

Committee of the Whole Handouts  
Tuesday, June 5, 2012

1. Physical Plant Monthly Reports
2. Amended Resolution Approving a Partial Release of Judgment
3. Recommendation from ZBA for Rezoning Case 716-AM-12
4. Zoning Department Monthly Reports
5. Letter re: Clinton Landfill

Electric Utilities - FY2012

Period	Courthouse	204 E Main	502 S Lierman	JDC	1905 E Main	1701 E Main		Nite Lite	Brookens	ITC	1705 E Main North Garage	1705 E Main South Garage	202 Art Bartell	Monthly Totals
						Rear EMA/METCAD								
December - Integrys December - Champion	\$17,021.68	\$6,330.01	\$7,998.26	\$3,426.93	\$4,254.50	\$116.88		\$199.62	\$8,500.83	\$6,148.01	\$64.68	\$81.90	\$639.04	\$54,782.34
January - Integrys January - Champion	\$17,374.28	\$5,693.04	\$9,485.39	\$3,938.93	\$3,563.60	\$136.66		\$203.20	\$9,508.39	\$6,811.20	\$70.99	\$68.82	\$216.56 \$20.53	\$57,071.06 \$20.53
February - Integrys February - Champion	\$15,871.77	\$5,927.77	\$7,786.87	\$3,427.11	\$3,427.11	\$127.32		\$186.49	\$8,245.61	\$5,841.99	\$70.90	\$75.82	\$197.12 \$355.62	\$51,185.88 \$355.62
March - Integrys March - Champion	\$21,903.00	\$6,485.77	\$11,197.06	\$3,548.06	\$3,923.56	\$131.61		\$179.22	\$10,355.79	\$5,659.80	\$67.40	\$106.75	\$205.14 \$374.34	\$63,763.16 \$374.34
April - Integrys April - Champion	\$25,014.66	\$7,591.45	\$12,192.87	\$3,802.19	\$4,534.32	\$136.17		\$174.88	\$11,723.75	\$5,521.61	\$62.36	\$56.59	\$183.47 \$333.81	\$70,994.32 \$333.81
May - Integrys May - Champion						\$123.94					\$94.31	\$86.50	\$178.90 \$318.19	\$483.65
June - Integrys June - Champion														\$0.00
July - Integrys July - Champion														\$0.00
August - Integrys August - Champion														\$0.00
September - Integrys September - Champion														\$0.00
October - Integrys October - Champion														\$0.00
November - Integrys November - Champion														\$0.00
Total to Date	\$97,185.39	\$32,028.04	\$48,660.45	\$18,143.22	\$19,703.09	\$772.58		\$943.41	\$48,334.37	\$29,982.61	\$430.64	\$476.38	\$497.09	\$299,364.71

Prepared by Ranae Wolken  
6/4/2012

Nite Lites are billed by Ameren - all other electric is provided by Integrys Energy

Gas Utilities - FY2012

Period	Courthouse	204 E Main	502 S Lierman	JDC	1701 E Main			ITC	1705 E Main North Garage	1705 E Main South Garage	202 Art Bartell	Monthly Totals
					1905 E Main	Rear EMA/METCAD	Brookens					
December - Ameren	\$3,687.33	\$566.19	\$1,958.76	\$455.15	\$252.42	\$90.64	\$1,598.24	\$3,261.76	\$118.60	\$210.96	\$806.98	\$13,007.03
December - Integrys	\$10,302.50	\$1,966.86	\$5,133.06	\$1,531.62	\$737.13	\$103.00	\$4,054.90	\$9,029.81	\$212.69	\$574.63		\$33,646.20
January - Ameren	\$3,853.33	\$615.54	\$2,243.97	\$507.20	\$268.29	\$116.18	\$1,774.05	\$3,577.38	\$143.49	\$241.97	\$902.70	\$14,244.10
January - Integrys	\$9,974.41	\$2,032.61	\$5,514.24	\$1,629.24	\$739.70	\$173.39	\$4,211.88	\$9,209.58	\$275.01	\$641.76		\$34,401.82
February - Ameren	\$3,676.72	\$610.07	\$1,976.15	\$407.64	\$264.48	\$121.92	\$1,529.23	\$3,368.21	\$137.67	\$228.48	\$773.29	\$13,093.86
February - Integrys	\$8,223.85	\$1,781.29	\$4,114.84	\$1,103.61	\$624.40	\$147.13	\$3,034.93	\$7,478.44	\$199.93	\$503.91		\$27,212.33
March - Ameren	\$3,090.24	\$368.06	\$1,812.90	\$204.77	\$239.05	\$92.11	\$1,036.90	\$1,593.05	\$97.33	\$124.46	\$523.49	\$9,182.36
March - Integrys	\$7,495.03	\$1,066.89	\$4,096.54	\$466.46	\$592.43	\$52.02	\$2,031.94	\$3,511.63	\$71.33	\$171.00		\$19,555.27
April - Ameren	\$3,016.89	\$396.97	\$1,597.04	\$177.74	\$229.90	\$85.05	\$991.17	\$289.73	\$85.21	\$86.89	\$297.31	\$7,253.90
April - Integrys	\$5,519.02	\$878.22	\$2,662.93	\$274.71	\$418.28	\$19.59	\$1,444.28	\$33.29	\$19.99	\$24.56		\$11,294.87
May - Ameren											\$148.21	\$148.21
May - Integrys												\$0.00
June - Ameren												\$0.00
June - Integrys												\$0.00
July - Ameren												\$0.00
July - Integrys												\$0.00
August - Ameren												\$0.00
August - Integrys												\$0.00
September - Ameren												\$0.00
September - Integrys												\$0.00
October - Ameren												\$0.00
October - Integrys												\$0.00
November - Ameren												\$0.00
November - Integrys												\$0.00
<b>Total to date</b>	<b>\$58,839.32</b>	<b>\$10,282.70</b>	<b>\$31,110.43</b>	<b>\$6,758.14</b>	<b>\$4,366.08</b>	<b>\$1,001.03</b>	<b>\$21,707.52</b>	<b>\$41,352.88</b>	<b>\$1,361.25</b>	<b>\$2,808.62</b>	<b>\$148.21</b>	<b>\$183,039.95</b>

Ameren - gas delivery and tax charges  
Integrys - gas usage

Prepared by Ranae Wolken  
6/4/2012

Building/Grounds Maintenance work hour comparison

FY2012

Weekly Period	Repair & Maintenance	Scheduled Maintenance	Nursing Home	Special Project	Grounds Maintenance	Other Tenants	TOTAL
11/27/2011-12/3/11	193.00	0.00	76.50	32.50	5.00	0.00	307.00
12/4/11-12/10/11	238.00	0.00	55.00	30.00	0.00	0.00	323.00
12/11/11-12/17/11	249.50	9.00	63.75	7.50	2.00	0.00	331.75
12/18/11-12/24/11*	239.00	8.50	33.50	0.00	0.00	0.00	281.00
12/25/11-12/31/11*	133.00	6.50	51.00	0.00	7.50	0.00	198.00
1/1/12-1/7/12*	243.25	8.00	18.00	0.00	0.00	0.00	269.25
1/8/12-1/14/12	242.25	10.00	49.50	0.00	0.00	12.00	313.75
1/15/12-1/21/12*	247.00	0.00	71.00	0.00	0.00	15.00	333.00
1/22/12-1/28/12	298.00	7.50	45.50	0.00	2.50	15.00	368.50
1/29/12-2/4/12	277.25	15.00	47.00	0.00	0.00	10.00	349.25
2/5/12-2/11/12	297.00	7.00	25.50	0.00	7.00	31.00	367.50
2/12/12-2/18/12	293.00	6.00	30.00	0.00	15.50	37.50	382.00
2/19/12-2/25/12*	230.50	0.00	45.75	0.00	16.50	4.00	296.75
2/26-3/3/12	328.25	7.50	24.25	0.00	0.00	0.00	360.00
3/4/12-3/10/12	254.50	0.00	27.50	0.00	27.50	6.00	315.50
3/11/12-3/17/12	251.00	10.50	10.00	0.00	30.00	25.00	326.50
3/18/12-3/24/12	233.50	9.00	8.50	0.00	45.00	0.00	296.00
3/25/12-3/31/12	227.00	7.50	23.00	8.00	36.50	0.00	302.00
4/1/12-4/7/12*	197.00	4.50	38.50	6.00	60.00	0.00	306.00
4/8/12-4/14/12	244.50	8.00	11.25	0.00	60.00	0.00	323.75
4/15-12-4/21/12	233.00	36.00	55.25	0.00	69.50	0.00	393.75
4/22/12-4/28/12	189.00	82.00	17.00	0.00	70.50	0.00	358.50
4/29/12-5/5/12	198.25	94.50	18.50	0.00	58.00	0.00	369.25
5/6/12-5/12/12	153.50	84.00	8.00	0.00	63.00	0.00	308.50
5/13/12-5/19/12	201.50	51.50	3.00	0.00	70.00	0.00	326.00
5/20/12-5/26/12	167.75	112.50	1.50	0.00	65.50	0.00	347.25

\*week includes a holiday

One regular work week = 435.00 hours with full staff

There are currently 209.21 comp time hours available to the maintenance staff

Total comp time hours earned in FY12 to date- 361.94

Total spent to date on overtime in FY12 - \$0.00 (Original Budgeted Amount - \$0)

Prepared by: Ranae Wolken

**Building/Grounds Maintenance work hour comparison**

**FY2012**

6/4/2012

REVISED

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING PARTIAL RELEASE OF JUDGMENT**

**WHEREAS**, a property owner, Bernard Ramos, owns certain property at 1211 West Washington, Champaign, Illinois; and

**WHEREAS**, Champaign County has a Memorandum of Judgment applicable to all property owned by Bernard Ramos in Champaign County, pursuant to a judgment entered in Champaign County Cause 2011-OV-148; and

**WHEREAS**, Bernard Ramos seeks to transfer said property to another person free of the lien created by this Memorandum of Judgment; and

**WHEREAS**, said transfer, free of the Memorandum of Judgment, will not impair Champaign County's ability to recover the amount of the judgment; and

**WHEREAS**, said transfer is in the best interests of the Citizens of Champaign County.

**NOW, THEREFORE, BE IT RESOLVED**, by the County Board of Champaign County, Illinois, that C. Pius Weibel, Chair of the Champaign County Board is hereby authorized to execute the Partial Release of Judgment, as set forth in Attachment A, on behalf of the Champaign County Board, if and when a representative of Bernard Ramos tenders payment pursuant to its terms.

