

Documents Distributed to the County Board at the Meeting

Committee of the Whole September 7, 2010

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ORDINANCE NO.

AN ORDINANCE FOR THE ESTABLISHMENT
OF A SPEED ZONE
ON COUNTY HIGHWAY 18 (Monroe Street near Philo)

WHEREAS, it is hereby declared by the County Board of Champaign County, Illinois, that the section of County Highway 18 (Monroe Street) meets the statutory definition of an "Urban District" as defined in 5/1-214 of the Illinois Vehicle Code from 1600 feet west of Illinois Route 130 to the intersection with Illinois Route 130 a distance of 0.303 miles, for which Champaign County has maintenance responsibility.

NOW, THEREFORE, BE IT FURTHER DECLARED, that the County Engineer has performed an engineering investigation upon the highway listed and found it to meet the statutory definition of an "Urban District" as defined in 5/1-214 of the Illinois Vehicle Code, and

BE IT FURTHER DECLARED, that by virtue of Section 5/11-601 of the above Code, and according to the results of the engineering investigation on the above stated segment of County Highway 18 (Monroe Street), it was determined that the absolute maximum speed limit for the above stated section of roadway shall be 30 miles per hour; and

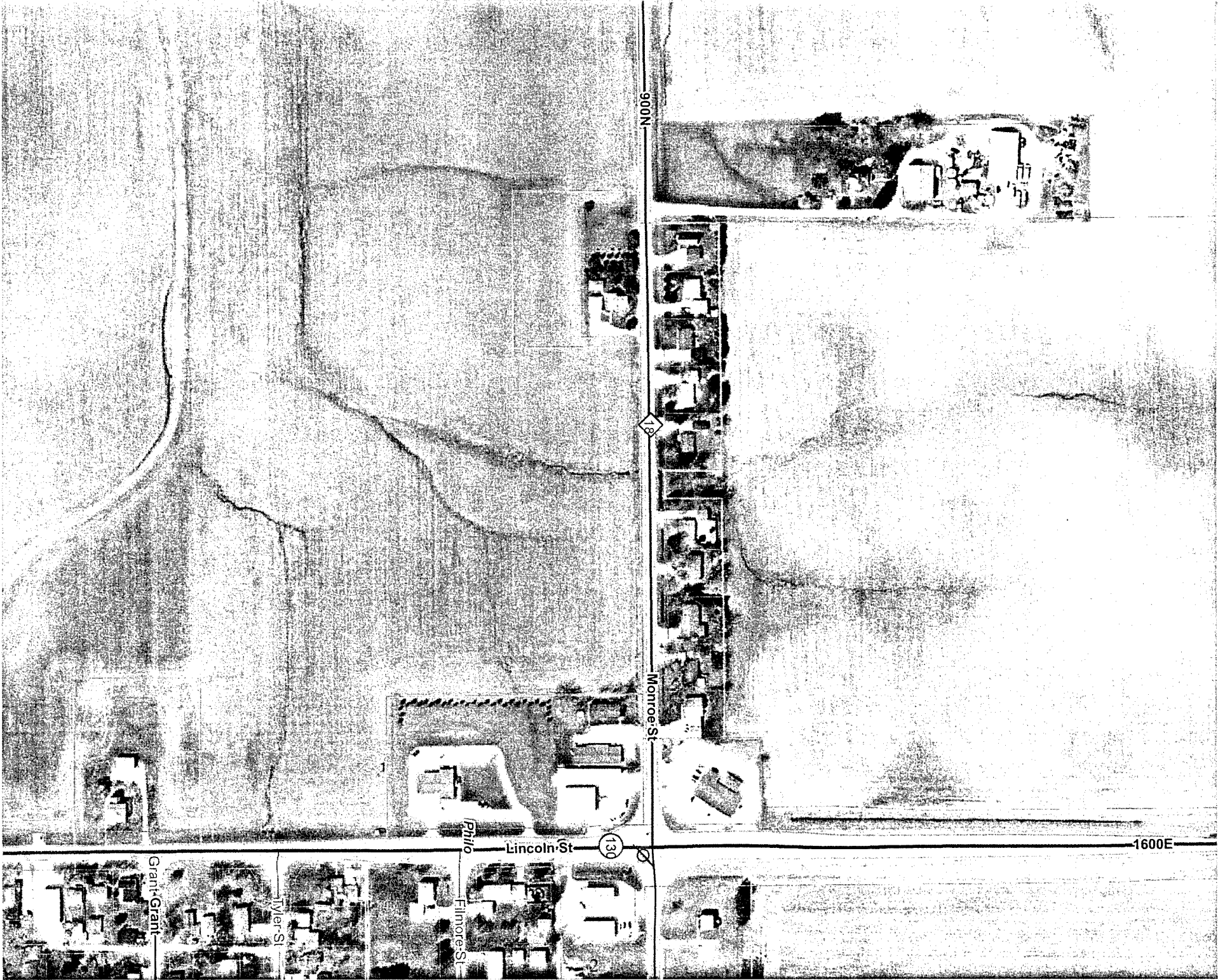
BE IT FURTHER DECLARED, that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limit.

PRESENTED, PASSED, APPROVED and RECORDED this 23rd
day of September A.D., 2010.

