

**CHAMPAIGN COUNTY BOARD  
COMMITTEE OF THE WHOLE – Highway/Facilities/ELUC Agenda**  
*County of Champaign, Urbana, Illinois*  
*Tuesday, August 3, 2010 – 6:00 p.m.*

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

	<u>Page Number</u>
<b>I. <u>Call To Order</u></b>	
<b>II. <u>Roll Call</u></b>	
<b>III. <u>Approval of County Board Resolution to Meet as Committee of the Whole</u></b>	
<b>IV. <u>Approval of Minutes</u></b>	
A. June 8, 2010	*1-18
<b>V. <u>Approval of Agenda/Addenda</u></b>	
<b>VI. <u>Public Participation</u></b>	
<b>VII. <u>Communications</u></b>	
<b>VIII. <u>County Facilities</u></b>	
A. <u>Courthouse Exterior/Clock &amp; Bell Tower Renovation Project</u>	
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B. <u>Facility Director</u>	
1. Gill Building Replacement Planning – Update on RFP for Design/Build	
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3. Physical Plant Monthly Report – May 2010	*23-28
4. Update – Courthouse Electric Efficiency Grant - \$5,799.46 – Received 7/6/2010	
C. <u>County Administrator</u>	
1. Closed Session pursuant to 5 ILCS 120/2(c)5 to Consider the Lease of Real Property for the Use of the Public Body	
D. <u>Other Business</u>	
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F. <u>Designation of Items to be Placed on County Board Consent Agenda</u>	

**IX. Environment & Land Use**

A. Recreation and Entertainment License

1. The Stop, 3515 North Cunningham Avenue, Urbana, IL \*29-37  
June 24, 2010, through December 29, 2010

B. Invitation to Participate in the Kaskaskia Basin Water Supply Study \*38-42

C. Zoning Ordinance Amendment

1. Preliminary Recommendation to Amend Champaign County Zoning Ordinance \*43-86  
Zoning Case 668-AT-10 Petitioner: Champaign County Zoning Administrator

D. Notice and Enforcement of State Requirement for Compliance with Commercial Building Code \*87-92

E. Changing the Zoning Ordinance Requirements for Coal Mining \*93-102

F. Draft Amendment to Nuisance Ordinance \*103-107

G. Draft Habitability Ordinance \*108-116

H. Monthly Report – June & July 2010 (To Be Distributed)

I. Other Business

J. Chair's Report

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

**X. Approval of Closed Session Minutes**

A. June 8, 2010

**XI. Adjournment**

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

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4  
5 **Highway & Transportation/County Facilities/Environment & Land Use**  
6 **Tuesday, June 8, 2010**  
7 **Lyle Shields Meeting Room, Brookens Administrative Center**  
8 **1776 E. Washington St., Urbana, Illinois**  
9

10 **MEMBERS PRESENT:** Carol Ammons, Jan Anderson, Steve Beckett, Ron Bensyl, Thomas  
11 Betz, Lorraine Cowart, Chris Doenitz, Stan James, John Jay, Brad  
12 Jones, Greg Knott, Alan Kurtz, Ralph Langenheim, Brendan  
13 McGinty, Diane Michaels, Steve Moser, Alan Nudo, Steve O'Connor,  
14 Michael Richards, Giraldo Rosales, Larry Sapp, Jonathan Schroeder,  
15 Samuel Smucker, C. Pius Weibel, Barbara Wysocki  
16

17 **MEMBERS ABSENT:** Lloyd Carter, Matthew Gladney  
18

19 **OTHERS PRESENT:** Jeff Blue (County Engineer), Kat Bork (Administrative Assistant),  
20 Deb Busey (County Administrator), David DeThorne (Senior  
21 Assistant State's Attorney), John Hall (Planning & Zoning Director),  
22 Alan Reinhart (Facilities Director), Julia Rietz (State's Attorney),  
23 Scott Rose (RPC Housing Rehab Program Construction Specialist)  
24

25 **CALL TO ORDER**  
26

27 Wysocki called the meeting to order at 6:03 p.m.  
28

29 **ROLL CALL**  
30

31 Bork called the roll. Ammons, Anderson, Beckett, Betz, Cowart, Doenitz, James, Jay, Jones,  
32 Knott, Kurtz, Langenheim, McGinty, Michaels, Nudo, O'Connor, Richards, Sapp, Schroeder,  
33 Smucker, Weibel, and Wysocki were present at the time of roll call, establishing the presence of a  
34 quorum. Bensyl had informed Weibel that he would be out of town and mostly likely miss the  
35 meeting. Weibel was also notified Gladney would be unable to attend the meeting.  
36

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

40 **MOTION** by Smucker to approve the County Board Resolution to meet as a Committee of  
41 the Whole; seconded by Kurtz. **Motion carried.**  
42

43 **APPROVAL OF MINUTES**  
44

45 **MOTION** by James to approve the Committee of the Whole minutes of May 4, 2010;  
46 seconded by Langenheim.

47 Wysocki asked that a spelling error on line 168 be corrected.  
48

49 **Motion carried as amended with unanimous support.**  
50

51 **APPROVAL OF AGENDA/ADDENDA**

52  
53 **MOTION** by James to approve the agenda and addendum; seconded by Cowart.  
54

55 Rosales and Moser entered the meeting at 6:05 p.m.  
56

57 Wysocki announced item 10B would be addressed first to accommodate the people from the  
58 Dobbins Downs Community Improvement Association who were present to speak about their  
59 request to the County Board.  
60

61 **Motion carried with unanimous support.**  
62

63 **PUBLIC PARTICIPATION**

64  
65 Steve Burdin from Newcomb Township encouraged the County Board to pass the residential  
66 scale/small wind turbine amendment to the County Zoning Ordinance. He remarked the  
67 amendment has been worked on by many people and is ready to address the changing issues of  
68 quieter turbines coming down the road.  
69

70 Mark Thompson spoke about a newspaper article detailing the Land Resource Management  
71 Plan's final approval. He stated the LRMP is not an improvement on an RRO and called it the most  
72 egregious attack on property rights Champaign County had ever seen. Thompson hoped the County  
73 Board looked into U.N. agenda 21 to open their eyes about how anti-American local government  
74 zoning proposals are. He urged the Board not to pass this type of change to the County Zoning  
75 Ordinance. McGinty called for a point of order because Thompson had exceeded the five-minute  
76 limit established for public participation.  
77

78 Stephanie Holderfield spoke about the Dobbins Downs Community Improvement  
79 Association request for a donation of County property to establish an area park. She asked the  
80 County Board to listen to the association's request with an open heart. The association has been  
81 made aware of the liability issues they would be required to undertake.  
82

83 Wysocki announced the other speakers on the Dobbins Downs request would hold their  
84 comments until the Board reaches that item to allow for more meaningful discussion. After  
85 confirming no one else wished to speak, Wysocki declared public participation closed.  
86

87 **COMMUNICATIONS**  
88

89 There were no communications.  
90  
91

92 **COUNTY FACILITIES**

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

94 **Project Update**

95  
96 **MOTION** by James to receive and place on file the project update; seconded by McGinty.

97  
98 Weibel inquired when the sod would be laid. Reinhart stated the crew is prepping the  
99 ground now and hopes to proceed when the rain stops.

100  
101 **Motion carried with unanimous support.**

102  
103 **Facility Director/ County Administrator**

104 **Gill Building Replacement Planning – Riley Glerum**

105  
106 Beckett stated the Board needed to act on the Gill Building lease renewal tonight, but  
107 information was also obtained on the design/build option. Nudo shared his expertise in looking for  
108 available properties within a reasonable distance of the Brookens campus. At this stage nothing  
109 suitable is available.

110  
111 **Design/Build Option on Existing County Property**

112  
113 Beckett described a similar building project undertaken by McHenry County. Ammons  
114 asked how the County could afford a new construction project. Beckett explained the County  
115 would no longer be paying rent out of the General Corporate Fund (GCF) for the Gill Building if it  
116 constructed a new building. Construction funding would come out of the GCF or by issuing bonds.  
117 Busey said the estimated construction costs bonded over a 20-year period could be covered by  
118 saving the Gill Building rent and the revenue received from the Army Corp of Engineers lease and  
119 the Mental Health Board lease. Beckett verified they are talking about constructing a whole  
120 building on the campus near Animal Control. Riley Glerum told him this is a great time for a  
121 project because people are looking for work. Only an architect is needed for an RFP for this type of  
122 design/build process. Once the proposals were submitted and one is accepted, work could proceed.  
123 This is the advantage offered by this type of building.

124  
125 Moser suggesting looking into having an FBI outfit construct a building and then have the  
126 County lease it with a buyout option. Beckett did not think the County should lease building that  
127 stands on its own property.

128  
129 Kurtz asked about the savings achieved by McHenry County with a design/build project.  
130 Nudo reported a similar building was constructed for \$79 per foot. An architect is needed to set the  
131 standards before the building is constructed, but otherwise Reinhardt should oversee the project.  
132 Riley Glerum had indicated this type of structure could be built for \$70 per foot.

133  
134 James thought a metal building was a great idea and would be cost effective for the intended  
135 use. He felt the County would be better served to own any building sitting on its property than  
136 leasing.

137 In response to Jay's question about square footage, Reinhart calculated the building would  
138 be 23,000 square feet. This would allocate 4,000 square feet for the County Clerk's storage, 5,000  
139 square feet for the Coroner's Office, and the remaining space for County Facilities and excess  
140 equipment storage. Jay was under the impression the County Facilities would be moved into the old  
141 Highway Garage. Beckett stated ILEAS would be moving into the old Highway Garage to meet the  
142 County's obligation under the lease. Nothing would have to be done to the space to meet ILEAS's  
143 needs. Jay was troubled because some Board members did not understand why the County has such  
144 an obligation for ILEAS when the old Highway Garage was always intend for the County Clerk's  
145 use and County Facilities. Beckett reminded the Board that the County Clerk deemed the Highway  
146 Garage unsuitable for his needs. Beckett and Jay discussed the past history of the Highway Garage.

147

148 Request for Approval for IGW to Draft RFP for Gill Building Replacement

149

150 **MOTION** by James to approve a contract with IGW to draft RFP for Gill Building  
151 Replacement; seconded by Rosales.

152

153 Ammons was unclear about the source for the construction funding. Beckett clarified that  
154 the County Board is asking Glerum to prepare a proposal for Champaign County to request  
155 proposals from contractors to do the design/build process. This is the first step in the process. Sapp  
156 questioned if the County had a contract with Glerum. Busey stated the contract specifics would be  
157 brought to the County Board meeting if the motion is approved tonight. James spoke about how the  
158 County would be paying to construct its own building instead of continuing to lease one. Ammons  
159 said she understood the concept, but she was trying to make sure the County has sufficient funding  
160 for the project. Beckett explained this design/build process is a better, turnkey process. A firm will  
161 build it based on specifications and the County will not be involved in change orders or other  
162 construction issues. This will be a less complicated process than other projects. Michaels wanted  
163 to be sure a 23,000 square foot building would be sufficient for the County's needs for the next 15-  
164 20 years. Beckett described how the building would enable the County to not lease the Gill  
165 Building anymore.

166

167 **Motion carried.**

168

169 Gill Building Lease Renewal

170

171 Beckett stated the County needed to send a letter to Mr. Harrington regarding the final year  
172 of the Gill Building lease.

173

174 **MOTION** by Weibel to send a letter to Tom Harrington to renew the lease for a final year;  
175 seconded by Richards.

176

177 Ammons wanted more information about the issue. Beckett explained the County has to  
178 send notice by June 23<sup>rd</sup> to renew the Gill Building lease. The letter renews the lease for one more  
179 year. They met with Mr. Harrington and he will now market the property. This will create the  
180 possibility that the County could save some rent money by getting out early. Ammons asked if the  
181 design/build of the replacement building will realistically be complete in one year. Beckett said

182 they were told it would. Ammons asked what Plan B was if the building is not finished. Beckett  
183 said the County would have to hold over as a tenant and pay more in rent. The building window for  
184 this type of structure is 120 days.

185

186 **Motion carried with unanimous support.**

187

188 Contract with IGW for Roof Replacement at ILEAS

189

190 Reinhart stated ILEAS is making plans for a major expansion and possibly moving into the  
191 B&C wings. They are working with IGW now on several remodeling options. The roof is leaking  
192 in the B&C wings, so it needs to be replaced. A proposal from IGW was in the agenda packet to  
193 design documents for the projects. Busey reported money is available from the last ILEAS lease  
194 payment of \$416,000 and the County committed to reserving this money specifically for the roof  
195 replacement. McGinty said he would abstain from voting because one of the possible tenants is his  
196 employer. Sapp would also abstain for the same reason.

197

198 Weibel asked for the roofs' ages. Reinhart said there is the 1971 addition and the remaining  
199 roofs are various ages, but newer than 1971. He estimated the other roofs have less than 20 years  
200 life remaining.

201

202 Ammons asked if ILEAS was not really leasing the property because their lease payment  
203 went directly to replacing the roof for their benefit. Beckett explained the old Nursing Home  
204 building was in terrible condition and the County is responsible for maintaining the property it  
205 owns. ILEAS was willing to pay lump sums upfront and negotiated an agreement using part of the  
206 money to fix the roof. Busey confirmed ILEAS prepaid their 2012 rent. The lease amount  
207 increased because ILEAS is using more space and ILEAS wanted a commitment that the County  
208 would be able to maintain the facility. This is why the prepaid rent was placed into capital reserves  
209 for the facility. She reported the County received over \$300,000 in rent last year that went directly  
210 into the General Corporate Fund with other rent payments. Nudo noted landlords have to set aside  
211 money for upkeep on a building, including roofs. An improved building placing the County is a  
212 better position to lease it even if ILEAS walks away after their lease over. James supported  
213 maintaining the building with the lease money to attract good tenants.

214

215 **MOTION** by James to approve the IGW contract for ILEAS Building roof replacement;  
216 seconded by Richards.

217

218 **Motion carried with abstentions by Sapp and McGinty.**

219

220 Request Approval to Apply for Grants

221 **Electric Efficiency Program, Year 3 and Energy Efficiency Community Block Grant**

222

223 Reinhart provided information about the grants in the agenda packets supplied by the  
224 Regional Planning Commission. The County applied for a Public Sector Electric Efficiency  
225 Program Grant for de-lamping and installing occupancy sensors in the Courthouse a year ago. A  
226 small amount of money was received for the program. The third year Electric Efficiency Program

227 application is complete and ready for submission. He has an opportunity with the Community  
228 Block Grant Program to possibly receive the remaining balance of the total project costs.

229  
230 **MOTION** by Smucker to approve the application for and, if awarded acceptance of, Electric  
231 Efficiency Program & Energy Efficiency & Conservation Block Grant; seconded by Rosales.  
232 **Motion carried with unanimous support.**

233  
234 Physical Plant Monthly Report – April 2010

235  
236 **MOTION** by Ammons to receive and place on file the Physical Plant April 2010 monthly  
237 report; seconded by Smucker. **Motion carried with unanimous support.**

238  
239 Information only – Main Street Traffic Plan

240  
241 Information on the Walnut Street parking changes from the City of Urbana was included in  
242 the agenda packet.

243  
244 **Other Business**

245  
246 There was no other business.

247  
248 **Chair's Report**

249  
250 There was no Chair's report.

251  
252 **Designation of Items to be Placed on County Board Consent Agenda**

253  
254 Agenda item 8.B.5 was designated for the consent agenda.

255  
256 **HIGHWAY & TRANSPORTATION**

257 **Monthly Report**

258  
259 **MOTION** by Doenitz to receive and place on file the County & Township Motor Fuel Tax  
260 Claims Monthly Report for May 2010; seconded by Smucker. **Motion carried with unanimous**  
261 **support.**

262  
263 Weibel exited the meeting at 7:29 p.m.

264  
265 **County Engineer**

266 **Resolution Appropriating County Motor Fuel Tax Funds for Signs & Posts – Section #09-009427-**  
267 **00-SG**

268  
269 Blue spoke about the program to replace all signs on county and small municipality roads.  
270 There was a cap of \$25,000 per entity that could be received. The County's total cost for sign

271 replacement is \$35,000. The County will need to spend \$10,000 of Motor Fuel Tax money to cover  
272 the expenditure in excess of the cap.

273  
274 **MOTION** by Langenheim to approve the Resolution Appropriating County Motor Fuel Tax  
275 Funds for Signs & Posts – Section #09-009427-00-SG; seconded by Weibel.

276 Wysocki inquired about the purchase of the signs when the County previously discussed  
277 manufacturing them in-house at the new Highway Fleet Maintenance Facility. Blue said the signs  
278 have already been bid, awarded, and are on the way to the Highway Department. These are general  
279 signs (stop, passing, crossing signs, etc.) and Blue had talked about manufacturing specialized signs  
280 in-house. The bid was for \$300,000 worth of signs and they were the best prices Blue has seen. A  
281 federal grant through IDOT helped cover the costs because the new Manual on Uniform Traffic  
282 Control Devices required all signs meet certain retro-reflective standards. The program was funded  
283 based on the amount of accidents in a county and Champaign County ranked high in this category.

284  
285 James saw on the news there is a move underfoot to post stop signs at every intersection.  
286 Blue remarked he sees the same story every year in June when the corn grows. Ammons asked  
287 about the sign installations. Blue confirmed each public agency installs its own signs.

288  
289 Michaels asked why the final cost exceeded the grant amount when the project was bid.  
290 Blue explained it is an IDOT program requiring all regulatory and warning signs meet certain retro-  
291 reflective standards. This meant the replacement of all signs on the County highway system. IDOT  
292 capped how much per entity could receive. The townships also had a cap of \$25,000 and none of  
293 them reached that amount, but the County cannot use leftover township money to cover the extra  
294 \$10,000 it takes to replace the numerous signs on the County system. Michaels asked why the cost  
295 was not known in advance. Blue said he was waiting on the final bid to appropriate the money. He  
296 knew it would cost over \$25,000, but that was all the money the County could get through the  
297 program.

298  
299 Rosales asked Blue how many accidents had to occur at an intersection to mandate the  
300 placement of stop signs, referring to a recent accident. Blue detailed how it involves a number of  
301 different factors: the average daily traffic, a high history of accidents, or limited sight like coming  
302 over a hill. The County only has the authority to place signs on the County highway system. Each  
303 entity has the authority to place signs on their roads. Doenitz added that state laws govern  
304 unmarked intersection in rural areas. If an accident occurs at a rural intersection, then someone  
305 broke the law and is at fault. It is not practical to place stop signs at every intersection.

306  
307 Schroeder questioned what would be done with the old signs. Blue stated they would be  
308 recycled at a scrap yard. Schroeder suggested a sideline operation selling the old signs on campus  
309 to reduce thefts.

310  
311 **Motion carried with unanimous support.**

312  
313 Sapp exited the meeting at 7:34 p.m. Weibel returned to the meeting at 7:34 p.m.

314

315 Resolution Appropriating County Motor Fuel Tax Funds for General Maintenance of County Roads  
316 – Section #10-00000-00-GM

317

318 Blue said this was an estimate of the County's cost for all of the asphalt, salt, stripping,  
319 crack sealing, and other maintenance items for 2010. This resolution enables Blue to avoid sending  
320 a separate resolution every time \$10,000 worth of crack filler is purchased.

321

322 **MOTION** by Jay to approve the Resolution Appropriating County Motor Fuel Tax Funds  
323 for General Maintenance of County Roads – Section #10-00000-00-GM; seconded by McGinty.

324 **Motion carried with unanimous support.**

325

326 Resolution of Award Authority to the County Engineer for Pavement Striping – Section #10-00000-  
327 01-GM

328

329 Blue announced the pavement striping was currently out for bids. The bids will be opened  
330 on June 14<sup>th</sup> at 10:00 a.m. He needs to move forward with the striping before July. The estimate  
331 was of 7.5 cents per linear foot for pavement striping of all County highways. If the bid is within  
332 10% of the estimate, Blue can award the bid to the lowest responsible bidder.

333

334 **MOTION** by Jay to approve the Resolution of Award Authority to the County Engineer for  
335 Pavement Striping – Section #10-00000-01-GM; seconded by James.

336

337 James asked whether the County would be affected by a shortage of reflective paint. Blue  
338 has been told there is a worldwide shortage of all paint because it is supposedly all going overseas.  
339 The contractor who generally does the stripping has assured Blue they have a contract with a  
340 supplier to enough paint to stripe the County roads.

341

342 **Motion carried with unanimous support.**

343

344 Resolution Appropriating Additional County Motor Fuel Tax Funds – Section #08-00000-00-GM

345

346 Blue said this resolution picks up additional funds from 2008 and appropriates them to the  
347 general maintenance resolution from 2008. Highway needed to use more salt in 2008, which has  
348 been paid for, but the resolutions must match the payments according to IDOT's audit of Highway's  
349 books. The IDOT auditor found a discrepancy of \$10,841 and this has to be corrected.

350

351 Schroder exited the meeting at 7:38 p.m.

352

353 **MOTION** by O'Connor to approve the Resolution Appropriating Additional County Motor  
354 Fuel Tax Funds – Section #08-00000-00-GM; seconded by Langenheim. **Motion carried with**  
355 **unanimous support.**

356

357

358

359

360 Truck Replacement From Fire Damage

361  
362 Blue explained it has been determined that the cause of the fire in the Highway Fleet  
363 Maintenance Facility was the single-axle dump truck that was lost in the fire. Investigators looked  
364 at the truck for the insurance company and the truck construction company. It was determined that  
365 the heated windshield washer system that the Highway Department purchased after market was the  
366 reason the truck caught on fire.

367  
368 McGinty exited the meeting at 7:39 p.m.

369  
370 Blue reported the company that sold the windshield washer system has gone bankrupt  
371 because it has caused multiple truck and car fires across the nation. Blue did not think they would  
372 be able to get anyone to pay for the replacement truck. The insurance is paying for the cleaning and  
373 painting of the building. Since the County is self-insured, the County will pay for a replacement  
374 truck. Blue said his department cannot operate in winter withhold a full contingent of trucks in  
375 order to have spare vehicles.

376  
377 Schroeder re-entered the meeting at 7:41 p.m.

378  
379 Blue will use money from the heavy equipment budget and a loan from the Self-Insurance  
380 Fund to buy a new dump truck. After considering multiple scenarios, he decided to buy a new truck  
381 and trade in what remains of the burned truck.

382  
383 McGinty returned to the meeting at 7:42 p.m.

384  
385 Blue estimated the total cost to replace truck at \$107,865. That amount includes the  
386 estimate trade-in of the burned truck for scrap. He wanted to move ahead with purchasing the new  
387 truck.

388  
389 **MOTION** by Doenitz to approve the purchase of a new truck to replace the truck damaged  
390 in the fire; seconded by James.

391  
392 Rosales asked if any more department trucks contained the heated windshield washer  
393 system. Blue said they removed the system from the other vehicle. Schroeder said it was a shame  
394 the department does not buy a used truck instead of spending so much money on a new one. Blue  
395 replied it was hard to find a used truck to exactly fit the department's needs. He noted the  
396 department is keeping trucks for 15 years and is doing better job maintaining them. He would  
397 rather start the maintenance on a new truck instead of a used vehicle.

398  
399 Knott inquired how much would be borrowed from the County's insurance fund and  
400 whether the fund could afford it. Blue said the cash value is about \$50,000. Busey confirmed there  
401 were sufficient funds in the Self-Funded Insurance Fund. The Highway Department will be billed  
402 for the expense over the next couple of years. Blue and Busey are looking into more insurance on  
403 County trucks. This is second truck the County has lost within 3 years and they have lost over  
404 \$200,000.

405 James exited the meeting at 7:49 p.m.

406

407 **Motion carried with unanimous support.**

408

409 Resolution Appropriating County Motor Fuel Tax Funds for Utility Relocation on County Highway  
410 18 (Monticello Road) – Section #07-00419-00-RS

411

412 Blue announced the resolution enabled Highway to relocate Ameren's polls along the  
413 Monticello Road project. The polls are on a private easement, not the County's right of way. The  
414 agreement with Ameren will cost the County \$125,968 to relocate about 40 polls to continue with  
415 the project.

416

417 **MOTION** by Doenitz to approve the Resolution Appropriating County Motor Fuel Tax  
418 Funds for Utility Relocation on County Highway 18 (Monticello Road) – Section #07-00419-00-  
419 RS; seconded by Moser.

420

421 Doenitz asked if the polls would now be located on the County's right of way so this  
422 situation could be avoided in the future. Blue answered no because the County cannot make  
423 Ameren put the polls on the County's right of way. He thinks the polls will be moved farther back  
424 into the easement.