**PRESENTED, PASSED, APPROVED, AND RECORDED** this \_\_\_\_\_ day of June, 2012.

\_\_\_\_\_  
C. Pius Weibel, Chair  
Champaign County Board

ATTEST:

\_\_\_\_\_  
Gordy Hulten,  
Champaign County Clerk

PARTIAL RELEASE OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, that COUNTY OF CHAMPAIGN, hereinafter called Judgment Creditor, for and in consideration of One Thousand Dollars (\$1,000.00) and for other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby remise, convey, release and quit claim unto BERNARD E. RAMOS and EDUARDO RAMOS, hereinafter called Judgment Debtor, all right, title, interest, claim or demand whatsoever it may have acquired in, through or by a certain Order entered in Case # 10-OV-148, a copy of which was recorded on April 18, 2011, as Document No. 2011R 07855. This Partial Release of Judgment also releases an "Order" filed in Case #10-OV-148 which was filed on May 31, 2012, as Document No. 2012R 13243. This Partial Release of Judgment applies only as to the premises herein described:

Part of Lot H in J. W. Davidson Second Subdivision, except the south 51.3 feet and except beginning at the Northwest corner of Lot H South 17.49 feet and East 43.5 feet, thence South 11 feet thence East 43.5 feet, thence South 27.32 feet, thence East 25 feet North to the North line of the West Half (W ½) of the Southeast Quarter (SE 1/4) West to the Point of Beginning, situated in the County of Champaign and State of Illinois  
PIN – 42-20-11-402-013  
Common Address: 1211 W. Washington, Champaign, IL 61821

together with all the appurtenances and privileges thereunto belonging or appertaining.

This release is expressly limited to the above-described real estate and the above-described judgment shall remain in full force and effect as to all remaining real estate owned by Eduardo Ramos and Bernard Ramos in Champaign County, Illinois. The amount received from this Partial Release will be credited to the balance due from Bernard E. Ramos and Eduardo Ramos.

For the protection of the owner, this release should be filed with the Recorder of Deeds in whose office the judgment was filed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judgment Creditor

STATE OF ILLINOIS            )  
  ) SS.  
County of Champaign         )

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that \_\_\_\_\_, a duly authorized official representing the County of Champaign, Judgment Creditor, signed the foregoing instrument, and appeared before me this day in person and acknowledged that \_\_\_\_\_ signed, sealed and delivered the said instrument as \_\_\_\_\_ free and voluntary act.

Dated: \_\_\_\_\_

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

Prepared by and return to:  
Thomas J. Gordon  
Attorney at Law  
502 W. Clark Street  
Champaign, IL 61820  
Telephone: 217/398-6981



Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

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

From: **John Hall, Zoning Administrator  
Andrew Kass, Associate Planner**

Date: **June 5, 2012**

RE: **Recommendation for rezoning Case 716-AM-12**

Request **Amend the Zoning Map to change the district designation from the AG-1 Agriculture Zoning District to the I-I Light Industry Zoning District to allow limited re-use of a former agricultural chemical research facility on an approximate 4.5 acre tract in the North Half of the Northeast Quarter of the Northeast Quarter of Section 35 of Scott Township and commonly known as the former Syngenta research facility at 495 CR 1300N, Champaign.**

Petitioner **William and Debra Klein and Mary Klein**

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### *STATUS*

The Zoning Board of Appeals (ZBA) voted unanimously to "RECOMMEND ENACTMENT" at their May 31, 2012, meeting.

Two new special conditions of approval were recommended to (1) ensure proper disposal of hazardous waste and (2) clarify that a Change of Use Permit is required prior to occupancy. The new special conditions of approval are underlined on page 24 of the Finding.

The ZBA also reviewed evidence about what is known about the septic system and considered a special condition intended to address the saline discharge from the salt fog chamber but new testimony received at the public hearing indicated that the saline discharge would not enter the septic system. The new evidence is underlined on pages 3, 4, and 19.

This case is not located within any municipal ETJ, and no formal protests have been received from neighboring land owners.

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### **SUMMARY FINDING OF FACT**

The Finding of Fact is summarized on page 26 as follows:

1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
    - 3, 4, 5, 6, 7, and 8
  - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goals:
    - 1, 2, 9, and 10
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

### **ATTACHMENTS**

- A AS APPROVED Finding of Fact for Case 716-AM-12

**AS APPROVED**

**716-AM-12**

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

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**Final Determination: RECOMMEND ENACTMENT**

**Date: May 31, 2012**

**Petitioners: William & Deborah Klein and Mary Klein**

**Request: Amend the Zoning Map to change the zoning district designation from AG-1  
Agriculture to I-1 Industrial.**

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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 31, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners William & Deborah Klein, 1043 CR 300E, Seymour, and Mary Klein, 333 CR 1100N, Seymour, own the subject property.
2. The subject property is an approximate 4.5 acre tract in the North Half of the Northeast Quarter of the Northeast Quarter of Section 35 of Scott Township and commonly known as the former Syngenta research facility at 495 CR 1300N, Champaign. There are three buildings and one pavilion on the subject property. The subject property does not consist of any land that is used for agricultural production.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, nor does Scott Township have a Plan Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

**“The land should be rezoned from AG-1, Agriculture, to I-1, Light Industry, so that it may continue being used by private enterprises for highly specialized research and development purposes - - its existing and highest use. The prior tenant Syngenta, an agribusiness giant, utilized the land for biotechnology and genomic research in the fields of seeds and pesticide development, among others. In doing so Syngenta constructed the existing office and lab spaces housed within three separate buildings, which are reflected and labeled accordingly in the attached Exhibit B. Office Building One, for example, which is the space the proposed new tenant, Autonomic Materials, Inc. (“AMI”), seeks to lease initially, includes not only office and lab space that is ideal for AMI’s use but also a Pathology Lab, Metabolism Lab, Environmental Lab, Computer Lab, as well as air handlers and fume hoods – all of which are very suited for AMI’s research and development purposes. AMI is privately held, early stage (emerging growth) company founded in 2005 by Dr. Scott White, a professor of aerospace engineering at the University of Illinois. Incubated at the U of I’s business incubator, EnterpriseWorks here in Champaign, Illinois, AMI is engaged in the breakthrough research and development of a unique and proprietary (patented) self-healing platform technology for use in high performance coatings and related applications. Stated simply, AMI creates an additive that manufacturers will use to manufacture self-healing paint and coatings; which is extraordinary, and of great significance commercially and otherwise. Champaign should do what it can to retain these types of business as they graduate from the incubator.”**

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

**“The land for which rezoning is being sought comprises 4.4 acres, and will be used for theoretical and applied research, development and prototype light manufacturing. AMI’s proposed use of the land will allow it to engage in cutting edge research and development, while simultaneously bringing jobs and notoriety to Champaign County. It will do so without having any discernible impact and/or effect upon the existing agricultural use of the neighboring properties. Further, Petitioner owns the surrounding land to the east, west, and south, while the property to the north is separated by a road. Thus, any external costs of the proposed use will be primarily borne by the Petitioner itself.”**

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

6. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is currently zoned AG-1 Agriculture and was formerly used as a research/warehouse facility and agricultural production.
  - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
    - (1) Land on the north is in agriculture production.
    - (2) Land on the south is in agricultural production.
    - (3) Land east of the subject property is in agricultural production.
    - (4) Land west of the subject property is in agricultural production.
7. Previous zoning cases in the vicinity are the following:
  - A. There have been no previous zoning cases in the vicinity.
8. Information regarding Autonomic Materials Incorporated (AMI) and its operations can be summarized as follows:
  - (1) AMI has been in operation since 2005 as part of the University of Illinois Business Incubator.
  - (2) AMI assists its customers optimize the performance of self healing additives in various coating, including paint.
  - (3) AMI utilizes one salt fog chamber to speed up the process of corrosion to take coating performance measurement samples and digital imaging samples.
    - (a) Under normal operation a salt fog chamber will drain 10 – 20 gallons of low-salinity salt water per week. At the May 31, 2012, public hearing Joe Guiliani, CEO, Autonomic Materials, testified that the salinity of the wastewater will be 5% or less.
    - (b) The fog vented from the chamber is a small amount.
    - (c) The quantity of materials used in the testing are typically “beaker” sized which amounts to less than one liter per test.

