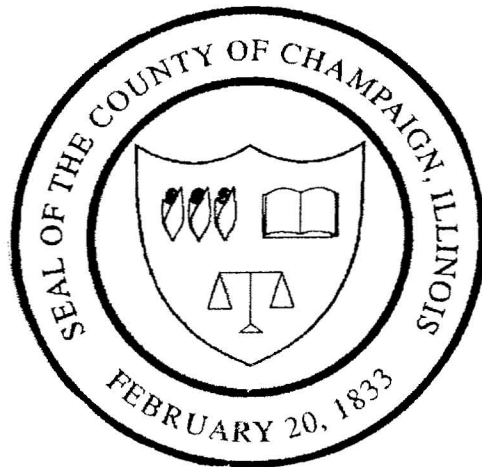


*Environment  
& Land Use Committee  
Meeting Agenda*

*Tuesday, October 14, 2008*



*7:00 p.m.*

*Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 East Washington, Urbana, Il 61802  
(217) 384-3708*

# AGENDA

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## ***Champaign County Environment & Land Use Committee***

### ***Members:***

*Jan Anderson, Chris Doenitz, Matthew Gladney,  
Brad Jones, Ralph Langenheim, Alan Kurtz, Steve  
Moser, Jon Schroeder (VC), Barbara Wysocki (C)*

***Date:*** ***Tuesday, October 14, 2008***

***Time:*** ***7:00 p.m.***

***Place:*** ***Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, Illinois***

***Phone:*** ***(217) 384-3708***

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## AGENDA

*Old Business shown in Italics*

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
  - Closed Session: September 20, 2007 and November 13, 2007
  - Open Session: September 08, 2008 1 thru 22
4. Correspondence
  - A. Letter from the Kaskaskia Watershed Association regarding Localized Water Retention 23 thru 27
5. Public Participation
6. Updates:
  - A. *Champaign County Land Resource Management Plan*
  - B. *Champaign County Hazard Mitigation Plan*
  - C. *Proposed Intergovernmental Agreement regarding development pursuant to municipal annexation that is more than one-and-one half miles from the municipality and House Bill 2518*
  - D. *Senate Bill 2022*
7. Recreation and Entertainment License: Egyptian Collectors Association, Inc. 28 thru 34  
Hunting and Trade Shows. Location: Champaign County Fair Grounds, 903 N. Coler, Urbana. October 18-19, 2008.
8. Recreation and Entertainment License: Gordyville, LLC. Rodeo 35 thru 47  
Location: 2205 CR 3000N, Gifford. October 31 thru November 1-2, 2008.
9. Zoning Case 583-AT-07: Zoning Administrator 48 thru 78  
Request: Amend the Zoning Ordinance to establish "pipeline impact radius" and restrict certain development within a pipeline impact radius.



**CHAMPAIGN COUNTY  
ENVIRONMENT AND LAND USE COMMITTEE AGENDA  
OCTOBER 14, 2008**

**10. Zoning Case 630-AM-08: Wingfield Distributors, LLC and Dean Wingfield, 79 thru 106  
President and Wayne Busboom**

**Request: Amend the Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to the B-1, Rural Trade Center Zoning District.**

**Location: An approximately 2.6 acre portion of a 30 acre tract in the North Half of the Northeast Quarter of the Southeast Quarter of Section 22 of Somer Township and commonly known as the farm shed at the Southwest corner of intersection CR 2050N and CR 1600E.**

**11. *Champaign County Zoning Ordinance requirements for wind turbine developments***

**12. Monthly Reports (June, July, August, September, 2008)  
*(to be distributed)***

**13. Closed session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance, or dismissal of an employee.**

**14. Other Business**

**15. Determination of Items to be placed on the County Board Consent Agenda**

**16. Adjournment**

**MINUTES OF REGULAR MEETING**

<b>Champaign County Environment &amp; Land Use Committee</b>	<b>DATE:</b>	<b>September 08, 2008</b>
<b>Champaign County Brookens Administrative Center</b>	<b>TIME:</b>	<b>7:00 p.m.</b>
<b>Urbana, IL 61802</b>	<b>PLACE:</b>	<b>Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802</b>