425

426 James returned at 7:52 p.m.

427

428 Ammons asked why the County had to pay for moving the polls. Blue stated the County is  
429 widening Monticello Road from US-45 to the Piatt County line. The ditches have to be pushed out  
430 in order to put in wider shoulders and the polls are within the slope area. Blue requested Ameren  
431 move the polls and just received the agreement stating the cost to move the polls last week.

432

433 **Motion carried with unanimous support.**

434

435 Resolution Awarding Contract for the Replacement of a Bridge Located on Lincoln Avenue in  
436 Somer Road District & Appropriating \$130,000 from County Bridge Funds – Section #07-25932-  
437 00-BR

438

439 Blue explained the intergovernmental agreement between the County, the Somer Road  
440 District, and the City of Urbana to replace the Lincoln Avenue Bridge. The County will be  
441 reimbursed by the City of Urbana.

442

443 **MOTION** by Schroeder to approve the Resolution Awarding Contract for the Replacement  
444 of a Bridge Located on Lincoln Avenue in Somer Road District & Appropriating \$130,000 from  
445 County Bridge Funds – Section #07-25932-00-BR; seconded by Rosales.

446

447 Schroeder asked about the Bridge Fund balance after this expenditure. Blue stated this  
448 expenditure was budgeted for this fiscal year.

449

450 **Motion carried with unanimous support.**

451

452 **Other Business**

453

454 Moser inquired about the status of overheads on 1800 and 1900 east of Urbana which were  
455 closed after being hit by a truck. Blue said the bridge was under IDOT's jurisdiction, not the  
456 County's. He would have to call IDOT to obtain the information for Moser.

457

458 **Chair's Report**

459

460 There was no Chair's report.

461

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

463

464 Agenda items 9.B.1-4 & 6-7 were designated for the consent agenda.

465

466 Ammons exited the meeting at 7:57 p.m.

467

468 **ENVIRONMENT & LAND USE**

469 **Recreation and Entertainment Licenses**

470 Pink House Inc., 2698 CR1600N, Ogden, IL. April 21, 2010 through December 29, 2010

471

472 **MOTION** by Anderson to approve the recreation and entertainment license for the Pink  
473 House Inc., 2698 CR1600N, Ogden, IL from April 21, 2010 through December 29, 2010; seconded  
474 by Schroeder.

475

476 Betz exited the meeting at 7:58 p.m.

477

478 **Motion carried with unanimous support.**

479

480 Champaign County Fair Association for the County Fair, Champaign County Fairgrounds, 902  
481 North Coler Avenue, Urbana. July 23 – July 31, 2010

482

483 The Champaign County Fair Association's license application was provided at the Board's  
484 desks.

485

486 **MOTION** by Moser to approve the recreation and entertainment license for the Champaign  
487 County Fair Association for the County Fair, Champaign County Fairgrounds, 902 North Coler  
488 Avenue, Urbana from July 23 through July 31, 2010; seconded by James.

489

490 Weibel noted the Sheriff has not signed off on this application. He wanted the Sheriff's  
491 input prior to the Board's approval because there have been security issues at the County Fair in  
492 past years. Wysocki was aware the Sheriff and the Fair Association have been in communication  
493 about security. Hall said the application was only received on June 1st. It was not being delayed, it  
494 was received late.

495 Cowart exited the meeting at 7:59 p.m.

496  
497 Michaels pointed out that Karen Duffin is listed as both the agent of local responsibility and  
498 the notary on the application. She did not think the application was filled out correctly. Kurtz  
499 asked if the cost of the Sheriff's providing security for the fair had been settled. Busey said that  
500 issue is entirely handled by the Sheriff. The Board discussed how to ascertain the Sheriff's  
501 approval before proceeding.

502  
503 **MOTION** by Beckett to amend the motion to approve the license subject to the Sheriff's  
504 approval and confirmation of the accuracy of the information in the application; seconded by  
505 Weibel.

506  
507 **Motion carried on amendment with unanimous support.**

508  
509 **Motion carried to approve the license subject to the Sheriff's approval and**  
510 **confirmation of the accuracy of the information in the application with unanimous support.**

511  
512 Cowart and Betz re-entered the meeting at 8:03 p.m. O'Connor exited the meeting at 8:03  
513 p.m.

514  
515 **Dobbins Downs Community Improvement Association Request to Deed Property at 2603**  
516 **Campbell Drive, Champaign**

517  
518 A request from the Dobbins Downs Community Improvement Association for the County  
519 Board to deed the property at 2603 Campbell Drive, Champaign to the association was in the  
520 agenda packet. The association placed handouts at the County Board's desks. Scott Rose from the  
521 Regional Planning Commission and John Hall from the County Planning & Zoning Department  
522 were present to give a deeper perspective of this property. Leslie Kimball and Norm Davis were  
523 representing the citizens group. The County Board agreed to hear from the speakers before moving  
524 onto its discussion. Beckett called for a point of order that a motion should be on the floor before  
525 any discussion.

526  
527 **MOTION** by McGinty to approve the request to deed the 2603 Campbell Drive, Champaign  
528 property to the Dobbins Downs Community Improvement Association, for purposes of discussion;  
529 seconded by Kurtz.

530  
531 Hall explained the County spent \$7,300 cleaning up the property after the dwelling located  
532 on it partially burned. The landowner signed the property over to the County. The property has  
533 been appraised in 2005 at a value of a little over \$11,000. He confirmed the County owns the  
534 property and has invested \$7,300 to clean it up, so costs have been incurred. They have been  
535 talking to Rose at RPC for 3 years to find a community organization interested in buying the  
536 property to build housing. Rose has been unable to find an organization to purchase the property.  
537 The County pays taxes on this property every year. A neighborhood resident is mowing the lawn  
538 free of charge and this saves the County the cost of maintenance.

539

540 In response to Beckett's questions, Hall was not aware of the County ever fulfilling this type  
541 of request. The property is adjacent to a property within the Champaign Park District's jurisdiction.  
542 The County could sign an annexation agreement with the City of Champaign to place it within the  
543 district's jurisdiction. Right now, the property is not within any park district's jurisdiction. Busey  
544 stated this item was on the agenda so the Board could consider whether this was an avenue it  
545 wanted to pursue. It was not intended for the Board to approve deeding the property tonight.  
546 Schroeder noted the Champaign Park District can annex property anywhere in the county.

547  
548 Weibel asked if there were any township parks in the county. Hall confirmed there were  
549 township parks and the property is located within Hensley Township. Weibel suggested the  
550 possibility of making an agreement with the township to establish a park.

551  
552 Rose explained that RPC operates the HOME program, a federally funded entitlement  
553 program for Champaign County. There has been some interest since 2007-2008 to utilize some  
554 HOME program dollars to clear the title and turn the property over to a not-for-profit local housing  
555 development corporation to build a single family home or duplex on the lot for an income eligible  
556 household. He has been working on it for a few years. There are two not-for-profit housing  
557 development corporations active in the Champaign-Urbana area. There has not been a not-for-  
558 profit development outside of the Champaign-Urbana area. Rose hoped a third not-for-profit  
559 corporation will come to develop low income housing, but this has not happened. Any HOME  
560 funding for the purchase is contingent on the involvement of a not-for-profit corporation intent on  
561 developing the property.

562  
563 James asked why not fulfill the residents' request for an improved quality of life with a park  
564 rather than building another home. Rose said it was the County Board's decision to make based on  
565 what will enhance the neighborhood, be it developing the lot for housing or a park. He confirmed  
566 RPC has the program dollars necessary to acquire the lot, but there is no developer in place. He  
567 described the HOME program and its obstacles.

568  
569 Ammons was familiar with the property and a park would improve the quality of life in the  
570 neighborhood. There are no sidewalks or play areas in the neighborhood, so traffic has to move  
571 around kids in the street. She encouraged the Board to consider transferring the property to a  
572 nonprofit organization for all the residents' general use. She did not believe there was a housing  
573 shortage in Dobbins Downs, but there was an increase in calls to the Sheriff's Office from the area.  
574 This should also be considered when looking at the best use for the property.

575  
576 Kurtz felt a small park could be quite helpful to parents in the neighborhood. The Sheriff's  
577 Office does not have a major concern about security if a park was installed in that location. He  
578 spoke to Leslie Kimball and was told it would be daytime park surrounded by a fence. He was in  
579 favor of letting the association have the property.

580  
581 Leslie Kimball and Norm Davis spoke as Dobbins Downs residents and promoters of the  
582 project. Kimball said it was hard to meet other people in the neighborhood because there is no  
583 general area for kids to play and form network connections. She felt a common area encouraged a  
584 strong sense of community. The association acknowledges the safety concerns because the

585 neighborhood as requested the Sheriff's assistance to create a safer community. Kimball asked the  
586 County Board to deed the property to the association and the association would take full  
587 responsibility for liability insurance and property maintenance through neighborhood volunteers.  
588 The association has started raising funds for the park and has \$2,000.  
589

590 Michaels asked if the neighborhood association charged dues to provide for the costs of  
591 upkeep and insurance for a park. Kimball said the association was not a homeowners' association  
592 and does not require dues from residents. It was created as a nonprofit community improvement  
593 association. Many of the Dobbins Downs residents are low income renters, not home owners. The  
594 association hopes to put on neighborhood events to annually raise money or get sponsorships from  
595 area businesses to pay for insurance and maintenance of a park. Michaels inquired if Kimball knew  
596 the cost of annual maintenance and insurance fees. Kimball did not have a price quote on insurance  
597 and was in discussions with Farmers Insurance. Park maintenance would be done on a volunteer  
598 basis.  
599

600 Nudo viewed the proposal as admirable, but advised would be wise for the Dobbins Downs  
601 association to join with other community organizations to provide a stable base of support.  
602 Enthusiasm for a project can wane over time as residents age or move away. The park could  
603 involve more expense and work than the neighborhood realizes at the present time. Kimball said  
604 the association had some contact with Ameren and are working on sponsorships.  
605

606 Ammons suggested County administration formulate the initial stages of an annexation with  
607 the City of Champaign or Hensley Township so a park district would cover the insurance and  
608 maintenance costs on the property. Busey spoke with the Champaign Park District Director  
609 regarding this project. The park district is experiencing the same inability to fund its current  
610 programs that every government agency is facing. The majority of the residents who would be  
611 served by this park do not live within the City of Champaign and are not paying property taxes to  
612 the Champaign Park District. The park district is graciously willing to provide advice to the  
613 Dobbins Downs association in their efforts to provide a park at the location. Busey doubted the  
614 township would be in any better position to undertake an additional financial responsibility like the  
615 development of a park in the current economy.  
616

617 Davis acknowledged Dobbins Downs has been a neglected area because it is part of several  
618 townships. The association's goal is to provide a park with playground equipment in addition to the  
619 appropriate insurance and maintenance. Kimball added no government entity wanted to provide the  
620 neighborhood with a park because no entity received enough tax revenues to cover the expense.  
621 The association was asking the County Board to consider the proposal, not to blindly deed them the  
622 property. Nothing is being done with the property at the present time and the association has an  
623 idea to improve the neighborhood. She thanked the County Board for their time.  
624

625 Beckett question if Kimball and Davis considered entering into a land lease with the County.  
626 The County would retain ownership of the property and the neighborhood would be required to  
627 maintain and insure the property. This would allow the County to terminate the lease if interest in  
628 the project waned and in 5 years the neighborhood was not properly maintaining the park. He asked  
629 for the State's Attorney to explore the possibility of a land lease. Kimball said the association is

630 open to a land lease and noted two attorneys live in neighborhood who do pro bono work. Knott  
631 liked Beckett's idea for the State's Attorney to engage in fact finding and asked what course the  
632 Board should take. Busey said the intent was to get direction from the Board to figure out what the  
633 next step should be.

634  
635 Michaels encouraged the association to bring all the necessary information in one package  
636 for the Board to consider, including insurance and equipment quotes, plus how these would be  
637 purchased. She suggested Kimball look into access to recreation through the Community  
638 Foundation of East Central Illinois.

639  
640 **MOTION** by Beckett for a substitute motion to direct the State's Attorney's Office to  
641 investigate and report back to the County Board on the possibilities of an intergovernmental  
642 agreement or land lease for the park; seconded by Smucker.

643  
644 Discussion continued over the request. James called question.

645  
646 **Motion carried for the substitute motion with unanimous support.**

647  
648 **Motion carried to direct the State's Attorney's Office to investigate and report back to**  
649 **the County Board on the possibilities of an intergovernmental agreement or land lease with**  
650 **unanimous support.**

651  
652 **Proposed Remainder of FY2010 & FY2011 County Planning Contract Work Plan**

653  
654 **MOTION** by Beckett to approve the proposed remainder of the FY2010 and FY2011  
655 County Planning Contract work plan; seconded by Kurtz.

656  
657 Knott had questions about the statutory role requirement for RPC interaction with the  
658 County Board. The County planning contract will be facing the funding cuts that will impact every  
659 County department in FY2011. He has heard for many years that the County has to have a planning  
660 relationship with RPC. He wanted to ask the State's Attorney's staff to research and prepare a  
661 written opinion on the planning relationship with RPC. Busey pointed out that, according to the  
662 LRMP, the County Board is being presented with a work plan so they can study, evaluate, and  
663 ultimately approve what the Board wants done next year. The Board is not expected to approve the  
664 FY2011 work plan until August. She suggested the Board should receive the FY2011 plan for  
665 consideration. The work plan will be subject to funding and the County Board has not yet acted on  
666 FY2011 funding issues. The Board should consider and approve the remainder of the FY2010 work  
667 plan tonight.

668  
669 **Beckett requested a friendly amendment to his original motion to receive and place on**  
670 **file the suggested FY2011 work plan and approve the work plan for the remainder of FY2010.**  
671 **Kurtz agreed to consider the amendment as friendly.**

672  
673 O'Connor returned to the meeting at 8:06 p.m.

674

675 **Motion carried.**

676

677 Doenitz exited the meeting at 8:07 p.m.

678

679 **Zoning Ordinance Amendments**

680 Request to Amend Champaign County Zoning Ordinance. Zoning Case 634-AT-08 Part B

681 Petitioner: Champaign County Zoning Administrator

682

683 **MOTION** by Moser to approve the Ordinance Amending Zoning Ordinance 634-AT-08  
684 Part B; seconded by Rosales.

685

686 Hall stated the Board has seen this amendment several times before and he provided a more  
687 thorough explanation for the two questions asked in May. No comments have been made by  
688 townships or municipalities. Jay reminded Hall that he had made a request for some documentation  
689 that has not been received. He was willing to pay for the documentation. Hall confirmed he had  
690 recently learned how much extra copies would cost and the printer could start printing the extras in  
691 next few days. However, the amendment currently before the Board is for the small wind turbine  
692 amendment and is not implementing any part of the LRMP.

693

694 Doenitz returned to the meeting at 8:09 p.m.

695

696 **Motion carried.**

697

698 Request to Amend Champaign County Zoning Ordinance. Zoning Case 664-AT-10 Petitioner:  
699 Champaign County Zoning Administrator

700

701 Hall announced the amendment on Zoning Case 664-AT-10 was ready for the final  
702 recommendation and submission to the full Board for approval. No protests have been received  
703 about this amendment.

704

705 **MOTION** by Kurtz to approve Ordinance Amending Zoning Ordinance 664-AT-10;  
706 seconded by Anderson. **Motion carried with unanimous support.**

707

708 Monthly Report – May 2010

709

710 The monthly report was provided at the County Board's desks. Hall announced he was  
711 beginning to conduct a budget review for the next fiscal year. The number of cases and permits are  
712 fewer than anticipated, so fees were less than anticipated. He stated the department was doing  
713 better on enforcement.

714

715 Moser asked if Hall had any updates on windmill projects in Newcomb, Raymond, or Ayers  
716 Townships. Hall was told by a Horizon representative that they want to place more turbines in  
717 Champaign County than previously stated and are looking to the Homer and Sidney areas. There is  
718 no specific information at this time. Wind farm companies have contacted landowners, but none are  
719 any closer to an application, based on Hall's knowledge.

720 Moser exited the meeting at 8:13 p.m.

721  
722 **MOTION** by James to receive and place on file the Planning & Zoning May 2010 report;  
723 seconded by Kurtz. **Motion carried with unanimous support.**

724  
725 Knott asked if Hall had any information about a coal mine that may stretch between  
726 Vermilion and Champaign counties. Hall confirmed he heard about it this week, but has no  
727 information about the company. The Planning & Zoning Department's position is that a coal mine  
728 is mineral extraction and would require a special use permit. Weibel had indirectly learned that  
729 some mining could come to Champaign County, but it would mostly be located in Vermilion  
730 County.

731  
732 **Other Business**

733  
734 There was no other business.

735  
736 **Chair's Report**

737  
738 There was no Chair's report.

739  
740 Bensyl entered the meeting at 8:16 p.m.

741  
742 **Designation of Items to be Placed on County Board Consent Agenda**

743  
744 Agenda item 10.D.2 was designated for the consent agenda.

745  
746 Wysocki asked if the other committee Chairs were aware of any significant business coming  
747 next month that would necessitate a July meeting. Beckett thought any Facilities items could go  
748 straight to the full County Board meeting. Cowart said any business Blue would have could go to  
749 the full Board meeting. Hall said he was not aware of any items for the July meeting at the present  
750 time. With the Board's agreement, Wysocki canceled the first Committee of the Whole meeting in  
751 July.

752  
753 **LABOR SUBCOMMITTEE**

754 **Closed Session Pursuant to 5 ILCS 120/2(c)2 to Consider Collective Negotiating Matters**  
755 **Between Champaign County and its Employees or Their Representatives**

756  
757 **MOTION** Smucker to enter into closed session pursuant to 5 ILCS 120/2(c)2 to consider  
758 collective negotiating matters between Champaign County and its employees or their  
759 representatives. He further moved the following individuals remain present: County Administrator,  
760 County's legal counsel, and Recording Secretary. The motion was seconded by Betz. **Motion**  
761 **carried with a vote of 21 to 1.** Anderson, Beckett, Bensyl, Betz, Cowart, Doenitz, James, Jay,  
762 Jones, Knott, Kurtz, Langenheim, McGinty, Michaels, Nudo, Richards, Rosales, Schroeder,  
763 Smucker, Weibel, and Wysocki voted in favor of the motion. O'Connor voted against the motion.

764 The County Board entered into closed session at 8:19 p.m. and resumed open session at 8:57 p.m.  
765 Moser re-entered during the closed session at 8:20 p.m.

766

767 **ADJOURNMENT**

768

769 **MOTION** by O'Connor to adjourn; seconded by Rosales. **Motion carried with**  
770 **unanimous support.**

771

772 The meeting was adjourned at 8:58 p.m.

773

774 Respectfully submitted,

775

776 Kat Bork

777 Administrative Assistant

778

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

**COURTHOUSE MASONRY STABILIZATION & RESTORATION PROJECT**

Prepared By: E Boatz August 3, 2010

	ORIGINAL CONTRACT	CHANGE ORDERS	CONTRACT TOTAL	PAYMENTS THIS MONTH	PAYMENTS YEAR TO DATE	BALANCE TO FINISH
<b>Original Project Budget</b>	<b>\$6,747,552.14</b>					
<b>Current Budget w/Change Orders</b>	<b>\$7,213,877.05</b>					
<b><i>Architect Fees-White &amp; Borgognoni</i></b>						
Basic Service	\$425,641.74			\$0.00	\$418,343.11	\$7,298.63
Amend #1-Option 4 Tower		\$43,425.00		\$0.00	\$42,740.15	\$684.85
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	\$2,143.05	\$0.00
<b>Total Architect Fees</b>	<b>\$425,641.74</b>	<b>\$107,951.74</b>	<b>\$533,593.48</b>	<b>\$0.00</b>	<b>\$525,610.00</b>	<b>\$7,983.48</b>
<b><i>Reimbursables-White &amp; Borgognoni</i></b>						
Analysis/Testing; On-site Observation	\$98,092.72			\$0.00	\$86,657.53	\$11,435.19
Amendment #1 - Option 4 Tower		\$7,494.18	\$105,586.90			\$7,494.18
Miscellaneous Reimbursable Expenses	\$39,839.50			\$0.00	\$36,078.09	\$3,761.41
Amendment #1- Option 4 Tower		\$20,593.82	\$60,433.32	\$0.00	\$1,737.90	\$18,855.92
<b>Total Reimbursable Expenses</b>	<b>\$137,932.22</b>	<b>\$28,088.00</b>	<b>\$166,020.22</b>	<b>\$0.00</b>	<b>\$124,473.52</b>	<b>\$41,546.70</b>
<b><i>Building Const - Roessler Const</i></b>						
Existing Building	\$2,787,950.00	\$350,817.72	\$3,138,767.72	\$55,645.41	\$3,013,979.72	\$124,788.00
Tower	\$2,804,150.00	\$352,855.57	\$3,157,005.57	\$55,968.65	\$3,031,117.31	\$125,888.26
<b>Owner Items</b>			\$174,490.06	\$4,292.45	\$174,490.06	
Contingency	\$591,878.18	-\$111,795.11	\$0.00			\$0.00
<b>Total Building Construction</b>	<b>\$6,183,978.18</b>	<b>\$703,673.29</b>	<b>\$6,470,263.35</b>	<b>\$115,906.51</b>	<b>\$6,219,587.09</b>	<b>\$250,676.26</b>
<b><i>Additional Contracts</i></b>						
Todd Frahm - Gargoyles		\$44,000.00	\$44,000.00	\$0.00	\$44,000.00	\$0.00
<b>Total Additional Contracts</b>	<b>\$0.00</b>	<b>\$44,000.00</b>	<b>\$44,000.00</b>	<b>\$0.00</b>	<b>\$44,000.00</b>	<b>\$0.00</b>
<b>PROJECT TOTAL</b>	<b>\$6,747,552.14</b>	<b>\$291,834.85</b>	<b>\$7,213,877.05</b>	<b>\$115,906.51</b>	<b>\$6,913,670.52</b>	<b>\$300,206.44</b>

% of Project Paid to Date

95.84%

May 2008-April 2009

**BUILDING EFFICIENCY SUMMARY**

Building	Building Sq. Ft.	Electric					Gas					Total Cost/SF
		Number Billing Days	KWHRS	KWHRS/SF	Cost	Cost/SF	Number Billing Days	Therms	Therms/SF	Cost	Cost/SF	
Brookens	93,060	365	1,627,699	17.49085386	\$155,414	1.670042	365	33,740	0.362562	\$40,701.00	\$0.44	\$2.11
Crthse.	146,339	365	2,798,499	19.12339657	\$257,300	1.758246	365	132,130	0.902904	\$83,569.00	\$0.57	\$2.33

June 2009-May 2010

Building	Building Sq. Ft.	Electric					Gas					Total Cost/SF
		Number Billing Days	KWHRS	KWHRS/SF	Cost	Cost/SF	Number Billing Days	Therms	Therms/SF	Cost	Cost/SF	
Brookens	93,060	362	1,456,560	15.65183645	\$134,220	1.442295	363	40,560	0.435848	\$31,656.00	\$0.34	\$1.78
Crthse.	146,339	365	2,872,868	19.63159172	\$271,972	1.858507	365	154,990	1.059116	\$131,329.00	\$0.90	\$2.76

**2009 to 2010 Comparison**

Building	Electric				Gas				Total Cost/SF
			KWHRS/SF	Cost/SF		Therms/SF		Cost/SF	
Brookens Administration Center			-1.839017408	-0.22775		0.073286		-0.0972	-0.32494
Champaign County Courthouse			0.50819515	0.10026		0.156213		0.326365	0.426626

BUILDING EFFICENCY REPORT

2009-10

Brookens Electricity & Natural Gas

Total Bldg. Sq. Ft.