AS APPROVED

- (4) AMI proposes to lease Building #1 and Building #3 on the subject property. Building #1 has office space and laboratory space. AMI intends to lease the chemical laboratory space in Building #3.
- (5) AMI will have PDC/AREA, a licensed hazardous waste hauler remove hazardous wastes from the subject property. The following quantities of waste are anticipated in the first 12 months of operation:
  - (a) Pump Oil – 5 gallons.
  - (b) Solvents – 20 gallons.
  - (c) Polymers – 25 gallons.
- (6) Currently, AMI has 6 full-time employees and intends to gradually increase the number of full-time employees to 12 in 2015.
- (7) At the May 31, 2012, public hearing Bill Klein, Petitioner, testified that the salt fog chamber will be located in Building #3 and the waste from the chamber will be collected in the existing Rinsate storage tanks until removed and properly disposed of consistent with IEPA and County Health Department requirements.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

9. Regarding the existing and proposed zoning districts:
  - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
    - (2) The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
  - B. Regarding the general locations of the existing and proposed zoning districts:
    - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
    - (2) The I-1 District is generally located in areas suitable for light industrial and manufacturing purposes and that generally have a connected public sanitary sewer.

C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:

(1) There are 11 types of uses authorized by right in the AG-1 District and there are 84 types of uses authorized by right in the I-1 District:

(a) The following 11 uses are authorized by right in the AG-1 District:

- Single family dwelling;
- Subdivisions of three lots or less;
- Agriculture;
- Roadside Stand operated by Farm Operator;
- Minor Rural Specialty Business;
- Plant Nursery;
- Township Highway Maintenance Garage;
- Christmas Tree Sales Lot;
- Off-premises sign within 660 feet of interstate highway;
- Off-premises sign along federal highway except interstate highways; and
- Temporary Uses

(b) The following uses are authorized by right in the I-1 District:

- Subdivisions of three lots or less;
- Subdivisions totaling more than three lots or with new streets or private accessways;
- Agriculture;
- Commercial Greenhouse;
- Greenhouse (not exceeding 1,000 square feet);
- Plant Nursery;
- Municipal or Government Building;
- Police Station or Fire Station;
- Public park or recreational facility
- Parking garage or lot;
- Telephone Exchange;
- Telegraph Office;
- Railway Station;
- Motor Bus Station;
- Truck Terminal;
- Railroad yards and Freight Terminals;
- Drycleaning Establishment;
- Laundry and/or drycleaning pick-up;
- Millinery shop;
- Diaper Service Establishment;
- Clothing Repair and Storage;
- Farm Chemicals and Fertilizer Sales;

AS APPROVED

- Farm Equipment Sales and Service;
- Feed and Grain (sales only);
- Grain Storage Elevators and Bins;
- Artists Studio;
- Business Office;
- Vocational, Trade or Business School;
- Wholesale Produce Terminal;
- Bakery (more than 2,500 square feet)
- Major Automobile Repair;
- Minor Automobile Repair;
- Gasoline Service Station;
- Automobile Washing Facility;
- Building Material Sales;
- Fuel Oil, ice, coal, wood (sales only);
- Monument Sales (excludes stone cutting);
- Heating, Ventilating, Air Conditioning sales and service;
- Bait Sales;
- Country club or golf course;
- Country Club Clubhouse;
- Outdoor commercial recreational enterprise;
- Riding Stable;
- Seasonal hunting or fishing lodge;
- Outdoor Theater;
- Commercial Fishing Lake;
- Aviation sales, service or storage;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital;
- Wholesale Business;
- Warehouse;
- Self-storage warehouses (heat and utilities provided);
- Self-storage warehouses (heat and utilities not provided);
- Christmas Tree Sales Lot;
- Off-premises sign;
- Temporary Uses;
- Recycling of non-hazardous materials;
- Contractors Facilities (no outdoor storage of operations);
- Contractors Facilities (with outdoor storage or operations);
- Dairy Products Manufacturing, Processing, and Packaging;
- Wool, cotton, silk and man-made fiber manufacturing;

- Manufacturing and Processing Wearing Apparel and Related Finished Products Manufacturing;
  - Miscellaneous Finished Products Manufacturing;
  - Electrical and Electronic Machinery, Equipment and Supplies Manufacturing;
  - Small Scale Metal Fabricating Shop;
  - Engineering, Laboratory, Scientific, and Research Instruments, Manufacturing;
  - Mechanical Measuring and Controlling Instruments Manufacturing;
  - Optical Instruments and Menses Manufacturing;
  - Surgical, Medical, Dental, and Mortuary Instruments and Supplies Manufacturing;
  - Photographic Equipment and Supplies Manufacturing;
  - Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial printing;
  - Bookbinding;
  - Motion Picture Studio;
  - Household and Office Furniture Manufacturing;
  - Building Paper, Paper Containers, and Similar Products Manufacturing;
  - Theoretical and Applied Research Development and Prototype Light Manufacturing;
  - Non-Profit or Governmental Educational and Research Agencies;
  - Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing;
  - Light Assembly;
  - Musical Instruments and Allied Products Manufacturing;
  - Office and Artists Materials Manufacturing;
  - Signs and Advertising Display Manufacturing
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 19 types of uses authorized by SUP in the I-1 District:
- (a) The following 42 uses may be authorized by SUP in the AG-1 District:
- Hotel with no more than 15 lodging units;
  - Residential PLANNED UNIT DEVELOPMENT;
  - SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
  - Major RURAL SPECIALTY BUSINESS;
  - Artificial lake of 1 or more acres;
  - Mineral extraction, Quarrying, topsoil removal, and allied activities;
  - Elementary School, Junior High School, or High School;
  - Church, Temple or church related Temporary Uses on church Property;
  - Municipal or Government Building;



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- Township Highway Maintenance Garage;
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
- Penal or correctional institution;
- Police station or fire station;
- Library, museum or gallery;
- Public park or recreational facility;
- Sewage disposal plant or lagoon;
- Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
- Radio or Television Station;
- Electrical Substation;
- Telephone Exchange;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT-RESTRICTED LANDING AREAS;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Livestock Sales Facility and Stockyards;
- Slaughter Houses;
- Grain Storage Elevator and Bins;
- Riding Stable;
- Commercial Fishing Lake;
- Cemetery or Crematory;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital;
- Off-premises sign farther than 660 feet from an interstate highway;
- Contractors Facilities with no outdoor operations or storage;
- Contractors Facilities with outdoor operations and/or storage;
- Small Scale Metal Fabricating Shop;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- WIND FARM (County Board SUP)
- Sawmills Planing Mills, and related activities; and
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

(b) The following 19 uses may be authorized by SUP in the I-1 District:

- Artificial lake of 1 or more acres;
- Adaptive reuse of Government Buildings for any use permitted by right;

- Private or Commercial transmission and receiving towers over 100' in height;
- Water Treatment Plant;
- Radio or Television Station;
- Electrical Substation;
- Public Fairgrounds;
- Airport;
- Restricted Landing Areas;
- Heliport/Helistops;
- Heliport-Restricted Landing Areas;
- Slaughter Houses;
- Amusement Park;
- Stadium or Coliseum;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
- Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons;
- Liquefied Petroleum Gases Storage;

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

10. 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. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

- 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

- 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.”

**REGARDING LRMP GOALS & POLICIES**

11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

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

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise **NOT RELEVANT** to the proposed rezoning.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

12. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

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

Goal 2 has two objectives and three policies. The proposed amendment is **NOT RELEVANT** to Goal 2.

13. LRMP Goal 3 is entitled “Prosperity” and states as follows:

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

Goal 3 has three objectives and no policies. The proposed amendment is **PARTIALLY ACHIEVES** Goal 3 for the following reason:

- A. The three objectives are as follows:

- (1) Objective 3.1 is entitled “Business Climate” and states, Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states, “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”

(3) Objective 3.3 is entitled "County Economic Development Policy" and states, "Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRPM."

B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow Autonomic Materials Incorporated (AMI) to utilize the existing buildings on the subject property and to continue business operations in Champaign County and therefore the proposed rezoning can be said to **PARTIALLY ACHIEVE** the Goal.

14. LRMP Goal 4 is entitled "Agriculture" and states as follows:

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

The existing buildings would not generally be expected under typical "rural" development and are representative of what is generally considered to be urban development. I-1 Light Industry is also generally considered to be an urban zoning district requiring a connected public sanitary sewer system. However, the existing buildings are served by a septic system and were originally constructed to support agriculture and the proposed rezoning should be reviewed for compliance with Goal 4.

Goal 4 has 9 objectives and 22 policies. The proposed amendment is **ACHIEVES** Goal 4 for the following reasons:

A. 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 rezoning **ACHIEVES** Objective 4.1 because of the following:

(1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.4, 4.1.5, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.

(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 rezoning **ACHIEVES** Policy 4.1.1 because the subject property was in agricultural production until it was taken out of production and developed for biotechnology and genomic research for seed and pesticide research in support of agriculture in the 1990's before the current ownership.

(3) Policy 4.1.3 does not appear to be relevant to any specific rezoning.