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

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

Prepared by: Jeff Blue
County Engineer



Completing the current Olympian road east to nowhere to Lincoln Avenue with the following provisions:

1. All monies currently available to be used to plan, engineer, acquire land and construct to connect Olympian to Lincoln Avenue only. This also includes the same necessities above for constructing the bridge over the railroad tracks
2. Review all plans linking Lincoln Avenue to Olympian to attempt to preserve the most possible farmland. If necessary, we may request other plans be drawn.
3. No monies currently available to be used to purchase farmland beyond Lincoln which links Route 45 in advance of any future intergovernmental agreements
4. No monies currently available to be used to have engineering plans to link Route 45 beyond Lincoln in advance of any future intergovernmental agreements
5. After Lincoln Avenue connection is completed, the three governmental bodies will annually assess the economic feasibility and the traffic counts on Olympian to Lincoln before agreeing to go further to Route 45

Date: August 27, 2010

To: Champaign County Board Committee of the Whole Members

From: Susan Monte, CCRPC Planner
John Hall, Director, Champaign County Department of Planning & Zoning

Regarding: Direction to Zoning Administrator Regarding Proposed Zoning Ordinance Text Amendment

Request: Conduct a Champaign County Zoning Ordinance Text Amendment implementing Policies 4.1.5, 4.1.7 and 4.1.9 of the Land Resource Management Plan

Background

On April 22, 2010, the Board adopted the Champaign County Land Resource Management Plan (LRMP). On June 8, 2010, the Committee of the Whole approved the remaining FY 2010 planning contract work plan. The remaining FY 2010 work plan includes the task of amending the *Champaign County Zoning Ordinance* to include provisions of the following specific LRMP objectives and policies: Policies 4.1.5 and 4.1.6; Policy 4.1.9; Policies 4.3.1 - 4.3.4 and Objective 4.4.

This memorandum describes the proposed zoning text amendments intended to represent the changes to the Zoning Ordinance needed to implement LRMP Policies 4.1.5, 4.1.7 and 4.1.9. If authorized by the Committee, the proposed zoning ordinance text amendments will proceed to public hearing review to be held by the ZBA.

<i>LRMP Policy</i>	<i>Brief Description</i>
Policy 4.1.5	by right development limit
Policy 4.1.7	by right maximum lot size limit on best prime farmland
Policy 4.1.9	minimum lot size requirement for farm residence

Attachment A includes the complete text of Policies 4.1.5, 4.1.7 and 4.1.9, as well as the text of the directly relevant LRMP Goal 4 and Objective 4.1.

Specific Issues Related to Policies

Policies 4.1.5 and 4.1.7

The existing Zoning Ordinance includes a 3-acre maximum lot size limit on Best Prime Farmland in the rural zoning districts. In some instances, implementing Policy 4.1.5 could result in lots larger than 3 acres. Proposed zoning ordinance provision 4.3.4G contains an exemption for those instances.

Policy 4.1.9

The existing Zoning Ordinance allows that a farm dwelling will pay no zoning permit fees. The basis of the decision of whether to allow an agricultural exemption from zoning permit fees should be the lot size at which the dwelling becomes accessory to the farming. A new zoning ordinance provision for a large minimum lot size for a farm dwelling is proposed to address this concern in Footnote 15 of Table 5.3 and Item 5.4.2 A.1. Attachment C contains description of large minimum lot size alternatives for Board review.

Other Considerations

Close Loophole

Staff recommends a proposed zoning provision to close a loophole in the existing Ordinance regarding lots created to meet mortgage underwriting requirements that limit the acreage allowed to be included in a home mortgage. Item d, shown below, is proposed to be located at the end of Subparagraph 5.4.2 A.2., following a list of the types of lots that are exempt from the RRO requirement:

- d. Any lot that is created pursuant to a mortgage for any reason must either conform to the requirements above or be in an established Rural Residential Overlay Zoning District.*

Clarification

Staff recommends the following proposed zoning provision be added to Subsection 5.4.2 A to clarify that lots that were lawfully created under all previous limits are grandfathered. This is not a change from practice.

- 4. Any lot that was lawfully created prior to {effective date} that was in full conformance with similar limits that were in affect at the time the lot was created.*

Attachments

- A Relevant Policies
- B Diagrams Comparing By Right Lots Authorized by Existing Zoning Ordinance and as Authorized by Policy 4.1.5
- C Alternatives for Minimum Lot Size for Farm Dwellings
- D Strike-Out Version of Draft Zoning Ordinance Text Amendment

Attachment A

Relevant Policies

LRMP Policies 4.1.5 and 4.1.9 are policies under the LRMP Goal 4 and Goal 4 Objective 4.1, as stated below:

LRMP Goal 4 Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

LRMP Objective 4.1 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.

LRMP Policy 4.1.5

a. The County will allow landowner *by right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:

- 1 new lot allowed per parcel less than 40 acres in area;
- 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new *by right* lots does not exceed three acres per 40 acres; and
- 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.

b. The County will not allow further division of parcels that are 5 acres or less in size.

LRMP Policy 4.1.7

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

LRMP Policy 4.1.9

Establish a minimum lot size standard for a farm residence on agricultural land.

Attachment B

**Diagrams Comparing By Right Lots Authorized by Existing Zoning Ordinance
and as Authorized by Policy 4.1.5**

The substance of much of LRMP Policy 4.1.5 is already in place in the existing Zoning Ordinance. The primary Zoning Ordinance change necessary to implement Policy 4.1.5 is to limit the number of new lots allowed to be created by right on the January 1, 1998 configuration of tracts based on the limits indicated in Policy 4.1.5.

The example diagrams below illustrate the existing Zoning Ordinance by right lot creation allowance and the proposed zoning amendment to limit the by right lot creation allowance to implement LRMP Policy 4.1.5. All parcels shown are assumed to be in the configuration existing on January 1, 1998.*

5 ACRE PARCEL



Existing Zoning Ordinance (ZO):

- no lot division permitted

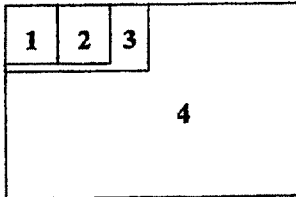
5 ACRE PARCEL



Proposed ZO:

- no lot division permitted

39 ACRE PARCEL

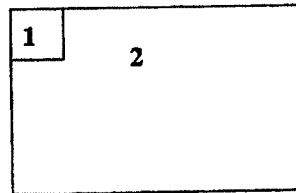


Existing ZO:

- 3 new lots can be created
- the leftover acreage counts as 1 lot

TOTAL # of potential by right lots: **4 lots**

39 ACRE PARCEL



Proposed ZO:

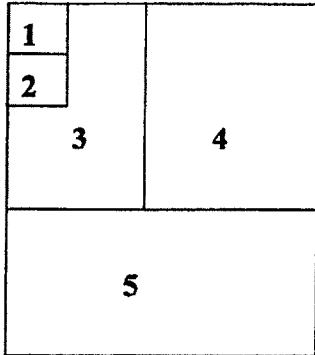
- 1 new lot can be created
- the leftover acreage counts as 1 lot

TOTAL # of potential by right lots: **2 lots**

** Diagrams intended as illustrations only and are not drawn to scale*

Diagrams* (continued)

80 ACRE PARCEL

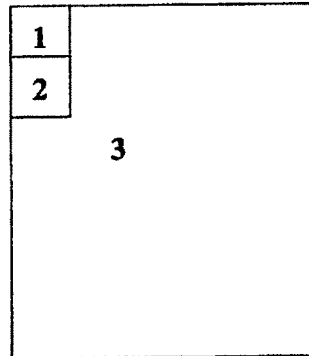


Existing ZO:

- 2 new lots can be created
- the leftover acreage counts as 1 lot
- plus two 35-acre (or larger) lots

TOTAL # of potential by right lots: 5 lots

80 ACRE PARCEL

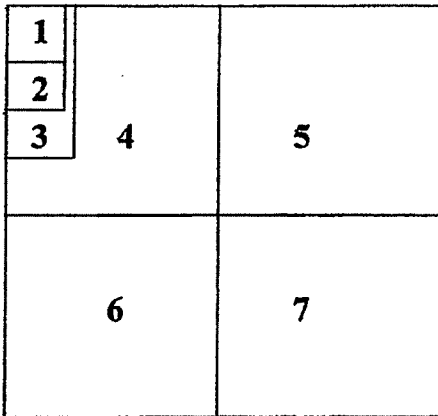


Proposed ZO:

- 2 new lots can be created
- the leftover acreage counts as 1 lot

TOTAL # of potential by right lots: 3 lots

160 ACRE PARCEL

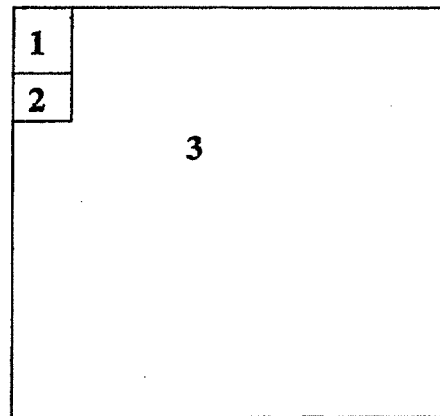


Existing ZO:

- 2 new lots can be created
- the leftover acreage counts as 1 lot
- plus four 35-acre (or larger) lots

TOTAL # of potential by right lots: 7 lots

160 ACRE PARCEL



Proposed ZO:

- 2 new lots can be created
- the leftover acreage counts as 1 lot

TOTAL # of potential by right lots: 3 lots

* Diagrams intended as illustrations only and are not drawn to scale

Attachment C

Alternatives for Minimum Lot Size for Farm Dwellings

Under the existing Zoning Ordinance, new home construction can occur by right on a 35-acre or larger parcel of land, with no need to request County approval of a Rural Residential Overlay District (RRO). The existing Zoning Ordinance allows any number of 35-acre lots to be created for residential land use.

The existing zoning provision that allows any number of 35-acre lots to be created is not required by LRMP Policy 4.1.5. Someone wealthy enough to afford to purchase a 35-acre parcel of farmland in order to place a home on that parcel could claim the home is a farm dwelling and therefore an agriculture use, and then be exempted from the need for an RRO.

To best implement LRMP Policies 4.1.5 and 4.1.9, the County will need to establish a large minimum lot size for a farm dwelling. State law grants counties the authority to "...establish a minimum lot size for residences on land used for agricultural purposes" (55 ILCS 5/5-12001). The large minimum lot size for a farm dwelling would be the lot size on which a proposed farm dwelling is determined to be accessory to the agriculture land use.

Farmers will not be affected by the minimum lot size provision. The establishment of a dwelling for a farmer will continue to be exempt from the need to obtain an RRO.

Anyone who receives farming income from the tract of land on which they plan to build a home can try to claim the agriculture exemption and if the agriculture exemption is granted, the only zoning ordinance requirement that applies is the street setback. No permit fees can be charged for a farm dwelling.

Table C-1 describes various options for a proposed large minimum lot size for a farm residence. Staff recommends the County Board consider a minimum lot size for a farm dwelling that is larger than 35 acres, such as 40, 60, 70, or 80 acres.

Table C-1: Alternatives for Farm Dwelling Minimum Lot Size

35 Acres	<ul style="list-style-type: none"> ▶ A 35-acre lot size standard would allow a farm dwelling to be constructed on a vacant "remainder" portion of a parcel that previously was 40 acres in area as of January 1, 1998 and which, since then, has had the maximum of 3 new by right lots already created from it. ▶ 6,738 35-acre or larger tracts exist in Champaign County, as per the Champaign County database of existing parcels as of January 1, 2009.
40 Acres	<ul style="list-style-type: none"> ▶ A 40-acre minimum lot size requirement for a farm dwelling would represent a new standard. ▶ Forty acres is an easy-to-remember, round number ▶ more restrictive than current 35 acre exemption and would result in somewhat fewer claims for farm dwellings ▶ 5,985 40-acre or larger tracts exist in Champaign County, as per the Champaign County database of existing parcels as of January 1, 2009.

continued

Table C-1: Alternatives for Farm Dwelling Minimum Lot Size (continued)

60 Acres	<ul style="list-style-type: none"> ▶ A 60-acre minimum lot size requirement for a farm dwelling would represent a new standard. ▶ more restrictive than current 35 acre exemption and would result in fewer claims for farm dwellings ▶ 3,874 60-acre or larger tracts exist in Champaign County, as per the Champaign County database of existing parcels as of January 1, 2009.
80 Acres	<ul style="list-style-type: none"> ▶ An 80-acre minimum lot size requirement for a farm dwelling would represent a new standard. ▶ 80 acres is a size at which the traffic generated by the residence is small enough to not be a problem on any rural road. ▶ 80 acres is a size at which the number of driveways will be greatly minimized (only eight driveways per square mile). ▶ 80 acres is a size at which the number of dwellings that result will be very few and there will be fewer conflicts with agriculture. ▶ 80 acres is more than twice as large as the current exemption and so it will reduce the number of lots that are exempt from the Ordinance. This is not related to the impacts of a dwelling, but is an added benefit and it means that not many lots will be exempt from paying fees. ▶ 2,650 80-acre or larger tracts exist in Champaign County, as per the Champaign County database of existing parcels as of January 1, 2009.