93,060

Electricity							Gas					
Month	Dates	Number of Billing Days	KWHRS	Billing Amount	Cost per SF	KWHRS per SF	Dates	Number of Billing Days	Therms	Total cost	Cost per SF	Therms per SF
June	4/28/2009	30	149,308	10,290	0.11	1.604427	4/27/2009	30	2,200	1,592	0.017107	0.024
	5/28/2009											
July	5/28/2009	29	155,764	10,735	0.12	1.673802	5/27/2009	28	1,020	773	0.008306	0.011
	6/26/2009											
August	6/26/2009	32	162,715	16,233	0.17	1.748496	6/24/2009	33	810	641	0.006888	0.009
	7/28/2009											
September	7/28/2009	29	172,716	16,837	0.18	1.855964	7/27/2009	29	1,060	816	0.008769	0.011
	8/26/2009											
October	8/26/2009	30	161,289	16,031	0.17	1.733172	8/25/2009	30	2,570	1,843	0.019804	0.028
	9/25/2009											
November	9/24/2009	28	110,609	11,867	0.13	1.188577	9/24/2009	31	3,550	2,426	0.026069	0.038
	10/22/2009											
December	10/26/2009	30	103,237	10,699	0.11	1.10936	10/25/2009	30	3,560	2,531	0.027198	0.038
	11/25/2009											
January	11/25/2009	34	74,866	5,168	0.06	0.804492	11/24/2009	28	4,600	3,500	0.03761	0.049
	12/29/2009											
February	12/29/2009	30	91,469	6,589	0.07	0.982904	12/22/2009	35	7,930	6,322	0.067935	0.085
	1/28/2010											
March	1/28/2010	30	80,534	8,814	0.09	0.865399	1/26/2010	29	6,770	5,531	0.059435	0.073
	2/25/2010											
April	2/26/2010	31	76,664	8,464	0.09	0.823813	2/24/2010	29	3,690	3,170	0.034064	0.040
	3/29/2010											
May	3/25/2010	29	117,389	12,493	0.13	1.261432	3/25/2010	32	2,800	2,511	0.026983	0.030
	4/23/2010											
Totals		362	1,456,560	134,220	1.44	15.65184		364	40,560	31,656	0.340168	0.436

**BUILDING EFFICIENCY REPORT**

2009-10

Courthouse Electricity & Natural Gas

Total Bldg. Sq. Ft.

146,339

Electricity							Gas					
Month	Dates	Number of Billing Days	KWHRS	Total cost	Cost per SF	KWHRS per SF	Dates	Number of Billing Days	Therms	Total cost	Cost per SF	Therms per SF
June	5/22/2009	32	343,720.0	31,781	0.217174	2.348793	5/25/2009	30	8,730	6,851	0.046816	0.059656
	6/23/2009											
July	6/23/2009	28	319,588.4	29,453	0.201266	2.183891	6/24/2009	32	9,660	7,709	0.052679	0.066011
	7/23/2009											
August	7/24/2009	28	308,869.5	28,573	0.195252	2.110644	7/26/2009	29	8,470	6,782	0.046344	0.057879
	8/21/2009											
September	8/22/2009	31	302,141.1	27,941	0.190933	2.064666	8/24/2009	30	9,160	7,166	0.048968	0.062594
	9/22/2009											
October	9/23/2009	30	196,587.7	19,044	0.130136	1.343372	9/23/2009	29	10,060	7,592	0.05188	0.068744
	10/21/2009											
November	10/21/2009	32	199,317.0	19,164	0.130956	1.362022	10/22/2009	32	11,900	9,178	0.062717	0.081318
	11/20/2009											
December	11/21/2009	33	158,111.0	15,098	0.103171	1.080443	11/23/2009	29	14,730	12,146	0.082999	0.100657
	12/22/2009											
January	12/22/2009	33	172,028.0	15,939	0.108918	1.175544	12/22/2009	35	20,360	17,577	0.120112	0.139129
	1/25/2010											
February	1/26/2010	28	157,036.9	14,835	0.101374	1.073104	1/26/2010	29	19,400	17,116	0.116961	0.132569
	2/23/2010											
March	2/23/2010	28	176,475.6	17,583	0.120153	1.205937	2/24/2010	28	15,000	13,817	0.094418	0.102502
	3/23/2010											
April	3/24/2010	30	246,849.8	23,488	0.160504	1.686835	3/24/2010	29	13,600	12,963	0.088582	0.092935
	4/22/2010											
May	4/22/2010	32	292,142.5	29,073	0.198669	1.996341	4/22/2010	31	13,920	12,432	0.084953	0.095122
	5/24/2010											
<b>Totals</b>		<b>365</b>	<b>2,872,867.5</b>	<b>271,972</b>	<b>1.858507</b>	<b>19.63159</b>		<b>363</b>	<b>154,990</b>	<b>131,329</b>	<b>0.89743</b>	<b>1.059116</b>

**Physical Plant Monthly Expenditure Report**  
**May, 2010**

EXPENDITURE ITEM	FY2009 YTD 5/31/2009	FY2009 ACTUAL 11/30/2009	FY2009 YTD as % of Actual	FY2010 ORIGINAL BUDGET	FY2010 BUDGET 5/31/2010	FY2010 YTD 5/31/2010	FY2010 YTD as % of Budget	FY2010 Remaining Balance
Gas Service	\$291,146	\$410,906	70.85%	\$547,793	\$538,793	\$257,603	47.81%	\$281,190
Electric Service	\$300,266	\$879,648	34.13%	\$974,737	\$974,737	\$296,676	30.44%	\$678,061
Water Service	\$19,014	\$47,286	40.21%	\$57,000	\$57,000	\$19,160	33.61%	\$37,840
Sewer Service	\$17,345	\$41,186	42.11%	\$35,800	\$35,800	\$17,018	47.54%	\$18,782
All Other Services	\$125,527	\$261,866	47.94%	\$241,743	\$234,170	\$128,741	54.98%	\$105,429
Cths R & M	\$16,322	\$39,649	41.17%	\$30,113	\$27,959	\$20,709	74.07%	\$7,250
Downtown Jail R & M	\$21,528	\$52,714	40.84%	\$26,498	\$23,449	\$5,675	24.20%	\$17,774
Satellite Jail R & M	\$25,282	\$54,266	46.59%	\$27,342	\$25,342	\$20,150	79.51%	\$5,192
1905 R & M	\$10,246	\$13,601	75.33%	\$10,075	\$10,075	\$6,621	65.72%	\$3,454
Brookens R & M	\$14,585	\$27,275	53.47%	\$31,020	\$28,171	\$10,678	37.90%	\$17,493
JDC R & M	\$4,456	\$6,037	73.81%	\$11,366	\$10,743	\$1,742	16.21%	\$9,001
1701 E Main R & M	\$14,856	\$26,980	55.06%	\$45,000	\$42,930	\$10,339	24.08%	\$32,591
Other Buildings R & M	\$2,703	\$13,676	19.76%	\$7,520	\$14,189	\$8,050	56.74%	\$6,139
Commodities	\$44,460	\$69,679	63.81%	\$64,207	\$64,017	\$40,025	62.52%	\$23,992
Gas & Oil	\$2,511	\$6,369	39.42%	\$10,810	\$10,810	\$3,215	29.74%	\$7,595
1701 - South Garage Remodel	\$106,231	\$108,755	97.68%	\$0	\$5,299	\$16	0.31%	\$5,283
Totals	\$1,016,478	\$2,059,894		\$2,121,024	\$2,103,484	\$846,419		\$1,257,065

Prepared by:  
Ranae Wolken  
6/29/2010

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

**Physical Plant Monthly Expenditure Report**

**June, 2010**

<b>EXPENDITURE ITEM</b>	<b>FY2009 YTD 6/30/2009</b>	<b>FY2009 ACTUAL 11/30/2009</b>	<b>FY2009 YTD as % of Actual</b>	<b>FY2010 ORIGINAL BUDGET</b>	<b>FY2010 BUDGET 6/30/2010</b>	<b>FY2010 YTD 5/30/2010</b>	<b>FY2010 YTD as % of Budget</b>	<b>FY2010 Remaining Balance</b>
Gas Service	\$310,894	\$410,906	75.66%	\$547,793	\$538,793	\$295,916	54.92%	\$242,877
Electric Service	\$375,198	\$879,648	42.65%	\$974,737	\$974,737	\$375,109	38.48%	\$599,628
Water Service	\$23,091	\$47,286	48.83%	\$57,000	\$57,000	\$29,614	51.95%	\$27,386
Sewer Service	\$20,252	\$41,186	49.17%	\$35,800	\$35,800	\$20,313	56.74%	\$15,487
All Other Services	\$164,002	\$261,866	62.63%	\$241,743	\$248,822	\$153,064	61.52%	\$95,758
Cths R & M	\$19,753	\$39,649	49.82%	\$30,113	\$36,258	\$29,790	82.16%	\$6,468
Downtown Jail R & M	\$22,916	\$52,714	43.47%	\$26,498	\$23,449	\$6,632	28.28%	\$16,817
Satellite Jail R & M	\$28,591	\$54,266	52.69%	\$27,342	\$25,342	\$20,245	79.89%	\$5,097
1905 R & M	\$10,708	\$13,601	78.73%	\$10,075	\$10,075	\$7,104	70.51%	\$2,971
Brookens R & M	\$20,108	\$27,275	73.72%	\$31,020	\$26,819	\$11,696	43.61%	\$15,123
JDC R & M	\$4,561	\$6,037	75.55%	\$11,366	\$10,743	\$1,742	16.21%	\$9,001
1701 E Main R & M	\$20,510	\$26,980	76.02%	\$45,000	\$40,430	\$11,485	28.41%	\$28,945
Other Buildings R & M	\$3,083	\$13,676	22.54%	\$7,520	\$14,189	\$8,050	56.74%	\$6,139
Commodities	\$48,842	\$69,679	70.10%	\$64,207	\$64,017	\$42,863	66.96%	\$21,154
Gas & Oil	\$3,209	\$6,369	50.39%	\$10,810	\$10,810	\$3,898	36.05%	\$6,912
1701 - South Garage Remodel	\$106,231	\$108,755	97.68%	\$0	\$5,299	\$16	0.31%	\$5,283
<b>Totals</b>	<b>\$1,181,949</b>	<b>\$2,059,894</b>		<b>\$2,121,024</b>	<b>\$2,122,583</b>	<b>\$1,017,538</b>		<b>\$1,105,045</b>

Prepared by:  
Ranae Wolken  
7/19/2010

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

Gas Utilities - FY2010

Period	Courthouse	204 E Main	502 S Lierman	JDC	1905 E Main	1701 E Main Rear EMA/METCAD	Brookens	ITC	1705 E Main North Garage	1705 E Main South Garage	Monthly Totals
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	\$12,963.80	\$682.47	\$8,195.81	\$863.02	\$1,561.30	\$132.35	\$2,511.79	\$5,361.76	\$194.05	\$214.00	\$32,272.30
May	\$12,432.92	\$445.10	\$6,370.42	\$568.45	\$1,295.86	\$85.57	\$1,438.75	\$343.34	\$77.37	\$99.48	\$23,157.26
June	\$9,198.57	\$360.55	\$3,426.04	\$178.37	\$1,229.67	\$77.66	\$581.15	\$317.61	\$65.57	\$81.71	\$15,516.90
July											\$0.00
August											\$0.00
September											\$0.00
October											\$0.00
November											\$0.00
Total to date	\$95,253.35	\$14,351.75	\$55,616.67	\$11,243.94	\$10,353.57	\$2,051.43	\$23,056.27	\$78,881.60	\$2,230.88	\$3,237.40	\$296,276.86

Prepared by Ranae Wolken  
7/20/2010

Electric Utilities - FY2010

Period	Courthouse	204 E Main	502 S Lierman	JDC	1905 E Main	1701 E Main		Nite Lite	Brookens	ITC	1705 E Main	1705 E Main	Monthly Totals
						Rear	EMA/METCAD				North Garage	South Garage	
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	\$23,488.94	\$7,296.74	\$11,944.26	\$4,369.40	\$5,070.46	\$116.15		\$221.00	\$12,493.38	\$6,896.33	\$53.44	\$71.23	\$71,896.66
May	\$27,073.52	\$7,456.43	\$12,503.10	\$4,569.01	\$5,579.12	\$121.83		\$185.31	\$13,429.61	\$7,101.37	\$49.94	\$56.74	\$78,019.30
June	\$38,668.52	\$8,384.98	\$17,146.48	\$5,749.11	\$7,699.49	\$167.92		\$168.87	\$17,095.94	\$9,852.03	\$55.17	\$83.95	\$104,933.34
July													\$0.00
August													\$0.00
September													\$0.00
October													\$0.00
November													\$0.00
Total to Date	\$152,687.79	\$50,749.33	\$77,204.83	\$31,553.56	\$36,757.25	\$963.52		\$1,550.69	\$73,034.39	\$50,702.25	\$419.74	\$686.34	\$476,309.69

Prepared by Ranae Wolken  
7/20/2010

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
4/18/10-4/24/10	258.50	0.00	0.00	72.00	71.50	0.00	402.00
4/25/10-5/1/10	266.75	0.00	0.00	48.00	74.25	0.00	389.00
5/2/10-5/8/10	202.75	0.00	3.25	80.00	68.75	0.00	354.75
5/9/10-5/15/10	261.50	0.00	0.00	71.50	70.50	0.00	403.50
5/16/10-5/22/10	296.50	0.00	3.00	18.00	55.50	0.00	373.00
5/23/10-5/29/10	260.50	0.00	3.50	12.00	68.00	0.00	344.00
5/30/10-6/5/10*	247.00	0.00	15.00	0.00	52.50	0.00	314.50
6/6/10-6/12/10	312.75	0.00	4.50	0.00	59.50	0.00	376.75
6/13/10-6/19/10	342.75	0.00	9.00	0.00	67.50	0.00	419.25
6/20/10-6/26/10	265.75	16.00	3.00	0.00	67.50	0.00	352.25
6/27/10-7/3/10	292.00	25.00	1.50	0.00	59.00	0.00	377.50
7/4/10-7/10/10*	231.25	0.00	0.00	0.00	45.00	0.00	276.25

\*week includes a holiday

One work week: 435.00 hours with regular staff

Building/Grounds Maintenance work hour comparison

FY2010

There are currently 329.76 comp time hours available to the maintenance staff

Total comp time hours earned in FY10 to date- 2521.82

Total spent to date on overtime in FY09 - \$1,616.47 (Original Budgeted Amount - \$3,000)

Prepared by: Ranae Wolken  
7/20/2010



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

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

**FILED**  
JUN 24 2010  
Mark Sheldon  
CHAMPAIGN COUNTY CLERK

Per Year (or fraction thereof): \$ ~~100.00~~ 50.00  
Per Single-day Event: \$ 10.00  
Clerk's Filing Fee: \$ 4.00

For Office Use Only

License No. \_\_\_\_\_  
Date(s) of Event(s) Annual  
Business Name: The Stop  
License Fee: \$ 50.00  
Filing Fee: \$ 4.00  
TOTAL FEE: \$ 54.00  
Checker's Signature: Peta Case

Checks Must Be Made Payable To: Mark Sheldon, Champaign County Clerk

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

- A. 1. Name of Business: THE STOP
  2. Location of Business for which application is made: 5715 N CUNNINGHAM URBANA, IL 61802
  3. Business address of Business for which application is made: SAME
  4. Zoning Classification of Property: \_\_\_\_\_
  5. Date the Business covered by Ordinance No. 55 began at this location: 6-24-10
  6. Nature of Business normally conducted at this location: BAR & GRILL
  7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): OCCASIONAL BANDS & DJ & JUKEBOX
  8. Term for which License is sought (specifically beginning & ending dates): 6-23-10 TO 12-31-10
- (NOTE: All annual licenses expire on December 31st of each year)
9. Do you own the building or property for which this license is sought? NO
  10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: HOT 217 / CORN COUNTRY FAIR DR. CHAMPAIGN, IL 61821
  11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

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

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

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

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

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

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

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

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): MARVIN MEADOWS  
Date of Birth: \_\_\_\_\_ Place of Birth: HARVEY, IL  
Social Security Number: \_\_\_\_\_ Citizenship: US  
If naturalized, state **place and date** of naturalization: \_\_\_\_\_
2. Residential Addresses for the past three (3) years: 106 N OAK ST & ARCOLA  
204 S MATTIS CHAMPAIGN } CURRENT
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: SELF - OWNER OF BAR & GRILLS

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

- D. Answer **only** if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:  
LAM ENTERPRISES OF ARCOLA, INC
2. Date of Incorporation: 06/07/2010 State wherein incorporated: IL

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

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

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

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

106 N. OAK ST.  
ARCOLA, IL 61910

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

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

Name of Officer: MARVIN MEADOWS Title: PRESIDENT  
Date elected or appointed: 06-07-2010 Social Security No.: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: HARVEY, IL  
Citizenship: US  
If naturalized, place and date of naturalization: \_\_\_\_\_

Residential Addresses for past three (3) years: 208 S MATTIS, Champaign  
& 106 N OAK ST

Business, occupation, or employment for four (4) years preceding date of application for this license: self

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

**AFFIDAVIT**

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

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

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

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

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

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

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

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

**AFFIDAVIT**

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

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

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

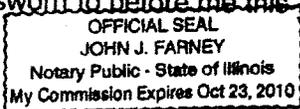
We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

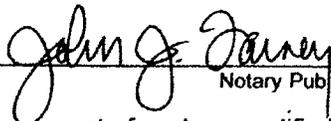
  
\_\_\_\_\_  
Signature of President

\_\_\_\_\_  
Signature of Secretary

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

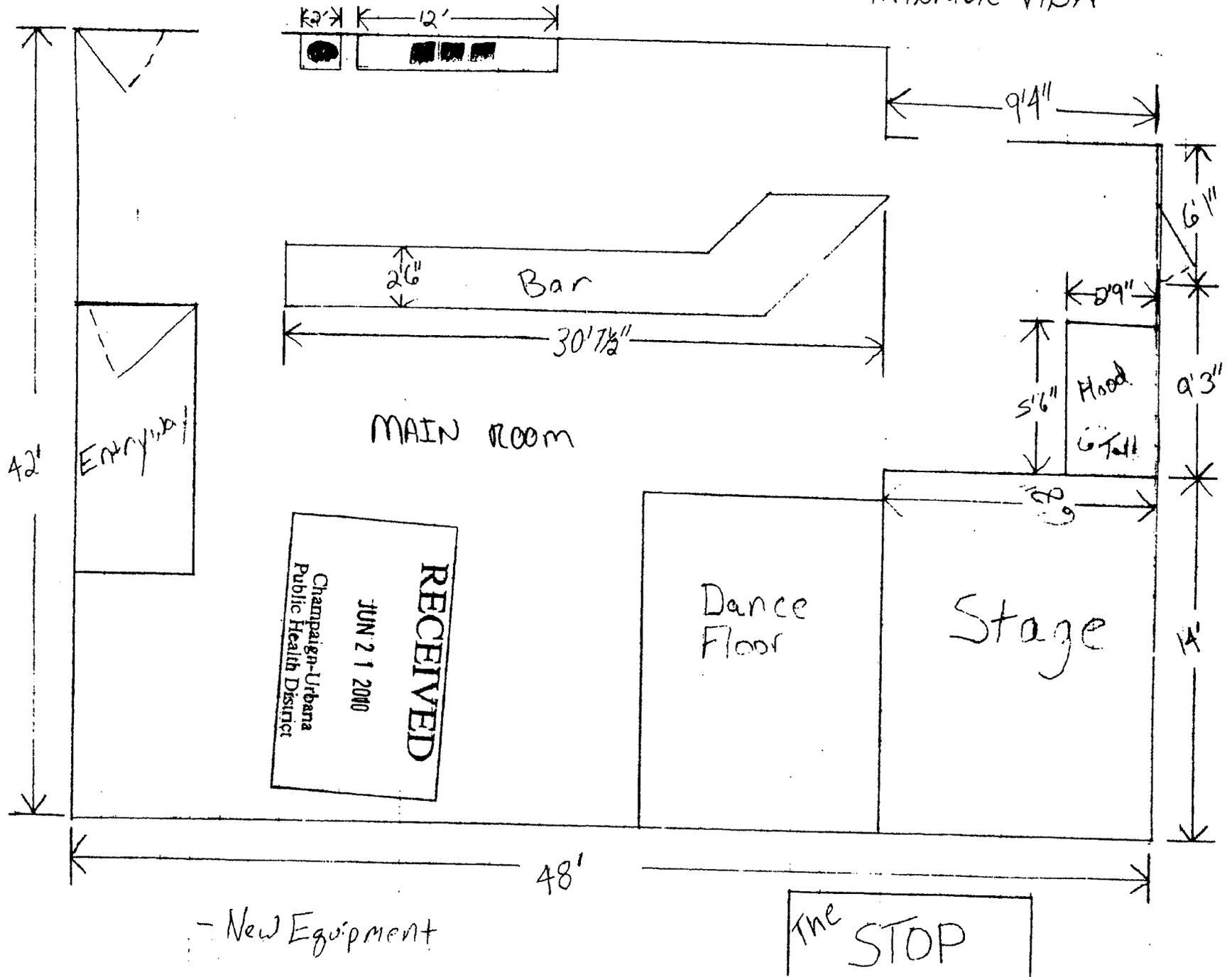
Subscribed and sworn to before me this 24 day of June, 2010.



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

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

INTERIOR VIEW



EXTERIOR VIEW  
OF BUILDING & LOT

Lot APPROX -  
390' X 165'

GRASS AREA

DRIVEWAY

shed

WALK W  
LADDER

door

50'

60'

60'

GRASS

DRIVEWAY

door

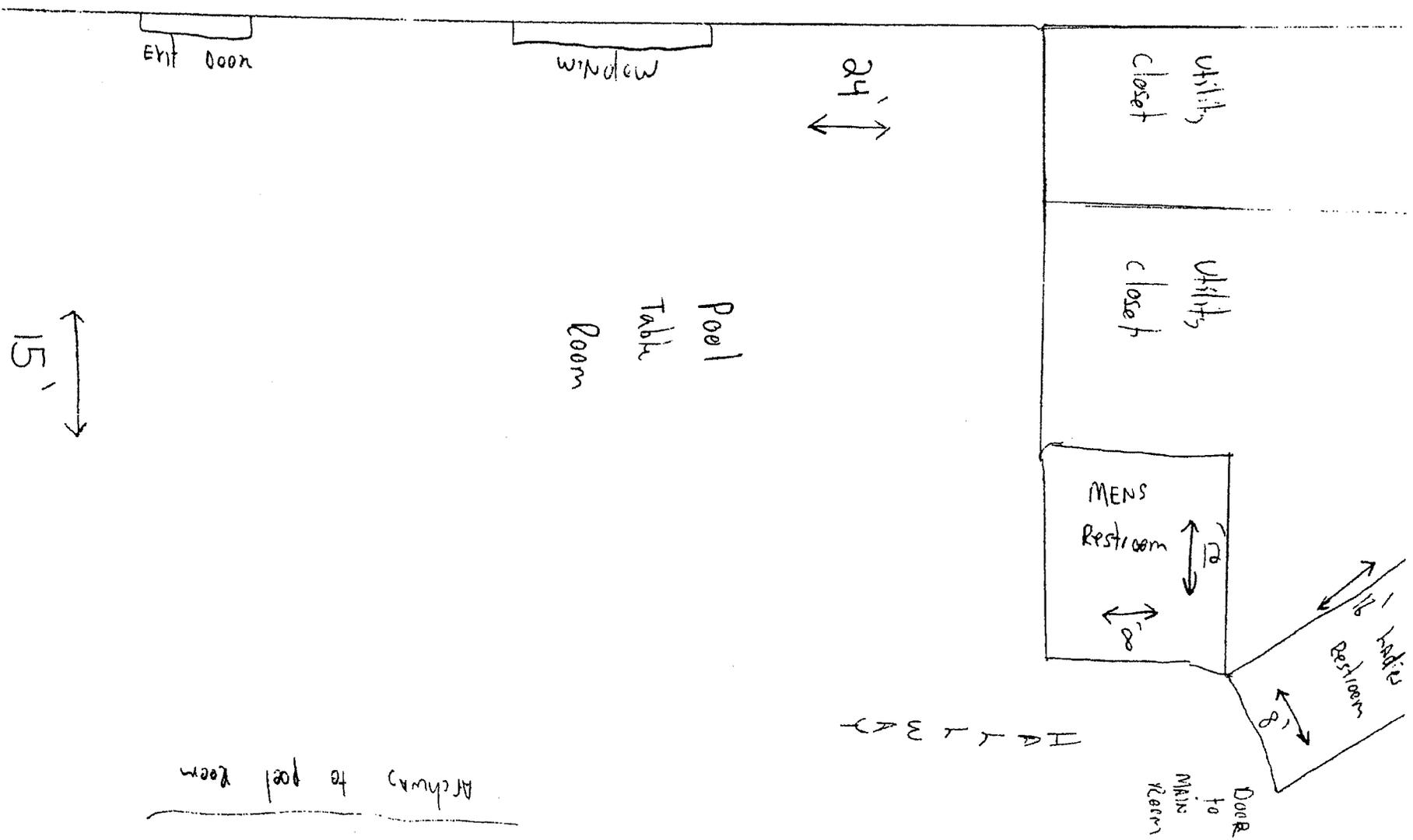
ENTRANCE

50'

PARKING

ENTRANCE/exit

ENTRANCE/exit



Archway to pool room



STATE OF ILLINOIS,  
Champaign County  
Recreation & Entertainment License  
Check List and Approval Sheet

**FOR ELUC USE ONLY**

County Clerk's Office

- 1. Proper Application Date Received: 6/24/10
- 2. Fee Amount Received: 54.00

Sheriff's Department

- 1. Police Record Approval: \_\_\_\_\_ Date: 6/29/10
- 2. Credit Check Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: \_\_\_\_\_ Signature: Jim Uogun

Planning & Zoning Department

- 1. Proper Zoning Approval:  Date: 7/21/10
- 2. Restrictions or Violations Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

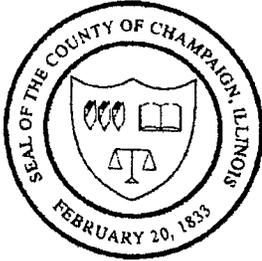
Remarks: B-3 District Signature: [Signature] ZONING ADMINISTRATOR

Environment & Land Use Committee

- 1. Application Complete Approval: \_\_\_\_\_ Date: \_\_\_\_\_
- 2. Requirements Met Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Remarks and/or Conditions: \_\_\_\_\_



STATE OF ILLINOIS  
COUNTY OF CHAMPAIGN

ENTERTAINMENT, RECREATION,  
LODGING OF TRANSIENTS, AND RACEWAYS LICENSE

No. 2010-ENT-22

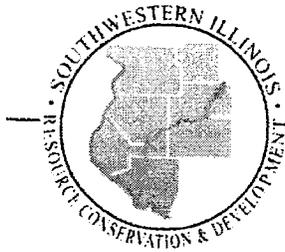
The Stop

License is hereby granted to The Stop to provide Recreation/Entertainment at 3515 North Cunningham Avenue in Urbana, IL in Champaign County. This License expires on the 1st day of January, 2011 at 12:01am.

