of the third commercial land use goal and the first conservation goal (see Item 8.).
 - (b) Conformance with Policy 5.7 (see Item 7.G.)
 - (3) The sites are suitable for the proposed use because a BIG WIND TURBINE TOWER is a non-agricultural use that is proposed to be a Special Use Permit with standard conditions to ensure that a proposed wind farm will be compatible with adjacent agricultural activities.
 - (4) Infrastructure and public services are adequate for the proposed use because the impact of one to three BIG WIND TURBINE TOWERS is much less than for a wind farm and there is a standard condition requiring cooperation with local fire protection districts.
 - (5) The potential for conflicts with agriculture is minimized by the following:
 - (a) General conformance with Policy 1.2 (see Item 7.A.).
 - (b) Conformance with Policy 1.3 (see Item 7.B.).
12. Regarding fees proposed to be charged for BIG WIND TURBINE TOWER Special Use Permit applications and for Zoning Use Permit Applications for SMALL WIND TURBINE TOWERS and BIG WIND TURBINE TOWERS:
- A. Regarding the Zoning Use Permit fees for a SMALL WIND TURBINE TOWER:
 - (1) The U.S. Department of Energy handout *Small Wind Electric Systems* (undated) that was included in the July 10, 2009, Supplemental Memorandum stated that small turbines cost anywhere from \$3,000 to \$50,000 installed depending on size and other considerations and that a typical 10 kWh home wind system costs approximately \$32,000.
 - (2) The erected cost of a wind turbine and tower will generally far exceed the cost of a two-car garage and, in terms of the work required for the Department in permitting a turbine, will take much more time than a simple garage because of the effort required to verify the maximum allowable height and to review all of the documentation that must be submitted.
 - (3) The proposed fees are essentially a doubling of the current fees for towers. Under the current fee structure, tower fees begin at \$33 for up to 50 feet in height and \$40 is added per each 20 feet in excess of 50 feet in height so that the following heights would require the following fees (the fees in parentheses are the proposed fees for small wind turbine

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towers of the same height; does not include \$33 compliance certificate and reflects current practice in rounding to next highest 20 feet increment). The fee for replacement of a turbine is for turbines that are being replaced on an original tower and only includes review of noise and structural safety:

- (a) Not over 50 feet in HEIGHT.....\$33 (\$100)
- (b) 100 feet in HEIGHT.....\$153 (\$340)
- (c) 150 feet in HEIGHT.....\$233 (\$500)
- (d) Replacement of turbine on existing tower.....\$100

B. At the October 15, 2009, ZBA meeting John Hall, Zoning Administrator, testified regarding case filing fees for big wind turbine towers that a BIG WIND TURBINE TOWER is going to be a significant public hearing which will require a lot of effort and by definition there can be no more than three therefore he proposed a fee of \$3,300 per turbine and if the maximum of three turbines is proposed then the fee would be \$9,900, which is nearly half of the minimum \$20,000 cost for a wind farm.

DOCUMENTS OF RECORD

1. Application for Text Amendment from Zoning Administrator, dated September 11, 2008
2. As Approved Finding of Fact for Case 634-AT-08 Part A
3. Champaign County Ordinance No. 848
4. Supplemental Memorandum for Case 634-AT-08 Part B, dated April 9, 2009, with attachment:
A Legal Ad for Case 634-AT-08
5. Supplemental Memorandum for Case 634-AT-08 Part B, dated June 5, 2009, with attachments:
A Proposed Changes to Section 3
B Proposed Changes to Subpar. 4.3.1 E
C Proposed Changes to Section 5.2
D Proposed Changes to Subsection 6.1.3
E Proposed New Subsection 7.7
F Excerpt from *In Public Interest How and Why to Permit for Small Wind Systems A Guide for State and Local Governments*. American Wind Energy Association. September 2008.
6. Supplemental Memorandum for Case 634-AT-08 Part B, dated June 11, 2009, with attachment:
A Excerpts of relevant Paragraphs of Subsection 6.1.4
7. Written statement and information from Herb Schildt, handed out at June 11, 2009, ZBA meeting
8. Letter from Arends Brothers and brochures for sample wind turbines, submitted by Eric McKeever
9. Supplemental Memorandum for Case 634-AT-08 Part B, dated July 10, 2009, with attachments:
A Revised Changes to Section 3
B Revised Changes to Subpar. 4.3.1
C Revised Changes to Section 5.2
D Revised Addition to Subsection 6.1.3
E Revised New Subsection 7.7
F Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances
G Illustration of Obstruction of the Wind by a Building or Tree excerpted from *Small Wind Electric Systems A U.S. Consumer Guide*
H Table of Wind Turbines, Rated Output, and Rotor Diameter from Focus on Energy submitted by Herb Schildt on June 11, 2009
I Manufacturer's Information about the Endurance S-343 wind turbine submitted by Eric McKeever on June 11, 2009
J Manufacturer's Information about the Endurance G-3120 wind turbine submitted by Eric McKeever on June 11, 2009
K Manufacturer's Information about the Endurance E-3120 wind turbine submitted by Eric McKeever on June 11, 2009