Attachment D

Strikeout Version of Draft Zoning Ordinance Text Amendment

1. Add a definition for 'best prime farmland', 'farmstead', 'parcel', and 'remainder area lot'.

Section 3.0 Definitions

BEST PRIME FARMLAND: Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

FARMSTEAD: That portion of a LOT that is or was occupied in 1988 by a lawful DWELLING and/ or any ACCESSORY BUILDINGS and STRUCTURES or existing foundations thereof; and including any required YARD for any existing BUILDING or existing STRUCTURE that is or will no longer be in AGRICULTURE use; and also including any existing mature trees or lawn areas that were not in agricultural production in 1988. The area of a FARMSTEAD is the minimum dimensions required to encompass all BUILDINGS, STRUCTURES, foundations, mature trees, and lawn areas within a simple rectangular area.

PARCEL: A designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.

REMAINDER AREA LOT: A 'remainder area lot' is that portion of a tract which existed as of January 1, 1998, that is BEST PRIME FARMLAND, and that is located outside of the boundaries of a LOT that is exempt from the requirement for establishment of the Rural Residential OVERLAY Zoning DISTRICT.

2. Add a Paragraph 4.3.4 G that consolidates existing and new zoning ordinance requirements for residential lots in the rural districts.

Subsection 4.3.4

G. Special requirements for residential LOTS in the AG-1, AG-2, and CR DISTRICTS that are not used for AGRICULTURE

1. LOTS created after June 22, 1999, in the AG-1, AG-2, and CR DISTRICTS shall conform to the requirements of Subsection 5.4.3 in regards to the requirement for the establishment of the Rural Residential Overlay District.

2. Minimizing the amount of BEST PRIME FARMLAND used for non-AGRICULTURE residential LOTS in the CR, AG-1 and AG-2 DISTRICTS

a. Any residential LOT on BEST PRIME FARMLAND in the CR, AG-1 and AG-2 DISTRICTS that is not used for AGRICULTURE shall not exceed a maximum of three acres in LOT AREA except as follows:

(1) Any LOT created out of any PARCEL that was 40 acres or larger and existed in the same dimensions and configurations on January 1, 1998,

may exceed three acres in LOT AREA provided that the total amount of BEST PRIME FARMLAND that is used for such LOTS shall not exceed three acres per 40 acres. Any FARMSTEAD area shall not count towards the three acres per 40 acre limit.

- (2) Any LOT created from a LOT that had a LOT AREA of 12 acres or less as of January 1, 1998.
- (3) Any LOT that includes a FARMSTEAD within the LOT AREA provided that the LOT AREA is no larger than the area of the FARMSTEAD.
- (5) Any LOT that is part of a Rural Residential Overlay District.
- (6) Any REMAINDER AREA LOT. No BY RIGHT CONSTRUCTION or BY RIGHT USE that requires a Zoning Use Permit shall be permitted on a REMAINDER AREA LOT.

- b. The total amount of BEST PRIME FARMLAND that can be used for non-AGRICULTURE residential LOTS in the CR, AG-1 and AG-2 DISTRICTS that are also in the Rural Residential Overlay DISTRICT shall meet the requirements of Subsection 5.4.3.

3. Revise the categories of "SUBDIVISIONS" under 'Residential Uses' in Section 5.2 as follows:

SUBDIVISION(S) of one lot from less than 40 acres or no more than two lots from 40 acres or greater totaling three LOTS or less

SUBDIVISION(S) of more than one lot from less than 40 acres or more than two lots from 40 acres or greater totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS

4. Revise Footnotes 9 and 10 in Section 5.2 as follows:

- 9. SUBDIVISION(S) of a PARCEL that existed on January 1, 1998, into no more than one lot per PARCEL that is less than 40 acres in area or no more than two lots per PARCEL that is 40 acres or greater in area. See also subsection 5.4.2. No more than three LOTS in total (in any number of subdivisions involving LOTS that are less than 35 acres in area) are allowed to be platted per parcel except as provided in Section 5.4.2.
- 10. SUBDIVISION(S) of a PARCEL that existed on January 1, 1998, into more than one lot per PARCEL that is less than 40 acres in area or more than two lots per PARCEL that is 40 acres or greater in area or with new STREETS or PRIVATE ACCESSWAYS. See also subsection 5.4.2. No SUBDIVISION shall be created unless a Rural Residential OVERLAY DISTRICT has been created except as provided in Section 5.4.2