Witness my Hand and Seal this 3rd day of August, A.D. 2010.

\_\_\_\_\_  
Chairman, Champaign County License Commission

\_\_\_\_\_  
Mark Shelden, Champaign County Clerk



June 8, 2010

C, Pius Weibel  
Champaign County Board  
1776 E. Washington Street  
Urbana, IL 61801-

**RECEIVED**

**JUN 15 2010**

**CHAMPAIGN COUNTY  
ADMINISTRATIVE SERVICES**

Dear C, Pius,

Southwestern Illinois Resource Conservation & Development has recently been selected by the Illinois Department of Natural Resources, Department of Water Resources, to convene a regional stakeholder committee whose charge is to create a water supply plan for the Kaskaskia Basin. This effort is similar in nature to the planning effort undertaken within the Mahomet Aquifer over the past couple of years.

It's important that our county and community leaders remain engaged in this planning process. While we've been in the "land of plenty" over the past couple of years as far as water supply is concerned, periods of drought will undoubtedly reoccur within this region. When periods of drought do occur it is best that a plan be in place to ensure adequate distribution of water to the varying interests within the basin.

For this study, SIU Carbondale will be providing demand forecasts and the Illinois State Water Survey will be providing supply forecasts through year 2050. The 16 member committee, created from 16 interest areas within the basin, will review these forecasts for accuracy; develop a set of conclusions, as well as recommendations to lead water supply management over the next three decades. Southwestern Illinois Resource Conservation & Development will assist the committee in developing a report which will serve as the committee's primary output.

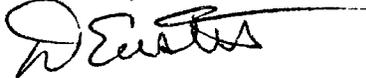
Attached are two forms which you can utilize to participate in this initiative. First, the committee form identified 16 interest areas, each of which will be offered one position on the committee. I encourage you to identify individuals that could potentially serve on this committee by having the individual fill out their information, checking the interest area that they would propose to represent, and returning the information to my attention.

You may also choose to receive periodic updates related to the progress of this planning committee. The "stakeholder" form can be filled out for any entity that is interested in receiving this information.

Please pass these forms along to other entities or individuals within your community/communities that may be either interested in serving on the committee, or to be kept advised of the actions of the committee.

I thank you in advance for your assistance in bringing this project forward. Please call with any questions or comments.

Regards,

A handwritten signature in black ink, appearing to read "Dave Eustis", with a long horizontal flourish extending to the right.

Dave Eustis  
Executive Director

# KASKASKIA BASIN WATER SUPPLY STUDY

## APPLICATION FOR COMMITTEE POSITION

Individuals interested in serving as a committee member should:

1. Represent one of the interest areas identified below.
2. Be prepared to attend committee meetings, in person, on a monthly basis for up to two years.
3. Have a working knowledge of planning, water usage and distribution.
4. Provide for geographic representation within the planning area.

- |  |  |
|--|--|
| <input type="checkbox"/> Counties<br><input type="checkbox"/> Municipalities<br><input type="checkbox"/> Soil & Water Conservation Districts<br><input type="checkbox"/> Farm Bureaus<br><input type="checkbox"/> Kaskaskia Watershed Association<br><input type="checkbox"/> Agriculture<br><input type="checkbox"/> Business, Small<br><input type="checkbox"/> Electric Utilities | <input type="checkbox"/> Environmental<br><input type="checkbox"/> General Public<br><input type="checkbox"/> Industry<br><input type="checkbox"/> Navigation<br><input type="checkbox"/> Recreation<br><input type="checkbox"/> Rural Water Districts<br><input type="checkbox"/> Water Authorities<br><input type="checkbox"/> Water Utilities |
|--|--|

(Please check one box above which you propose to represent.)

Please Print:

NAME (Organization, Company, or Individual)		
ADDRESS (Street and/or P.O. Box)		
CITY	State	ZIP
Phone (Area code and extension)	Fax	Email
CELL	OTHER	OTHER
I, the undersigned, am authorized to request a committee position on the Regional Water Supply Planning Group, which is tasked with preparing a water supply plan for the Kaskaskia Basin, for the above listed organization, company or individual.		
SIGNED		DATE
PRINTED NAME:		

Return to: Dave Eustis; 406 East Main Street, Mascoutah, IL 62258; (f) 618-566-4452; dave.eustis@swircd.org

# KASKASKIA BASIN WATER SUPPLY STUDY

## STAKEHOLDER REQUEST FOR COMMITTEE UPDATES

Over the next two years Southwestern Illinois Resource Conservation & Development will be convening a committee of up to 16 representatives charged with creating a comprehensive water supply plan for the Kaskaskia Basin through 2050. With the many and varied water use interests within the Kaskaskia basin it's important that stakeholders remain informed as to the progress of the committee. Stakeholders may include units of government, organizations, companies and individuals.

As the committee progresses, key reports, minutes and other relevant documents will be placed on a website and/or distributed directly out to interested stakeholders. If you would like to be made aware of the progress of the committee, please fill out the form below and return to: Dave Eustis; 406 East Main Street, Mascoutah, IL 62258; (f) 618-566-4452; dave.eustis@swircd.org

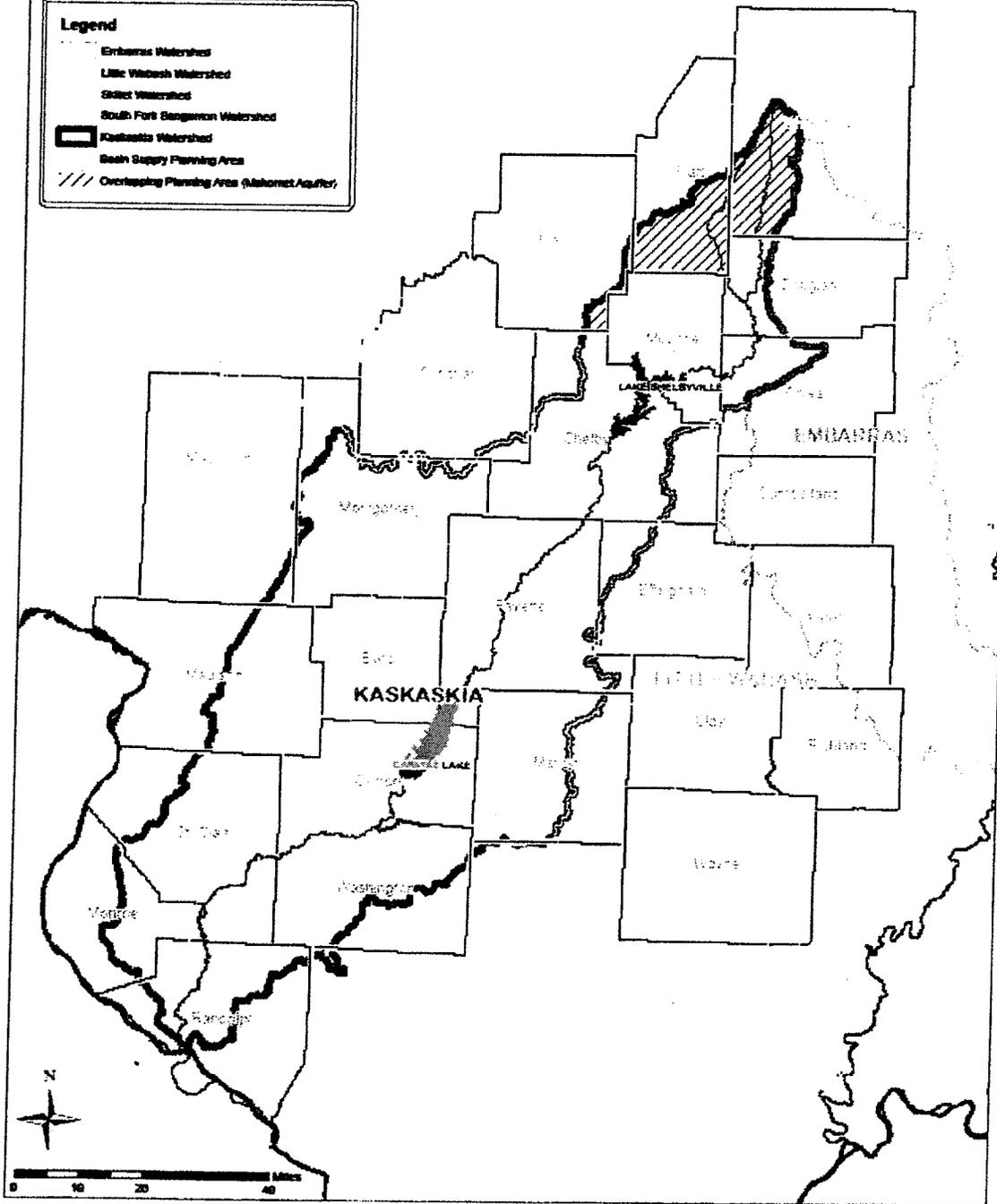
Please Print:

ORGANIZATION/COMPANY		
NAME		
ADDRESS (Street and/or P.O. Box)		
CITY	State	ZIP
Phone (Area code and extension)	Fax	Email
CELL	OTHER	OTHER

# KASKASKIA BASIN WATER SUPPLY PLANNING AREA

**Legend**

- Embarass Watershed
- Little Washbasin Watershed
- Gillett Watershed
- South Fork Sangamon Watershed
- Kaskaskia Watershed
- Basin Supply Planning Area
- Overlapping Planning Area (Mazonet Aquifer)



Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

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

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

Date: **July 23, 2010**

RE: **Preliminary Recommendation for Zoning Ordinance text amendment  
Case 668-AT-10**

- Request **Amend the Champaign County Zoning Ordinance as follows:**
1. **In Section 3, define RESIDENTIAL RECOVERY CENTER.**
  2. **In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.**
  3. **In Section 5.2, add "RESIDENTIAL RECOVERY CENTER" to the Table of Authorized Principal Uses as a use allowed by Special Use Permit only, subject to standard conditions, in the AG-2 Agriculture Zoning District, and indicate a new footnote.**
  4. **Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:**
    - (1) **The property must be served by public transportation; and**
    - (2) **A limit on the number of residents equal to 10% of the occupancy of the worship area of the associated church, but no more than 25; and**
    - (3) **Supervision by a responsible and qualified staff person, 24 hours per day, seven days per week; and**
    - (4) **The use must be operated in accordance with the Alcoholism and Other Drug Abuse and Dependency Act.**
  5. **In Section 7.4.1, add new paragraph C.3.i. indicating parking for a RESIDENTIAL RECOVERY CENTER is only required for vehicles proposed as part of the Special Use Permit application.**

Petitioner: **Zoning Administrator**

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**STATUS**

The Zoning Board of Appeals voted to RECOMMEND ENACTMENT of this proposed Zoning Ordinance text amendment at their meeting on July 15, 2010. The Approved Finding of Fact is attached.

The Committee should make a preliminary recommendation by either affirming the recommendation of the ZBA or remanding the case back to the ZBA for a different recommendation.

Standard protocol is for a text amendment to reside at the Committee of the Whole for one month to allow for municipal and township comments or protests on the Committee's preliminary recommendation.

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**DIFFERENCE BETWEEN PROPOSED AMENDMENT AND RECOMMENDED AMENDMENT**

The amendment recommended to the Committee of the Whole by the Zoning Board of Appeals is somewhat different from the amendment proposed to the Committee on March 29, 2010.

The amendment was originally proposed to authorize RESIDENTIAL RECOVERY CENTERS in both the R-4 Multiple Family Residence Zoning District and the AG-2 Agriculture Zoning District. However,

**Case 668-AT-10**  
**Zoning Administrator**  
JULY 29, 2010

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during the public hearing the R-4 authorization was withdrawn due to (1) municipal concerns about the numbers of occupants and (2) a realization that the County R-4 District is principally a single family zoning district and that was not explained to the Committee of the Whole and (3) no institution or organization had requested this use in any district other than AG-2.

Several of the standard conditions for the AG-2 authorization have also been amended so as to address municipal concerns due to differences between the proposed amendment and municipal ordinances. In particular the following changes have been made:

1. The number of residents is now limited to either 10% of the capacity of the primary worship space of the associated church or temple or a maximum of 25, whichever is lower. When first proposed the maximum was simply 30 residents. It was lowered to guarantee a size no larger than could be considered an "accessory use" and to be more similar to the limit of 16 residents that can be authorized in a Community Living Facility Class III in the City of Champaign and the limit of 15 residents for the same use in the City of Urbana. Community living facilities are intended for persons who are part of a "service dependent population" and where adequate staffing is a major concern. A Residential Recovery Center is not intended for a service dependent population and staffing requirements are not the same although still a concern. Both cities allow some type of accessory use to a church or temple (or mosque) and it is hoped that this condition will be sufficiently similar.
2. The associated church or temple must occupy a building which predominantly existed on October 10, 1973. This standard condition alone eliminates four of five possible churches within a mile and a half of the City of Champaign (see pp. 24 and 25 of the Finding) and two churches within a mile and a half of Urbana (see pp. 29 and 30 of the Finding) from proposing a Residential Recovery Center unless this condition is waived. It is not clear if either city may prefer that this be a requirement in Section 5.2 that cannot be waived but the ZBA left this a standard condition for greater flexibility.

Municipal staffs were very helpful in providing comments and we have coordinated with them as much as possible while still retaining critical features of the amendment. A municipal protest may still occur.

#### **STATE'S ATTORNEY'S REVIEW**

The amendment has passed the State's Attorney's legal review.

#### **NEIGHBOR CONCERNS**

Some neighbors of the Apostolic Life Church have expressed opposition to the proposed amendment at the last two public hearings. Their testimony has been briefly summarized on pages 36 and 37 of the attached Finding of Fact.

Note that testimony in support of the proposed amendment has been briefly summarized on pages 32 through 36 of the Finding of Fact.

#### **ATTACHMENTS**

- A Proposed Ordinance
- B Approved Finding of Fact

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

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

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

(Underline indicates text to be added to the existing Zoning Ordinance.)

C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

1. Mortuary or funeral home may be authorized as a Special Use Permit in the AG-2, Agriculture Zoning DISTRICT, when it is on a lot under common management with a cemetery.

2. RESIDENTIAL RECOVERY CENTER may be authorized as a Special Use Permit in the AG-2 Agriculture Zoning DISTRICT in accordance with Section 5.2.

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

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

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

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

**Attachment A Proposed Ordinance**  
JULY 23, 2010

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

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>g</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR		
						STREET Classification						
						MAJOR	COLLECTOR	MINOR				
	(1)	See #3. below	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
RESIDENTIAL RECOVERY CENTER in the AG-2 DISTRICT in accordance with Section 5.2		<ol style="list-style-type: none"> <li>1. The proposed RESIDENTIAL RECOVERY CENTER must be located as follows:               <ol style="list-style-type: none"> <li>a. The subject property must be served by public transportation; and</li> <li>b. The associated church or temple must occupy a building which predominantly existed on October 10, 1973.</li> </ol> </li> <li>2. The maximum number of residents allowed at one time shall be the smaller of the following numbers:               <ol style="list-style-type: none"> <li>a. 10% of the maximum occupancy of the main worship area of the associated church or temple; or</li> <li>b. 25.</li> </ol> </li> <li>3. The minimum required lot area shall be:               <ol style="list-style-type: none"> <li>a. 20,000 square feet if served by a connected PUBLIC SANITARY SEWER SYSTEM; or</li> <li>b. 30,000 square feet plus 7,000 square feet per resident if not served by a connected PUBLIC SANITARY SEWER SYSTEM.</li> </ol> </li> <li>4. The proposed RESIDENTIAL RECOVERY CENTER shall be operated as follows:               <ol style="list-style-type: none"> <li>a. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week; and</li> <li>b. All onsite food service shall be compliant with the Champaign County Health Ordinance; and</li> <li>c. The RESIDENTIAL RECOVERY CENTER must be operated in conformance with the <i>Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301)</i> including obtaining any required license.</li> </ol> </li> <li>5. No person may occupy a RESIDENTIAL RECOVERY CENTER until a qualified inspector (as defined in 20 ILCS 3105/10.09-1) files a certification that the building complies with the 2006 edition of the International Building Code.</li> </ol>										

**6. Add new paragraph 7.4.1 C.3.i., as follows:**

- i. Parking spaces for a RESIDENTIAL RECOVERY CENTER shall only be required for the number of vehicles proposed to be authorized in the Special Use Permit application.

**AS APPROVED**

**668-AT-10**

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

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Final Determination: **RECOMMEND ENACTMENT**

Date: July 15, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term.
2. In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.
3. In Section 5.2, add "RESIDENTIAL RECOVERY CENTER" to the Table of Authorized Principal Uses as a use allowed by Special Use Permit only, subject to standard conditions, in the AG-2 Agriculture Zoning District, and indicate a new footnote.
4. Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:
  - (1) The property must be served by public transportation; and
  - (2) A limit on the number of residents equal to 10% of the occupancy of the worship area of the associated church, but no more than 25; and
  - (3) Supervision by a responsible and qualified staff person, 24 hours per day, seven days per week; and
  - (4) The use must be operated in accordance with the Alcoholism and Other Drug Abuse and Dependency Act.
5. In Section 7.4.1, add new paragraph C.3.i. indicating parking for a RESIDENTIAL RECOVERY CENTER is only required for vehicles proposed as part of the Special Use Permit application.

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 27, 2010, June 17, 2010, and July 15, 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 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.
  - B. The recovery program is not currently an allowed use in the Zoning Ordinance, and the church now wishes to expand the program and is seeking County approval.
  - C. The Champaign County Board Committee of the Whole authorized this text amendment at their meeting on May 4, 2010.
  - D. The proposed amendment will add "Residential Recovery Center" as a defined term to the Zoning Ordinance and as a use in Section 5.2 Table of Authorized Principal Uses. The use will only be authorized by-right in the R-4 Multiple Family Residence District and only by Special Use Permit in AG-2 Agriculture District.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. Preliminary staff comments have been received from Champaign and Urbana planning staffs, as follows:
  - A. City of Champaign staff has provided comments two times, as follows:
    - (1) A letter was received from Rob Kowalski, Assistant Planning Director for the City of Champaign, on May 27, 2010, which provided comments for an earlier draft of the proposed amendment.
    - (2) A Report to Plan Commission from Bruce Knight, Planning Director for the City of Champaign, was received on July 2, 2010, and was originally on the agenda of the Champaign Plan Commission for July 7, 2010, but was removed after discussion between County and City staff. It indicated the following:
      - (a) Champaign staff recommends the Plan Commission forward Case 668-AT-10 to the City Council with a recommendation to protest, but with the condition that the protest will be withdrawn if the number of residents is capped at 16 instead of 25.
      - (b) A RESIDENTIAL RECOVERY CENTER is most similar to a Recovery Home as defined in the Champaign Zoning Ordinance, but is also similar to Community Living Facilities.
      - (c) Recovery Homes only allow a maximum of 8 residents, but due to the other conditions in the proposed amendment the higher maximum of 16 residents from the Community Living Facility definition may be appropriate.
  - B. An email was received from Robert Myers, Planning Manager for the City of Urbana, on May 27, 2010, which provided comments for an earlier draft of the proposed amendment.

**GENERALLY REGARDING THE EXISTING ZONING REGULATIONS**

- 4. There are no existing regulations regarding “Residential Recovery Centers” or similar uses in the Zoning Ordinance. However, churches and temples are authorized by Special Use Permit only in the AG-2 District.

**SUMMARY OF THE PROPOSED AMENDMENT**

- 5. The following is a summary of the proposed amendment:
  - A. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term.
  - B. In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.
  - C. In Section 5.2, add “RESIDENTIAL RECOVERY CENTER” to the Table of Authorized Principal Uses in the AG-2 Agriculture Zoning District, and add a new footnote.
  - D. Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval.
  - E. In Section 7.4.1, add new paragraph C.3.i. indicating parking for a RESIDENTIAL RECOVERY CENTER is only required for vehicles proposed as part of the Special Use Permit application.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

- 6. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable.
  - B. The LRMP defines Goals, Objectives, and Polices as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

ITEM 6. CONTINUED

- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”
- D. LRMP Objective 1.1 is entitled “Guidance on Land Resource Management Decisions”, and states, “Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.”
- E. Goal 1 of the LRMP is relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions (see Item 6.D. above), but is otherwise not relevant to the proposed amendment. The Goals for Prosperity (Goal 3), Natural Resources (Goal 8), Energy Conservation (Goal 9), and Cultural Amenities (Goal 10) and their subsidiary Objectives and Policies also do not appear to be relevant to the proposed amendment.

**REGARDING LRMP GOAL 2 GOVERNMENTAL COORDINATION**

- 7. LRMP Goal 2 is entitled “Governmental Coordination” and is relevant to the proposed amendment because the proposed amendment will affect areas of overlapping planning jurisdiction. Goal 2 states, “Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.”

The proposed amendment **GENERALLY ACHIEVES** Goal 2 because of the following:

- A. Goal 2 includes two subsidiary Objectives. Objective 2.2 does not appear to be relevant to the proposed amendment.
- B. Objective 2.1 is entitled “Local and Regional Coordination,” and states, “Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.”

The proposed amendment **GENERALLY ACHIEVES** Objective 2.1 because of the following:

- (a) Objective 2.1 includes three subsidiary Policies. None of the Policies appear to be relevant to the proposed amendment.
- (b) See the staff review of municipal ordinances under Item 12.

**REGARDING LRMP GOAL 4 AGRICULTURE**

- 8. LRMP Goal 4 is entitled “Agriculture” and is relevant to the proposed amendment because the proposed amendment will allow **RESIDENTIAL RECOVERY CENTER** in the AG-2 District, under certain conditions. Goal 4 states, “Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.”

ITEM 8. CONTINUED

The proposed amendment **ACHIEVES** Goal 4 because of the following:

- A. Goal 4 includes nine subsidiary Objectives. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9, and their subsidiary policies do not appear to be relevant to the proposed amendment.
- B. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed amendment **ACHIEVES** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 4.1.1 states, “Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

The proposed amendment **CONFORMS** to Policy 4.1.1 because the proposed amendment restricts the location of a **RESIDENTIAL RECOVERY CENTER** in the AG-2 District to within one and one-half mile of a home rule municipality with an adopted comprehensive plan and only when co-located and operated by a church or temple, and also requires a Special Use Permit (discretionary review development) with standard conditions that also serve to restrict the conditions under which a **RESIDENTIAL RECOVERY CENTER** are allowed.

- (3) Policy 4.1.6 is as follows:

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

- i. Suitability of the site for the proposed use;
- ii. Adequacy of infrastructure and public services for the proposed use;
- iii. Minimizing conflict with agriculture;
- iv. Minimizing the conversion of farmland; and
- v. Minimizing the disturbance of natural areas; then
  - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

AS APPROVED

ITEM 8.B.(3) CONTINUED

- b) On best prime farmland, the County may authorize non-residential discretionary development; or
- c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.