- L Manufacturer's information about the remanufactured Vestas V17-90kW wind turbine submitted by Herb Schildt on June 11, 2009
 - M Manufacturer's Information about the Northwind 100 wind turbine submitted by Eric McKeever on June 11, 2009
 - N *Small Wind Electric Systems A U.S. Consumer's Guide*. U.S. Department of Energy. (included separately)
10. Diagrams of Possible Tower Heights
11. Supplemental Memorandum for Case 634-AT-08 Part B, dated October 9, 2009, with attachments:
- A Revised Changes to Section 3
 - B Revised Changes to Par. 4.2.1 C
 - C Revised Changes to Subpar. 4.3.1 E
 - D Revised Changes to Subsection 5.2
 - E Revised Addition to Subsection 6.1.3
 - F Revised New Subsection 7.7
 - G Proposed Changes to Par. 9.3.1 D
 - H Proposed Changes to Par. 9.3.3 B
 - I Excerpt regarding "non issues" from *In the Public Interest How and Why to Permit for Small Wind Systems A Guide for State and Local Governments*. American Wind Energy Association. September 2008
 - J Community Wind overview from www.windustry.org
 - K EcoEnergy Met Tower Visibility Markings
 - L Draft Minutes of July 16, 2009 (included separately)
12. Supplemental Memorandum for Case 634-AT-08 Part B, dated October 15, 2009, with attachments:
- A Revised New Subsection 7.7
 - B Excerpts from Part 77 of Section 14 of the Code of Federal Regulations regarding Objects Affecting Navigable Airspace
 - C Wind Turbine Buyer's Guide from *home power*, June & July 2007
 - D Section 465.50 Electricity Provider for Eligible Customers (excerpted from 83 *Ill. Admin. Code* Part 465
 - E Ameren information on net metering
 - F Ameren Application for Net Metering Services
 - G Handout from Arends Brothers (date not certain)
 - H Draft Finding of Fact (included separately)
13. Prepared statement by Steve Burdin submitted on October 15, 2009
14. Supplemental Memorandum for Case 634-AT-08 Part B, dated November 6, 2009, with attachments:
- A Revised Changes To Section 3
 - B Proposed Changes to Par. 4.2.1 C.
 - C Proposed Changes To Subpar. 4.3.1 E

- D Proposed Changes To Subsection 5.2
 - E Proposed Addition to Subsection 6.1.3
 - F Revised New Subsection 7.7
 - G Proposed Changes to Par. 9.3.1 D.
 - H Proposed Changes to Par. 9.3.3 B.
 - I Proposed Changes to Par. 9.1.9 B.
 - J Table Comparing Types of Wind Turbine Towers And The Requirements for Each
 - K Draft Minutes of October 15, 2009 (included separately)
 - L Draft Finding of Fact (included separately)
15. Supplemental Memorandum for Case 634-AT-08 Part B, dated November 12, 2009
16. Packet of information from Steve Burdin, received on December 31, 2009
17. Supplemental Memorandum for Case 634-AT-08 Part B, dated January 7, 2010, with attachments:
- A *Wind Turbine Noise Issues* by Anthony L Rogers and James Manwell (attached separately)
 - B Draft *AWEA Small Wind Turbine Performance and Safety Standard* (attached separately)
 - C Packet of information from Steve Burdin, received on December 31, 2009 (attached separately)
18. Supplemental Memorandum for Case 634-AT-08 Part B, dated January 8, 2010, with attachments:
- A Proposed Changes to Section 3 (no changes this version)
 - B Proposed Changes to Par. 4.2.1 C. (no changes this version)
 - C Proposed Changes to Subpar. 4.3.1 E (no changes this version)
 - D REVISED Changes to Subsection 5.2
 - E Proposed Addition to Subsection 6.1.3 (no changes this version)
 - F REVISED New Subsection 7.7
 - G Proposed Changes to Par. 9.1.9 B. (no changes this version)
 - H REVISED Changes to Par. 9.3.1 D.
 - I Proposed Changes to Par. 9.3.3 B. (no changes this version)
 - J Section 5.3 from the Champaign County Zoning Ordinance (without footnotes)
 - K Excerpt from the Illinois Pollution Control Board Sound Emission Standards
 - L Noise Rating for Class C to Class A, nighttime
 - M Noise Rating for Class C to Class B, daytime
 - N Noise Rating for Class A to Class A, nighttime
 - O Hummer wind turbine product information (included separately)
 - P Exhibit A City of Champaign Wind Energy Conversion Systems ordinance (included separately)
18. Supplemental Memorandum for Case 634-AT-08 Part B, dated January 14, 2010, with attachments:
- A Revised Noise Rating for Class C to Class B
 - B Revised Draft Finding of Fact
19. Written comments submitted by Herb Schildt at the January 14, 2010, public hearing