5. In Section 5.3, revise Footnote 13 to reference revised Paragraph "4.3.4 G" and add Footnote 15.

Section 5.3 Schedule of Area, Height and Placement Regulations by District

Zoning DISTRICTS	Minimum LOT Size ^{12, 15}		Maximum HEIGHT ^{4, 11}		Required YARDS (feet)					Maximum LOT COVERAGE	Special Provisions
	Area (square feet)	Average Width (feet)	Feet	Stories	Front Setback from STREET Centerline ³			SIDE ⁷	REAR ⁶		
					STREET Classification						
					MAJOR	COLLECTOR	MINOR				
AG-1 AGRICULTURE	1 Acre	200	50	NR ¹⁰	85	75	55	15	25	20%	(5), (13), (14)
AG-2 AGRICULTURE	20,000	100	50	NR ¹⁰	85	75	55	10	20	25%	(5), (13)
CR Conservation-Recreation	1 Acre	200	35	2 1/2	85	75	55	15	25	20%	(5), (13)
R-1 Single FAMILY Residence	9,000	80	35	2 1/2	85	75	55	10	20	30%	(5), (8)
R-2 Single FAMILY Residence	6,500	65	35	2 1/2	85	75	55	10	20	30%	(5), (8)
R-3 Two FAMILY Residence	6,500 for 1st d.u. ¹ 2,500 per additional d.u.	65	35	2 1/2	85	75	55	5	20	30%	(5)
R-4 Multiple FAMILY Residence	6,500 for 1st d.u. ¹ 2,000 per additional d.u.	65	50	NR ¹⁰	85	75	55	5	15	40%	(5), (9)
R-5 MANUFACTURED HOME PARK	SEE SPECIAL STANDARDS SECTION 6.2										
B-1 Rural Trade Center	6,500	65	NR ¹⁰	NR ¹⁰	85	75	55	10	20	50%	
B-2 Neighborhood Business	6,500	65	35	2 1/2	85	75	55	10	20	35%	(2)
B-3 Highway Business	6,500	65	40	3	85	75	55	5	20	40%	(2)
B-4 General Business	6,500	65	35	2 1/2	85	75	55	10	20	40%	(2)
B-5 Central Business	NR ¹⁰	NR ¹⁰	35	2 1/2	0	0	0	0	0	100%	(2)
I-1 Light Industry	10,000	100	75	NR ¹⁰	85	75	55	10	20	50%	(2)
I-2 Heavy Industry	20,000	150	150	NR ¹⁰	85	75	55	20	30	65%	(2)

Footnotes

1 - 12. [no changes proposed]

13. ~~The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:~~
- A) ~~LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:~~
 - 1) ~~The LOT is RRO exempt;~~
 - 2) ~~The LOT has a Land Evaluation score greater than or equal to 85 on the County's Land Evaluation and Site Assessment System; and~~
 - 3) ~~The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.~~
 - B) ~~LOTS that meet both of the following criteria may not exceed an average maximum LOT AREA of two acres:~~
 - 1) ~~The LOT is located within a Rural Residential OVERLAY DISTRICT; and~~
 - 2) ~~The LOT has a Land Evaluation score of greater than or equal to 85 on the County's Land Evaluation and Site Assessment System.~~
 - C) ~~The following LOTS are exempt from the three acre maximum LOT AREA requirement indicated in Paragraph A:~~
 - 1) ~~A 'Remainder Area Lot.' A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998 and that is located outside of the boundaries of a RRO exempt LOT less than 35 acres in LOT AREA. No CONSTRUCTION or USE that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot.'~~
 - 2) ~~Any LOT greater than or equal to 35 acres in LOT AREA.~~

Refer to Paragraph 4.3.4 G for maximum LOT AREA limits on BEST PRIME FARMLAND in the CR, AG-1 and AG-2 DISTRICTS

14. [retain Footnote 14 as is]

15. The minimum lot size for a farm DWELLING that is used principally for AGRICULTURE is { 35 / 40 / 60 / 80 } acres.

7. Revise Subsection 5.4.2 as follows:

5.4 Rural Residential OVERLAY Zoning DISTRICT

5.4.2 Exemptions

- A. The following may be permitted in the CR, AG-1 and AG-2 DISTRICTS without the creation of a Rural Residential OVERLAY DISTRICT:
 - 1. The creation of any number of LOTS ~~greater than 35~~ that are each { 35 / 40 / 60 / 80 } acres or greater in area.
 - 2. ~~The creation of the first three LOT(S) ...area created out of any PARCEL of land that existing existed in the same dimensions and configurations as on January 1, 1998, provided...LOTS. and that comply with the following limits:~~
 - a. One new LOT out of any PARCEL that was more than five acres but less than 40 acres in area on January 1, 1998.

- b. No more than two new LOTS out of any PARCEL that was 40 acres or greater in area provided that the total amount of BEST PRIME FARMLAND occupied by the new LOTS does not exceed three acres per 40 acres of PARCEL existing in the same dimensions and configurations as on January 1, 1998.
- c. The leftover acreage of any PARCEL that existed on January 1, 1998, after the division of LOTS authorized in either (a) or (b) above and that conforms to all other requirements.
- d. Any LOT that is created pursuant to a mortgage for any reason must either conform to the requirements above or be in an established Rural Residential OVERLAY Zoning DISTRICT.

(NOTE: Proposed Item d (above) is recommended to close a loophole in the current Ordinance related to lots that are created to meet mortgage underwriting requirements that limit the acreage allowed to be included in a home mortgage. If this change is not made the loophole will continue to exist.)

~~3. — No lot that is 5 acres or less in area may be further divided.~~

(NOTE: The proposed deletion of Item 3 (above) is minor editing. This requirement has been relocated to Section 4 under the revised paragraph 4.3.4 G.)

~~4. 3.~~ The creation of any number of LOTS contained in a SUBDIVISION having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.

4. Any LOT that was lawfully created prior to {effective date} that was in full conformance with similar limits that were in affect at the time the LOT was created.

(NOTE: Proposed Item 4 (above) is not specifically related to any new policy, but is recommended because it clarifies that lots that were lawfully created under all previous limits are grandfathered. This is not a change from practice.)

MONTHLY REPORT for AUGUST 2010

Champaign
County
Department of



Zoning Cases

The distribution of cases filed, completed, and pending is detailed in Table 1. No zoning cases were filed in August and four cases were filed in August 2009. The five-year average for cases filed in August is 2.6.

Two ZBA meetings were held in August and four cases were finalized. One ZBA meeting was held in August 2009 and two cases were completed. The five-year average for cases finalized in August is 2.2.

By the end of August there were 5 cases pending (three were text amendments). By the end of August 2009 there were 7 cases pending.