10

11

**MEMBERS PRESENT:** Jan Anderson, Chris Doenitz, Brad Jones, Ralph Langenheim, Steve Moser, Carrie Melin, Jon Schroeder (VC), Barbara Wysocki (C)

14

**OTHER COUNTY BOARD MEMBERS PRESENT:**

Pius Weibel (County Board Chair)

**DRAFT**

18

19

**MEMBERS ABSENT:** Jan Anderson, Carrie Melin, Steve Moser, Matthew Gladney

21

22

**STAFF PRESENT:** John Hall, Leroy Holliday, J.R. Knight, Frank DiNovo (Regional Planning Commission), Susan Chavarria (Regional Planning Commission), Christine Papavasiliou (Assistant State's Attorney), Brent Rose (Regional Planning Commission)

26

27

**OTHERS PRESENT:** Alan Kurtz, Linda Ohnstad, Rex Bradfield, Craig Rost

30

31

**1. Call to Order, Roll Call**

33

The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.

35

**2. Approval of Agenda**

37

**Mr. Langenheim moved, seconded by Mr. Schroeder to approve the agenda. The motion carried by voice vote.**

39

40

**3. Approval of Minutes (August 11, 2008)**

42

**Mr. Jones moved, seconded by Mr. Doenitz to approve the August 11, 2008 minutes.**

44

Mr. Hall stated that Ms. Susan Monte has requested that Page 7, Line 28 be amended as follows: Ms. Monte stated that the risk assessment stage of the plan is nearly complete with the process of risk assessment to be completed in September.

48

1 Mr. Hall stated that Line 35 should be amended as follows: Ms. Monte stated that after the risk assessment  
2 stage they will be moving in to identify mitigation and implementation measures and during that stage we  
3 expect to have a public participation event in either an open forum or an open house.  
4

5 **Ms. Wysocki requested a voice vote to approve the August 11, 2008 minutes as amended.**

6  
7 **The motion carried.**

8  
9 **4. Correspondence**

- 10
- 11        **A. Mahomet Aquifer Consortium Member Meeting No. 60, June 12, 2008, minutes**
- 12        **B. Mahomet Aquifer Consortium Meeting No. 61, August 14, 2008, agenda.**
- 13

14 **Mr. Langenheim moved, seconded by Mr. Doenitz to place the Mahomet Aquifer Consortium Member**  
15 **Meeting No. 60, June 12, 2008, minutes and the Mahomet Aquifer Consortium Meeting No. 61, August**  
16 **14, 2008, agenda on file. The motion carried by voice vote.**

17  
18 **5. Public Participation**

19  
20 Mr. Rex Bradfield, engineer for the Petitioner regarding Subdivision Case 193-08: Broken Arrow Subdivision,  
21 stated that he would like to defer his comments until Item #8 on the agenda is addressed by the Committee.

22  
23  
24 Ms. Linda Ohnstad, who resides at 1886 CR 1600N, Urbana, stated that she would like the County Board to  
25 not require her to pay a \$68 permit fee for maintenance that she completed on her deck. She said that she  
26 would like to see a clear definition of the word “change” and how fees are determined and she would like to  
27 have the right to appeal such fees without a \$250 fee. She said that she would also like to see the County  
28 Board care more about the homeowner trying to do the right thing than the permit fee.  
29