The proposed amendment **CONFORMS** to Policy 4.1.6 because of the following:

- (a) A **RESIDENTIAL RECOVERY CENTER** should be considered a non-residential discretionary development for the purposes of Goal 4.
  - (b) Suitability of a subject property for a **RESIDENTIAL RECOVERY CENTER** will be evaluated as part of a Special Use Permit determination.
  - (c) Adequacy of public services such as fire and police protection are evaluated as part of a Special Use Permit determination.
  - (d) The proposed amendment includes a standard condition that requires a **RESIDENTIAL RECOVERY CENTER** to be served by public transportation.
  - (e) The proposed amendment includes a standard condition that requires a **RESIDENTIAL RECOVERY CENTER** to provide adequate lot area for a septic system if it is not connected to public sanitary sewer.
  - (f) The standard condition limiting the occupancy of a **RESIDENTIAL RECOVERY CENTER** to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a **RESIDENTIAL RECOVERY CENTER** in the AG-2 District is always a minor use compared to the associate church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, a **RESIDENTIAL RECOVERY CENTER** should not create any traffic impacts greater than those created by the church or temple.
- (4) Policy 4.1.8 states, “The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”

The proposed amendment **CONFORMS** to Policy 4.1.8 because it authorizes **RESIDENTIAL RECOVERY CENTERS** in the AG-2 District by Special Use Permit (discretionary review development) only and the LESA rating for farmland protection can be reviewed as part of a Special Use Permit determination.

- C. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each discretionary review development will not interfere with agricultural operations.”

ITEM 8.C. CONTINUED

The proposed amendment **ACHIEVES** Objective 4.2 because of the following:

- (1) Policy 4.2.1 states, "The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area."

The proposed amendment **CONFORMS** to Policy 4.2.1 because of the following:

- (a) A **RESIDENTIAL RECOVERY CENTER** should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes **RESIDENTIAL RECOVERY CENTER** in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
- (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition provided better in the rural area than an urban area and conforms to policy 4.2.1.
- (d) The Ordinance should be amended to make it clear that any new Special Use Permit (including a church or temple) in the AG-2 District will have to conform to Policy 4.2.1 or to prohibit new churches or temples in the AG-2 District.
- (e) The standard condition limiting the occupancy of a **RESIDENTIAL RECOVERY CENTER** to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a **RESIDENTIAL RECOVERY CENTER** in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.2.1 a **RESIDENTIAL RECOVERY CENTER** should also conform.

- (2) Policy 4.2.2 is, as follows:

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

- a. Is a type that does not negatively affect agricultural activities; or
- b. Is located and designed to minimize exposure to any negative effect caused by agricultural activities; and

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ITEM 8.C.(2) CONTINUED

- c. Will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.

The proposed amendment **CONFORMS** to Policy 4.2.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4.
  - (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
  - (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition provided better in the rural area than an urban area and conforms to policy 4.2.2.
  - (d) The Ordinance should be amended to make it clear that any new Special Use Permit (including a church or temple) in the AG-2 District will have to conform to Policy 4.2.2 or to prohibit new churches or temples in the AG-2 District.
  - (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.2.2 a RESIDENTIAL RECOVERY CENTER should also conform.
  - (f) The impacts of a RESIDENTIAL RECOVERY CENTER on agricultural activities, operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure can be considered as part of the required Special Use Permit determination.
- (3) Policy 4.2.3 does not appear to be relevant to the proposed amendment.
  - (4) Policy 4.2.4 states, "To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary."

ITEM 8.C.(4) CONTINUED

The proposed amendment **CONFORMS** to Policy 4.2.4 because whether a buffer is necessary can be considered in the Special Use Permit determination.

- D. Objective 4.3 is entitled "Site Suitability for Discretionary Review Development" and states, "Champaign County will require that each discretionary review development is located on a suitable site."

The proposed amendment **ACHIEVES** Objective 4.3 because of the following:

- (1) Policy 4.3.1 states, "On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use."

The proposed amendment **CONFORMS** to Policy 4.3.1 because of the following:

- (a) A **RESIDENTIAL RECOVERY CENTER** should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes **RESIDENTIAL RECOVERY CENTER** in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple. The proposed amendment also includes a standard condition that the associated church or temple must occupy a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly propose a **RESIDENTIAL RECOVERY CENTER**.
- (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.1.
- (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.1, the Zoning Board of Appeals (ZBA) can include the consideration of site suitability under the second special use permit criteria which requires "that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare."
- (e) The standard condition limiting the occupancy of a **RESIDENTIAL RECOVERY CENTER** to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a **RESIDENTIAL RECOVERY CENTER** in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity.

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ITEM 8.D.(1)(E) CONTINUED

Therefore, if a new church or temple is found to conform to Policy 4.3.1 a RESIDENTIAL RECOVERY CENTER should also conform.

- (2) Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”

The proposed amendment **CONFORMS** to Policy 4.3.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple. The proposed amendment also includes a standard condition that the associated church or temple must occupy a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly propose a RESIDENTIAL RECOVERY CENTER.
- (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.2.
- (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.2, the Zoning Board of Appeals (ZBA) can include the consideration of site suitability under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.3.2 a RESIDENTIAL RECOVERY CENTER should also conform.
- (3) Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”

ITEM 8.D.(3) CONTINUED

The proposed amendment **CONFORMS** to Policy 4.3.3 because of the following:

- (a) A **RESIDENTIAL RECOVERY CENTER** should be considered a non-residential discretionary development.
  - (b) The proposed amendment includes standard conditions that require the use to be served by public transportation.
  - (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.3.
  - (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.3, the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public services under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
  - (e) The standard condition limiting the occupancy of a **RESIDENTIAL RECOVERY CENTER** to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a **RESIDENTIAL RECOVERY CENTER** in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.3.3 a **RESIDENTIAL RECOVERY CENTER** should also conform.
- (4) Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”

The proposed amendment **CONFORMS** to Policy 4.3.4 because of the following:

- (a) The standard condition limiting the occupancy of a **RESIDENTIAL RECOVERY CENTER** to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a **RESIDENTIAL RECOVERY CENTER** in the AG-2 District is always a minor use compared to the associate church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, a **RESIDENTIAL RECOVERY CENTER** should not create any traffic impacts greater than those created by the church or temple.

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ITEM 8.D.(4) CONTINUED

- (b) The proposed amendment includes a standard condition requiring any RESIDENTIAL RECOVERY CENTER be served by public transportation, which should further reduce any traffic impacts or safety concerns regarding pedestrian or bicycle traffic generated by a RESIDENTIAL RECOVERY CENTER.
- (c) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.4. the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public infrastructure under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”

(5) Policy 4.3.5 is as follows:

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

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

The proposed amendment **CONFORMS** to Policy 4.3.5 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of Goal 4.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
- (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition more appropriate in the rural area than an urban area and conforms to policy 4.3.5.
- (d) The Ordinance may one day be amended to be more restrictive regarding new churches in the rural districts. Until that time the Zoning Board of Appeals (ZBA) should consider a church or temple appropriate in a rural location and evaluate suitability under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be

ITEM 8.D.(5)(D) CONTINUED

injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”

- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.3.5 a RESIDENTIAL RECOVERY CENTER should also conform.

**REGARDING LRMP GOAL 5 URBAN LAND USE**

- 9. LRMP Goal 5 is entitled “Urban Land Use” and is relevant to the proposed amendment because it will allow “Residential Recovery Homes” in the R-4 District. Goal 5 states, “Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.”

The proposed amendment **ACHIEVES** Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed amendment **ACHIEVES** Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.1.4 is as follows:

The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

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

**AS APPROVED**

ITEM 9.A.(2) CONTINUED

The proposed amendment **CONFORMS** to Policy 5.1.4 because of the following:

- (a) Regarding item a. of Policy 5.1.4, see the review of relevant municipal requirements under Item 12.
- (b) Regarding item b. of Policy 5.1.4, see the discussion under item 8.D. regarding policies 4.3.1 and 4.3.2.
- (c) A RESIDENTIAL RECOVERY CENTER located in the AG-2 District can only be located within one and one-half miles of a home rule municipality with an adopted comprehensive plan and is authorized by Special Use Permit only.
- (d) Evaluation of whether a proposed RESIDENTIAL RECOVERY CENTER is located on a suitable site and is consistent with relevant LRMP Goals, Objectives, and Policies will be determined as part of the required Special Use Permit determination.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment **ACHIEVES** Objective 5.2 because of the following:

- (1) Objective 5.2 includes three subsidiary policies. Policies 5.2.1 and 5.2.3 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.2.2 is as follows:

The County will:

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

The proposed amendment **CONFORMS** to Policy 5.2.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 5 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple. The proposed

ITEM 9.B.(2)(B) CONTINUED

amendment also includes a standard condition that the associated church or temple must occupy a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly proposed a RESIDENTIAL RECOVERY CENTER.

- (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.2.2.
- (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.2.2. the Zoning Board of Appeals (ZBA) can include the consideration of efficient use of best prime farmland under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 5.2.2 a RESIDENTIAL RECOVERY CENTER should also conform.

- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”

The proposed amendment **ACHIEVES** Objective 5.3 because of the following:

- (1) Policy 5.3.1 is as follows:

The County will:

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

**AS APPROVED**

ITEM 9.C.(1) CONTINUED

The proposed amendment **CONFORMS** to Policy 5.3.1 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of Goal 5.
  - (b) The proposed amendment includes a standard condition that requires the use to be served by public transportation.
  - (c) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple that occupies a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly proposed a RESIDENTIAL RECOVERY CENTER.
  - (d) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.1.
  - (e) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.1. the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public services under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
  - (f) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 5.3.1 a RESIDENTIAL RECOVERY CENTER should also conform.
- (2) Policy 5.3.2 is as follows:

The County will:

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

ITEM 9.C.(2) CONTINUED

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

The proposed amendment **CONFORMS** to Policy 5.3.2 because of the following:

- (a) A **RESIDENTIAL RECOVERY CENTER** must have adequate lot area for an adequate septic system if it is not connected to a public sanitary sewer system.
  - (b) A **RESIDENTIAL RECOVERY CENTER** should be considered a non-residential discretionary development for the purposes of Goal 5.
  - (c) The proposed amendment authorizes **RESIDENTIAL RECOVERY CENTER** in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple. The proposed amendment also includes a standard condition that the associated church or temple must occupy a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly proposed a **RESIDENTIAL RECOVERY CENTER**.
  - (e) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.2.
  - (f) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.2. the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public infrastructure under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
  - (g) The standard condition limiting the occupancy of a **RESIDENTIAL RECOVERY CENTER** to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a **RESIDENTIAL RECOVERY CENTER** in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 5.3.2 a **RESIDENTIAL RECOVERY CENTER** should also conform.
- (3) Policy 5.3.3 does not appear to be relevant to the proposed amendment.

**REGARDING LRMP GOAL 6 PUBLIC HEALTH AND SAFETY**

10. LRMP Goal 6 is entitled “Public Health and Public Safety” and is relevant to the proposed amendment. Goal 6 states, “Champaign County will ensure protection of the public health and public safety in land resource management decisions.”

The proposed amendment **ACHIEVES** Goal 6 because of the following:

- A. Goal 6 includes four subsidiary Objectives. Objectives 6.3 and 6.4 do not appear to be relevant to the proposed amendment.
- B. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed amendment **ACHIEVES** Objective 6.1 because of the following:

- (1) Policy 6.1.1 states, “The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

The proposed amendment **CONFORMS** to Policy 6.1.1 because the proposed amendment includes a standard condition requiring adequate area for an onsite wastewater and septic system.

- (2) Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”

The proposed amendment **CONFORMS** to Policy 6.1.1 because the proposed amendment includes a standard condition requiring adequate area for an onsite wastewater and septic system.

- (3) Policy 6.1.3 states, “The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”

The proposed amendment **CONFORMS** to Policy 6.1.1 because the Zoning Ordinance includes a standard condition restricting the type of lighting a Special Use Permit may use.

- (4) Policy 6.1.4 does not appear to be relevant to the proposed amendment.

- C. Objective 6.2 is entitled “Public Assembly Land Uses” and states, “Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.”

ITEM 10.C. CONTINUED

The proposed amendment **ACHIEVES** Objective 6.2 because of the following:

- (1) Objective 6.2 includes three subsidiary policies. Policies 6.2.2 and 6.2.3 do not appear to be relevant to the proposed amendment.
- (2) Policy 6.2.1 states, "The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

The proposed amendment **CONFORMS** to Policy 6.2.1 because the proposed amendment includes a standard condition requiring conformance with the 2006 edition of the International Building Code, in accordance with state statute (20 ILCS 3105/10.09-1).

**REGARDING LRMP GOAL 7 TRANSPORTATION**

11. LRMP Goal 7 is entitled "Transportation" and is relevant to the proposed amendment because . Goal 7 states, "Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services."

The proposed amendment **ACHIEVES** Goal 7 because of the following:

- A. Goal 7 includes two subsidiary Objectives. Objective 7.2 does not appear to be relevant to the proposed amendment.
- B. Objective 7.1 is entitled "Traffic Impact Analyses" and states, "Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted."

The proposed amendment **ACHIEVES** Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, "The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation."

The proposed amendment **CONFORMS** to Policy 7.1.1 because a **RESIDENTIAL RECOVERY CENTER** is a discretionary review development and the County can request a Traffic Impact Analysis as part of the review, but the limit on the number of occupants is so low that there should be no significant traffic impact.

**REGARDING OTHER RELEVANT CONSIDERATIONS**

12. Regarding the coordination of land resource management planning, which is relevant to Objective 2.1 of the LRMP:
  - A. The proposed amendment authorizes **RESIDENTIAL RECOVERY CENTER** in the AG-2 District only by a special use permit and only when (a) co-located with a church or temple which itself also requires a special use permit in the AG-2 District and (b) located within one and one-half miles of a home-rule municipality with an adopted comprehensive plan and subject to special use permit standard conditions. The cities of Champaign and Urbana are the only home-

ITEM 12.A. CONTINUED

- rule municipalities in Champaign County and thus the only relevant municipalities for this amendment.
- B. In a text amendment to the County Zoning Ordinance, coordination of planning generally involves ensuring that the proposed change to the County Zoning Ordinance is also consistent with relevant municipal comprehensive plans and relevant municipal zoning ordinances. Inconsistencies between county and municipal ordinances can only be eliminated by adopting identical requirements and standards which is not possible unless municipalities also adopt identical requirements and standards.
- C. Regarding coordination with the City of Champaign:
- (1) The proposed RESIDENTIAL RECOVERY CENTER is arguably most similar to “recovery home” in the City of Champaign Zoning Ordinance although it could also be compared to a “community living facility, category III.” The following is a brief review of the City of Champaign requirements for “recovery home:”
    - (a) The City of Champaign Zoning Ordinance defines “recovery home” as “...a dwelling unit operated for the purpose of promoting the joint rehabilitation of its occupants from alcohol or drug addiction.” and is limited to no more than 8 occupants and 2 live-in staff. There are also certain limits regarding the conviction and or sentencing of the occupants.
    - (b) It is not clear whether every use that is authorized as a “recovery home” in the City of Champaign but not marketed as a “recovery home” has to be licensed by the State of Illinois pursuant to the Alcoholism and Other Drug Abuse and Dependency Act (20ILCS301). However, the State of Illinois does require all “recovery homes” to be licensed and to have 24/7 supervision by qualified professionals.
    - (c) Recovery home is authorized by right in many districts including the SF1 District which is what land in the County’s AG-2 District is classified upon annexation if no other designation is requested.
    - (d) Sec. 37-50 par. c of the City’s Zoning Ordinance requires that in the SF1 District there can be only one (1) principal use per lot, provided that two (2) or more institutional uses affiliated with one (1) another may be located on a single lot. It is not clear whether a recovery home operated by a church at the same location would be considered a second institutional use but if it were it would presumably still be limited to no more than 8 occupants.
  - (2) The following is a brief review of the City of Champaign requirements for “community living facility, Class III”:
    - (a) The City of Champaign Zoning Ordinance defines “community living facility, Category III” as a dwelling unit operated to provide supervision, food, lodging, or

## ITEM 12.C.(2)(A) CONTINUED

other services to a service dependent population consisting of a basic group of not more than 16 service dependent individuals living and cooking together in a single cooperative housekeeping unit, plus staff. A service dependent population is defined as "...those persons, who by reason of mental or physical disability require supervision in a quasi-parental relationship but do not require medical or nursing care on-site." There are also certain limits regarding the conviction and or sentencing of the occupants.

- (b) Community living facility, category III, is a provisional use in many districts including the SF1 District which is what land in the County's AG-2 District is classified upon annexation if no other designation is requested. A provisional use is authorized by right but subject to specific conditions. The only condition for a community living facility, category III, is that it must be separated by at least one thousand (1,000) feet from another community living facility, category III.
- (3) A comparison of both the City of Champaign "recovery home" and "community living facility, category III" to the proposed RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized by a special use permit and only when co-located with a church or temple, can be summarized as follows:
- (a) These uses compare to the proposed Residential Recovery Center as follows:
    - i. The purpose of a recovery home seems to be nearly identical to that of a RESIDENTIAL RECOVER CENTER.
    - ii. A community living facility is intended to serve a service dependent population but a Residential Recovery Center is not intended to serve a service dependent population. State law (and therefore local zoning ordinances) limits the size and density of community living facilities presumably to ensure that adequate support is provided to the service dependant population at each facility. Limiting the numbers of occupants of a Residential Recovery Center also seems reasonable but for completely different reasons and therefore with different limits may not be unreasonable.
  - (b) Recovery home is authorized by right in Champaign's SF1 District (which is comparable to the County's AG-2 District) and community living facility, category III, is a provisional use in the SF1 District but a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District is only proposed to be authorized by special use permit (and subject to standard conditions and only when operated by a church or temple at the same location). Note the following regarding County special use permits:

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ITEM 12.C.(3)(B) CONTINUED

- i. Requiring a special use permit is more restrictive than authorizing by right or by provisional use. Therefore, the special use authorization that is proposed is not inconsistent with the authorization required for similar uses in the City's SF1 District.
  - ii. Municipalities are invited to provide comments in public hearings for special use permits within 1.5 miles of the municipality.
  - iii. It is not clear that the ZBA could deny a special use permit for a RESIDENTIAL RECOVERY CENTER based simply on opposition from the municipality.
  - iv. The ZBA can impose special conditions of approval on special use permits and may waive standard conditions based on required findings.
- (c) Sec. 37-50 par. c of Champaign's Zoning Ordinance requires that in the SF1 District there can be only one (1) principal use per lot, provided that two (2) or more institutional uses affiliated with one (1) another may be located on a single lot. Either a recovery home or a community living facility, category III, operated by a church at the same location could be considered a second institutional use which would be similar to the proposed requirement that a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District must be at the same location as and operated by a church or temple.
- (d) A recovery home in Champaign's SF1 District is limited to only about 1/3 as many occupants as the maximum number of occupants proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER authorized by special use permit in the AG-2 district. This limit is reasonable for this use when authorized as a stand alone facility in a single family zoning district but seems unnecessarily low for a RESIDENTIAL RECOVERY CENTER that is co-located with and operated by a church. Community living facility, category III, is limited to about 2/3 as many occupants as a RESIDENTIAL RECOVERY CENTER. This limit is lower than the limit established by state law but will ensure a higher ratio of staff to occupants which should result in a better living environment but that consideration may not be relevant to a RESIDENTIAL RECOVERY CENTER.
- (e) Both a recovery home in the City's SF1 District and a community living facility, category III, may be stand alone facilities that may or may not resemble large dwellings and which generate their own vehicular traffic. A standard condition has been included to limit the number of occupants in a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District to no more than 10% of the maximum occupancy of the main worship area of the church or a maximum of 25 occupants. Limiting the size in this way and requiring the RESIDENTIAL

ITEM 12.C.(3)(E) CONTINUED

RECOVERY CENTER to be at the same location as and operated by a church or temple should ensure that it is nearly indistinguishable from the rest of the church or temple and is similar to an accessory use. The City of Champaign Zoning Ordinance authorizes accessory uses that are incidental or subordinate to the principal use so long as the accessory use is either a permitted, provisional, or special use in the district (Sec. 37-165 of the Municipal Code) and so long as the area occupied by all accessory uses shall not exceed an area equal to fifty (50) percent of the floor area occupied by the principal use (Sec. 37-166).

- (4) The following is a review of standard conditions that may help minimize inconsistencies between the proposed RESIDENTIAL RECOVERY CENTER use and uses in the City of Champaign SF1 District:
  - (a) A use authorized as a recovery home in the City's SF1 District may not necessarily have 24/7 supervision by a qualified professional but such supervision is proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District authorized only by special use permit and only when operated by a church or temple at the same location. A community living facility, category III in the City's SF1 District would have 24/7 supervision by a qualified professional.
  - (b) A standard condition has been included in the proposed amendment that will require new construction for a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the County's AG-2 District (and co-located with a church or temple) to be constructed to the requirements of the 2006 edition of the International Building Code, which is consistent with state law (10 ILCS 3105/10.09-1) and the City of Champaign.
- (5) The following is a review of standard conditions that are intended to limit the locations in the AG-2 District and within one and one half miles of the City of Champaign to the most appropriate locations for a RESIDENTIAL RECOVERY CENTER:
  - (a) The most appropriate locations for the proposed use are locations that comply with the Land Resource Management Plan (LRMP) and that comply with relevant municipal comprehensive plans and that minimize inconsistencies with relevant municipal zoning ordinances.
  - (b) The proposed amendment includes a standard condition that will require a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the County's AG-2 District (and co-located with a church or temple) to also be served by public transportation. This standard condition will ensure the following:
    - i. The availability of public transportation should minimize both automobile and pedestrian traffic on rural roads and thereby ensure achievement of relevant LRMP policies.

AS APPROVED

ITEM 12.C.(5)(B) CONTINUED

- ii. Because only a very small part of the AG-2 District is served by public transportation this standard condition will also limit existing churches or temples that are eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the City of Champaign Zoning Ordinance that could arise from any future annexation.
- (c) The proposed amendment includes a standard condition that the church or temple must occupy a building which predominately existed on October 10, 1973. This standard condition will ensure the following:
  - i. It will generally eliminate any new church or temple from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thus ensure that the amendment will not add to urban sprawl.
  - ii. It will eliminate most known churches in the County's AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the City of Champaign Zoning Ordinance that could arise from any future annexation.
- (6) The net effect of all requirements and standard conditions proposed for a RESIDENTIAL RECOVERY CENTER should be to eliminate any new church or temple and all known churches in the County's AG-2 District within one and one half miles of the City of Champaign from being eligible to develop a RESIDENTIAL RECOVERY CENTER at this time. The following churches are located in the AG-2 District within one and one-half miles of the City of Champaign but none are eligible to establish a RESIDENTIAL RECOVERY CENTER at this time for the reasons stated:
  - (a) The Curtis Road Church of God, 2604 Curtis Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
  - (b) The Savoy United Methodist Church, 3002 West Old Church Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
  - (c) The Friendship Lutheran Church of Joy, 3601 South Duncan Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.

ITEM 12.C.(6) CONTINUED

- (d) The Seventh Day Adventists Church is located in the AG-2 District. The church building did exist on October 10, 1973, but the property is not served by public transportation at this time and so the church would not be eligible to propose a RESIDENTIAL RECOVERY CENTER at this time unless a waiver of this standard condition would be granted.
  - (e) The Windsor Road Christian Church, 2501 Windsor Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
- D. Regarding coordination with the City of Urbana:
- (1) The proposed RESIDENTIAL RECOVERY CENTER is arguably most similar to “home for adjustment” in the City of Urbana Zoning Ordinance although it could also be compared to a “community living facility” and perhaps even a “methadone treatment facility”. The following is a brief review of the City of Urbana requirements for a “home for adjustment:”
    - (a) The City of Urbana Zoning Ordinance defines “home for adjustment” as similar to a halfway house or rehabilitation center or crisis center and as “...a dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency” and as an emergency shelter.
    - (b) There are no specific limits on number of occupants or requirements for staffing.
    - (c) There are no limits regarding the conviction and or sentencing of the occupants.
    - (d) There is no reason to expect that a home for adjustment would necessarily have to be licensed by the State of Illinois pursuant to the Alcoholism and Other Drug Abuse and Dependency Act (20ILCS301).
  - (2) The following is a brief review of the City of Urbana requirements for “community living facility, Class III”:
    - (a) The City of Urbana Zoning Ordinance defines “community living facility, Category III” as identical to that of the City of Champaign Zoning Ordinance, which is a dwelling unit operated to provide supervision, food, lodging, or other services to a service dependent population consisting of a basic group of not more than 16 service dependent individuals living and cooking together in a single cooperative housekeeping unit, plus staff. A service dependent population is defined as “...those persons, who by reason of mental or physical disability require supervision in a quasi-parental relationship but do not require medical or nursing care on-site.” There are also certain limits regarding the conviction and or sentencing of the occupants.