(4) Policy 4.1.6 states, "**Provided that the use, design, site and location are consistent with County policies regarding:**

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

The proposed rezoning **ACHIEVES** Policy 4.1.6 for the following reasons:

- (a) The soil on the subject property is the best of best prime farmland and consists of Flanagan silt loam and Drummer silty clay and would have an average LE of approximately 99.
  - (b) The subject property was in agricultural production until it was taken out of production and developed for biotechnology and genomic research for seed and pesticide research in support of agriculture in the 1990's before the current ownership.
  - (c) As reviewed in the remainder of this Finding of Fact the proposed rezoning will not remove any additional best prime farmland from production and no expansion will be authorized but the proposed rezoning will allow the vacant buildings to be put to productive use.
- (4) Policy 4.1.7 states, “**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.*”**

The proposed rezoning **IS CONSISTENT** with Policy 4.1.7 for the following reasons:

- (a) The amount of land proposed for zoning is the minimum feasible amount of land to allow for productive use of the vacant buildings and does not consist of any area used for agricultural production. The approximate 4.5 acres consists of the existing buildings, parking areas, and fencing. The proposed area to be

rezoned also allows the existing structures to exceed minimum yard and setback requirements of the I-1 Light Industry Zoning District.

- (b) The proposed rezoning removes the land from the AG-1 District and the maximum lot size does not apply, but that does not change the fact that the amount of land being rezoning is the minimum feasible amount.

B. 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.”

The proposed rezoning **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 better provided in a *rural* area than in an urban area.”**

The proposed rezoning **ACHIEVES** Policy 4.2.1 for the following reason:

- (a) The proposed use will not support agriculture and it is unlikely that any subsequent use will either, but it can operate from this rural location and can make very productive use of the vacant buildings which were originally developed to support agriculture.

- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**

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

The proposed rezoning **ACHIEVES** Policy 4.2.2 for the following reasons:

- (a) The special conditions ensure that any proposed use will take place indoors and will not be negatively affected by agricultural activities.
- (b) The buildings are sited on land that is not in crop production and will not interfere with agricultural activities.

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(c) The traffic generated by the proposed use or any future use will not be related to agriculture but the volume of traffic will be similar to the previous use and limited because no expansion would be allowed under the proposed condition.

- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning **ACHIEVES** Policy 4.2.3 for the following reasons:

(a) The Petitioner’s understand that this is a rural area where agricultural activities take place.

(b) A special condition has been proposed to ensure that any subsequent owner recognize the rights of agricultural activities.

- (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.”**

The proposed rezoning **ACHIEVES** Policy 4.2.4 for the following reason:

(a) The special conditions will ensure that any use will be all indoors and even though it will be surrounded by agricultural activities it will not warrant a buffer between the existing buildings and adjacent agricultural activities.

- C. 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 rezoning **ACHIEVES** Objective 4.3 because of the following:

- (1) **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 rezoning **ACHIEVES** Policy 4.3.2 for the following reasons:

(a) The land is best prime farmland and consists of Drummer silty clay soil that has a Land Evaluation score of 98 and Flanagan silt loam that has a Land Evaluation Score of 100 and the average Land Evaluation score is approximately 99.

(b) The subject property fronts and has access to CR 1300N.

(c) The subject property is not served by sanitary sewer.

(e) The subject property has already been converted out of agricultural production and contains existing buildings well-suited to the purposes of Autonomic Materials business operations, making the subject property well-suited overall.

(2) **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.”**

The proposed rezoning **ACHIEVES** Policy 4.3.3 for the following reason:

(a) The subject property is located approximately 2 miles from the Bondville Fire Protection District Station. The fire protection district was notified of the case and no comments were received.

(b) Because of the special conditions any subsequent use will not have any greater need for fire protection services than the previous use by Syngenta.

(3) **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 rezoning **ACHIEVES** Policy 4.3.4 for the following reason:

(a) The subject property has access to CR 1300N and CR 500E is approximately one-quarter of a mile from the subject property.

(b) Because of the special conditions, the traffic generated by any subsequent use will be similar to the previous use by Syngenta and limited because no expansion will be allowed under the proposed condition.

(4) **Policy 4.3.5 states, “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 rezoning **ACHIEVES** Policy 4.3.5 for the following reasons:

(a) The proposed use is otherwise appropriate in a rural area based on the discussion of Policy 4.2.1 regarding whether the service is better provided in a rural area.

(b) The subject property is very well suited based on the discussion of Policy 4.3.2.



15. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

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

The existing buildings would not generally be expected under typical "rural" development and are representative of what is generally considered to be urban development. I-1 Light Industry is also generally considered to be an urban zoning district requiring a connected public sanitary sewer system. For these reasons the proposed rezoning has been reviewed for compliance with Goal 5.

Goal 5 has 3 objectives and 15 policies. The proposed amendment is **ACHIEVES** Goal 5 for the following reasons:

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 rezoning **ACHIEVES** Objective 5.1 because of the following:

(1) Policy 5.1.1 states, "**The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**"

The proposed rezoning **ACHIEVES** Policy 5.1.1 for the following reasons:

(a) The Appendix to Volume 2 of the LRMP defines "urban development" as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and "urban land use" as generally, land use that is connected and served by a public sanitary sewer system.

(b) The subject property is not served by sanitary sewer and is assumed to have an adequate septic system and was originally developed to support agriculture.

(2) Policy 5.1.5 states, "**The County will encourage urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.**"

The proposed rezoning **ACHIEVES** Policy 5.1.5 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

(3) Policy 5.1.6 states, "**To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed urban development.**"

The proposed rezoning **ACHIEVES** Policy 5.1.6 based on the discussion of Policy 4.2.4.

- 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 for the following reason:

- (1) Policy 5.2.1 states, "**The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.**"

The proposed rezoning **ACHIEVES** Policy 5.2.1 for the following reasons:

- (a) The proposed use is not urban development based on the discussion of Policy 5.1.1.
- (b) The subject property was originally developed to support agriculture and needed to be in a rural location.
- (c) The proposed use is well-suited for the subject property and will put the vacant buildings to productive use and the special conditions should ensure that any subsequent use complies with LRMP policies and the Zoning Ordinance.
- (2) Policy 5.2.2 states, "**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 rezoning **ACHIEVES** Policy 5.2.2 for the following reasons:

- (a) The existing buildings on the subject property were constructed for a business that supported agriculture but no longer occupies the subject property.
- (b) The subject property is not proposed to be increased in size and no additional best prime farmland is proposed to be taken out of production and a special condition will prohibit any expansion.
- (3) Policy 5.2.3 states, "**The County will:**
- a. **require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality; and**

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

The proposed rezoning **ACHIEVES** Policy 5.2.3 because there are no areas with significant natural environmental quality on the subject property.

- 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 states, “**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.”**

The proposed rezoning **ACHIEVES** Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.
- (b) The subject property is located approximately 2 miles from the Bondville Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (c) The proposed rezoning will not have any greater need for fire protection services than the previous use.

- (2) Policy 5.3.2 states, “**The County will:**
  - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
  - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning **ACHIEVES** Policy 5.3.2 because the only public infrastructure serving the subject property is CR 1300N and CR 500E which are township roads and the low traffic generated by the proposed use will not increase traffic on the road network.

16. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

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

Goal 6 has 4 objectives and 7 policies. The proposed amendment **ACHIEVES** Goal 6 for the following reasons:

A. 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 rezoning **ACHIEVES** Objective 6.1 because of the following:

(1) 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 rezoning **ACHIEVES** Policy 6.1.2 for the following reasons:

- (a) The proposed use is not of a type to require processing of large amounts of wastewater as reviewed in Item 8.
- (b) The proposed use is similar in nature to the previous use of the subject property.
- (c) The existing septic system located on the subject property was approved and installed in 1989 for the ICI Americas, Northern Research Center, the original use of the subject property. The system includes a 1,500 gallon septic tank and a 1,000 square feet buried sand filter that was designed to treat sanitary waste for 20 employees.
- (d) An email dated May 31, 2012, from Jeff Blackford, Program Coordinator, Champaign County Health Department, indicates that current code allows for the discharge of water softener waste to go into a sand filter, but any saline above that may cause a problem.
- (e) The special conditions prohibit any expansion of the buildings or outdoor activity areas, which should prevent any problems.

17. LRMP Goal 7 is entitled “Transportation” and states as follows:

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment is **ACHIEVES** Goal 7 for the following reason:

- A. Objective 7.1 is entitled "Traffic Impact Analysis" and states, "Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted."

The proposed rezoning **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 rezoning **ACHIEVES** Policy 7.1.1 for the following reasons:

- (a) Both CR 1300N and CR 500E are township roads with an oil and chip surface.
- (b) The proposed use currently has only 6 employees and could have up to 12 by the year 2015. This number of employees is similar to the number of employees from the previous use of the subject property and there will be no increase in traffic.

18. LRMP Goal 8 is entitled "Natural Resources" and states as follows:

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.9 are **NOT RELEVANT** to the propose amendment. The proposed amendment **ACHIEVES** Goal 8 because of the following:

- A. Objective 8.1 states, "Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes."

The proposed rezoning **ACHIEVES** Objective 8.1 because of the following:

- (1) Policy 8.1.1 states, "**The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.**"

The proposed rezoning **ACHIEVES** Policy 8.1.1 for the following reasons:

- (a) The subject property is not located in the area of limited groundwater availability.
- (b) The proposed use does not use a large amount of water and the special conditions prohibit any expansion.