20. Supplemental Memorandum for Case 634-AT-08 Part B, dated February 1, 2010, with attachments:
 - A Table Comparing Types of Wind Turbine Towers and the Requirements for Each
 - B Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances and Largest Local Municipalities
 - C Revised Draft Finding of Fact for Case 634-AT-08 Part B

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FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 634-AT-08 Part B** should **BE ENACTED** by the County Board in the form attached hereto.

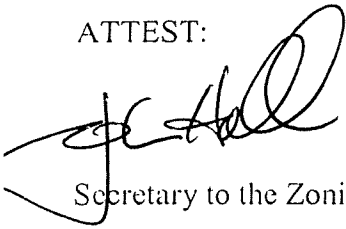
The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:



Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

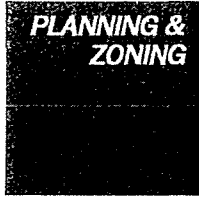
ATTEST:



Secretary to the Zoning Board of Appeals

Date 3/19/10

Champaign
County
Department of



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 26, 2010**

RE: **Zoning Ordinance text amendment (Case 664-AT-10)**

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

1. **Delete subparagraph 6.1.4 A.1.(c).**
2. **Revise subparagraph 9.1.7 E.1. to change the required number of concurring votes needed for ZBA decisions from five to four to make the Zoning Ordinance consistent with state law.**

Petitioner **Zoning Administrator**

STATUS

The Zoning Board of Appeals voted to RECOMMEND ENACTMENT of this proposed Zoning Ordinance text amendment at their meeting on March 25, 2010. The Approved Finding of Fact is attached.

Current practice is to let proposed Zoning Ordinance text amendments reside at the Committee of the Whole for one month to allow for municipal and township comment.

DELETION OF 6.1.4 A.1(c) REGARDING WIND FARM SHADOW FLICKER CONDITIONS

Paragraph 6.1.4 M. establishes Standard Conditions for Shadow Flicker and requires that all areas subject to more than 30 hours of shadow flicker per year are to be provided with some form of mitigation. However, Paragraph 6.1.4 A.1.(c) requires land that is subject to more shadow flicker than authorized in 6.1.4 M. which receives no other mitigation to be part of the Special Use Permit Area. The two paragraphs are inconsistent and the intent of Paragraph 6.1.4 M. is that there can be no land receiving more than 30 annual hours of shadow flicker, which does not receive some form of mitigation. Paragraph 6.1.4 A.1.(c) is unnecessary and illogical, and is proposed to be deleted.

REVISION TO PARAGRAPH 9.1.7 E.

The Zoning Ordinance currently requires the concurring vote of five Zoning Board of Appeals (ZBA) members to pass a decision through that body. However, state law (55 ILCS 5/5-12011) establishes that decisions by a Board of Appeals only require the concurring vote of four Board members for boards of seven members, and no higher standard should be set by the Zoning Ordinance.

ATTACHMENTS

- A Proposed Amendment
- B As Approved Finding of Fact

1. Delete Paragraph 6.1.4 A.1.(c) as follows:

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

A. General Standard Conditions

1. The area of the WIND FARM County Board SPECIAL USE Permit must include the following minimum areas:
 - (a) All land that is a distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of that WIND FARM TOWER.
 - (b) All land that will be exposed to a noise level greater than that authorized to Class A land under paragraph 6.1.4 I.
 - ~~(c)~~ All land that will be exposed to shadow flicker in excess of that authorized under paragraph 6.1.4M. and for which other mitigation is not proposed.
 - (d) All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.
 - (e) All necessary WIND FARM ACCESSORY STRUCTURES including electrical distribution lines, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.
 - ~~(f)~~ All land that is within 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of each WIND FARM TOWER except any such land that is more than 1,320 feet from any existing public STREET right of way.
 - (g) All land area within 1,320 feet of a public STREET right of way that is also within 1,000 feet from the base of each WIND FARM TOWER except that in the case of WIND FARM TOWERS in compliance with the minimum STREET separation required by paragraph 6.1.4 C. 5. in which case land on the other side of the public STREET right of way does not have to be included in the SPECIAL USE Permit.

2. Revise Paragraph 9.1.7 E.1. as follows:

The concurring vote of ~~five~~ four members of the BOARD shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any VARIANCE in the application of this ordinance or to effect any SPECIAL USE.