30 Ms. Ohnstad stated that the reason that she would like to see these items is because she had her first experience  
31 with Champaign County Planning and Zoning Department this summer. She said that she called their office a  
32 month in advance and asked about redoing her front deck, because due to deterioration it was no longer safe.  
33 She said that she was informed that as long as she did not change the size of the deck and kept the same  
34 configuration she would not need a building permit. She removed the four metal poles and replaced them with  
35 wood using the same holes. She said that she also kept the same metal support system under the deck and  
36 replaced the wood deck with composite wood and all metal with cedar. She said that rather than placing a  
37 canvas top on the deck she installed greenhouse plastic.  
38

39 Ms. Ohnstad stated that shortly after her deck was completed she received a bill for \$68 for a building permit.  
40 She said that on the application, “front porch addition” was written in for proposed construction and the area  
41 for existing was left blank. She said that when she went to the Planning and Zoning office she received an  
42 apology for the wrong information that she was given over the phone and they were probably more polite than

1 more polite than she was. She was told that since she had completely removed and replaced the metal and  
 2 wood and added a plastic roof that it was a change. She said that she informed staff that she did not understand  
 3 why it is considered maintenance and no building permit is required if someone completely removes siding  
 4 from a house and replaces it with other siding material. She said that her deck is 10' x 6' and the fee for  
 5 altering structures is \$16 per 100 square foot and the fee for a deck is listed at \$33 dollars therefore she does  
 6 not understand how the \$68 fee applies to her situation.

7  
 8 Ms. Ohnstad stated that since she disagreed with the staff decision she was told that she could appeal their  
 9 decision but of course at a non-refundable \$250 fee, regardless of the outcome. She said that to her this process  
 10 is the same as not allowing her to appeal.

11  
 12 Ms. Ohnstad asked if it is the Department's mission to enable the County Board to formulate and prioritize  
 13 clear and effective polices, plans and programs related to land use and development; to implement the County  
 14 Board's policies and programs fully, effectively and efficiently; and to provide the highest level of service to  
 15 the public and maintain the highest professional standards possible within the limits of available resources.

17  
 18 Ms. Ohnstad stated that she does believe that zoning and building rules are needed to protect us but should we  
 19 be micro-managing. She said that she may still be out \$68 when she leaves here but she will have the  
 20 satisfaction of being able to speak. She thanked the Committee for their time.

21  
 22 Ms. Ohnstad presented two photos of the reconstructed deck for the Committee's review.

23  
 24 **Mr. Doenitz moved to suspend the rules so that the Committee can address this issue, seconded by Mr.**  
 25 **Jones. The motion carried.**

26  
 27 Mr. Doenitz requested staff comment.

28  
 29 Mr. Hall stated that Ms. Ohnstad did a good job of presenting both sides. He said that she removed the roof  
 30 structure, replaced the deck and then added a new roof structure. He said that in every instance this type of  
 31 issue is treated as rebuilding the structure. He said that this would be treated the same way, and a permit would  
 32 be required, if someone tore down an existing house and built a new house with the exact same square footage.

33 He said that the cost of an appeal is \$200 regardless of the outcome of that appeal and admittedly this process  
 34 may not make sense in this instance but that is literally what the *Ordinance* states. He said that people always  
 35 state that they have contacted the office and received incorrect information and that may well be but everyone  
 36 in our office who gives out information is aware that a permit is required for rebuilding. He said that he is at a  
 37 loss to explain how such bad information was given to a citizen when staff receives calls like this all of the  
 38 time and that mistake has not been made previously although if the mistake was made it doesn't change what  
 39 the *Ordinance* requires. He said that it may be possible to amend the *Ordinance* so that someone would not be  
 40 required to obtain a permit if they desire to rebuild something but frankly it is hard for him to conceptualize  
 41 how the Board would allow that and still be reliably enforcing the *Ordinance*. He said that he stands by what  
 42 the *Ordinance* requires and if the Committee desires staff to come back with some proposed amendment then

1 some proposed amendment then that can done. He said that at this point the only thing that staff is doing in  
2 Ms. Ohnstad’s case is enforcing the current *Ordinance*.