AS APPROVED

ITEM 12.D.(2) CONTINUED

- (b) Community living facility, category III, is a provisional use in many districts including the SF1 District which is what land in the County's AG-2 District is classified upon annexation if no other designation is requested. A provisional use is authorized by right but subject to specific conditions. The only condition for a community living facility, category III, is that it must be separated by at least one thousand (1,000) feet from another community living facility, category III.
  - (c) Community living facilities must be licensed by the State of Illinois and must have any necessary nursing case which will presumably require some degree of 24/7 supervision by qualified professionals.
- (3) "Methadone treatment facility" is authorized in Urbana's AG district by special use permit. Methadone treatment facility is defined in the Urbana's Zoning Ordinance as "any properly licensed facility, other than a hospital, where the drug methadone is administered or dispensed to patients for the purposes of opiate addiction treatment." Thus, methadone treatment facility should probably be considered a more intense land use than RESIDENTIAL RECOVERY CENTER because it is not a residential use; it involves more intrusive medical procedures; and it serves a population that is actively using drugs rather than trying to not use drugs.
- (4) A comparison of the City of Urbana "home for adjustment" and "community living facility, category III" and "methadone treatment facility" to the proposed RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized by a special use permit and only when co-located with a church or temple can be summarized as follows:
- (a) Each of these uses are different than the proposed Residential Recovery Center as follows:
    - i. Home for adjustment can simply be an emergency shelter but a Residential Recovery Center cannot be an emergency shelter. An emergency shelter serves a homeless population which generally benefits from being housed in an area with convenient access to other necessary services and those services are not typically provided in the areas where Urbana's AG or the County's AG-2 Districts are located.
    - ii. A community living facility is intended to serve a service dependent population but a Residential Recovery Center is not intended to serve a service dependent population. State law (and therefore local zoning ordinances) limits the size and density of community living facilities presumably to ensure that adequate support is provided to the service dependant population at each facility. Limiting the numbers of occupants of a Residential Recovery Center also seems reasonable but for completely different reasons and therefore with different limits.

ITEM 12.D.(4) CONTINUED

- iii. A methadone treatment facility is intended for patients who undergo methadone treatment for opiate addiction and a Residential Recovery Center is intended for individuals who are not using drugs.
- (b) Neither home for adjustment or community living facility, category III, are allowed in Urbana's AG zoning district (which is comparable to the County's AG-2 District) but a methadone treatment facility is authorized as a special use permit in Urbana's AG zoning district which is the same as the proposed authorization of RESIDENTIAL RECOVERY CENTER by special use permit in the County's AG-2 District when co-located with a church or temple. Note the following regarding County special use permits:
  - i. Municipalities are invited to provide comments in public hearings for special use permits within 1.5 miles of the municipality.
  - ii. It is not clear that the ZBA could deny a special use permit for a RESIDENTIAL RECOVERY CENTER based simply on opposition from the municipality.
  - iii. The ZBA can impose special conditions of approval on special use permits and may waive standard conditions based on required findings.
- (c) The City of Urbana Zoning Ordinance apparently does not allow two principal uses on the same lot. If a RESIDENTIAL RECOVERY CENTER could be considered similar to a methadone treatment facility, the proposed requirement that a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District must be at the same location as and operated by a church or temple could possibly be achieved by subdividing the property so that both the RESIDENTIAL RECOVERY CENTER and the related church or temple are each on a separate lot even though they would be required to be under the same ownership.
- (d) A methadone treatment facility can be a stand alone facility in Urbana's AG District that may or may not resemble a large dwelling which generates its own vehicular traffic. There are no specific limits on the number of occupants for a methadone treatment facility (other than it must comply with the limit on occupancy as regulated by the building code) so it is difficult to compare to the proposed standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to a maximum of no more than 10% of the maximum occupancy of the main worship area or a maximum of 25 occupants. Limiting the size in this way and requiring the RESIDENTIAL RECOVERY CENTER to be at the same location as and operated by a church or temple should ensure that it is nearly indistinguishable from the rest of the church or temple and is similar to an accessory use. Note the following regarding accessory uses:

**AS APPROVED**

ITEM 12.D.(4)(D) CONTINUED

- i. Note that when a use is accessory to a principal use that requires a special use permit, establishment of a new accessory use or expansion of an existing accessory use may trigger the requirement for a new special use permit for the associated special use.
  - ii. Subparagraph V-2 D. 6. of the City of Urbana Zoning Ordinance requires an accessory use to be “customarily incidental to the principal structure or use”. It is not clear whether a RESIDENTIAL RECOVERY CENTER should be considered customarily incidental to a church.
  - iii. “Church, temple, or mosque” is authorized by special use permit in the Urbana’s AG district which is the same authorization as required for church or temple (or mosque) in the County’s AG-2 District.
  - iv. It is not clear whether a RESIDENTIAL RECOVERY CENTER could be considered an accessory use to a church, temple, or mosque in Urbana’s AG District.
- (5) The following is a review of standard conditions that may help to minimize inconsistencies between the proposed RESIDENTIAL RECOVERY CENTER use and uses in the City of Urbana AG District:
- (a) A use authorized as a methadone treatment facility in Urbana’s AG District may not necessarily have 24/7 supervision by a qualified professional but such supervision is proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized only by special use permit and only when operated by a church at the same location.
  - (b) A standard condition has been included in the proposed amendment that will require new construction for a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to be constructed to the requirements of the 2006 edition of the International Building Code, which is consistent with state law (10 ILCS 3105/10.09-1) and the City of Urbana.
- (6) The following is a review of standard conditions that are intended to limit the locations in the AG-2 District and within one and one half miles of the City of Urbana to the most appropriate locations for a RESIDENTIAL RECOVERY CENTER:
- (a) The most appropriate locations for the proposed use are locations that comply with the Land Resource Management Plan (LRMP) and that comply with relevant municipal comprehensive plans and that minimize possible inconsistencies with relevant municipal zoning ordinances that could arise from future annexations.

ITEM 12.D.(6) CONTINUED

- (b) A standard condition has been included in the proposed amendment that will require a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to also be served by public transportation. This standard condition will ensure the following:
  - i. The availability of public transportation should minimize both automobile and pedestrian traffic on rural roads and thereby ensure achievement of relevant LRMP policies.
  - ii. Because only a very small part of the AG-2 District is served by public transportation this standard condition will also limit existing churches or temples that are eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the City of Urbana Zoning Ordinance that could arise from any future annexation.
- (c) The proposed amendment includes a requirement that the church or temple must occupy a building which predominately existed on October 10, 1973. Such a requirement will eliminate most known churches in the AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER. This standard condition will ensure the following:
  - i. It will generally eliminate any new church or temple from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thus ensure that the amendment will not add to urban sprawl.
  - ii. It will eliminate most known churches in the County's AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the Urbana Zoning Ordinance that could arise from any future annexation.
- (7) The net effect of all requirements and standard conditions proposed for a RESIDENTIAL RECOVERY CENTER should be to eliminate most known churches in the AG-2 District within one and one half miles of the City of Urbana from being eligible to develop a RESIDENTIAL RECOVERY CENTER. The following churches are located in the AG-2 District within one and one-half miles of the City of Urbana and are not eligible to establish a RESIDENTIAL RECOVERY CENTER at this time for the reasons stated:
  - (a) The Harvest Church, 2118 Cindy Lynn Street, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.

AS APPROVED

ITEM 12.D.(7) CONTINUED

- (b) The Grace Bible Church, 3902 North Willow Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
  
- (8) The Apostolic Church, 2107 North High Cross Road, is located in the AG-2 District within one and one half miles of the City of Urbana and is the only church that is eligible to propose a RESIDENTIAL RECOVERY CENTER because the church building did exist on October 10, 1973 and it is served by the MTD. Note the following about this location:
  - (a) The Urbana Comprehensive Plan indicates this area as being outside of the service area of the Urbana Champaign Sanitary District and is indicated as “rural residential” on the Future Land Use Map.
  - (b) The Urbana Comprehensive Plan notes that Champaign County has zoning jurisdiction outside of city limits.
  - (c) If the Apostolic Church is unlikely to ever be inside of city limits (ie, unlikely to be annexed) then compliance with the City’s zoning ordinance may never be required.
  
- E. Based on the comparison with the Champaign and Urbana municipal ordinances that is detailed in the preceding paragraphs, the proposal to authorize RESIDENTIAL RECOVERY CENTER in the AG-2 District by a special use permit and only when co-located with a church or temple compares to those municipal ordinances as follows:
  - (1) The proposal to authorize RESIDENTIAL RECOVERY CENTER in the AG-2 District by a special use permit and only when co-located with a church or temple does not exactly match any specific use that is currently authorized by either the City of Champaign or the City of Urbana. However, the zoning ordinance of each city has at least one similar type of use that is authorized in a similar zoning district.
  - (2) Regarding the City of Champaign, no church in the AG-2 District within one and one half miles of the City meets all of the standard conditions and therefore no RESIDENTIAL RECOVERY CENTER could be proposed at this time within the extraterritorial jurisdiction of the City of Champaign.
  - (3) Regarding the City of Urbana:
    - (a) One church in the AG-2 District within one and one half miles of Urbana meets all of the standard conditions and a RESIDENTIAL RECOVERY CENTER could be proposed at that location.

ITEM 12.E.(3) CONTINUED

- (b) The only location where a RESIDENTIAL RECOVERY CENTER could be proposed is unlikely to ever be annexed and it is not clear that compliance with the City's zoning ordinance will ever be required.
  
- 13. Relevant state and federal requirements for RESIDENTIAL RECOVERY CENTER or similar uses are as follows:
  - A. Any text amendment to the Zoning Ordinance should be consistent with relevant state and federal laws.
  
  - B. Relevant state law for a RESIDENTIAL RECOVERY CENTER and other similar uses is located in the Alcohol and Other Drug Abuse and Dependency Act (20 ILCS 301/) and Title 77 of the Illinois Administrative Code Part 2060 Alcoholism and Substance Abuse Treatment and Intervention Licenses, as follows:
    - (1) The Alcohol and Other Drug Abuse and Dependency Act (20 ILCS 301/) establishes, among other items, the Department of Human Services and its authority to require any person or organization providing, "treatment for alcohol and other drug abuse and dependency..." to be licensed in one of several categories which specify the types of treatment and intervention that person or organization is licensed to provide.
  
    - (2) Recovery home services are a type of license authorized by the Act.
  
    - (3) Part 2060 of Title 77 of the Illinois Administrative Code, establishes requirements for Alcoholism and Substance Abuse Treatment and Intervention licenses. There are two general types of licenses: treatment and intervention, as follows:
      - (a) Treatment licenses provide for substance abuse treatment at five levels of care ranging from Level 0.5: Early Intervention to Level IV: Medically Managed Intensive Inpatient.
  
      - (b) There are four types of Intervention licenses: DUI Evaluation, DUI Risk Education, Designated Program, and Recovery Home.
  
      - (c) Recovery Home licensees are required to meet general licensure requirements; such as, ownership disclosure, application fees, renewal of license, and following procedures related to relocation of a facility or a change in ownership.
  
      - (d) Recovery Homes are also required to meet specific Recovery Home requirements; such as, demonstration of a monthly budget and adequate income to meet all expenses, compliance with local zoning and building ordinances, employment of a full time Recovery Home Operator and Recovery Home Manager (who may be the same person).

14. Evidence regarding the need for RESIDENTIAL RECOVERY CENTERS is as follows:
- A. The Illinois Department of Human Services, Division of Alcoholism and Substance Abuse provides a list of Licensed Sites pursuant to 20 ILCS 310/ on their webpage at <http://www.dhs.state.il.us/page.aspx?item=29725>.
  - B. As indicated by the list of Licensed Sites there are currently no state licensed Recovery Homes in Champaign County, and there are only two licensed Recovery Homes in East Central Illinois, both located in Charleston.
  - C. Outside of Cook County and the collar counties, there are only eight licensed Recovery Homes in the state.
  - D. Testimony regarding the need for RESIDENTIAL RECOVERY CENTERS:
    - (1) Carl Webber, attorney for Apostolic Life Church, testified at the May 27, 2010, public hearing, as follows:
      - (a) He said that he, his clients and staff have agreed to disagree on this issue and suggested that regardless of the fact that they believe that it is simply an additional or accessory use they believe that what staff has proposed will work and appreciates staff's efforts.
      - (b) He said that as people rotate in and out of the facility the maximum number of 25 may be reached during a few months a year while the average number of people present at the facility may 18. He said that if there is someone who is ready to commit to this type of a program then it is not preferable to inform them that it is hoped that they will still be willing to commit in four months when there is a vacancy. He said that when someone commits to the program they are committing to being there and involved in the facility for one full year. He said that other programs are only for sixty to ninety days where the clients are run in and out the door. He said that at the subject facility the staff is very careful with having a slow process during each month of their stay.
      - (c) He said that the proposed use is not a community living facility like what would be discussed with the Board of DSC or Mental Health because they are very different entities.
      - (d) He said that the ability to attract and retain a director and staff with a smaller group of people served will be difficult. He said that the current director is providing services free of charge although this cannot be expected forever and the facility is going to have to be large enough to fund a director and adequate staff. He said that the concept of having group counseling and a larger number of people is very important because with a larger number of people there is a greater chance in finding someone who can connect with each other. He said that people who have been in the program for several months are beginning to get it and have the responsibility in assisting new clients who have enrolled in the program.

ITEM 14.D.(1) CONTINUED

- (e) He said that this is not the type of organization that can be found on every street corner but is an organization that takes a tremendous amount of work and contribution of time and money.
  - (f) He suggested that this is a religious use. He suggested that the Fair Housing Act applies and the American Disabilities Act applies.
- (2) Mr. John Roads, an intern with attorney Carl Webber, testified at the June 17, 2010, public hearing. He stated several reasons why AG-2 is an appropriate zoning district for a RESIDENTIAL RECOVERY CENTER, as follows:
- (a) AG-2 is not intended to focus on residential uses.
  - (b) Anyone who desires to develop a single family residential subdivision must obtain permission and so too must someone who wishes to build a commercial greenhouse, sawmill or amusement park.
  - (c) AG-2 should not be regarded as a residential zone.
- (3) Mr. David Rogers, pastor of the Apostolic Church and Director of Lifeline Connect, testified at the June 17, 2010, public hearing, as follows:
- (a) He said that according to the United States Substance Abuse and Mental Health Service Administration 1 in 8 Americans has a significant problem with alcohol or drugs. He said that approximately 27 million Americans either use illicit drugs regularly or are heavy alcohol drinkers and of these nearly 16 million are estimated in need for immediate treatment.
  - (b) He said that chemical dependency along with associated mental health disorders has become one of the most severe health and social problems facing the United States of America. He said that chemical dependency and all the associated social woes has become one of the most significant problems in our community and in Champaign County.
  - (c) He said that not only is there a dire need for this type of facility in this community but for every community in the United States.
  - (d) He said that this type of residential recovery center is common in the United States of America in cities large and small and there are organizations that oversee virtually hundreds of residential recovery centers under one organization. He said that he is in favor of the amendment because it would allow his church to provide for its community what many other communities already have which is to be a great help to those in need.

ITEM 14.D. CONTINUED

- (4) Mr. Chris Doxstator, who resides at 2107 N. High Cross Road, Urbana, testified at the June 17, 2010, public hearing, as follows:
  - (a) He said that he has been in [Lifeline Connect] for 2-1/2 months and he cannot begin to tell the Board what the program has done for him. He said that the program has completely changed his life.
  - (b) He said that he would encourage the Board to vote in favor of the amendment because there is such a desperate need for such a program.
- (5) Mr. Leslie Cotton, who resides at 1721 Cindy Lynn Street, Urbana, testified at the June 17, 2010, public hearing. He said that he is 28 years old and when he decided to get help for himself he enrolled in [Lifeline Connect] and it has changed his life and he is thankful for it.
- (6) Mr. Chad May, who resides at 2016 E. Vermont Avenue, Urbana, testified at the June 17, 2010, public hearing, as follows:
  - (a) He said that he is a former resident of the type of program that is being discussed tonight.
  - (b) He said that following an automobile accident he battled a drug addiction from pain pills for 8 years.
  - (c) He said that he celebrated his third year of being sober and programs like these are not a just a "get clean" program because they give you tools and opportunities to make you a functional member of society.
  - (d) He said that currently he has a very steady job, a beautiful wife and they have just had their first child. He said that he is a functional citizen and it would not have been possible without a program like this.
- (7) Mr. Jeffery Branson, who resides at 1721 Cindy Lynn Street, Urbana, testified at the June 17, 2010, public hearing. He said that he grew up in a drug addicted family and drugs are how they coped with every day life. He said that he was in a program for 18 months and it totally changed his life because it gave him the tools to cope with life.
- (8) Mr. Thomas Martin, who resides at 1721 Cindy Lynn Street, Urbana, testified at the June 17, 2010, public hearing. He said that he is in favor of the proposed amendment. He said that he was a resident in a rehabilitation program such as this for approximately two years. He said that a program like this has changed his life and he has been clean for 2-1/2 years and he has a life of purpose, structure and discipline.

ITEM 14.D. CONTINUED

- (9) Mr. John Grubb, who resides at 1902 Shelly Court, Urbana, testified at the June 17, 2010, public hearing. He said that he lives in the Richardson Estates Subdivision which is approximately two blocks away from the facility. He said that he has resided at this location for over ten years and he and his wife walk along High Cross Road and their neighborhood and he can say without any reservation that they feel safe. He said that he applauds the young men who are willing to sign a one year commitment and get off drugs and the streets.
- (10) Mr. Randy Brown, who resides at 1183 CR 2300E, Sidney, testified at the June 17, 2010, public hearing, as follows:
- (a) He said that when they were in the beginning stages of creating a facility at his church he visited many facilities across the United States. He said that the reason why a church community works so well in recovery is not just due to the spiritual aspect but for a man or woman to achieve recovery they have to have a whole new support system.
  - (b) He said that a person in recovery has to learn a whole new way of dealing with life and dealing with life issues and the main thing that a man or woman in a recovery program has to learn to deal with is relationships because they have no idea how to navigate life and relationships.
  - (c) He said that he can tell the Board that this type of recovery center works because it provides the key elements of recovery and it marries the secular to the spiritual. He said that when you have the dynamics of the type of facility that is being considered you are not just throwing a bunch of tools at people but creating a way of life for them to begin using those tools for an extended period of time in a controlled, sober and safe environment.
  - (d) He said that there is an epidemic of folks who are just hooked on prescription medication and our kids are being hooked on prescription medication.
  - (e) He said that they are ministering to people that are already in the community and one option that a recovery center of this type could have would be an encouragement to get housing together in the direct community and just attend classes at the church with no supervision.
  - (f) He said that his organization believed that it would be a far better approach to be able to control the environment therefore they adopted a 24/7 supervision with weekly drug testing.

ITEM 14.D. CONTINUED

- (11) Mr. R.J. Eaton, who resides at 2107 High Cross Road, Urbana, testified at the June 17, 2010, public hearing. He said that he is the Director of Operations at a residential recovery center and as such he lives on campus with the residents and if a residential recovery center was unsafe for the community then he and his wife would not reside at the residential recovery center.
  - (12) Mr. Randy Roberts, who resides 4210 East Airport Road, Urbana, testified at the June 17, 2010, public hearing. He said that he is a life long resident of Champaign County, a business owner and a Rotarian and he urged the Board to approve the proposed text amendment. He said that each request for such a facility would require a special use permit therefore it would be scrutinized. He said that he has not seen anyone else lining up to request such a facility other than a church therefore why not have the use attached to a church.
  - (13) Randy Brown testified at the July 15, 2010, public hearing that a larger number of residents in a residential recovery center provide greater diversity and a better recovery environment.
  - (14) Brenda Rogers and Tammy Roberts testified at the July 15, 2010, public hearing that an AG location seems to lead to a better result with the recovery programs. Brenda Rogers further testified that she had observed this while visiting 5 recovery centers across the country.
15. Testimony from concerned Champaign County land owners:
- A. Mr. Randall N. Brown, who resides at 2408 N. High Cross Road, Urbana, testified at the June 17, 2010, public hearing, as follows:
    - (1) He said that he is present tonight in opposition to the proposed amendment as described in case number 668-AT-10.
    - (2) He said that it is not in the best interest of the County to adopt the request.
    - (3) He said that the Preliminary Draft in this case is clearly in error as on Page 5, Section 6.E, Goals 3,8 and 10 have been dismissed as irrelevant, when in fact they are very relevant.
    - (4) He said that the care with which the community had undertaken to plan its land use development lies in the Board's hands and approval of a residential recovery center in the remoteness of a location away from most services, not even a safe walking distance from the nearest grocery store, just doesn't make sense.
    - (5) He said that in closing he wanted to emphasize that the acceptance of the proposed request potentially exposes an AG-2 neighborhood to the possibility of the introduction of a criminal element while increasing costs to the County in food service compliance and potentially, Sheriff's services. He said that in addition, there would be an increase in

ITEM 15.A. CONTINUED

“at risk” pedestrian traffic, “at risk” vehicular traffic for a 24/7 operation, increased stress on the drainage of waste water from the church property and the potential for a yet to be defined new construction which as the potential to exceed lot coverage ordinances or require variance in the future. He said that as important, is the previous reference to spot zoning which may prove non-defensible in the courts.

- B. Mr. Albert Willms, who resides at 2405 N. High Cross Road, Urbana, testified at the June 17, 2010, public hearing. He said that he will be submitting a written protest regarding his concerns to the County Board.
- C. Ms. Germaine Light, who resides at 2402 High Cross Road, Urbana, testified at the June 17, 2010, public hearing. She requested that the Board investigate housing the use in other locations rather than in just a church. She urged the Board to vote against the text amendment.
- D. Mr. Gene Vanderport, who resides at 2402 N. High Cross Road, Urbana, testified at the June 17, 2010, public hearing. He said that one of the issues that are central to zoning decisions is whether or not those projects for which the zoning changes are made are in fact sustainable.
- E. Mr. Randall Brown submitted a letter dated July 12, 2010, in which he raised the following concerns:
  - (1) Whether public transportation should be available 24 hours or for only limited hours; and
  - (2) Whether the church should have been organized and in operation in Champaign County on October 10, 1973, in addition to the building having predominately existed on October 10, 1973; and
  - (3) Whether fund raising activities at a residential recovery center will constitute a third principal use.
- F. Mr. Joseph Coble, who resides at 2412 N. High Cross Road, Urbana, testified at the June 17, 2010, public hearing that he does not understand why the County would be willing to use its good farmland so that people could rescue themselves and he is concerned about the affect of such uses on surrounding property values and is opposed to the amendment.