AS APPROVED

664-AT-10

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: **RECOMMEND ENACTMENT**

Date: March 25, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Delete subparagraph 6.1.4 A.1.(c).
2. Revise subparagraph 9.1.7 E.1. to change the required number of concurring votes needed for ZBA decisions from five to four to make the Zoning Ordinance consistent with state law.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 25, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. Regarding the deletion of paragraph 6.1.4 A.1.(c) of the proposed amendment:
 - (1) Paragraph 6.1.4 M. establishes Standard Conditions for Shadow Flicker and requires that all areas subject to more than 30 hours of shadow flicker per year are to be provided with some form of mitigation.
 - (2) This Paragraph was revised by ELUC after the public hearing for Zoning Case 634-AT-08 Part A. However, Paragraph 6.1.4 A.1.(c) was not revised by ELUC and still requires land that is subject to more shadow flicker than authorized in 6.1.4 M. which receives no other mitigation to be part of the Special Use Permit Area.
 - (3) The two paragraphs are inconsistent and paragraph 6.1.4 A.1.(c) is unnecessary and illogical, and should be deleted.
 - B. Regarding the change to paragraph 9.1.7 E.1:
 - (1) The Zoning Ordinance currently requires the concurring vote of five Zoning Board of Appeals (ZBA) members to pass a decision.

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- (2) However, state law (55 ILCS 5/5-12011) establishes that decisions by a Board of Appeals only require the concurring vote of four Board members for boards of seven members.
 - (3) This became an issue in Zoning Case 560-S-06 for the petitioner Hindu Temple and the State's Attorney determined that the County cannot require a greater number of affirmative votes than that required by state law.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

4. Existing Zoning regulations regarding the separate parts of the proposed amendment are as follows:
- A. Requirements for the development of wind farms were added to the *Zoning Ordinance* in Ordinance No. 848 (Case 634-AT-09 Part A) on May 21, 2009. The relevant portions of that amendment are as follows:
 - (1) Paragraph 6.1.4 A.1. states:

The area of the WIND FARM County Board SPECIAL USE Permit must include the following minimum areas:

...
 - (c) All land that will be exposed to shadow flicker in excess of that authorized under paragraph 6.1.4M. and for which other mitigation is not proposed.
 - (2) Paragraph 6.1.4 M. states:

Standard Conditions for Shadow flicker

 - 1. The Applicant shall submit the results of a study on potential shadow flicker. The shadow flicker study shall identify the locations of both summer and winter shadow flicker that may be caused by the project with an expected duration of 30 hours or more per year.
 - 2. Shadow flicker that exceeds the above standards shall be mitigated by any means such as landscaping, awnings, or fencing.
- B. Subparagraph 9.1.7 E.1. states:

The concurring vote of five members of the BOARD shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass

under this ordinance or to effect any VARIANCE in the application of this ordinance or to effect any SPECIAL USE.

- C. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
- (1) "BOARD" shall mean the Zoning Board of Appeals of the COUNTY
 - (2) "GOVERNING BODY" shall mean the County Board of Champaign County, Illinois.

SUMMARY OF THE PROPOSED AMENDMENT

5. The proposed amendment is summarized here as it will appear in the Zoning Ordinance, as follows:
- A. The proposed deletion of subparagraph 6.1.4 A.1.(c) will appear as follows:

6.1.4 WIND FARM County Board SPECIAL USE Permit

A WIND FARM County Board SPECIAL USE Permit may only be authorized in the AG-1 Zoning District subject to the following standard conditions.

A. General Standard Conditions

1. The area of the WIND FARM County Board SPECIAL USE Permit must include the following minimum areas:
 - (a) All land that is a distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of that WIND FARM TOWER.
 - (b) All land that will be exposed to a noise level greater than that authorized to Class A land under paragraph 6.1.4 I.
 - (c) ~~All land that will be exposed to shadow flicker in excess of that authorized under paragraph 6.1.4M, and for which other mitigation is not proposed.~~
 - (d) All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.
 - (e) All necessary WIND FARM ACCESSORY STRUCTURES including electrical distribution lines, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.
 - (f) All land that is within 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of each WIND

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FARM TOWER except any such land that is more than 1,320 feet from any existing public STREET right of way.

- (g) All land area within 1,320 feet of a public STREET right of way that is also within 1,000 feet from the base of each WIND FARM TOWER except that in the case of WIND FARM TOWERS in compliance with the minimum STREET separation required by paragraph 6.1.4 C. 5. in which case land on the other side of the public STREET right of way does not have to be included in the SPECIAL USE Permit.

B. The change to subparagraph 9.1.7 E.1 will appear, as follows:

E. Decisions

- 1. The concurring vote of ~~five~~ four members of the BOARD shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any VARIANCE in the application of this ordinance or to effect any SPECIAL USE.

GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES

- 6. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
 - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
 - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

REGARDING SPECIFICALLY RELEVANT LAND USE GOALS AND POLICIES

- 7. Regarding Land Use Goals and Policies for specific categories of land uses:
 - A. There are goals and policies for agricultural, commercial, and residential land uses, as well as conservation, transportation, and utilities goals and policies in the Land Use Goals and Policies, but due to the nature of the changes being proposed none of these specific goals and policies are relevant to the proposed amendment, except for the Second Industrial Land Use Goal.

- B. The Second Industrial Land Use Goal appears to be relevant to the proposed amendment. The Second Industrial Land Use Goal is:

Location and design of industrial development in a manner compatible with nearby non-industrial uses.

The proposed amendment appears to **ACHIEVE** the Second Industrial Land Use Goal because it will make clear that a wind farm developer is required to provide mitigation for shadow flicker for land that receives more than 30 hours of shadow flicker in a given year.

REGARDING THE GENERAL LAND USE GOALS AND POLICIES

8. Regarding the General Land Use Goals and Policies:
A. Only the fifth General Land Use Goal appears to be relevant to the proposed amendment. The fifth General Land Use Goal is:

Establishment of processes of development to encourage the development of the types and uses of land that are in agreement with the Goals and Policies of this Land Use Plan

The proposed amendment appears to **ACHIEVE** the fifth General Land Use Goal because it will make the *Zoning Ordinance* more consistent and clear, as follows:

- (a) Deletion of paragraph 6.1.4 A.1.(c) will make the Zoning Ordinance more internally consistent.
- (b) The proposed change to paragraph 9.1.7 E.1. will make the Zoning Ordinance consistent with state statute.

- B. None of the General Land Use Policies appear to be relevant to the proposed amendment.

9. None of the Land Use Regulatory Policies appear to be relevant to the proposed amendment.

DOCUMENTS OF RECORD

1. Memo to the Champaign County Board Committee of the Whole, dated, February 22, 2010, regarding direction to Zoning Administrator regarding a necessary zoning ordinance text amendment to conduct a proposed Zoning Ordinance text amendment clarifying standard conditions and clarifying wind farm shadow flicker requirements
2. Memo to the Champaign County Board Committee of the Whole, dated February 22, 2010, regarding direction to Zoning Administrator regarding a necessary zoning ordinance text amendment to conduct a Zoning Ordinance Text Amendment to make the Zoning Ordinance consistent with state law regarding the number of affirmative votes for a decision at the Zoning Board of Appeals
3. Application for Text Amendment from Zoning Administrator, dated March 3, 2010
4. Preliminary Memorandum for Case 664-AT-10, dated March 19, 2010, with attachments:
 - A Draft Proposed Change to Paragraph 6.1.4 A. 1.(c)
 - B Draft Proposed Change to Paragraph 9.1.7 E.1.
 - C Draft Finding of Fact for Case 664-AT-10
5. Supplemental Memorandum for Case 664-AT-10, dated March 25, 2010

AS APPROVED

Cases 664-AT-10
Page 7 of 7

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 664-AT-10** should **BE ENACTED** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of



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**

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**

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
Residential Uses															
BOARDING HOUSE						S									
DWELLING, SINGLE FAMILY														7	
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							
MANUFACTURED HOME in MANUFACTURED HOME PARK															
SUBDIVISION(s) totaling three LOTS or less	g	g	g												
SUBDIVISION(s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS	10	10	10												
Resource Production and Agricultural Uses															
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
Public and Quasi-Public Facilities															
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
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															
Transportation Uses															
Railway Station															
MOTOR BUS Station			S						S						
Truck Terminal			S												
Railroad Yards and Freight Terminals			S												
AIRPORT ²			S											S	S
RESIDENTIAL AIRPORTS ²		S	S												
RESTRICTED LANDING AREAS ²		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 ²			S											S	S
HELIPORT-RESTRICTED LANDING AREAS ²		S	S						S		S	S		S	S
Business Uses: Personal Services															
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 ₁				S								
Medical and Dental CLINIC															
Business Uses: Agriculture															
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	I-2
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 ³											
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	12	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.

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: **John Hall, Director & Zoning Administrator**
Jamie Hitt, Zoning Officer

Date: **April 23, 2010**

RE: **County Removal of Garbage and Debris at 1504 North Eastern
Avenue, Urbana**

Requested Action:

**Authorization is requested to hire a contractor to remove and dispose
of garbage and debris on the property at 1504 North Eastern Avenue,
Urbana.**

Background

The property at 1504 North Eastern Avenue, Urbana, has been the subject of an enforcement action for violations of the Nuisance Ordinance since August 31, 2009. The violations are garbage and debris and the building is a dangerous structure.