3  
4 Mr. Doenitz stated that after reviewing Ms. Ohnstad’s photographs of the new construction it appears that only  
5 the timbers and the roof were changed not the deck. He said that if an amendment needs to be proposed  
6 regarding the need for a permit for maintenance of existing outside accessories that are attached to a home then  
7 he would be in favor of such an amendment.

8  
9 Mr. Schroeder stated that everyone is aware of the lifespan of a deck in comparison to the lifespan of a home.  
10 He asked Mr. Hall if it is his judgment as the Zoning Administrator or is there extensive language in the  
11 *Ordinance* regarding this type of reconstruction.

12  
13 Mr. Hall stated that there shouldn’t be any judgment in this matter. He read the *Zoning Ordinance* definition of  
14 “alteration” as follows: Any change the bearing walls, columns, beams, girders, or supporting members of a  
15 STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a  
16 STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or movement of a  
17 STRUCTURE from one location or position to another.

18  
19 Mr. Hall stated that there is no doubt that there was a change in the columns which supported the roof of the  
20 porch. He said that Section 9.1.2.A.2. indicates that a Zoning Use Permit is required to CONSTRUCT or erect  
21 a new STRUCTURE or ACCESSORY STRUCTURE or part thereof. Mr. Hall stated that this situation was  
22 clearly erecting a new roof structure and new roof over the porch. He said that again an amendment could be  
23 proposed to limit that application.

24  
25 Mr. Schroeder stated that he understands what Mr. Hall read from the *Ordinance* but the footprint did not  
26 change. He said that buildings that are in nonconforming areas of the County can be rebuilt if they use the  
27 same footprint.

28  
29 Mr. Hall stated that nonconforming structures cannot be replaced if the replacement is over 50%. He said that  
30 if the porch had been nonconforming the only way that staff would have known about it would be if they would  
31 require a permit for it but this porch was conforming.

32  
33 Mr. Jones stated that the Board should encourage people to maintain their property and in this instance we are  
34 talking about a deck. He said that if permit fees are required for this type of maintenance then it may  
35 discourage many people from doing such and if the *Ordinance* is written in such a way then we should really  
36 look at changing that text. He asked if the maintenance includes the same footprint for a deck but different  
37 materials then would a permit be required.

38  
39 Mr. Hall stated that a permit fee would not be charged for simply replacing an uncovered deck but if someone  
40 tears down an old covered deck or porch and desires to erect a new covered porch or deck then a permit with  
41 fees would be required.

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Ms. Wysocki asked Ms. Ohnstad if she intends to appeal the fees.

Ms. Ohnstad stated that she cannot afford to appeal this decision at this time.

Ms. Wysocki asked Ms. Ohnstad if she has paid the \$68 permit fee.

Ms. Ohnstad stated no. She said that Mr. Hall informed her that she could wait until after this meeting. She said that there are four posts holding up a plastic roof and it is not enclosed. She said that there are four wood posts in the same holes that housed four metal posts to hold up the plastic roof.

**Mr. Doenitz moved, seconded by Mr. Jones to waive the permit fee as requested by Ms. Ohnstad for the reconstruction of a covered porch.**

Mr. Hall stated that in the past staff has brought fee waiver requests to the Committee for action but he stressed that the *Zoning Ordinance* does not provide for such action. He said that the *Ordinance* would suggest that it does not prohibit variances for the fee but it has never provided for this Committee to waive a fee.

Mr. Doenitz asked what the best solution would be to address this issue.

Mr. Hall stated that the best solution would be to amend the *Ordinance*. He said that staff could put Ms. Ohnstad’s permit notice in abeyance while we work through the amendment.