- (2) Policy 8.1.8 states, **“The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.”**

The proposed rezoning **ACHIEVES** Policy 8.1.8 for the following reason:

- (a) There are no community well heads, distinct aquifer recharge areas, or other critical areas in the vicinity of the subject property.

- (3) Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, and 8.1.9 are **NOT RELEVANT**.

- B. Objective 8.2 states, “Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”

The proposed rezoning **ACHIEVES** Objective 8.2 because of the following:

- (1) Policy 8.2.1 states, **“The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.”**

The proposed rezoning **ACHIEVES** Policy 8.2.1 for the following reasons:

- (a) The subject property has not been in agricultural production since it was converted to a research facility in support of agriculture.
- (b) The special conditions prohibit any expansion.

19. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

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

The proposed amendment is **NOT RELEVANT** to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

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

Goal 10 is **NOT RELEVANT** to the proposed amendment.

**GENERALLY REGARDING THE LaSalle Factors**

21. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any

proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

A. ***LaSalle* factor: The existing uses and zoning of nearby property.**

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

**Table 1: Land Use and Zoning Summary**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Research/Warehouse Facility ----- Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture

B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
- (3) In regards to the value of the subject property the requested map amendment will allow productive use of the buildings.
- (4) This area is primarily an agricultural area and the subject property is the former site of a Syngenta Research Facility.

C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**  
The gain to the public of the proposed rezoning is positive because the proposed amendment would allow the Petitioner's to lease existing vacant space to Autonomic Materials which is a local start-up business.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**  
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and there are buildings occupying the subject property that are suitable for light industrial uses and the special conditions prohibit any expansion.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**  
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are three buildings on the subject property. These buildings were built by Syngenta for a research facility in the 1990s and are currently vacant.
- G. **Sinclair factor: The need and demand for the use.**  
The prospective tenant, Autonomic Materials, has outgrown its current location and needs space to accommodate its business operations. Autonomic Materials is well suited for the subject property because equipment and facilities necessary for their business activities are available on the subject property.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**  
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The special conditions should ensure that the proposed rezoning also conforms to the LRMP.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

22. Proposed Special Conditions of Approval:

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

The above special condition is necessary to ensure the following:

**Conformance with policies 4.2.3 and 5.1.5.**

- B. **Any non-agricultural use of the subject property shall be limited to reuse of the existing buildings and existing outdoor parking area and no expansion of either building area or expansion of outdoor uses shall be authorized.**



AS APPROVED

The above special condition is necessary to ensure the following:

**That the use of the subject property does not become intensively utilized by non-agricultural uses.**

- C. **No self-storage warehouse (either with or without heat and utilities to individual units) shall be authorized on the subject property.**

The above special condition is necessary to ensure the following:

**Public safety.**

- D. **A Special Use Permit shall be required to authorize the establishment of a second principal use on the subject property that does not meet the Zoning Ordinance definition of "agriculture".**

The above special condition is necessary to ensure the following:

**That the use of the subject property remains in conformance with the Zoning Ordinance.**

- E. A Change of Use Permit shall be applied for within 30 days of the County Board approval of Case 716-AM-12.**

The above special condition is required to ensure the following:

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

- F. Any non-agricultural use on the subject property that produces hazardous waste shall be serviced by a licensed hazardous waste hauler/disposal company.**

The above special condition is required to ensure the following:

**That hazardous waste is disposed of properly.**

**DOCUMENTS OF RECORD**

1. Petition for Zoning Map Amendment signed by Alan Singleton (Attorney) received on May 3, 2012 with attachments:
  - A Plat of Survey
  - B Site Plan
  - C Aerial Photo
  - D Building Layouts
  - E List of adjacent property owners
  
2. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
  
3. Preliminary Memorandum dated May 25, 2012 with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Plat of Survey
  - C Site Plan
  - D Building #1 Layout
  - E Building #2 Layout
  - F Building #3 Layout
  - G LRMP Land Use Goals, Objectives, and Policies
  - H LRMP Appendix: Defined Terms
  - I Site Visit Photos
  - J Draft Finding of Fact and Final Determination
  
4. Supplemental Memorandum dated May 31, 2012, with attachments:
  - A Letter from Mark Kuechler to Robert Arledge dated February 6, 1990, received May 31, 2012
  - B Private Sewage Disposal System Construction Approval received May 31, 2012
  - C Plan review Application with Site Plan received May 31, 2012
  - D Environmental Miscellaneous Sample Form relieved May 31, 2012
  - E Letter from Mark Kuechler to William Schweickert dated July 28, 1989, with trial application attached received May 31, 2012
  - F Letter from William Schweickert to Mark Kuechler dated July 11, 1989, received May 31, 2012
  - G Letter from William Schweickert to Mark Kuechler dated August 1, 1989, received May 31, 2012
  - H Email from Jeff Blackford to John Hall received May 31, 2012

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 31, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
    - 3, 4, 5, 6, 7, and 8
  - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goals:
    - 1, 2, 9, and 10
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

**AS APPROVED**

**Case 716-AM-12  
Page 27 of 27**

**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 716-AM-12** 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:**

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

**ATTEST:**

Secretary to the Zoning Board of Appeals

Date

# MONTHLY REPORT for MAY 2012<sup>1</sup>

Champaign  
County  
Department of  
**PLANNING &  
ZONING**

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

## Zoning Cases

The distribution of cases filed, completed, and pending is detailed in Table 1. Two zoning cases were filed in May and one case was filed in May 2011. The average number of cases filed in May in the preceding five years is 1.6.

Two ZBA meetings were held in May and two cases were finalized. One ZBA meeting was held in May 2011 and one case was completed. The average number of cases finalized in May in the preceding five years is 2.2.

By the end of May there were 16 cases pending. By the end of May 2011 there were 14 cases pending.

**Table 1. Zoning Case Activity in May 2012 & May 2011**

Type of Case	May 2012 2 ZBA meetings		May 2011 1 ZBA meeting	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	1	0	0	1
SFHA Variance	0	0	0	0
Special Use	0	1	1	0
Map Amendment	1	1	0	0
Text Amendment	0	0	0	0
Change of Non-conforming Use	0	0	0	0
Administrative Variance	0	0	0	0
Interpretation / Appeal	0	0	0	0
<b>TOTALS</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>
Total cases filed (fiscal year to date)	16 cases		11 cases	
Total cases completed (fiscal year to date)	12 cases		6 cases	
Case pending*	15 cases		14 cases	
* Cases pending includes all cases continued and new cases filed <u>but not decided</u>				

<sup>1</sup> Note that approved absences and sick days resulted in an average staffing level of 81% or the equivalent of 4.1 staff members (of the 5 authorized) present for each of the 22 work days in May.

## **Subdivisions**

There was no County subdivision application, review, or recording in May.

Two 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 May can be summarized as follows:

- 23 permits for 19 structures were received in May compared to 12 permits for 11 structures in May 2011. The five-year average for permits in May in the preceding five years is 19.0.
- 8 months in the last 20 months (including May 2012, April 2012, January 2012, December 2011, August 2011, February 2011, January 2011, September 2010) have met or exceeded the five-year average for number of permits.
- 6.5 days was the average turnaround (review) time for complete initial residential permit applications in May.
- \$2,301,500 was the reported value for the permits in May compared to a total of \$877,182 in May 2011. The five-year average reported value for authorized construction in May is \$2,142,914.
- 12 months in the last 40 months (including May 2012, April 2012, February 2012, January 2012, December 2011, November 2011, August 2011, June 2011, February 2011, August and May 2010 and March 2009) have equaled or exceeded the five-year average for reported value of construction.
- \$4,765 in non-wind farm fees were collected in May compared to a total of \$2,738 in May 2011. The five-year average for fees collected in May is \$4,880.

In addition, the remaining \$127,200 in fees were received for the 30 wind farm turbines in May.

- 9 months in the last 36 months (including May 2012, April 2012, February 2012, January 2012, December 2011, June 2011, August 2010, and December and March 2009) have equaled or exceeded the five-year average for collected permit fees.
- Five-year averages for number of permits, value of construction, and fees were met or exceeded in May 2012. These averages were also exceeded in three other months in this fiscal year (December 2011, January 2012, and April 2012). FY2012 is the only fiscal year in the past four years in which this group of five-year averages were met or exceeded so often.
- There were also 5 lot split inquiries and more than 241 other zoning inquiries in May.
- Minutes were prepared for one ZBA meeting

**TABLE 2. PERMIT ACTIVITY MAY, 2012**

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL:						
Residential	1	N.A.	280,000	3	N.A.	491,258
Other	4	N.A.	780,000	8	N.A.	1,540,000
SINGLE FAMILY Residential:						
New - Site Built	3	2,243	565,000	14	8,834	2,986,900
Manufactured				1	393	130,000
Additions	4	404	189,500	16	2,078	726,150
Accessory to Residential	6	1,223	307,000	18	3,581	633,521
TWO-FAMILY Residential						
Average turn-around time for permit approval	6.5 days					
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural	3	99	0	4	132	0
Neighborhood		N.A.		6	N.A.	0
COMMERCIAL:						
New				1	849	50,000
Other				2	624	1,172,500
INDUSTRIAL:						
New						
Other						
OTHER USES:						
New				1	1,124	752,000
Other						
SIGNS				1	141	1,200
TOWERS (Includes Acc. Bldg.)	1	698	180,000	32	10,041	6,994,416
OTHER PERMITS	1	98	0	2	196	0
<b>TOTAL</b>	<b>23/19</b>	<b>\$4,765</b>	<b>\$2,301,500</b>	<b>109/97</b>	<b>\$27,993</b>	<b>\$15,477,945</b>

\*23 permits were issued for 19 structures during May, 2012

◇109 permits have been issued for 97 structures since December, 2011 (FY 12/2011 - 11/2012)

NOTE: Home occupations and other permits (change of use, temporary use) total 12 since December, 2011, (this number is not included in the total # of structures).