Attachment A reviews the history of the enforcement case. This enforcement case was referred to the State's Attorney on January 20, 2010. Discussions with the current owner indicate there is no interest in cleaning up the property or closing the dangerous structure. The original complainant is concerned that the odor will return with the advent of warm weather.

Paragraph 4.4 D. of the Nuisance Ordinance provides that the County may abate a public nuisance involving garbage or debris and collect the reasonable cost of removal as a lien upon the property. Thus, with the Board's approval the garbage and debris can be removed from the property without waiting for a court decision.

Cost estimates for clean up of garbage and debris have been received from four different contractors and range between approximately \$3,000 and \$9,000. There are more than sufficient funds to pay for the clean up in the Property Clearance/ Clean up line item 080-077-534.21.

Alternatively, the County could await a court decision and contract for clean up of the garbage and debris in conjunction with either demolition or boarding up of the dangerous structure. The rear unit of the duplex is not worth saving but the front unit could be saved and boarded up. This approach would result in the lowest overall cost but would delay the clean up of the garbage and debris.

Demolition of the structure would likely use all of the funds in the Property Clearance/ Clean up line item 080-077-534.21.

County Clean Up is a Last Resort

County removal of garbage and debris is a last resort when the owner cannot or will not clean up the property. County clean up is not required by the Nuisance Ordinance but the Nuisance Ordinance does provide for County clean up without court action. County clean up is very unusual and only a very few properties have been cleaned up in this way. This property appears to be the worst case of garbage and debris among all unresolved complaints. There are other enforcement cases in the vicinity involving garbage and debris but none are so extensive and none have yet been the focus of complaints about odor.

This request is for authorization to contract for clean up. Three of the four estimates are much less than \$5,000 which is the threshold at which the County Purchasing Policy requires a Request for Proposal. Upon the Board's authorization the Zoning Administrator will contact the contractor with the lowest estimate and direct the contractor to remove all garbage and debris and provide dump receipts for all disposal. Before the clean up is authorized the EPA will be asked to inspect the property for any hazardous materials.

Closing or Demolishing the Dangerous Structure

The State's Attorney will continue seeking court approval for the County to close or demolish the dangerous structure. The rear unit of the duplex is not worth saving and should be demolished. In fact, the entire structure is of questionable value and could be demolished.

In the event of overall demolition it would be cheaper to do all the clean up work at one time but that would require waiting for a court determination. A court determination will take at least a few months and by that time the neighbors will be experiencing odors again.

A contractor will also be required for closing or demolishing the structure and the Board's approval will be sought before any of that work is authorized. The costs for both property clean up and closing of the dangerous structure will be imposed as liens against the property and any subsequent purchaser of the property will have to pay the cost of the lien. The County followed this approach on the Mefford property at 2603 Campbell Drive, Champaign in 2003. That lien remains in place.

Demolition of the structure will probably use all of the funds in the Property Clearance/ Clean up line item 080-077-534.21.

ATTACHMENT

A History of the Enforcement Case

Attachment A. History of the Enforcement Case
APRIL 23, 2010

History of the Enforcement Case at 1504 North Eastern Avenue, Urbana

The Planning and Zoning Department received a complaint about the property on July 17, 2008, and again on January 16, 2009. The complaint was about the accumulation of garbage and debris on the property and that the structure was open to intrusion. An inspection on January 21, 2009, verified the complaint.

A review of City of Urbana annexation agreements revealed that the property was under an annexation agreement with the City and the case was referred to the City on February 18, 2009.

Additional complaints were received on June 20, 2009, and August 7, 2009.

On August 20, 2009, a meeting was held with the Urbana City Attorney, the Director of Community Development for Urbana, the Champaign County State's Attorney, the County Director of Planning and Zoning, and the county Zoning Officer. At the meeting it was determined that it was in the best interest of the County to enforce the County Nuisance Ordinance on the property rather than rely on enforcement of the City's Property Maintenance Code.

A First Notice of Violation was sent to the owner of record on August 31, 2009. A Final Notice of Violation was sent on October 5, 2009. Inspection of the property in October found that the Urbana-Champaign Sanitary District had posted the property with a Notice of Order due to non-payment of sewer fees.

The case was referred to the State's Attorney on January 20, 2010.

Checking with the County Treasurer identified that an East St. Louis property investment firm had paid the real estate taxes for 2006, 2007, and 2008. The Zoning Officer contacted the East St. Louis firm and forwarded copies of the Notice of Violation. To date the East St. Louis firm maintains no interest in cleaning up the property. Two neighbors also contacted the East St. Louis firm about purchasing the property but the firm seems in no hurry to sell the property.