Table 1. Zoning Case Activity in August 2010

Type of Case	August 2010 2 ZBA meeting		August 2009 1 ZBA meeting	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	0	1	2	2
SFHA Variance	0	0	0	0
Special Use	0	2	2	0
Map Amendment	0	0	0	0
Text Amendment	0	1	0	0
Change of Non-conforming Use	0	0	0	0
Administrative Variance	0	0	0	0
Interpretation / Appeal	0	0	0	0
TOTALS	0	4	4	2†
Total cases filed (fiscal year to date)	17 cases**		16 cases**	
Total cases completed (fiscal year to date)	18 cases***		18 cases†	
Case pending*	5 cases		7 cases	
* Cases pending includes all cases continued and new cases filed ** Text amendment cases totaled 1 in FY09 and 5 so far in FY10 *** Case 657-V-09 was withdrawn in June † Three cases were withdrawn in 2009				

Note that approved absences and 3 sick days resulted in full staffing (5 staff members present) for only 5 of the 21 work days in August and an average of 84% staffing (on average a little more than 4 of 5 staff members present) for the entire month.

Subdivisions

There was no County subdivision approval in August and no applications. No municipal subdivisions were reviewed for compliance with County zoning.

Zoning Use Permits

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

- There were 10 permits received for 9 structures in August 2010 compared to 16 permits for 15 structures in August 2009. The five-year average for permits in August is 17.6.
- Only one month (August 2009) in the last 20 months has exceeded the five-year average for number of permits.
- The average turnaround (review) time for complete initial residential permit applications in August was 3.3 days.
- The reported value for construction authorized in permits for August was \$1,198,824 compared to \$529,116 in August 2009. The five-year average reported value for authorized construction in August is \$1,080,523.
- Only three months (August and May 2010 and September 2009) in the last 21 months have equaled or exceeded the five-year average for reported value of construction.
- The County collected \$3,679 in fees for August compared to \$2,750 in August 2009. The five-year average for fees collected in August is \$3,492.
- Fees equaled or exceeded the five-year average for collected permit fees in only three months (August 2010 and August and September 2009) in the last 19 months.
- There were also 12 lot split inquiries and 262 other zoning inquiries in August.
- Staff continued inserting recent text amendments into the Zoning Ordinance.

Zoning Compliance Inspections

A list of the Zoning Compliance Certificates approved in August is included as Appendix B. Compliance inspection activity in August can be summarized as follows:

- No compliance inspections were made in August and the total of 744 compliance inspections so far in FY2010 remains unchanged.
- 2 compliance certificates were issued in August. Note that a compliance certificate should be authorized no longer than 12 months after the permit was issued so this compares to the total of 16 permits for 15 structures that were approved in August 2009. Thus, the backlog of compliance

TABLE 2. PERMIT ACTIVITY AUGUST, 2010

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL: Residential		N.A.		5	N.A.	1,290,856
Other	1	N.A.	24,000	5	N.A.	398,000
SINGLE FAMILY Residential:						
New - Site Built	3	2,347	940,000	14	9,070	3,088,000
Manufactured				2	534	224,377
Additions	2	210	48,635	24	3,849	1,912,150
Accessory to Residential	2	257	26,189	14	3,982	337,949
TWO-FAMILY Residential						
Average turn-around time for permit approval		3.3 days				
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural				1	33	0
Neighborhood	1	N.A.	0	8	N.A.	0
COMMERCIAL:						
New				1	293	1,325,000
Other	1	865	160,000	1	865	160,000
INDUSTRIAL:						
New						
Other				1	1,533	177,500
OTHER USES:						
New						
Other						
SIGNS				2	195	2,300
TOWERS (Includes Acc. Bldg.)				1	0	0
OTHER PERMITS				7	490	11,800
TOTAL	10/9	\$3,679	\$1,198,824	86/70	\$20,844	\$8,927,932

*10 permits were issued for 9 structures during August, 2010

◀86 permits have been issued for 70 structures since December, 2009 (FY 12/2009 - 11/2010)

NOTE: Home occupations and other permits (change of use, temporary use) total 16 since December 1, 2009, (this number is not included in the total # of structures).

inspections increased slightly in August.

- Inspections have cleared compliance for a total of 521 permits so far for the fiscal year (since December 1, 2009) which averages to 15.1 completed compliance inspections per week for FY10. The FY10 budget had anticipated a total of 577 compliance inspections for an average of 11.1 compliance inspections per week before staffing was reduced.

Zoning and Nuisance Enforcement

Table 3 contains the detailed breakdown of enforcement activity for August 2010 that can be summarized as follows:

- 10 new complaints were received in August 2010 compared to 11 in August 2009. No complaints were referred to other agencies in August 2010 and 2 were referred in August 2009.
- 30 enforcement inspections were conducted in August compared to 49 inspections in August 2009.
- 4 contacts were made prior to written notification in August compared to none in August 2009.
- 34 initial investigation inquiries were made in August for an average of 7.5 per week in August and an average of 7.1 inquiries per week for the fiscal year. The FY10 budget had anticipated an average of 7.6 initial investigation inquiries per week before total Department staffing was reduced.
- 1 First Notice and no Final Notices were issued in August compared to 3 First Notices and no Final Notices in August 2009. The FY2010 budget had anticipated a total of 46 First Notices and so far there has been a total of 30 First Notices (65% of that total) by the end of the August.
- No new cases were referred to the State's Attorney in August and no cases were referred in August 2009. A total of four cases have been referred to the State's Attorney so far in FY2010.
- 4 cases were resolved in August compared to 19 cases that were resolved in August 2009.
- 92 cases have been resolved so far in FY2010 which is 84% of the 110 cases anticipated to be resolved in the FY2010 budget.
- 557 cases remain open at the end of August compared to 578 open cases at the end of August 2009. This is a slight increase over July 2010 which ended with 551 open cases. Note that April 2008 ended with 535 open cases.