### **Zoning Compliance Inspections**

- 2 compliance inspections were made in May for a total of 108 compliance inspections (not including the 30 wind turbine inspections) so far in FY2012.
- 3 compliance certificates were issued in May. So far in FY2012 there have been 96 compliance certificates or about 3.7 per week. The FY2012 budget anticipates a total of 512 compliance inspections for an average of 9.8 inspections per week.

### **Zoning and Nuisance Enforcement**

Table 3 contains the detailed breakdown of enforcement activity for May 2012 and can be summarized as follows:

- 13 new complaints were received in May compared to 7 in May 2011. Two complaints were referred to another agency in May and one was referred in May 2011.
- 59 enforcement inspections were conducted in May compared to 15 in May 2011. 12 of the inspections were for the new complaints received in May.
- One contact was made prior to written notification in May and four were made in May 2011.
- 60 initial investigation inquiries were made in May for an average of 12.0 per week in May and 11.0 per week for the fiscal year. The FY2012 budget had anticipated an average of 7.7 initial investigation inquiries per week.
- 2 First Notices and 1 Final Notice were issued in May compared to no First Notices and 1 Final Notice in May 2011. The FY2012 budget anticipates a total of 45 First Notices and there have been 11 First Notices by the end of May.
- No case was referred to the State's Attorney in May and none were referred in May 2011.
- 9 cases were resolved in May and 6 cases were resolved in May 2011.
- 431 cases remain open at the end of May compared to 539 open cases at the end of May 2011. The number of open enforcement cases at the end of September 2006 was 419.

### **APPENDICES**

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



**TABLE 3. ENFORCEMENT ACTIVITY FOR MAY, 2012**

	FY 2011 Enforcement	December, 2011	January, 2012	February, 2012	March, 2012	April, 2012	May, 2012	TOTALS FOR FY 12
Complaints Received	100	2	5	7	16	4	13	47
Initial Complaints Referred to Other Agencies	16	0	0	2	2	0	2	6
<b>TOTAL CASES INCLUDING PREVIOUS YEARS</b>								
Inspections	331	43	47	37	71	19	59 <sup>3</sup>	276
Phone or On-Site Contact Prior to Written Notification	22	0	1	3	3	1	1	9
1st Notices Issued	27	1	1	3	4	0	2	11
Final Notices Issued	7	1	0	0	0	0	1	2
Referrals to State's Attorney's Office	3	0	2	0	1	1	0	4
Cases Resolved <sup>1</sup>	224	3	10	5	15	3	9 <sup>4</sup>	45 <sup>5</sup>
Open Cases <sup>2</sup>	429	428	423	425	426	427	431	431 <sup>*/**</sup>

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

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

<sup>3</sup>12 inspections of the 59 performed were done for the 13 complaints received in May, 2012.

<sup>4</sup>1 of the resolved cases for May, 2012, was received in May, 2012.

<sup>5</sup>8 of the 45 cases resolved in FY 2012 were complaints that were also received in FY 2012.

\*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 431 open cases include 28 cases that have been referred to the State's Attorney's Office, some of which were referred as early as 2001, which brings the total of open cases to 403.

**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING MAY, 2012**

<b><u>NUMBER</u></b>	<b><u>LOCATION</u></b>	<b><u>NAME</u></b>	<b><u>DATE IN/ DATE OUT</u></b>	<b><u>PROJECT</u></b>
111-05-01	Pending Special Use Permit			
221-05-01 RHO	Pending resolution of violation			
345-05-01	Under review			
26-06-02	Under review			
88-06-01 RHO	More information needed			
118-06-02	Under review			
277-06-02 FP	More information needed			
82-07-01 FP	Need IDNR response			
192-07-02 FP	More information needed			
219-07-01	More information needed			
219-07-02 RHO	More information needed			
250-07-02	More information needed			
320-07-01 FP	More information needed			
18-08-01	Under review			
137-08-01	Under review			
187-08-02	Under review			
235-08-01	More information needed, possible Variance			
235-08-02	More information needed, possible Variance			
266-08-01	Variance needed			
12-09-01	Under review			
147-09-01	Under review			
357-09-01 RHO	Under review			
41-10-01	Pending Special Use Permit			

**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING MAY, 2012**

54-10-01	Under review				
251-10-01	Variance needed				
03-11-01	Zoning Case required				
26-11-01	Under review				
66-11-01	More information required				
77-11-02	More information required, possible variance				
168-11-01 FP	Under review				
196-11-01	Under review				
364-11-01 RHO AG-1	Two tracts of land located in the NW 1/4 of Section 1, Harwood Township; 2343E 3600N Road, Paxton, Illinois PIN: 11-04-01-100-003 & 004	Beth Davis and Amy Johnson	12/30/11 05/07/12	establish a Rural Home Occupation, <i>All Foam Insulation</i>	
13-12-01	More information needed				
52-12-01	Variance needed				
59-12-02 through 59-12-31	Under review (Wind Tower permits)				
65-12-01	Variance needed				
74-12-03	Variance needed				
94-12-01 RHO	More information needed				
100-12-02 CR	Lot 1, Leonard's Farmettes, Section 2, Urbana Township; 2606 Highcross Road, Urbana, Illinois PIN: 30-21-02-101-001	Lei Tian	04/09/12 05/07/12	construct an addition to an existing single family home	
101-12-01	More information needed				

**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING MAY, 2012**

110-12-01 AG-1	Tract 7 of Blackbird Meadows Development, Section 2, Newcomb Township; 366A CR 2650N, Mahomet, IL PIN: 16-07-22-251-011	Jason Ishcomer	04/19/12 05/07/12	construct a detached garage
110-12-02 CR	Lot 3, Wolf Creek Subdivision, Section 30, South Homer Township; Address to be assigned PIN: 26-24-30-276-012	Armstrong Construction	04/19/12 05/07/12	construct a single family home with attached garage
111-12-02 RHO AG-1	A tract of land located in the SW Corner of the E ½ of the SE 1/4 of Section 7, East Bend Township; 676 CR 3400N, Foosland, IL PIN: 10-02-07-400-008	Joe Grosso	04/20/12 05/11/12	establish a Rural Home Occupation, <i>Joe's Machining, Inc.</i>
114-12-01 AG-1	Lot 1, Crawford Subdivision, Section 32, Mahomet Township; 135 CR 1900N, Seymour, IL PIN: 15-13-32-100-003	Gerald Crawford	04/23/12 05/09/12	construct a single family home with attached garage
114-12-02 AG-1	A tract of land located in the SW 1/4 of Section 28, South Homer Township; 2727 CR 1350N, Homer, Illinois PIN: 26-24-28-300-003	Kevin and Alice Kirby	04/23/12 05/09/12	construct an addition to an existing single family home
114-12-03 R-1	Lot 76, Wiltshire Estates 6 <sup>th</sup> Subdivision, Section 13, St. Joseph Township; 1402 Brunswick Court, St. Joseph, Illinois PIN: 28-22-13-304-022	Kevin Jannusch	04/23/12 05/09/12	place an above ground swimming pool on the subject property with a self-closing, self-latching gate at the entrance to the pool
117-12-01 CR	A tract of land located in the NE 1/4 of the SE 1/4 of Section 12, Newcomb Township; 2527 CR 450E, Mahomet, Illinois PIN: 16-07-26-326-011	Steve and Lisa Burdin	04/26/12 05/09/12	construct a sunroom addition to an existing single family home

**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING MAY, 2012**

118-12-01 AG-1	A tract of land located in the NE 1/4 of the SE 1/4 of Section 36, Tolono Township; 651 CR 1200E, Tolono, Illinois PIN: Pt. of 29-26-36-400-002	SJ Broadcasting LLC	04/27/12 05/10/12	erect a 394' radio transmission tower with equipment building
118-12-02 AG-1	Two tracts of land comprising 4.77 acres located in the S 1/2 of the NW 1/4 of Section 33, Raymond Township; 56 CR 2000E, Longview, IL PIN: 21-34-33-100-010 & 012	Lori Eisenmenger	04/27/12 05/10/12	construct an addition to an existing single family home with attached garage
121-12-01 AG-2	Lot 9, Pleasant Plains Subdivision, Section 5, Ogden Township; 1704 Raymond Drive, Ogden, Illinois PIN: 17-24-05-453-009	Amos Woodrum	04/30/12 05/11/12	construct a detached garage
123-12-01 CR	A tract of land located in the SE 1/4 of the SE 1/4 of Section 10, Crittenden Township; 1590 CR 400N, Philo, Illinois PIN: Pt. of 08-33-10-400-005	Jeffery and Anne Watson	05/02/12 05/11/12	construct a single family home with attached garage
123-12-02 RHO AG-1	A tract of land located in the SE 1/4 of Section 25, Scott Township; 3307 S. Barker Road, Champaign, Illinois PIN: 23-19-25-400-005	Ronald Lyman	05/02/12 05/14/12	establish a Rural Home Occupation, <i>Abel and Reddy Small Engine Repair</i>
123-12-03	Additional information required			
124-12-01 AG-2	A tract of land located in the NE 1/4 of the NE 1/4 of Section 26, Somer Township; 4913 N. Cottonwood Road, Urbana, Illinois PIN: 25-15-29-200-015	Kyle Windler	05/03/12 05/11/12	construct a detached shed for agricultural equipment