**DOCUMENTS OF RECORD**

1. Memo to Champaign County Board Committee of the Whole regarding Zoning Ordinance text amendment for "Residential Recovery Center," dated April 23, 2010
2. Application for Text Amendment from Zoning Administrator, dated March 11, 2010
3. Preliminary Memorandum for Case 668-AT-10, dated May 21, 2010, with attachments:
  - A Memo to Champaign County Board Committee of the Whole regarding Zoning Ordinance text amendment for "Residential Recovery Center"
  - B Tables Summarizing Zoning Requirements for Similar Use in Champaign and Urbana
  - C Table 3. Comparison of Proposed County Ordinance with Existing Municipal Requirements
  - D Various Excerpts from 77 Ill. Admin. Code Part 2060
  - E Proposed Draft Amendment
  - F Goals, Objectives, and Policies of the Champaign County Land Resource Management Plan (included separately)
4. Supplemental Memorandum for Case 668-AT-10, dated May 27, 2010, with attachments:
  - A Letter from Rob Kowalski, Assistant Planning Director, City of Champaign, received on May 26, 2010
  - B Email from Robert Myers, Planning Manager, City of Urbana, received May 27, 2010
  - C Relevant Definitions from Champaign and Urbana Zoning Ordinances
  - D Revised Table 3. Comparison of Proposed County Ordinance with Existing Municipal Requirements
  - E Excerpt from the Community Living Facilities Act (210 ILCS 35/)
  - F Excerpt from the Community Living Facilities Code (77 Ill. Admin. Code 370)
5. Supplemental Memorandum for Case 668-AT-10, dated June 11, 2010, with attachments:
  - A Letter from Carl Webber, received on June 7, 2010
  - B Alternative Proposed Draft Amendment
  - C Draft Finding of Fact and Final Determination for Case 668-AT-10
6. Supplemental Memorandum for Case 668-AT-10, dated June 17, 2010, with attachments:
  - A Pages 45-49 of the Urbana Zoning Ordinance
  - B Revised Table 3. Comparison of Proposed County Ordinance with Existing Home Rule Municipality Requirements
  - C New & Revised Evidence for Finding of Fact for Case 668-AT-10
7. Supplemental Memorandum for Case 668-AT-10, dated July 9, 2010, with attachments:
  - A Letter from Carl Webber, received on July 6, 2010
  - B Report to Plan Commission from Bruce Knight to City of Champaign Plan Commission, dated July 2, 2010
  - C Excerpt from List of Division of Alcoholism and Substance Abuse Licensed Sites by County/City/Township

**AS APPROVED**

**Cases 668-AT-10**  
**Page 39 of 40**

- D Revised Proposed Draft Amendment
  - E Minutes of June 17, 2010, ZBA meeting (included separately)
  - F Revised Draft Finding of Fact and Final Determination for Case 668-AT-10 (included separately)
8. Written comments by Randall Brown received on July 15, 2010
  9. Letter from Carl Webber submitted on July 15, 2010
  10. Supplemental Memorandum for Case 668-AT-10 dated July 15, 2010 with attachments:
    - A Letter from Randall N. Brown, received on July 13, 2010
    - B New evidence for the Finding of Fact for Case 668-AT-10
  11. Written comments by David Rogers submitted on July 15, 2010.

**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 668-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.

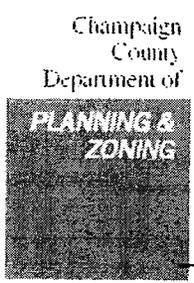
SIGNED:

Doug Bluhm, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



TO: **Champaign County Board Committee of the Whole**  
 FROM: **John Hall, Director & Zoning Administrator**  
 DATE: **July 23, 2010**  
 RE: **Notice and Enforcement of State Requirement for Compliance with Commercial Building Code**

**Brookens**  
**Administrative Center**  
 1776 E. Washington Street  
 Urbana, Illinois 61802  
 (217) 384-3708

**REQUESTED ACTION**

Authorize the Zoning Administrator to provide notice to all relevant permit applicants of the requirements of a new Public Act that requires all new commercial (ie, more than two family dwelling) buildings to be inspected by a qualified inspector and certified to be in compliance with state mandated building codes before occupancy can be authorized by the Zoning Administrator.

**BACKGROUND**

Illinois Senate Bill 0138 (Public Act 096-0704) was signed into law in August 2009 and became effective on January 1, 2010. See the attachment. This law mandates that beginning on July 1, 2011, all counties and municipalities must ensure that prior to occupancy any new commercial (ie, more than two family dwelling) building has been inspected by a qualified inspector and has been found to be in compliance with the 2006 or later edition of the International Building Code and the 2008 or later edition of the National Electrical Code. A copy of the Public Act is attached. The Act exempts municipalities and counties that have adopted a building code and registered the code with the Capital Development Board.

Champaign County has not adopted a building code so the Act applies to Champaign County. The Champaign County Zoning Ordinance allows one year for construction to be completed and thus any commercial permit for a new building that is approved after July 1, 2010, may be subject to this requirement if compliance is not certified prior to July 1, 2011. Eventually all new commercial buildings will be subject to this requirement.

It is desirable to make zoning use permit applicants aware of this requirement in the beginning so that they can plan accordingly. Building code compliance should obviously be considered earlier in the building life cycle than merely once the building permit application has been made but at this time it is imperative to make all applicants aware of this requirement.

**A Draft Handout to Provide Notice to Commercial Permit Applicants**

A similar situation arose when the Illinois Residential Building Code Act went into effect on January 1, 2005. The Environment and Land Use Committee approved a public information handout to make the public aware of that requirement and the State's Attorney reviewed the exact text for legal purposes.

**Zoning Administrator**  
**JULY 23, 2010**

The front page of that handout is attached. The Illinois Residential Building Code handout is included with all permits for new dwellings and copies are available at anytime as a free handout in the Department of Planning and Zoning.

A similar handout can be prepared for the new law requiring commercial building code compliance. The State's Attorney should also review the exact language of that handout to ensure that there are no legal problems.

The new requirement for compliance with a commercial building code is much stronger than the Residential Building Code Act, however, and it therefore requires more than simply a handout.

**A Standard Condition of Commercial Permit Approval**

The new commercial building code compliance requirement prohibits the County from granting occupancy of a new commercial building if the inspection certification is not provided. In that respect the new commercial code requirement is much stronger than the Illinois Residential Building Code Act. No compliance certification is required under the Illinois Residential Building Code Act and occupancy of a new dwelling is not constrained by lack of compliance.

Because of this possible constraint on occupancy, commercial applicants need to know as early as possible that the occupancy and use of their new building is based upon the submission of a compliance certification. For that reason all new commercial building permits should also include an explicit statement that certification of building code compliance by a qualified inspector will be required prior to occupancy, as required by 20 ILCS 3105/ 10.09-1.

Disagreements with permittees can hopefully be minimized by providing notice at the time of application and including an explicit requirement on all relevant permits.

**ATTACHMENTS**

**A SB1038**

**B Front Page of the handout for the Illinois Residential Building Code Act**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
FAX (217) 328-2426

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## ***THE ILLINOIS RESIDENTIAL BUILDING CODE ACT IN UNINCORPORATED CHAMPAIGN COUNTY***

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Effective January 1, 2005, the Illinois Residential Building Code Act (815 ILCS 670/1 *et seq*) requires that in Counties and municipalities that have not adopted building codes, a contract to build a home must identify an applicable building code as part of the contract and if there is no building code identified in the contract the Act identifies building codes that shall be adopted in the contract. The Act also applies to homes constructed by builders for resale.

The entire Illinois Residential Building Code Act is included on the backside of this handout.

Champaign County has not adopted a building code and all relevant new homes built in unincorporated Champaign County come under the purview of the Illinois Residential Building Code Act.

There is no enforcement obligation on the part of the County under the Act and there is also no legal relationship between the Illinois Residential Building Code Act and the Zoning Ordinance. Champaign County does not enforce the Illinois Residential Building Code Act.

This handout is provided as a public service. If you have questions or concerns about the Illinois Residential Building Code Act you should seek advice from your attorney.

**Public Act 096-0704**

Public Act 096-0704

SB0138 Enrolled

LRB096 02894 JAM 12908 b

AN ACT concerning State government.

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

Section 5. The Capital Development Board Act is amended by  
adding Section 10.09-1 as follows:

(20 ILCS 3105/10.09-1 new)

Sec. 10.09-1. Adoption of building code; enforcement.

(a) After July 1, 2011, no person may occupy a newly  
constructed commercial building in a non-building code  
jurisdiction until:

(1) The property owner or his or her agent has first  
contracted for the inspection of the building by an  
inspector who meets the qualifications established by the  
Board; and

(2) The qualified inspector files a certification of  
inspection with the municipality or county having such  
jurisdiction over the property indicating that the  
building meets compliance with the building codes adopted  
by the Board for non-building code jurisdictions based on  
the following:

(A) The 2006 or later editions of the following  
codes developed by the International Code Council:

(i) International Building Code;

(ii) International Existing Building Code; and

(iii) International Property Maintenance Code.

(B) The 2008 or later edition of the National  
Electrical Code NFPA 70.

(b) This Section does not apply to any area in a  
municipality or county having jurisdiction that has registered  
its adopted building code with the Board as required by Section  
55 of the Illinois Building Commission Act.

(c) The qualification requirements of this Section do not  
apply to building enforcement personnel employed by  
jurisdictions as defined in subsection (b).

(d) For purposes of this Section:

"Commercial building" means any building other than a  
single-family home or a dwelling containing 2 or fewer  
apartments, condominiums, or townhomes or a farm building as  
exempted from Section 3 of the Illinois Architecture Practice  
Act.

"Newly constructed commercial building" means any

commercial building for which original construction has commenced on or after July 1, 2011.

"Non-building code jurisdiction" means any area of the State not subject to a building code imposed by either a county or municipality.

"Qualified inspector" means an individual qualified by the State of Illinois, certified by a nationally recognized building official certification organization, qualified by an apprentice program certified by the Bureau of Apprentice Training, or who has filed verification of inspection experience according to rules adopted by the Board for the purposes of conducting inspections in non-building code jurisdictions.

(e) New residential construction is exempt from this Section and is defined as any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes in accordance with the Illinois Residential Building Code Act.

(f) Local governments may establish agreements with other governmental entities within the State to issue permits and enforce building codes and may hire third-party providers that are qualified in accordance with this Section to provide inspection services.

(g) This Section does not regulate any other statutorily authorized code or regulation administered by State agencies. These include without limitation the Illinois Plumbing Code, the Illinois Environmental Barriers Act, the International Energy Conservation Code, and administrative rules adopted by the Office of the State Fire Marshal.

(h) This Section applies beginning July 1, 2011.

Section 10. The Illinois Building Commission Act is amended by changing Section 55 as follows:

(20 ILCS 3918/55)

Sec. 55. Identification of local building codes. Beginning on the effective date of this amendatory Act of the 92nd General Assembly, a municipality with a population of less than 1,000,000 or a county adopting a new building code or amending an existing building code must, at least 30 days before adopting the code or amendment, provide an identification of the code, by title and edition, or the amendment to the Commission. The Commission must identify the proposed code, by the title and edition, or the amendment to the public on the Internet through the State of Illinois World Wide Web site.

A municipality with a population of less than 1,000,000 or county shall provide notice of the title and editions of any adopted building codes to the Capital Development Board, Division of Building Codes and Regulations, prior to July 1, 2011. The notice shall be electronic whenever possible and also contain the division of government, the name of contact, and the date of the adoption of the codes.

The Commission may adopt any rules necessary to implement this Section.

For the purposes of this Section, "building code" means any municipal or county ordinance or resolution regulating the construction and maintenance of all structures within the municipality or county ordinance, resolution, law, housing or building code, or zoning ordinance that establishes

~~construction related activities applicable to structures in a  
municipality or county, as the case may be.~~

(Source: P.A. 92-489, eff. 7-1-02.)

**Effective Date:** 1/1/2010

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

TO: **Champaign County Board Committee of the Whole**  
FROM: **John Hall, Director & Zoning Administrator**  
DATE: **July 27, 2010**  
RE: **Changing the Zoning Ordinance Requirements for Coal Mining**

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### **REQUESTED ACTION**

Guidance is requested regarding whether or not current Zoning Ordinance requirements for coal mining should be changed to require some form of County Board approval

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(217) 384-3708

#### **Background**

The Sunrise Coal company from Terre Haute is currently purchasing mineral rights for a coal mine expected to be primarily located in Vermilion County (including related surface development) but that is expected to extend at least one mile into Champaign County and extend from south of Allerton to just north of Homer. A public meeting was recently held in Broadlands to discuss the rumored coal mine (see attachment). Based on information at that meeting it appears that there will probably be no surface activities related to the mine in Champaign County. The only anticipated coal mining activities in Champaign County is the underground mining of coal by the "room and pillar" method

An important consideration regarding the proposed mine will be the provisions for mitigation of unplanned land subsidence (sinking) which if it occurs could likely interrupt farm surface drainage and disturb underground drainage tiles. Information regarding one central Illinois coal company's plans to mitigate the effects of unplanned subsidence on drainage from a recent IDNR coal mine application is attached.

The rest of this memo reviews state and county regulation of coal mining, existing Zoning Ordinance requirements for coal mining, and alternatives to require some form of County Board approval for coal mining.

#### **State Regulation of Coal Mining**

Coal mining is regulated at the state level by the Illinois Department of Natural Resources Office of Mines and Minerals. The Division of Land Reclamation is responsible for permitting coal mines under the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720). The IDNR has not yet received an application for the rumored coal mine and at this time it's not known when an application may be received. The IDNR has a specific process by which a public hearing may be requested in any affected county but the IDNR is not obligated to follow the recommendations of any county board.

#### **County Authority to Regulate Coal Mining Under Zoning**

As far as can be determined at this time, coal mining is not exempted from county zoning in Illinois and it is known that some Illinois counties with zoning do regulate certain aspects of coal mining. The State's Attorney has been asked to verify the County's zoning authority over coal mining and so far the State's Attorney has found nothing indicating otherwise. The State's Attorney recently had the opportunity to discuss county zoning jurisdiction over coal mining with the Legal Counsel of IDNR Office of Mines and Minerals (see the attached email summary). In that discussion there was general agreement that local zoning is not preempted by the state and the County can place restrictions on coal mining that substantially relate to the county's health, safety and welfare. There was no agreement regarding whether the County could prohibit coal mining or even deny a zoning application for coal mining. The State's Attorney continues to research this issue.

## Zoning Ordinance Requires Special Use Permit to Authorize Coal Mining

The Zoning Ordinance specifies that “Mineral extraction, Quarrying, topsoil removal and allied activities” requires a special use permit. Coal mining should be considered mineral extraction and thus any part of the rumored coal mine that will be in Champaign County will require a special use permit authorized by the Zoning Board of Appeals (ZBA) even if it is only the underground mining activities.

The Ordinance is consistent with Objective 8.3 of the Land Resource Management Plan regarding underground mineral extraction. Objective 8.3 is supportive of mineral extraction provided there is no significant adverse impact to existing land uses or other natural resource and there is adequate site reclamation.

There have been no communications between the Sunrise Coal company and the Department of Planning and Zoning. As soon as a proper mailing address can be identified for the Sunrise Coal company the Zoning Administrator will make the company aware of the County's zoning requirements (including any changes).

Note that while IDNR requires a coal mine to have landowner approval to mine coal, a coal mine is not required to involve upstream landowners whose drainage may be interrupted by subsidence. Concerns of upstream neighbors should be considered in any public hearing related to a special use permit (or zoning map amendment) for a coal mine. At this time the County Board has an opportunity to amend the Zoning Ordinance regarding the authorization of coal mining if that seems warranted.

## ALTERNATIVES

Obvious alternatives for changes to the Ordinance are the following:

- **Exempt underground coal mining activities from the provisions of the Zoning Ordinance.** A brief review of coal mining applications on the IDNR website indicates that there is generally not much specific information provided regarding unplanned subsidence as part of the IDNR permit application. It is also claimed that federal programs already exist that will pay for mitigation long after a coal company goes out of business. If those programs do exist, it could be argued that little benefit would be gained from a public hearing at the ZBA regarding only underground mining activities.
- **Require a County Board special use permit for coal mining.** The Ordinance could be amended to make the County Board the final authority for special use permit approval based on the recommendation of the ZBA and the record of the special use permit public hearing at the ZBA. The Ordinance could also require a special reclamation agreement to fund necessary repairs for damaged drainage systems similar to the reclamation agreement for wind farms.

A variant of this alternative would exempt underground coal mining activities if there are no surface activities related to coal mining but make the County Board the final authority for a special use permit for surface activities related to coal mining.

- **Require approval of a “coal mining overlay zoning district” in addition to a County Board special use permit.** The Zoning Ordinance could even be amended to limit coal mining only to areas that have been successfully rezoned to a new “coal mining overlay district”. Requiring a zoning district change would give neighbors who are opposed to coal mining formal protest rights to exercise against any County Board approval of the zoning change.

## ATTACHMENTS

- A Coal mine meeting article from the July 15, 2010 *Leader*
- B Excerpts of IDNR Application for Crown 3 Mine by Springfield Coal Company
- C Email from Assistant State’s Attorney Christina Papavasiliou



Photo by Nora Maberry

Joyce Blumenshine, of the Sierra Club, shows the audience photos from other mines in Illinois.

# Citizens express concern about proposed coal mine

By NORA MABERRY  
nmaberry@news-gazette.com

**BROADLANDS--**Citizens came together last week to discuss the proposed coal mine that would be built in Champagne and Vermilion Counties.

The mine would be run by Sunrise Coal, a mining company out of Terre Haute, Ind. The mine would be located under 23,000 acres of farmland in Homer, Allerton, Broadlands and Fairmount.

Development of the project would include building roads, a railroad spur, laying power lines, water pipelines and building mine infrastructure.

However, the citizens are more concerned about proposed environmental effects.

Traci Barkley, a water resource scientist, from the Prairierivers Network, said coal mining can affect water quality. Barkley said the company will dam streams and create basins for drainage.

Barkley said it is possible that wastewater from the basins could empty into local streams and build up sludge during large rains.

Barkley said in other mines across the state, harmful materials have went into the drinking water supply and it is, possible that could happen at this coal mine.

Pollutants including chlorides, sulfates and heavy metals could be released into the drinking water supply, Barkley said.

Barkley also said that the mine would use more water

than all area towns combined.

Allerton uses 18,000 gallons of water per day, Fairmount uses 95,000 gallons per day, Broadlands uses 30,000 gallons per day and Homer uses 130,000 per day, Barkley said. The mine would use two million gallons of water per day to wash the coal, Barkley said.

"That is coming out of your drinking water supply," Barkley said.

Residents estimate the company has purchased 12,000-15,000 acres of land.

Vermilion County Farmer Charles Goodall said he believes Sunrise Coal is not being honest with land owners.

"They are flying under the radar," he said. "They are paying land owners too little for the coal they may mine and mining could be devastating to agriculture in the area."

Goodall said the coal mine would leave behind toxic materials and the landowners would be left with the responsibility of dealing with the environmental effects.

"Outside interests don't negotiate with the same rules as you and I use," He said. "They don't care about our farmland and they don't respect us. So we need to be cautious."

Robert Johnson, environmental engineer from Johnson Consulting, said he was not against mining but his concern was that mining companies operated under current regulations.

man believes the success of the Summer Daze Program is due to the leadership of the camp counselors.

"Their ingenuity and creativity coupled with willingness to make the program a success has launched it into position to be one of the most sought after programs around," said Hartman, Director of Recreation for St. Joseph.

With a total of nineteen leaders, two site supervisors and Hartman, the staff of Summer Daze works with campers on Tuesday, Wednesday and Thursday from 8 a.m. to noon for eight weeks during the summer.

The staff, who are employed by the village, are responsible for over 125 campers in grades kindergarten through fourth grade.

The staff work to provide a safe environment and planned activities that correspond to the weekly themes of the program.

Hartman said she looks for leaders who are not only able to create and facilitate safe and fun activities but also leaders who are self motivated, creative and flexible.

Staff helps Hartman come up with the weekly themes. Some themes this year include pirates, nature and Disney.

Field trips are a large part of the planning process; every Thursday is a field trip or big activity day at the park.

Site Supervisor Sarah Morgan said, "When we tried tubing last year for something new, we were a little nervous about it. It turned out great though and the kids loved it."

The groups of kindergartners through fourth graders are assigned a set of leaders for the entire summer and many leaders are returning counselors—every leader from 2009 returned to work for the summer of 2010. While some leaders are returning for their second summer with the program, others are back for their sixth summer.

For leader Ben Gilly working at the camp is like returning to his childhood.

"It's an excuse for us older kids to have fun like we used



Brooke Wolken paints the face of the camp's Disney theme week.

## Just the facts:

Hartman said parents can still enroll their children in the second session, which runs through August 12.

Parents should call 469-9504 for more information.

**For more photos from the camp turn to page 7.**

to," he said.

Other leaders said the kids are what makes the camp enjoyable to work at.

Leader Brenna Pfeifer said, "All of the kids are very positive and have a high energy level, and that keeps everyone on their toes."

The campers will have a second chance to keep the leaders on their toes starting on July 20, when the second session of summer daze starts. The second session will feature activities, trips and games that are completely different from the first session, Hartman said.

Coming up with so many themes and activities can be challenging but Hartman, while being in charge of the program, is quick to praise her young staff.

See Haake, page 11

See Summer, page 11

### Haake

Continued from page 1

"Jim had an understanding of the integral running of the village and I believe this came from his years of service," Trustee Aric Silver said. "These years of service help him see the big picture not just small items."

McElroy-Smetzer said that Haake was a model board

member who was always prepared for meetings and always worked to make the best decision for the village.

"He did his homework, got the background info needed and if necessary dug further until he had all the info necessary to make a good decision," she said. "In the last few years he had concentrated a majority of his efforts on the sewer plant updates, the community park

and economic development." McElroy-Smetzer said that when the original bid for the sewer update was submitted it was millions of dollars over what the village was willing to pay. Haake worked with the engineers to come up with different plans.

"Giving up was not an option," She said. "In the end, Jim got the updates the village needed at a much more reason-

able price."

Fruhling-Voges said items in the village would exist in their current condition today if it was not for Haake. "We should all be thankful for his dedication and work," she said.

Silver said Haake was always willing to help new members understand the priority of certain issues and he was willing to voice unpopular

### Coal

Continued from page 1

Johnson said he had seen many mines that were not working under current state regulations, including one in Carlinville that had built a permanent structure when state standards called for temporary ones.

"The state regulators always approve what the mine wants them to," he said.

Both Barkley and Johnson warned against land owners signing leases that did not protect them against longwall mining. In longwall mining,

the company takes 100 percent of the coal underground.

In room and pillar mining the company takes 50 percent of the coal and leaves supports in place to support the farm land.

In longwall mining the ground typically sinks due to lack of support.

"If it is longwall mining you are signing away an awful lot," Barkley said.

Sunrise Coal was not at the meeting and did not respond to requests from the Leader for information before publication time.

### Flessner

Continued from page 8

The Marvin Lee Band is the name of Flessner's band. The members of the band are steel

guitar player, Lyle Cleary from Decatur, harmonica player Terry Cottrell, lead guitarist Danny Kolata, drummer, Harshburger, bassist, Stan mole, pianist, Chuck Dra

### Summer

Continued from page 1

"I place all the credit on the dedication and innovation on our camp counselors," said Hartman.

Favorite Field Trip - Telling

Ross Baker  
Sophomore in college  
Years at camp - 5  
Favorite Field Trip  
Movies

### Meet some of the Leaders:

Sarah Morgan  
Senior in College  
Years at camp - 6

Ben Gilly  
Sophomore in college  
Leader— 3rd Grade

THE LEADER

# Classifi

# 1-866-666-6666

SPRINGFIELD COAL COMPANY, LLC  
CROWN 3 MINE  
PERMIT #5, REVISION #4  
MARCH, 2010

Application for Revision #4 to Permit #5:

Illinois Department of Natural Resources  
Office of Mines and Minerals  
Surface Coal Mining and Reclamation Operations Permit

PART IV

OPERATIONS PLAN

3) Subsidence Control Plan

C) Subsidence Unplanned (Maximize Mine Stability)

(4) Provide detailed descriptions of subsidence control measures that will be taken to prevent or minimize subsidence and subsidence-related damage which includes, but is not limited to the following:

c) Surface measures taken to prevent material damage or lessening of the value of reasonably foreseeable uses of the surface.

**No surface measures as discussed above are proposed within the shadow area. If subsidence should occur, surface measures may be taken to minimize subsidence-related damage. Such measures might include support of structures, road fill, ditch grading, subsurface drainage (tiling), etc.**

PART IV

OPERATIONS PLAN

3) Subsidence Control Plan

C) Subsidence Unplanned (Maximize Mine Stability)

(4) Provide detailed descriptions of subsidence control measures that will be taken to prevent or minimize subsidence and subsidence-related damage which includes, but is not limited to the following:

- d) Monitoring, if any, to determine the commencement and degree of subsidence so that other appropriate measures can be taken to prevent or reduce material damage. Include map locations of any proposed monitoring sites.

**Aerial photography of the mine plan area, with ground control, will be completed in a timely manner prior to mining or within a short time after mining, before subsidence could occur. Should post mining discrepancies arise, this photography can be utilized to develop premining contours of the area to be compared with alleged subsidence areas.**

**No additional monitoring is proposed for the shadow area. Monitoring will be done on a case by case basis should subsidence occur. Such monitoring would include field instrument surveys of the affected area in order to determine lateral and vertical extent of the subsided area.**

PART IV

OPERATIONS PLAN

3) Subsidence Control Plan

C) Subsidence Unplanned (Maximize Mine Stability)

- (5) Describe measures to be taken to mitigate or remedy any subsidence-related material damages.
- b) Provide a description of measures adopted to control and correct material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence.