PLANNING & COMMUNITY DEVELOPMENT

1776 East Washington Street
Urbana, IL 61802

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To: ELUC/Committee of the Whole

From: Susan Chavarria, Regional Planning Manager

Date: May 4, 2010

Requested Provide guidance on prioritizing LRMP Implementation Plan Priority Items
Action: for the remainder of FY 2010

Each year, ELUC approves the County's planning contract with CCRPC and the work plan for what should be accomplished within the upcoming fiscal year. For the FY2010 planning contract, which extends through November 30, 2010, 700 hours were approved for implementing the adopted LRMP.

During the approval process for the LRMP, a new requirement was included to consult with ELUC members on what LRMP Implementation Strategy Priority Items they would like to see accomplished before the county planning contract is approved. The purpose of this memo is to identify potential Priority Items for implementation during the remainder of FY2010, and for FY2011, as the county planning contract will be discussed within the next couple of months.

Several Priority Items were identified in the LRMP Implementation Plan by CCRPC and County Zoning Staff as 'Ongoing', 'Immediate' or 'Near Term' actions that could be taken shortly after adoption of the LRMP. Implementing Priority Items will require varying hours, costs, and approval processes. For this reason, cost estimates are not provided for implementing these items. For the most efficient use of the county planning contract, I recommend prioritizing the items without consideration for cost at this time, focusing only on what the Committee would like to accomplish. Under this scenario, RPC planners will work through the tasks as prioritized until the funding runs out. Alternatively, the Committee can request estimates of the cost, time frame, and approval process for each item; such an estimate will in itself be time and money consuming and will delay implementation of the plan.

The Priority Items that follow are those that feature a CCRPC Planner (referred to as County Planner) as potential responsible party.

Identified for **ongoing** implementation

Priority Item	Related GOP
2.1.1 Review municipal limits and contiguous urban growth area boundaries with municipal representatives on a regular basis in order to update LRMP Future Land Use Map and Land Management Area Map boundaries. Complete review and revisions to LRMP maps in time for preparation of the annual report to be provided to the County Board each January.	Policy 2.1.1
5.1.8 Monitor and bring to the attention of ELUC relevant legislation for any necessary action by the County.	Policy 5.1.8

Identified for **immediate** implementation

Priority Item	Related GOP
1.2.1 Prepare a report that informs County Board members of trends or new development with regard to land resource management conditions within the County each year.	Policy 1.2.1
1.3.1 Based on the annually prepared report of trends and new developments (refer to Action 1.2.1), provide a recommendation to ELUC regarding minor LRMP map changes each year. Provide public notice of LRMP changes and invite public input regarding proposed changes.	Policy 1.3.1
4.6.2 Monitor and bring to the attention of ELUC and County Board any relevant legislation for any necessary action by the County.	Policy 4.6.2
7.2.2a Establish and maintain contact with railroad systems with lines and services in Champaign County. Request to be notified regarding proposed grade crossing improvements at locations throughout Champaign County. Notify ELUC regarding proposed grade crossing improvements. Request County Board written support in the form of a letter be provided on a timely basis.	Policy 7.2.2
7.2.2b Monitor Transportation Service Board petitions for abandonments, mergers throughout Champaign County. Notify ELUC regarding such petitions. Request that County Board written comment in the form of a letter or resolution be provided on a timely basis.	Policy 7.2.2
7.2.4b Participate in the Greenways and Trails Committees that are coordinated by CCRPC.	Policy 7.2.4
8.1.2a Submit proposal CCRPC Commissioners to review CCRPC capability of providing funds or other support to MAC as it seeks to implement a regional water supply plan.	Policy 8.1.2
8.1.2b Submit proposal to ELUC, Champaign County Finance Committee and County Board to review Champaign County capability to contribute funds to MAC to implement a regional water supply plan.	Policy 8.1.2
8.1.9 Monitor IEPA annual reports and available data from IEPA and the MAC to identify contaminated land or groundwater areas requiring remediation in Champaign County. Submit proposal regarding Champaign County action or response for ELUC review and County Board adoption.	Policy 8.1.9
8.4.1b Maintain an inventory of local and regional watershed plans to provide to the CCDPZ for review of applicable recommendations of local and regional watershed plans in <i>discretionary</i> review of new development.	Policy 8.4.1
9.4a Develop Champaign County webpage to achieve provisions of Objective 9.4.	Objective 9.4

Priority Items that indicate: Monitor and pursue potential funding opportunities to achieve provisions of GOPs.

Related GOPs: Objective 4.8; Policy 7.2.3; Policy 7.2.4; Policy 7.2.6; Policy 8.1.6; Policy 8.5.3; Policy 8.5.4; Policy 8.5.5; Policy 8.6.1; Policy 8.6.6; Policy 8.7.2; Policy 9.1.2; Objective 9.5; Policy 10.1.1

Identified for immediate implementation (continued)

Priority Item 4.4 is a zoning ordinance amendment suggested for immediate implementation, based on previous recommendation of assistant state’s attorney.