**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING MAY, 2012**

125-12-01 CR	A tract of land consisting of 60 acres in the NE 1/4 of the SE 1/4 of Section 28, Kerr Township; 3151A CR 2800E, Penfield, Illinois PIN: 13-06-28-400-002	Rolling Hills Campground/Eastern Illinois ABATE	05/04/12 05/11/12	establish a Temporary Use for an outdoor gathering June 1, 2, and 3 <sup>rd</sup> , 2012
132-12-01 AG-2	Lots 3 and 4 of Adams Subdivision, Section 25, Mahomet Township; 518 CR 1900N, Mahomet, IL PIN: 15-13-25-351-003 & 004	Daniel Adcock and Pamela Erickson	05/11/12 05/14/12	construct a single family home with attached garage and detached garage
135-12-01 AG-1	Tract 1 of the Miebach Survey, Section 6, South Homer Township; 1104 CR 2400E, Homer, IL PIN: 26-29-06-300-023	Allen and Carol Rinehart	05/14/12 05/18/12	construct a detached garage for personal use
136-12-01 AG-1	Two tracts of land comprising 3.74 acres located in Part of the NE 1/4 of the NW 1/4 of Section 3, Colfax Township; 345 CR 1200N, Seymour, Illinois PIN: 05-25-03-100-007 & 009	Michael and Suzette Hogan	05/15/12 05/18/12	construct two additions to an existing single family home
138-12-01 AG-1	A tract of land located in the W 1/2 of the SE 1/4 of Section 30, Philo Township; 1264 CR 700N, Tolono, Illinois PIN: 19-27-30-400-005	Brian Meharry	05/17/12 05/24/12	construct an agricultural equipment storage shed
143-12-01 R-1	Lot 1, Lincolnshire Fields West Subdivision, Section 21, Champaign Township; 2019 Bentbrook Drive, Champaign, Illinois PIN: 03-20-21-304-001	Robert L. Glasa	05/22/12 05/30/12	construct a detached storage shed

**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING MAY, 2012**

144-12-01	A tract of land located in the NE Corner of the W ½ of the NE 1/4 of Section 3, Philo Township; 2805 East Old Church Road, Urbana, Illinois PIN: 19-27-03-200-004	Tim Millikin	05/23/12 05/30/12	construct a detached garage and a covered deck addition to an existing single family home
AG-1				
144-12-02	Lot 62, Regency West Subdivision, Section 35, Hensley Township; 1508 Kingsway Drive, Champaign, Illinois PIN: 12-14-35-328-024	Mildred Love/Willie Davis	05/23/12 05/30/12	construct an attached garage and a room addition to an existing single family home
R-3				
146-12-01	Additional information required			
152-12-01	Additional information required			
152-12-02	Under review			
153-12-01	Under review			

**APPENDIX B: ZONING COMPLIANCE CERTIFICATES ISSUED DURING MAY, 2012**

<b><u>DATE</u></b>	<b><u>LOCATION</u></b>	<b><u>PROJECT</u></b>
04/30/12 332-11-01	A 1.45 acre tract of land located in the E ½ of the NE 1/4 of Fractional Section 4, Stanton Township; 2037 CR 2400N, Thomasboro, Illinois PIN: 27-16-04-100-003	a detached garage
05/23/12 17-12-01	Lot 128 of Wiltshire Estates 8 <sup>th</sup> Subdivision, Section 13, St. Joseph Township; 1502 Nottingham Drive, St. Joseph, IL PIN: 28-22-13-328-010	a single family home with attached garage
05/31/12 293-10-01	A 12 acre tract of land located in the SW 1/4 of Section 8, St. Joseph Township; 1604 CR 1900E, St. Joseph, Illinois PIN: 28-22-08-300-011	a detached garage



2505 Pond St  
Urbana, IL 61801  
June 1, 2012

Mr. Alan Kurtz  
710 Ashton Lane S  
Champaign, IL 61820

Dear Mr. Kurtz :

I have been watching you and your efforts to control the activities at the Clinton landfill.

In January 2011, I was diagnosed with non-Hodgkins lymphoma. Needless to say, it was quite a shock as I had been blessed with good health all my life. As I went through treatment, I kept asking myself what had I done to myself since I always tried to do the right things regarding diet, exercise, and safe health practices.

The attached materials may have provided an answer. I thought that you would find this material to be of interest as you pursue the goal of protecting the drinking water of Champaign-Urbana. Continue the fight.

Yours truly,  
K. Nowak

# WILLIAMS ♦ KHERKHER

**Harry G. Potter III**  
Attorney at Law

OF COUNSEL  
Ned Barnett  
Robert C. Kuehn

March 29, 2012

Mr. John W. Nowak  
2505 Pond Street  
Urbana, IL 61801

**Re: Your legal claim against Monsanto relating to PCBs causing your Non-Hodgkin's Lymphoma**

Dear Mr. Nowak:

I am writing to provide you an update regarding the status of your legal claim against Monsanto (and related companies). You are among a group of about 700 clients who we represent who all have two very important things in common: 1) you have Non-Hodgkin's Lymphoma; and 2) you have elevated levels of one or more kinds of polychlorinated biphenyls ("PCBs") that have been measured in your blood.

For the last several years, our team has been pursuing claims on behalf of you and hundreds of other NHL victims who have high PCB levels in their blood. So far, we have filed on behalf of about 250 victims in court, and we have about 25 of those individuals set for trials, which will begin this summer (the first trial should be in July 2012). We have filed most of these lawsuits in small groups, so that three or four plaintiffs (that is, clients who have NHL) will be filed together in a single lawsuit. We have also filed two much larger lawsuits, with more than 90 plaintiffs included in each lawsuit.

Your legal team includes several large law firms who are working together to create the highest possible chance of success. This team includes: 1) my law firm, Williams, Kherkher, LLP in Houston, Texas; 2) Allen Stewart, P.C. in Dallas, Texas; and 3) Waters & Kraus, LLP in Dallas, TX (also known as Waters, Kraus & Paul, LLP in the state of California). In addition, the Simon Law Firm, P.C. in St. Louis, Missouri is our local counsel for any lawsuits that have been (or will be) filed in St. Louis.

This legal fight is a very long haul. Importantly, by the end of this year, we should know a lot more about the probable outcome of these cases, and the likely timeline for resolving them. We have five trial settings against Monsanto this year. Although some of those courts may delay some of those trials, we fully expect to have at least two or more trials in 2012.

The results of the first several trials will be very important for your case, even though you will not be directly involved in the trial. After these trials, both we and Monsanto will be better

## **SUMMARY OF KEY INFORMATION ABOUT YOUR PCB LAWSUIT**

### **I. What are PCBs and How Were They Used?**

You are suing Monsanto, which made more than 99 percent of all of the PCBs that were ever used in the United States.<sup>1</sup> From the 1930s through the 1970s, Monsanto's PCBs were used in a large variety of different products. Monsanto made PCBs for both "closed uses" and "open uses." Originally, PCBs were primarily intended for use in electrical power equipment, such as transformers and capacitors. Because the PCBs in transformers and capacitors are entirely encased in sealed boxes, Monsanto has described this type of use as a "closed use." However, this is not an accurate description. Throughout the time that PCBs were made for these so-called "closed uses," Monsanto knew that waste PCBs were released by transformer and capacitor manufacturers in huge quantities during the production of that equipment. Monsanto also knew that, invariably, at some point either during or after their use, transformers and capacitors leak. Of course, such leaks result in PCBs being released into the environment. Thus, these so-called "closed uses" are better described as "partially contained" forms of PCBs.

In addition to selling PCBs for their "closed use" in transformers and capacitors, for many decades Monsanto also marketed and sold PCBs for dozens of uses that were "open" to the environment. These "open uses" for PCBs included: paints, varnishes, adhesives, caulks, inks, carbonless copy paper, insecticides, waxes, polishes, cellophane, and other plastic products. In all of these forms, PCBs were released into the environment during the use itself. For example, PCB-containing paints were used on the inside of silos that held feed for dairy cattle. The PCBs in the paint would contaminate the feed, and the cows would then eat it. Then the cow's milk would be contaminated with PCBs. Then people would drink the milk ...

There were always many safer alternatives to PCBs for all of these "open uses," but Monsanto kept selling PCBs for those uses anyway. In fact, when a scientist finally discovered in 1966 that PCBs could be found everywhere in the environment, Monsanto actually started selling a lot MORE PCBs for open uses for several years, until the public controversy about the chemicals put pressure on the company to stop.