APPENDICES

- A Zoning Use Permits Authorized**
- B Zoning Compliance Certificates Issued**

TABLE 3. ENFORCEMENT ACTIVITY FOR AUGUST, 2010

	FY 2009 Enforcement	December, 2009	January, 2010	February, 2010	March, 2010	April, 2010	May, 2010	June, 2010	July, 2010	August, 2010	TOTALS FOR FY 10
Complaints Received	107	11	2	9	12	8	3	10	11	10	76
Initial Complaints Referred to Other Agencies	28	1	1	1	1	0	4	4	2	0	14
TOTAL CASES INCLUDING PREVIOUS YEARS											
Inspections	219	13	7	36	42	31	30	27	30	30	246
Phone or On-Site Contact Prior to Written Notification	31	1	0	6	3	2	0	2	2	4	20
1st Notices Issued	21	1	0	10	6	3	5	0	4	1	30
Final Notices Issued	5	2	1	0	8	1	0	0	0	0	12
Referrals to State's Attorney's Office	3	0	2	2	0	0	0	0	0	0	4
Cases Resolved ¹	131	1	3	28	26	14	7	3	6	4	92
Open Cases ²	573	583	582	563	549	543	539	546	551	557	557 ^{*/**}

¹Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.

²Open Cases are unresolved cases, and include any cases referred to the State's Attorney's Office or new complaints not yet investigated.

*Open Cases include the previous number of open cases plus the number of new complaints received in the current month less the number of cases resolved in that same month.

**The 557 open cases include 27 cases that have been referred to the State's Attorney's Office, 15 cases that involve properties where kennels are being operated and will be addressed in the Zoning Ordinance revision process, and 8 cases that involve floodplain matters which brings the total of open cases to 507.

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING AUGUST, 2010

<u>NUMBER</u>	<u>LOCATION</u>	<u>NAME</u>	<u>DATE IN/ DATE OUT</u>	<u>PROJECT</u>
111-05-01		Pending Special Use Permit		
221-05-01		Pending resolution of violation		
RHO				
345-05-01		Under review		
26-06-02		Under review		
88-06-01		More information needed		
RHO				
118-06-02		Under review		
277-06-02		More information needed		
FP				
82-07-01		Need IDNR response		
FP				
192-07-02		More information needed		
FP				
219-07-01		More information needed		
219-07-02		More information needed		
RHO				
250-07-02		More information needed		
320-07-01		More information needed		
FP				
18-08-01		Under review		
137-08-01		Under review		
187-08-02		Under review		
200-08-01		Under review		
235-08-01		More information needed, possible Variance		
235-08-02		More information needed, possible Variance		
237-08-01		Under review		
266-08-01		Variance needed		
310-08-01		Under review, possible RRO, subdivision issues		
12-09-01		Under review		

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING AUGUST, 2010

147-09-01	Under review			
357-09-01	Under review			
	RHO			
41-10-01	Pending Special Use Permit			
54-10-01	Under review			
203-10-01	A tract of land located in Part of the SE 1/4 of Section 17, Somer Township; 1806 E. Leverett Road, Champaign, Illinois PIN: 25-15-17-400-011 & -012	Illini FS, a Division of GROWMARK	07/23/10 08/04/10	construct an addition to an existing detached storage shed/shop
	B-1			
216-10-01	The SW 1/4 of the SW 1/4 of Section 27, St. Joseph Township; 2119 CR 1325N, St. Joseph, Illinois PIN: 28-22-27-300-014	Albert and Jenny Zadeh	08/04/10 08/06/10	construct a single family home with attached garage
	CR			
218-10-01	Lot 25, Lincolnshire Fields SE 2 nd Plat, Section 21, Champaign Township; 3105 Meadowbrook Drive, Champaign, Illinois PIN: 03-20-21-479-001	Jennifer McQueen	08/06/10 08/09/10	construct a sunroom addition to an existing single family home
	R-1			
221-10-01	A tract of land located in the SE Corner of the SE 1/4 of Section 13, Newcomb Township; 2705 CR 600E, Fisher, Illinois PIN: Pt. of: 16-07-13-400-001	Patricia and Gary Combs	08/09/10 08/17/10	construct a single family home with attached garage, detached storage shed for personal storage only and a pond less than 1 acre in area
	AG-1			
221-10-02	Tract 7 consisting of 2.50 acres in the S 1/2 of the SW 1/4 of Fractional Section 7, Mahomet Township; 2258 CR 0E, Mahomet, Illinois PIN: 15-13-07-100-011	Roger and Amy Schroeder	08/09/10 08/27/10	construct a detached storage shed for agriculture use and personal storage
	AG-1			

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING AUGUST, 2010

222-10-01	A tract of land located in the NE 1/4 of the SW 1/4 of Section 21, Ogden Township; 2733 CR 2050N, Ogden, Illinois PIN: 17-18-21-300-002	Lester Schlueter	08/10/10 08/17/10	construct an addition to an existing single family home
AG-1				
224-10-01	Under review			
225-10-01	Under review			
228-10-01	Tract 1 of the Miebach Survey of Section 6, South Homer Township; Address to be assigned PIN: 26-29-06-300-023	Newline Homes, Inc.	08/16/10 08/25/10	construct a single family home with attached garage
AG-1				
229-10-01	Lot 2, Brock Subdivision, Section 25, Newcomb Township; 577 CR 2600N, Mahomet, Illinois PIN: 16-07-25-226-002	John and Ruth Durbin	08/17/10 08/18/10	construct a detached garage
AG-1				
229-10-02	A tract of land located in the S 1/2 of the NW 1/4 of Section 34, Champaign Township; 3902 S. Duncan Road, Champaign, Illinois PIN: 03-20-34-151-005	Paul and Joyce Curtis	08/17/10 08/25/10	construct an addition to an existing detached storage shed
AG-2				
236-10-01	Under review			
238-10-01	Under review			
238-10-02	More information needed			
238-10-03	Under review			
239-10-01	Under review			
239-10-02	Under review			
243-10-01	Under review			