**Mr. Doenitz withdrew his motion.**

**Mr. Doenitz moved, seconded by Mr. Jones to hold Ms. Ohnstad’s permit notice in abeyance and directed the Zoning Administrator to report back on a proposed amendment eliminating the fee for permits to reconstruct porches and covered decks.**

Mr. Schroeder stated that staff needs more direction, such as if the footprint is not changed on an attached accessory structure a Zoning Use Permit application must be submitted with no fees attached. He said that if the same footprint is kept and a structure is improved by completing general maintenance then it is not detrimental to communities and personal properties and it might make sense for the Board to visit this issue.

**The motion carried by voice vote.**

**6. Updates**

**A. Champaign County Land Resource Management Plan**

Ms. Susan Chavarria, Regional Planning Commission, stated that Stage 2 Policy Framework revisions by the Steering Committee began in June, after four months of staff work compiling community interviews and drafting goals, objectives and policies. The original project timeline called for the final draft policies being



1 presented to the County board for review in August and ELUC for sign-off in September.

2  
3 Ms. Chavarria said that the Steering Committee has so far worked a total of 10 hours through four consecutive  
4 meetings revising and wordsmithing the draft policies. The entirety of their efforts has focused on Goal 4  
5 Agriculture, which is just one of 8 draft goals. She said that they anticipate that they will finish with Goal 4  
6 and its objectives and policies at their meeting on Thursday, September 11, 2008.

7  
8 Ms. Chavarria said that other goals, objectives, and policies are not anticipated to be so controversial, but there  
9 are still some significant discussion points coming up. She said that she would anticipate the need for at least  
10 three to five more Steering Committee meetings to cover all the goals, objectives and policies. Unfortunately  
11 for this process, harvest is coming and it has been suggested by committee members that the next meeting after  
12 Thursday, September 11, 2008, not occur until November. She said that what this signifies is the possibility  
13 that the Stage 2 framework could extend through late winter, approximately 5-6 months off schedule. She said  
14 that she does believe, however, that we will be back on schedule by the end of the process, which is scheduled  
15 through November 2009 and much of the upcoming work can overlap the continuing work with the goals,  
16 objectives and policies.

17  
18 Ms. Chavarria personally invited the Committee to the Thursday, September 11, 2008, meeting so that they  
19 could give an ear to the considerable efforts this committee is undertaking in the hopes of delivering an  
20 acceptable product to the County Board. She said that the meeting will be held from 7:30-10:00 a.m. in the  
21 John Dimit Conference Room at the Regional Planning Commission.

22  
23 Mr. Doenitz stated that due to time restrictions he has been unable to attend many of the meetings. He said  
24 that he has been reading the minutes from the meetings and he is concerned that some of the items which are  
25 being presented may not fly therefore everyone may be wasting their time and money. He asked Ms. Chavarria  
26 to indicate where the goals came from that have been presented.

27  
28 Ms. Chavarria stated that the 18 member Steering Committee is working hard to make sure that the goals are  
29 presented in a manner that will fly and that the plan will be completed on time and under budget. Ms.  
30 Chavarria said that the Steering Committee is reviewing the original Land Use Goals and Polices from 1977  
31 and the Land Use Regulatory Policies. She said that staff is also looking at other Land Resource Management  
32 Plans to get other ideas.

33  
34 Mr. Doenitz stated that he was concerned about the way the Land Use Regulatory Plan was headed and it  
35 appears to be taking a spiral path down. Mr. Doenitz said that if the Land Resource Management Plan is not  
36 right then time or money doesn't matter.

37  
38                      **B.                      *Champaign County Hazard Mitigation Plan***

39  
40 Ms. Susan Chavarria stated that the Champaign County Hazard Mitigation Plan is currently finishing up  
41 Stage Two, Risk Assessment, and is about to begin Stage 3: Mitigation Plan, which should extend through  
42 March.