Identified for near term implementation (within 1 to 3 years following LRMP adoption)

“Larger Scale” Priority Items include:

- Amend *Champaign County Zoning Ordinance* to include provisions of LRMP goals, objectives and policies.
- Amend other Champaign County Ordinances to include provisions of LRMP goals, objectives and policies.
- Submit a proposal to ELUC regarding Champaign County review of recommended changes to the Site Assessment Portion of LESA.

Priority Item	Related GOP
3.1b Review fees of similar Illinois counties and propose adjustments to Champaign County fees, as appropriate.	Objective 3.1
4.5a Submit a proposal to ELUC for Champaign County review of recommended changes to the Site Assessment portion of LESA.	Objective 4.5
4.5b Prepare changes to the Site Assessment portion of LESA and submit changes for public review and approval by ELUC and County Board.	Objective 4.5
5.1.8b Assess and report to ELUC the feasibility of developing an intergovernmental agreement with each municipality that has adopted a municipal comprehensive land use plan that includes Policy 5.1.8 provisions.	Policy 5.1.8
5.3.3 Submit a proposal to ELUC, County Board and CCRPC regarding County participation in a regional cooperative approach to identifying and assessing incremental costs of public utilities and services imposed by new development.	Policy 5.3.3
6.1.1c Amend the <i>Champaign County Zoning Ordinance</i> to reflect the requirements of the <i>Champaign County Health Ordinance</i> , and vice versa.	Policy 6.1.1
6.2.2 Amend County Liquor Ordinance.	Policy 6.2.2
6.2.3 Amend County Recreation and Entertainment Ordinance.	Policy 6.2.3
8.1.3 As they become available, review MAC recommendations regarding measures to ensure that withdrawals from the Mahomet Aquifer and other aquifers in Champaign County do not exceed the long-term sustainable yield, as described in Policy 8.1.3. Amend relevant Champaign County ordinances (e.g., Zoning, Subdivision, etc.).	Policy 8.1.3
8.1.4 Monitor progress toward identification and mapping of distinct recharge areas in and adjacent to Champaign County. In the event that such areas are identified, amend relevant Champaign County ordinances (e.g., Zoning, Subdivision, etc.).	Policy 8.1.4
8.7.4 As a cooperative and adjunct effort to any similar action of the Champaign County Forest Preserve District or the Champaign County Soil and Water Conservation District, develop an information package regarding voluntary establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.	Policy 8.7.4

Identified for near term implementation (within 1 to 3 years following LRMP adoption)

<p>8.7.6 As a cooperative and adjunct effort to any similar action of the Champaign County Forest Preserve District or the Champaign County Soil and Water Conservation District, develop an information package regarding site-specific natural resource management guidelines that landowners in CC may voluntarily adopt.</p>	<p>Policy 8.7.6</p>
<p>9.1.1b Develop proposal to identify historic structures, places and landscapes in the County. Submit proposal to ELUC, County Facilities Committee and County Board for review and approval.</p>	<p>Policy 9.1.1</p>
<p>Priority Items that indicate: Amend relevant Champaign County ordinances (e.g., Zoning, Subdivision, Stormwater, etc.) to include provisions of GOPs.</p> <p><i>Related GOPs:</i> Objective 1.1; Policy 5.1.3; Policy 5.1.4; Policy 5.2.1; Policy 5.2.2; Policy 5.2.3; Policy 5.3.1; Policy 5.3.2; Policy 6.1.3; Policy 6.2.1; Policy 8.4.2; Policy 8.4.3; Policy 8.8.1; Policy 9.2.1</p>	
<p>Priority Items that indicate: Develop information package for public dissemination.</p> <p><i>Related GOPs:</i> Policy 9.1.2; Objective 9.4</p>	
<p>Priority Items that indicate: Amend <i>Champaign County Zoning Ordinance</i> to include provisions of GOPs.</p> <p><i>Related GOPs:</i> Policy 4.1.1; Policy 4.1.5; Policy 4.1.6; Policy 4.1.9; Policy 4.2.1; Policy 4.2.2; Policy 4.2.3; Policy 4.2.4; Policy 4.3.1; Policy 4.3.2; Policy 4.3.3; Policy 4.3.4; Policy 4.3.5; Objective 4.4; Policy 5.1.1; Policy 5.1.2; Policy 5.1.5; Policy 5.1.6; Policy 5.1.7; Policy 8.1.1; Policy 8.3.1; Policy 8.5.1; Policy 8.5.2; Policy 8.6.2; Policy 8.6.3; Policy 8.6.4; Policy 8.7.1; Policy 8.7.3; Policy 8.7.5; Policy 9.1.1; Objective 9.3</p>	