### **II. What Did Monsanto Know About the Dangers of PCBs, and What Did the Company Do About It?**

From the beginning of Monsanto's production of PCBs, the company understood that PCBs were toxic. In fact, early on, several PCB workers died while working with them. Throughout the time that Monsanto made PCBs, scientists were capable of testing chemicals on animals to determine if those chemicals could cause cancer. Such cancer

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<sup>1</sup> You are also suing some related companies that we allege also have legal responsibility for Monsanto's conduct in the design, manufacture, and marketing of PCBs. These related companies are: 1) Solutia, Inc.; 2) Pharmacia Corp.; and 3) Pfizer Corp.

testing began in the late 1800s, and companies tested chemicals such as asbestos on animals throughout the 20<sup>th</sup> century. But Monsanto decided it did not want to find out if PCBs can cause cancer. Despite telling the world for decades that the company knew that PCBs were safe, in reality the company consistently avoided learning the truth. The truth is that, by the 1970s, tests consistently showed that PCBs can cause cancer in animals. In fact, every governmental or scientific agency in the world that has ever considered the issue has determined that animals will get cancer from PCB exposure. Of course, even today, Monsanto does not agree with those regulatory and scientific agencies.

From the 1930s through the 1970s, millions of pounds of PCBs were released into the environment. Some were released during the production of PCBs and PCB-containing products. Others were released during the use of those products. Still others were released following disposal of PCB-containing products into landfills that were not properly designed to contain industrial chemicals. Eventually, in 1976, Congress banned the production and sale of PCBs in the United States, and most of the rest of the world has also banned them.

Once PCBs are released into the environment, they stick around for a very long time. Unlike most chemicals, which begin to break down as soon as they are released into the air, water, or soil, PCBs can stay intact for many years, or even many decades. Because they were used so much and released into the environment in so many ways, PCBs became a "ubiquitous" environmental contaminant. In other words, PCBs are everywhere. If you have good enough equipment, you can measure PCBs in virtually any sample from an environmental source. Scientists could measure PCBs in: a) the air (both inside and outside of your home or office); b) the water in your local lakes, streams, and rivers (and the water coming out of your tap); c) the soil in your yard, your neighborhood, and your community; and d) in your food.

Monsanto knew from the beginning that PCBs were being released into the environment. Importantly, Monsanto designed PCBs to be virtually indestructible, so that they would last longer in transformers and capacitors. Thus, the company could hardly act surprised to learn that PCBs did not readily break down in the environment.

Once an animal gets exposed to PCBs, those PCBs get stored in the animals' fat tissue, where many of those PCBs will camp out for decades. As a result, virtually all animal-based food products have some PCBs in them. There are PCBs in beef, pork, poultry, eggs, all dairy products, and fish. And, because all of us are animals, we also store PCBs in our fat tissue.

Everyone in the world has PCBs in their body. For reasons we don't entirely understand, some of our bodies get rid of PCBs better than others, and some of us have less PCB exposure than others. So, even though we all have PCBs in us, some of us have more than others. Unfortunately, you and all of our other clients have drawn the black bean. You have elevated levels of PCBs in your blood compared with most of people your age.

### **III. What Is the Evidence That PCBs Cause Non-Hodgkin's Lymphoma?**

From the 1970s through the early 2000s, the rate of Non-Hodgkin's Lymphoma began to go up around the world, and scientists could not figure out why. This was not a matter of more people getting sick with this kind of cancer just because there are more people in the world. Instead, the chances that any individual will get NHL had been steadily increasing for at least 30 years (and they have now flattened out). Beginning in the mid-1990s, scientists around the world began wondering if the increase in the rate of NHL could be the result of environmental exposures.

In 1996, a Swedish scientist conducted a study where he measured the levels of PCBs in the blood of a group of NHL patients. He also measured the PCB blood levels of a group of people who did not have NHL, but who were otherwise matched with the patients (in terms of age, race, sex, smoking history, etc.). He found out that, at least in his study group, the higher the level of PCBs in the study participants' blood, the more likely it was that they would have NHL. Maybe something was up.

Since that first Swedish study in 1996, at least seven other studies have been done which confirm those results. Researchers at Harvard, at the National Cancer Institute, in Canada, and elsewhere have all found that, the higher your PCB blood levels, the more risk you have for getting NHL.

These studies are the primary basis for the opinions of our medical experts in your case, who say that your elevated PCB blood levels contributed to the development of your lymphoma.

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November 15, 2011

Nowak, John  
2505 Pond Street  
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Dear Mr. Nowak:

As you recall, I am the occupational and environmental medicine doctor retained by your attorneys at Allen Stewart, P.C. to consult with you regarding your blood test results. I am now writing to provide you the results of the analysis of your blood for polychlorinated biphenyls ("PCBs"), which was done by the AXYS Analytical Services Ltd. (AXYS).

PCBs are a group of more than 200 different chlorinated chemical compounds, each of which is known as a PCB "congener." Because PCBs are present throughout the environment, including in the food chain, almost everyone in the world has some detectable levels of PCBs in their blood, from diet and other environmental exposures. PCBs can persist for decades in the environment and in the human body.

AXYS analyzed your blood for 56 different PCB congeners, and the results of that analysis are attached (Table 1). Most importantly, we have compared your PCB blood levels for seven specific congeners with blood levels typically found in the general population in the United States for those same seven congeners: 118, 153, 156, 170, 180, 187, and 194. If we found any elevated levels for any of those seven congeners, we highlighted those results in bold on the attached report. If no bolded numbers appear on your report, then none of your PCB blood levels are elevated.

To determine whether your PCB blood levels were "elevated," we assessed the percentile into which those levels fell for your age group, based on U.S. population reference data. Several studies of Non-Hodgkin's Lymphoma ("NHL") and PCB blood serum levels have shown an increased risk of NHL for patients whose PCB levels for these seven congeners were at or above the 75<sup>th</sup> percentile of the population.<sup>36</sup> Thus, we determined that any PCB level at or above the 75<sup>th</sup> percentile for your age group was "elevated."

Elevated levels of PCB congeners in the blood have been associated not only with Non-Hodgkin's Lymphoma, but also with a variety of other health problems. These other health problems include cancers of the liver, skin, prostate,<sup>37</sup> and pancreas,<sup>38</sup> as well as

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<sup>36</sup> See, e.g., Spinelli, *et al.*, "Organochlorines and risk of non-Hodgkin lymphoma," 121 *Int. J. Cancer* 2767 (2007); Engel, *et al.*, "Polychlorinated Biphenyl Levels in Peripheral Blood and Non-Hodgkin's Lymphoma: A Report from Three Cohorts," 67 *Cancer Res* 11 (2007); De Roos, *et al.*, "Persistent Organochlorine Chemicals in Plasma and Risk of Non-Hodgkin's Lymphoma," 65 *Cancer Res.* 23 (2005).

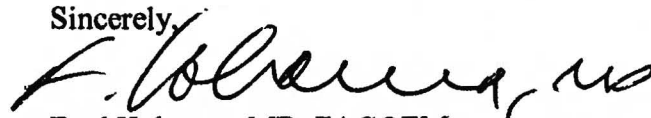
<sup>37</sup> See, e.g., Ritchie, *et al.*, "Organochlorines and risk of prostate cancer," 45 *J. Occup. Environ. Medicine* 692 (July 2003).

<sup>38</sup> Hoppin, *et al.*, "Pancreatic Cancer and Serum Organochlorine Levels," 9 *Cancer Epid. Biomarkers Prevention* 199 (Feb. 2000).

suppressed thyroid hormone levels,<sup>39</sup> diabetes,<sup>40</sup> and suppression of the immune system. If your blood levels of any of the analyzed PCB congeners are elevated, I recommend that you notify your primary healthcare provider, with whom you can discuss whether any additional screening for early detection of future cancer, thyroid problems, diabetes, or other health problems is appropriate.

Please feel free to contact me if you or your doctor have any questions about your PCB blood test results.

Sincerely,



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**Patient Results:**

**Table 1. Patient Results for PCB Concentrations and NHANES 2003-2004 Reference Data<sup>a</sup> (Results reported in ng/g lipid)**

Congeners	Patient Results	NHANES 2003-2004		
		50 <sup>th</sup>	75 <sup>th</sup> (95% conf. interval)	95 <sup>th</sup>
PCB 118	12.89	14.63	25.89 (22.97-30.17)	68.14
PCB 153	76.92	55.41	80.52 (71.26-90.69)	158.61
PCB 156	11.28	9.11	12.98 (11.51-14.38)	26.79
PCB 170	18.42	17.02	24.19 (22.10-26.23)	42.10
PCB 180	56.79	49.25	69.30 (64.80-79.19)	130.37
PCB 187	15.55	13.50	19.37 (18.56-22.02)	45.53
PCB 194	14.54	11.90	16.62 (14.42-18.93)	31.31

<sup>a</sup> National Health and Nutrition Examination Survey (Age 60+ years)

<sup>39</sup> See, e.g., Meeker, *et al.*, "Serum PCBs, p-p'-DDE, and HCB Predict Thyroid Hormone Levels in Men," 104 *Environ. Res.* 296 (June 2007).

<sup>40</sup> Lee, *et al.*, "A strong dose-response relation between serum concentrations of persistent organic pollutants and diabetes: results from the National Health and Nutrition Examination Survey 1999-2002," 29 *Diabetes Care* 1638 (July 2006).