1  
 2 C. *Proposed Intergovernmental Agreement regarding development pursuant to municipal*  
 3 *annexation agreement that is more than one-and-one half miles from the municipality*  
 4 *and House Bill 2518*

5  
 6 D. *Senate Bill 2022*  
 7

8 Mr. Hall stated that there is no new development regarding Items #6.C or #6.D. He said that prior to tonight’s  
 9 meeting he checked the General Assembly website and neither House Bill 2518 or Senate Bill 2022 has  
 10 changed. He said that he will continue to report back to the Committee until the fall veto session.  
 11

12 Mr. Schroeder asked Mr. Hall if there was anything that the individual County Board members could do.  
 13

14 Mr. Hall stated that he does not know who is carrying the ball on the Senate side but we have spoken with  
 15 Senator Righter in the past and he would hope that Senator Frerichs would be willing to pitch in. He said that  
 16 Senate Bill 2022 is stuck in the Rules Committee and he is not sure who would be best to try to deal with this  
 17 situation but on the house side our contact would be Representative Naomi Jakobbson.  
 18

19 **7. Proposed Resolution regarding procedure to replace a member of the Champaign County**  
 20 **Land Resource Management Plan Steering Committee**  
 21

22 Ms. Wysocki stated that at the August meeting the Committee discussed the fact that the Resolution that  
 23 created the Land Resource Management Plan offered no option for replacing members who need to step down.  
 24 She said as per the Committee’s direction, staff has prepared a proposed Resolution which was included on  
 25 Page 22 of the mailing packet and an additional version of the Resolution has been distributed to the  
 26 Committee for review. She said that this Committee originally created the Resolution for the LRMP therefore  
 27 it is this Committee’s responsibility to amend the Resolution if needed.  
 28

29 **Mr. Schroeder moved, seconded by Mr. Doenitz to recommend approval of the Resolution indicating the**  
 30 **following:**  
 31

32 **In the event that a Steering Committee member replacement is required, County Board members shall**  
 33 **be notified regarding such vacancy a minimum of three weeks prior to the Policy, Personnel and**  
 34 **Appointments Committee meeting at which a Steering Committee replacement member will be**  
 35 **considered. County Board members will be provided a minimum period of two weeks within which to**  
 36 **nominate one or more potential Steering Committee members meeting criteria listed in County Board**  
 37 **Resolution No. 6052.**  
 38

39 Mr. Doenitz stated that he does not believe that three weeks is enough time because you literally only have two  
 40 weeks to do anything due to the Policy, Personnel and Appointments Committee agenda is sent out one week  
 41 prior to the meeting. He said that he would suggest that County Board members be notified of the vacancy, at a  
 42 minimum, of four weeks prior to the Policy, Personnel and Appointments Committee meeting.  
 43



1 Mr. Langenheim stated that he agrees with Mr. Doenitz and finds that the text in the proposed Resolution  
2 somewhat confusing.

3  
4 Ms. Wysocki stated that given the schedule of the Policy, Personnel and Appointments Committee the notice of  
5 the vacancy would have to be given about a month before the meeting. She said the County Board would need  
6 to be aware of any vacancies shortly after the previous Policy, Personnel and Appointments Committee  
7 meeting.

8  
9 Mr. Hall stated that the distributed Resolution indicates the following last sentence: County Board members  
10 will be provided a minimum period of two weeks within which to nominate one or more potential Steering  
11 Committee members meeting criteria listed in County Board Resolution No. 6052. He said that if this sentence  
12 is stricken it would not be as confusing. He said that he agrees with Mr. Doenitz in that the County Board  
13 really needs a month in order to have two weeks to submit a nomination.

14  
15 Mr. Doenitz requested that Mr. Schroeder allow him to amend the original motion as follows:

16  
17 **Recommend approval of the Resolution Regarding Procedure to Replace a Member of the Champaign**  
18 **County Land Resource Management Plan Steering Committee as amended as follows:**

19  
20 **In the event that a Steering Committee member replacement is required County Board members shall**  
21 **be notified regarding such vacancy a minimum of four weeks prior to the Policy, Personnel and**  
22 **Appointments Committee meeting at which a Steering Committee replacement member will be**  
23 **considered.**

24  
25 Mr. Schroeder accepted Mr. Doenitz's amended motion but indicated that he would like to add the following  
26 sentence: Replacement Steering Committee members shall meet the criteria listed in County Board Resolution  
27 No. 6052.