**All underground areas of the Crown III Mine have been designed for long-term stability and are therefore designated as Unplanned Subsidence Areas. Damages to surface lands as a result of subsidence are not anticipated. However, should subsidence occur, mitigation will be pursued by the Company.**

**Regardless of the means by which mitigation is pursued, the Company will restore the premining land use capabilities of all damaged surface lands to the extent economically and technologically feasible and to extent required by law.**

**Aerial photography of the mine plan area, with ground control, will be completed in a timely manner prior to mining or within a short time after mining, before subsidence could occur. Should post mining discrepancies arise, this photography can be utilized to develop premining contours of the area to be compared with alleged subsided areas and to determine the appropriate remedial action required, if any.**

**Upon substantiation of a subsidence event resulting in damage to the premining land use capability, the Company will inspect the area for effects of the subsidence on the premining drainage patterns and the land use capability. The Company will then develop a plan to restore drainage to approximate premining land use conditions to the extent technologically and economically feasible.**

PART IV

OPERATIONS PLAN

3) Subsidence Control Plan

C) Subsidence Unplanned (Maximize Mine Stability)

(5) Describe measures to be taken to mitigate or remedy any subsidence-related material damages.

- c) In conjunction with the requirements to mitigate subsidence-related material damage to land, and structures provide a description of measures to be take to determine the degree of material damage or diminution of value or reasonable foreseeable uses of the surface.

**As stated previously, all underground areas of the Crown III Mine have been designed for long-term stability and are therefore designated as Unplanned Subsidence Areas. Damage to surface structures and lands as a result of subsidence is not anticipated. Consequently, no premining structure or area surveys will be pursued.**

**However, surveyed elevations and/or horizontal coordinates are routinely obtained along roadways and at other sensitive features within the mine plan area. In addition, premining aerial photography of the mine plan area can be utilized to establish premining land contours as previously discussed.**

**Postmining monitoring of elevations will be undertaken only to the extent that it is necessary to prove or disprove subsidence allegations and/or to gather data desired by the Company to detail the subsidence profile and the expected angle of draw.**

## John Hall

**From:** Christina Papavasiliou  
**Sent:** Monday, July 26, 2010 11:01 AM  
**To:** Barb Wysocki; Pius Weibel; John Hall; Alan Kurtz  
**Subject:** Phone call w/legal counsel of IDNR Mines & Minerals

Dear all,

I spoke to Mitch Cohen this morning.

- He stated that as far as he knows local zoning is not preempted by state regulations, but said that there's a limit on the restrictions we can place on mining pursuant to our zoning power. I said that I believe we can place any restrictions that substantially relate to our county's health safety and welfare and he conceded that. I asked him if he knew of any cases limiting that general power w/respect to coal mining and he did not. He emphasized that the IDNR application process is long and involved and the community has the opportunity to be heard as part of that process. He seemed to be implying that we would not need regulation beyond that process.
- He stated that he did not think that the farmland would be affected at all by subsurface mining, but that it would be the coal company's responsibility to return the land to its condition prior to mining. I asked if they would restore it to best prime farmland and he said he couldn't be sure about that and that he just didn't know. He told me that I may want to look at the statutes and regulations to get a more definite answer to that.
- Regarding unplanned subsidence he stated that the coal company would be held responsible for mitigating any and all subsidence, planned or unplanned, as long as the coal company remained in existence. He also explained that there is a federal fund in place to pay for mitigation of subsidence in the event that the coal company goes out of business. He said that even if the subsidence was discovered 100 years after the mining it would be eligible.

He told me that I could call with any further questions. Let me know if there is anything else I can look into regarding this matter. Christina

### ***Christina A. Papavasiliou***

Assistant State's Attorney, Civil Division  
1776 E. Washington St.  
Urbana, IL 61802  
Ph: 217-384-3832  
Fax: 217-384-3851

Champaign  
County  
Department of

**PLANNING &  
ZONING**

**TO: Champaign County Board Committee of the Whole**  
**FROM: John Hall, Director & Zoning Administrator**  
**DATE: July 27, 2010**  
**RE: Draft Amendment to the Nuisance Ordinance**

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

(217) 384-3708

## **REQUESTED ACTION**

A Draft amendment to the Nuisance Ordinance is attached for Committee review and recommendation to the full Board.

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## **BACKGROUND**

The Nuisance Ordinance identifies a range of activities and conditions that constitute public nuisances. One activity constituting a public nuisance is the presence of a “dangerous structure”. See Attachment A for the current definition of “dangerous structure”. In April 2009 conditions of extremely neglectful building maintenance that could result in a dangerous structure were observed on an inspection in response to complaints about a multifamily rental property in the unincorporated area. However, the conditions did not clearly conform to the definition of dangerous structure in the Nuisance Ordinance. The State’s Attorney was consulted and concurred that the definition of “dangerous structure” should be clarified. That property was discussed at the January 5, 2010, meeting of the Committee of the Whole. Board members Stan James and Alan Nudo requested changes to the Nuisance Ordinance so that the County could better enforce minimum levels of building maintenance sufficient to prevent dangerous structures. At the same meeting Board member Tom Betz requested a “habitability statement” be prepared. Draft versions of both Ordinances are now ready for Committee review. The Draft Habitability Ordinance is discussed in another memo.

## **PROPOSED AMENDMENT**

The proposed amendment adds 13 specific building maintenance conditions that may result in a dangerous structure and for which the County will clearly be able to take enforcement action. At least five of these conditions were present at the multifamily rental property that was inspected in April 2009.

## **COORDINATION WITH DRAFT HABITABILITY ORDINANCE**

There is no direct overlap between these conditions which may cause a dangerous structure and the Draft Habitability Ordinance. Nonetheless, the Committee should ensure that the two ordinances are sufficiently in concert to achieve the desired outcomes.

## **NOTICE TO PUBLIC AND PUBLIC COMMENT**

This Draft amendment has passed legal review by the State’s Attorney. Amendments to the Nuisance Ordinance are only required to be published by the County Clerk in a newspaper of general circulation within the County within 15 days of adoption and the notice must include the effective date of the ordinance and the availability of copies in the office of the Zoning Administrator.

## **ATTACHMENTS**

- A Ordinance No. 651**
- B Draft Amendment to the Nuisance Ordinance**

ORDINANCE NO. 651

**ORDINANCE AMENDING ORDINANCE NO. 468,  
PUBLIC NUISANCE ORDINANCE OF CHAMPAIGN COUNTY**

WHEREAS, ambiguous grammar may result in adverse legal rulings that frustrate enforcement of the *Public Nuisance Ordinance* and such an adverse ruling has been made with respect to the definition of "dangerous structure";

WHEREAS, the Environment and Land Use Committee has recommended adoption of the amendment proposed herein;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to concur in the Committee's recommendation in a manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois that:

1. **Ordinance No.468, the *Public Nuisance Ordinance of Champaign County*, as amended, be further amended to change the definition of "Dangerous Structures" in Section 2.2, Terms Defined, to read as follows:**

**DANGEROUS STRUCTURE:**

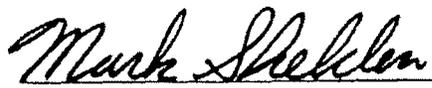
- A. A building or other structure:
    1. which has been abandoned, vacant or unused for a period of 180 consecutive days, and
    2. which is open to intrusion; or
  - B. a building or other structure:
    1. which is damaged or deteriorated so as not to provide shelter or serve the purpose for which it was constructed in a safe and healthful manner; or
    2. which is subject to imminent danger of structural failure or collapse; or
    3. which, due to damage or deterioration, creates a hazard of fire, explosion, or release of toxic materials.
2. **The above listed amendment be incorporated into the text of Ordinance No. 468, the Public Nuisance Ordinance of Champaign County.**

**PRESENTED, PASSED, APPROVED AND RECORDED** this 21<sup>st</sup>. day of May, A.D. 2002.

ATTEST:



Patricia Avery,  
Chair,  
Champaign County Board  
Champaign County, Illinois



Mark Sheldon,  
County Clerk &  
*Ex-Officio* Clerk of County Board

**1. Add the following to Section 1 and reletter the existing as required:**

- F. injury or death due to inadequate and unsafe building egress;
- G. injury or death due to asphyxiation caused by the lack of safe and adequate space heating;
- H. sickness, injury or death due to inadequate building maintenance;
- M. sickness, injury or death due to inadequate sanitation;

**2. Add the following new definition to Section 2:**

DWELLING UNIT: one or more rooms constituting all or part of a building or manufactured home which are used exclusively as living quarters for one family.

**3. Amend the definition of “dangerous structure” in Section 2 as follows (new text is underlined):**

DANGEROUS STRUCTURE: A building or other structure which meets any of the following descriptions:

TYPE 1. A building or other structure which has been abandoned, vacant or unused for a period of 180 consecutive days and which is open to intrusion; or

TYPE 2. A building or other structure which is subject to imminent danger of structural failure or collapse; or

TYPE 3. A building or other structure which, due to damage or deterioration, creates a hazard of fire, explosion or release of toxic materials; or

TYPE 4. A building or other structure which is damaged or deteriorated or improperly maintained or operated so as not to provide shelter or serve the purpose for which it was constructed in a safe and healthful manner.

TYPE 5. A building or other structure principally intended for human occupancy which is damaged or deteriorated or improperly maintained or operated so as not to provide shelter or serve the purpose for which it was constructed in a safe and healthful manner and which continues to be occupied.

**4. Amend paragraph 3.2 J. to read as follows (new text is underlined):**

- J. DANGEROUS STRUCTURES which may be of any of the following types:
  - 1. TYPE 1, 2, 3, and 4 DANGEROUS STRUCTURES.
  - 2. A building or other structure may be a TYPE 5 DANGEROUS STRUCTURE due to any of the following conditions:

Attachment A. Draft Proposed Amendment to the Nuisance Ordinance  
JULY 25, 2010

- a. Modifications and changes to emergency egress that do not meet the relevant requirements of the Illinois State Fire Marshal.
- b. Failure to comply with the relevant occupancy limits as established by the Illinois State Fire Marshal.
- c. Major interior or exterior wetness in or on the structure that could lead to structural deterioration if allowed to continue or that results in the growth of unusually large amounts of mold inside a building including building spaces not intended for human occupancy.
- d. Deterioration on the exterior of the building or structure that inappropriately allows unusual amounts of exterior weather and wetness to enter into the building interior including building spaces not intended for human occupancy.
- e. Inadequate or weakened construction that is evidenced by either structural deflection or structural movement far in excess of generally recognized safe limits or that may be evidenced by severe degradation of structural members.
- f. Unavailability of safe potable water inside each DWELLING UNIT.
- g. Unavailability of a working toilet inside each DWELLING UNIT.
- h. Plumbing that does not meet the relevant requirements of the Illinois State Plumbing Code.
- i. Failure of a required septic system in the absence of a lawfully connected sanitary sewer.
- j. Lack of interior heating due to an inoperable heating system or the failure to maintain necessary gas or electrical service except when the failure to maintain the necessary service is strictly due to the tenant's failure to pay rent or the tenant's failure to pay service bills that are clearly the responsibility of the tenant.
- k. Unavailability of necessary gas or electrical service or power for essential ventilation, heating, or lighting due to either an inadequate gas or electrical system or the failure to maintain necessary gas or electrical service except when the failure to maintain the necessary service is strictly due to the tenant's failure to pay rent or the tenant's failure to pay service bills that are clearly the responsibility of the tenant.

**Attachment A. Draft Proposed Amendment to the Nuisance Ordinance**  
**JULY 25, 2010**

- l. An inadequate electrical system that results in occupants relying on extension cords to provide power for essential heating, cooking, or lighting or that does not provide adequate and reliable electrical power for such essential needs in a safe manner.
  
- m. The use of extension cords to provide any power into a DWELLING UNIT from an electrical source which is located outside of that DWELLING UNIT.

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

Champaign  
County  
Department of

FROM: **John Hall, Director & Zoning Administrator**

DATE: **July 27, 2010**

RE: **Draft Habitability Ordinance**

**PLANNING &  
ZONING**

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### REQUESTED ACTION

A Draft Habitability Ordinance is attached for Committee review and recommendation to the full Board.

---

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

(317) 384-3708

### BACKGROUND

At the January 5, 2010, Committee of the Whole meeting Board member Tom Betz requested that a "habitability statement" be prepared for County Board adoption so as to provide a basis for tenant claims under the Residential Tenants' Right to Repair Act (765 ILCS 742 et seq). The Residential Tenants' Right to Repair Act became effective on January 1, 2005. See attached. The Act allows a tenant to make minor repairs to rental property and to deduct the cost of the repair (up to a specified maximum) if the landlord fails to make the repair within 14 days of being notified of the need for the repair. The Act requires that the repair be required under a residential lease agreement or law or local ordinance or regulation. Champaign County has not adopted a building code or a property maintenance code and therefore renters in unincorporated Champaign County have no local ordinance or regulation on which to rely. I could find no examples of a similar kind of local habitability ordinance or regulation for comparison.

### DRAFT HABITABILITY ORDINANCE

The Draft Habitability Ordinance is included as Attachment B. This Draft is based on the property maintenance codes that have been adopted by most local governments that have adopted a building code. The Draft Habitability Ordinance contains only the most essential elements of a property maintenance code. For comparison purposes the Table of Contents of the International Property Maintenance Code is included as Attachment C. Note the following about the Draft Ordinance

- The Draft Habitability Ordinance should in no way be considered a property maintenance code
- Section 4 of the Draft makes it clear that the Ordinance is not enforced by Champaign County.

The Draft Ordinance has passed legal review by the State's Attorney who has determined that the Board can adopt a Habitability Ordinance and that the attached Draft Ordinance is legally adequate for adoption.

### NOTICE TO PUBLIC AND PUBLIC COMMENT

In addition to the first review of this Draft Ordinance, the Board should also consider what kind of public notice and public comment period (if any) is warranted prior to adoption. There are no minimum legal requirements for public comment prior to adoption. Perhaps the most similar Ordinance is the Nuisance Ordinance. Changes to the Nuisance Ordinance are only required to be published by the County Clerk in a newspaper of general circulation within the County within 15 days of adoption and the notice must include the effective date of the ordinance and the availability of copies in the office of the Zoning Administrator.

### ATTACHMENTS

- A Residential Tenants' Right to Repair Act**
- B Draft Habitability Ordinance**
- C Table of Contents from the 2003 International Property Maintenance Code**

## Illinois Compiled Statutes

### Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

## PROPERTY

### (765 ILCS 742/) Residential Tenants' Right to Repair Act.

(765 ILCS 742/1)

Sec. 1. Short title. This Act may be cited as the Residential Tenants' Right to Repair Act.

(Source: P.A. 93-891, eff. 1-1-05.)

(765 ILCS 742/5)

Sec. 5. Repair; deduction from rent. If a repair is required under a residential lease agreement or required under a law, administrative rule, or local ordinance or regulation, and the reasonable cost of the repair does not exceed the lesser of \$500 or one-half of the monthly rent, the tenant may notify the landlord in writing by registered or certified mail or other restricted delivery service to the address of the landlord or an agent of the landlord as indicated on the lease agreement; if an address is not listed, the tenant may send notice to the landlord's last known address of the tenant's intention to have the repair made at the landlord's expense. If the landlord fails to make the repair within 14 days after being notified by the tenant as provided above or more promptly as conditions require in the case of an emergency, the tenant may have the repair made in a workmanlike manner and in compliance with the appropriate law, administrative rule, or local ordinance or regulation. Emergencies include conditions that will cause irreparable harm to the apartment or any fixture attached to the apartment if not immediately repaired or any condition that poses an immediate threat to the health or safety of any occupant of the dwelling or any common area. After submitting to the landlord a paid bill from an appropriate tradesman or supplier unrelated to the tenant, the tenant may deduct from his or her rent the amount of the bill, not to exceed the limits specified by this Section and not to exceed the reasonable price then customarily charged for the repair. If not clearly indicated on the bill submitted by the tenant, the tenant shall also provide to the landlord in writing, at the time of the submission of the bill, the name, address, and telephone number for the tradesman or supplier that provided the repair services. A tenant may not repair at the landlord's expense if the condition was caused

by the deliberate or negligent act or omission of the tenant, a member of the tenant's family, or another person on the premises with the tenant's consent.

(Source: P.A. 93-891, eff. 1-1-05.)

(765 ILCS 742/10)

Sec. 10. Exceptions.

(a) This Act does not apply to public housing as defined in Section 3(b) of the United States Housing Act of 1937, as amended from time to time, and any successor Act.

(b) This Act does not apply to condominiums.

(c) This Act does not apply to not-for-profit corporations organized for the purpose of residential cooperative housing.

(d) This Act does not apply to tenancies other than residential tenancies.

(e) This Act does not apply to owner-occupied rental property containing 6 or fewer dwelling units.

(f) This Act does not apply to any dwelling unit that is subject to the Mobile Home Landlord and Tenant Rights Act.

(Source: P.A. 93-891, eff. 1-1-05.)

(765 ILCS 742/15)

Sec. 15. Tenant liabilities and responsibilities. The tenant is responsible for ensuring that:

(1) the repairs are performed in a workmanlike manner in compliance with the appropriate law, administrative rule, or local ordinance or regulation;

(2) the tradesman or supplier that is hired by the tenant to perform the repairs holds the appropriate valid license or certificate required by State or municipal law to make the repair; and

(3) the tradesman or supplier is adequately insured to cover any bodily harm or property damage that is caused by the negligence or substandard performance of the repairs by the tradesman or supplier.

The tenant is responsible for any damages to the premises caused by a tradesman or supplier hired by the tenant. A tenant shall not be entitled to exercise the remedies provided for in this Act if the tenant does not comply with the requirements of this Section.

(Source: P.A. 93-891, eff. 1-1-05.)

(765 ILCS 742/20)

Sec. 20. Defense to eviction. A tenant may not assert as a defense to an action for rent or eviction that rent was withheld under this Act unless the tenant meets all the requirements provided for in this Act.

(Source: P.A. 93-891, eff. 1-1-05.)

(765 ILCS 742/25)

Sec. 25. Mechanics lien laws. For purposes of mechanics lien laws, repairs performed or materials furnished pursuant to this Act shall not be construed as having been performed or furnished pursuant to authority of or with permission of the landlord.

(Source: P.A. 93-891, eff. 1-1-05.)

(765 ILCS 742/30)

Sec. 30. Home rule. A home rule unit may not regulate residential lease agreements in a manner that diminishes the rights of tenants under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 93-891, eff. 1-1-05.)

Top

**Attachment B. Draft Rental Habitability Ordinance of Champaign County, Illinois**  
JULY 25, 2010

1. Title. This ordinance shall be known as the “Rental Habitability Ordinance of Champaign County, Illinois”.
2. Purpose. The provisions of this ordinance shall apply to all residential rental properties and shall constitute the minimum maintenance requirements necessary to ensure adequate habitability of residential rental buildings except for any additional relevant requirements in the Champaign County Nuisance Ordinance.
3. Applicability. The provisions of this ordinance shall not apply to any of the requirements for residential rental property maintenance that are included herein that are identified as the **responsibility of the tenant** in a written lease except requirement 7.I. that is non-transferable by lease.
4. Enforcement. The minimum maintenance requirements for habitability established by this ordinance are not enforced by Champaign County but are specifically intended to be relevant to tenant claims under the Residential Tenants’ Right to Repair Act (765 ILCS 742 et seq) and to further the authority granted by 55 ILCS 5/5-1063 related to building maintenance.
5. Standard of maintenance quality. Repairs, maintenance work, alterations or installations required by this ordinance shall be performed in a reasonable manner and in compliance with any relevant manufacturer’s requirements.

6. Definitions.

HABITABLE is any space for human occupation and use such as vestibules, hallways, stairways, corridors, living rooms, bedrooms, kitchens, pantries, bathrooms, closets, and storage spaces.

RENTAL UNIT is any dwelling unit, rooming unit, dormitory room, guestroom, or portion of a building that is that is rented, leased, or let.

OWNER is an individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or any other legal entity having a proprietary interest in a building, property, lot, or tract of land.

ROOM is any interior HABITABLE space that is larger than 70 square feet and with a minimum horizontal dimension of eight feet.

TENANT is the person or persons that occupy a RENTAL UNIT.

7. Minimum maintenance requirements for habitability. The OWNER of any RENTAL UNIT is hereby required to maintain the premises and to promptly perform all needed repairs to any building containing a RENTAL UNIT and to each RENTAL UNIT including but not limited to repairs, maintenance, and services of the following types:

**Attachment B. Draft Rental Habitability Ordinance of Champaign County, Illinois**  
JULY 25, 2010

- A. Building exterior. The building exterior shall be maintained in a structurally sound and weatherproof condition and free from holes, or defects that allow rain or weather to enter.
- B. Exterior and interior stairs. All stairways shall meet the minimum egress requirements of the Illinois State Fire Marshal's Life Safety Code and be structurally sound and maintained in good repair.
- C. Doors. All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to any RENTAL UNIT shall tightly secure the door.
- D. Deadbolt locks. Doors providing access to any RENTAL UNIT shall be equipped with a deadbolt lock. Deadbolt locks shall have a minimum lock throw of at least 1-inch. A sliding bolt shall not be considered an acceptable deadbolt lock. Deadbolt locks shall be properly installed according to manufacturer's specifications and maintained in good working condition. All required deadbolt locks shall be designed and installed in such a manner so as to be operable from inside of the RENTAL UNIT by only a knob.
- E. Building interior.
  - (1) All HABITABLE interior areas shall be maintained in good repair, structurally sound and in a sanitary condition.
  - (2) All interior surfaces, including windows and doors, shall be maintained in good repair and sanitary condition.
  - (3) Paint that is peeling, chipping, flaking, or abraded shall be repaired.
  - (4) Cracked or loose surfaces shall be repaired.
- F. Windows and skylights. Windows and skylights shall be maintained in good repair, and shall be structurally sound and weather tight.
  - (1) Glazing. All glazing materials shall be maintained free from cracks and holes.
  - (2) Openable windows. Windows that are not fixed windows shall be easily openable and with hardware capable of holding the window in an open position.
  - (3) Insect screens. Between May 14 to September 15 of every year each openable window in each HABITABLE room shall be provided a tightly fitting screen of not less 16 mesh per inch.

**Attachment B. Draft Rental Habitability Ordinance of Champaign County, Illinois**  
JULY 25, 2010

- G. Garbage facilities and service.
- (1) Every occupied RENTAL UNIT shall be provided covered outdoor garbage containers for use by the tenant however multiple tenants may be provided with a single covered container provided it is of adequate size.
  - (2) Every occupied RENTAL UNIT shall be provided with regular and timely removal (pickup) of garbage.
- H. Plumbing and plumbing fixtures.
- (1) All plumbing shall meet the requirements of the Illinois Plumbing Code.
  - (2) Plumbing fixtures including hot water heaters shall be properly installed and maintained in good working condition, and shall be kept free from obstructions, leaks, and defects.
- I. Heating. Each RENTAL UNIT shall be supplied with heat during the period from September 15 to May 15 of every year and sufficient to maintain a temperature of not less than 65° in all habitable rooms. This requirement shall be non-transferable by lease.
- J. Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances (including refrigerator), and water heating appliances shall be properly installed and maintained in a good working condition and all necessary services (gas, electrical, etc.) required for operation shall be provided and in good working order.
- K. Electrical system and equipment.
- (1) Each RENTAL UNIT shall be provided with an electrical system including electrical equipment, wiring, and appliances that shall be properly installed and maintained in a safe working condition.
  - (2) Each occupied RENTAL UNIT shall be provided with a working electrical service.
  - (3) Electrical outlets. Each habitable space shall be served by at least two separate and remote receptacle outlets except only one outlet shall be required per bathroom.
- L. Each building containing a RENTAL UNIT and each RENTAL UNIT shall be provided with smoke and carbon monoxide detectors as required by the Illinois State Fire Marshal's Life Safety Code.
- M. Each RENTAL UNIT shall be provided with a mailbox meeting the requirements of the U.S. Postal Service.

**Attachment B. Draft Rental Habitability Ordinance of Champaign County, Illinois**  
JULY 25, 2010

8. Severability, Publication, and Effective Date.
  - A. Severability. Should any part of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.
  - B. Publication. Within 15 days of the adoption of this ordinance the County Clerk shall cause notice to be published in a newspaper of general circulation within the County stating that this ordinance has been adopted including the effective date of the ordinance and the availability of copies in the office of the Zoning Administrator.
  - C. Effective Date. This ordinance shall be in full force and effect ten days after the date of the publication.

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