APPENDIX B: ZONING COMPLIANCE CERTIFICATES ISSUED DURING AUGUST, 2010

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>
08/04/10 289-03-01	The South 200' of even width off of the South Side of the following tract: South 21 acres of the SW 1/4 of the SW 1/4 of Section 25, Newcomb Township; 504 CR 2500N, Mahomet, Illinois PIN: 16-07-25-300-008	porch additions to an existing single family home
08/18/10 165-05-01 FP	Lot 30 of the Meadows, Section 36, Newcomb Township; 2604 Appaloosa Lane, Mahomet, IL PIN: 16-07-36-151-008	a single family home with attached garage

Memorandum

To: Champaign County Board

From: C. Pius Weibel, Chair

Re: Interest in Champaign County as the FutureGen 2.0 site

Date: September 1, 2010

As you are aware, at the last County Board (August 19, 2010) meeting, Mr. Al Kurtz suggested that the County inquire about being a candidate for the site of FutureGen 2.0. On the very same day, James Markowsky, Assistant Secretary for Fossil Energy at the Department of Energy, announced new guidelines that would be used in the selection of a new site since Cole County declined to host the site. The new guidelines include:

1. a site with strong geological characteristics,
2. access to acreage pipeline right-of-ways,
3. subsurface rights on ten square miles of contiguous acreage for sequestration,
4. clear community support,
5. and should be within approximately a 100 mile radius of Meredosia.

In addition, Assistant Secretary Markowsky announced that a more formal process will be set up in the coming weeks for communities that are interested in being considered as a site for the project. Champaign County officials will be watchful for the announcement of the formal application process.

In the meantime, I offer the following comments on how Champaign County meets the new guidelines:

1. Champaign County has one site with excellent geological characteristics and shares a second excellent site with Douglas County. The first site, the Mahomet Anticline, is used as a natural gas storage field, which most likely will disqualify the site for sequestration. The second site, the Tuscola Anticline, is hindered by the fact that the likely sequestration area is in Douglas County .
2. Champaign County has access to a number of pipeline right-of-ways, but most of the pipelines are oriented north-south and do not have a direct east-west connection with the pipeline path from the Meredosia plant.
3. and 4. I do not have sufficient information to reliably comment on these guidelines at this time.
5. The center of Champaign County is about 160 miles from Meredosia.

Comments submitted on behalf of these 21 clients by Laura Huth, do good Consulting at the September 7, 2010 Champaign County Board Committee of the Whole meeting:

Billy and Virginia Ziegler
Joe Behrends & Mary Rose Atkinson
Dave and Gayle McKay
William Cope and Mary Kalantzis
Robert and Linda Carlson
Wes Jarrell & Leslie Cooperband

Kathy and Steve Dyson
Janet and Harold Scharlau
Howard and Margaret Erlandson
Steve Grierson
Eugene and Mary Ziegler

Good evening and thank you for allowing me the opportunity to address you again this evening on the topic of Olympian Drive.

Two weeks ago, I spoke before you on behalf of 21 clients requesting an independent needs assessment for this project – a real and honest study done by an independent entity studying the demand for both Apollo to Route 45 as well as Lincoln to Olympian.

This isn't the first time my clients have requested such a study. Back in March, we discussed this idea with Urbana's Public Works director – an assessment that would be undertaken by an outside firm and one that would provide meaningful and correlative data across a spectrum of topics ranging from safety to traffic counts to properties and people impacted to full financials (both input and output) to job and environmental impacts. Right now, all we have is a mish-mash of data and opinions from a variety of sources, and a lot of it still missing. None of the information speaks to other pieces or data sets. Without correlating this data – the crux of a real needs assessment and demand study – we really know nothing about the real need or justification for this project.

My client's request for a needs assessment was made to Urbana over five months ago. Unfortunately, the discussion we tried to have with the city on this subject was short-lived. For three months after we made the request, my clients received no calls or emails back to multiple requests for meetings to discuss the idea. In fact, our first real communication from a council member on this subject came over three months later, sidestepping the issue and telling us that this wasn't the time for "council discussions". Effectively, it appears the City of Urbana long ago deep-sixed the idea of having any look in any detail at the real merits (or drawbacks) of this project.

If one asks those who are so dead-on for this project to express the real NEED for it – about the true DEMAND for it – one gets little more than lip service: 'We've been planning this for decades', 'It's in the plans,' 'Because I said so', 'We need jobs for high school graduates,' and 'I'm not sure what a 'needs assessment' is'.

For a \$30 million road, our community deserves more than "because we said so", "it's in the plans", and "I don't know".

In the two weeks since this board last met and asked some tough – and important – questions about this project, little in the way of progress has happened. Sure, a few

more dated documents were posted to a website, but just two days after this board met and made its thoughts pretty clear, we read in the paper Urbana continues to dig in its heels, calling for a full project. And a week after you last met, another farce of a public engagement meeting was held – this one more misguided than the last.

When will the folly end and the seriousness and answers begin?

If those who seek these roads – no matter the route – are so confident in the results of an independent needs assessment and demand study, there wouldn't be hemming and hawing. In fact, one would think they would be throwing money hand over fist at the process to have their point proven and publicized once and for all. For when the results of such a study come back in, proving unequivocally their point, wouldn't it put this silliness to rest so we can get on with the road-building business? Why so hesitant if they are so confident this is so good and so right for our community? Unless of course, they are not as confident in the results as they claim to be.

A needs assessment and demand study is the only way to really and truly understand this project in its entirety. The time has come to hold project supporters' feet to the proverbial fire. To call for a true and independent needs assessment and demand study – one undertaken by an outside firm and one charged with finding the community real answers and not force-feeding us pre-loaded results.

This body is in a position tonight to make a real difference on this project. To date, my clients – and this board – have been sidelined and by-passed by those seeking to manipulate the process to avoid answering the tough questions our community – and you – deserve. My clients ask that you stand up tonight and make your voices heard – that you demand a real seat at the table, that your voices be heard, and that your opinions count. Ask that the answers start flowing – real answers. Demand that process be inclusionary, not manipulative. Ask that before anything else on this project happens – that before another tax dollar is spent – that a real, honest, independent needs assessment is conducted to give us the answers we need before another decision is made on any aspect of this project.

Thank you. I would be happy to entertain any questions.

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