28  
29 Mr. Doenitz agreed with Mr. Schroeder's addition to his motion.

30  
31 Mr. Hall read the modified motion as follows:

32  
33 **Mr. Schroeder moved, seconded by Mr. Doenitz to recommend approval of the Resolution Regarding**  
34 **Procedure to Replace a Member of the Champaign County Land Resource Management Steering**  
35 **Committee as amended as follows:**

36  
37 **In the event that a Steering Committee member replacement is required County Board members shall**  
38 **be notified regarding such vacancy a minimum of four weeks prior to the Policy, Personnel and**  
39 **Appointments Committee meeting at which a Steering Committee replacement member will be**  
40 **considered. Replacement Steering Committee members shall meet the criteria listed in County Board**  
41 **Resolution No. 6052.**

1 The amended motion carried by voice vote.

2  
3 **8. Subdivision Case 193-08: Broken Arrow Subdivision. Subdivision Plat approval for a two-**  
4 **lot minor subdivision in the AG-1 Zoning District in Section 26, Crittenden Township.**

5  
6 **Mr. Schroeder moved, seconded by Mr. Langenheim to recommend approval of Subdivision Case 193-**  
7 **08: Broken Arrow Subdivision.**

8  
9 Mr. Weibel asked if a separate access lane will be constructed for Parcel 2.

10  
11 Mr. Hall stated that there will be a shared driveway.

12  
13 Mr. Weibel asked if the shared driveway will remain at the boundaries of the two proposed lots or would it be  
14 relocated.

15  
16 Mr. Hall stated that the owners would have the right to establish a new driveway for each lot if they so desired  
17 at a later date.

18  
19 Mr. Doenitz asked Mr. Hall if there were any issues which the Committee has not addressed.

20  
21 Mr. Hall stated no. He said that what has been presented tonight was simply the requirement that topographic  
22 profile be submitted. He said that there are no floodplain concerns and no land is being taken out of production  
23 so it is actually using the property more efficiently. He said Mr. Miller and his son are going to both reside on  
24 the property when the subdivision is approved by the County Board. He said that the request meets all of the  
25 Minimum Subdivision standards and arguably it is an efficient use of the land.

26  
27 Mr. Schroeder stated that a big plus for this subdivision is that it is along IL Route 130. He said that he has no  
28 issues with approval of this request.

29  
30 **The motion carried by voice vote.**

31  
32  
33 **9. Enterprise Zone Boundary Amendment**

34  
35 **Mr. Schroeder moved, seconded by Mr. Doenitz to recommend approval of the Joint Champaign**  
36 **County-City of Champaign Enterprise zone: Boundary Agreement.**

37  
38 Mr. Doenitz stated that he seconded the motion for discussion purposes only but he does not like to give money  
39 away and is concerned that there is no mention of retaining employment or creating new employment.

40  
41  
42 Mr. Craig Rost, Deputy City of Champaign Manager for Development, stated that the City of Champaign

1 Council and the Champaign County Board must approve any modification to the enterprise zone boundary and  
2 then the modification request would be forwarded to the State after those two bodies took action. He said that  
3 the City of Champaign Council took action upon this issue on September 2, 2008, and there was some  
4 discussion at that meeting along the same lines of what is the appropriate use of the Enterprise Zone regarding  
5 infill and employment. He said that the Enterprise Zone is an imperfect land use development tool but it does  
6 give some economic advantages. He said that it was discussed that when there is a property such as the subject  
7 property which needs a substantial amount of improvement and may be in a location that is hard to sell or  
8 occupy the Enterprise Zone is one more tool that the community has to get a business in that location. He said  
9 that F.E. Moran, Inc. has indicated that they are interested and would need to invest more than \$1 million  
10 dollars in to the property in order to upgrade it. He said that it is not known what the rate of return is on the  
11 Enterprise Zone benefits when you have an existing piece of property versus a bare piece of land. He said that  
12 one of the concerns is that when an outdated building sits on a piece of land that is somewhat difficult to move  
13 because it is not on a heavily traveled arterial the building could sit empty for a long period of time. He said  
14 that the City of Champaign’s philosophy is that it is better to get someone in the building and take the few  
15 years of abatement and the taxes which would be coming in would be those taxes that were already existing on  
16 the property therefore only the improvement level is abated and relevant sales tax. He said that he is not at this  
17 meeting to debate the merits of the Enterprise Zone but sometimes it keeps us from being in a competitive  
18 advantage and several council members pointed out that in a situation where you have property with an  
19 outdated building that is surrounded by the zone it may be one of the most appropriate times to use this tool.

21  
22 Mr. Doenitz asked Mr. Rost if this property was located in the TIF District.

23  
24 Mr. Rost stated no.

25  
26 Mr. Doenitz asked Mr. Rost what the chances are of F.E. Moran, Inc. following through with this proposal  
27 without the Enterprise Zone because if we are talking about one million dollars in improvements would \$50  
28 thousand dollars make or break the deal.

29  
30 Mr. Rost stated that whoever leases or purchases the building would be required to do significant  
31 improvements because the building is outdated. He said that if it isn’t F.E. Moran, Inc. then it will be someone  
32 else but there is no obligation on F.E. Moran’s part. He said that it is not as speculative as a bare piece of land  
33 would be and it is a judgment call.

34  
35 Mr. Doenitz asked if F.E. Moran, Inc. has indicated any type of employment statistics and what guarantee has  
36 F.E. Moran given that they will complete those needed improvements.

37  
38 Mr. Rost stated that he does not know if any new jobs would be created but it would keep a viable business in  
39 the community. He said that the physical improvement in the building would be what we would be going after  
40 rather than the job numbers.

41  
42 Mr. Jones asked Mr. Rost what type of businesses surrounds this property.

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Mr. Rost stated that this is kind of a “hot spot” area unfortunately because pieces of the area are inside and outside the City of Champaign along Anthony Drive. He said that Pepsi Cola has an office in this area as well as American Dowell Sign. He said that the building along Mattis Street is anticipated to help this frontage road although frontage roads are historically difficult to sell and redevelop.

Mr. Rost indicated the location of the subject property on the map supplied by the City of Champaign Planning Department, included as Page 42 of the mailing packet. He said that when the City of Champaign Council raised the question regarding criteria for infill staff informed the Council that they will come back and discuss this issue because the Enterprise Zone wasn’t a targeted benefit to begin with and targeting it for something such as filling in the empty gaps in the community before we spread out in to the county had a lot of appeal to it. He said that this is a good application of the benefit as opposed to just bare land development.

Mr. Alan Kurtz, prospective County Board member to replace Carrie Melin, stated that he drove to the property and entered the building. He said that he observed that the building is very dilapidated and he agrees with Mr. Doenitz in what guarantee does the County have that F.E. Moran will complete those needed improvements.

Mr. Weibel asked if it would be better to bulldoze the building and start out fresh.

Mr. Kurtz stated that this may be a good point. He said that the building is still being used to some degree but due to the amount of work that needs be completed it may be more useful for someone to tear down the building and start fresh. He said that one million dollars in improvements is what is promised but that doesn’t mean that they will follow through on that promise. He said that F.E. Moran may just say that they will use the existing building. He asked if there was a way that the County could require F.E. Moran to follow through on their promise for the \$1 million dollars in improvements.

Ms. Wysocki asked Mr. Rost if there is a way to hold F.E. Moran to their promise.

Mr. Rost stated that it is possible but it is somewhat complicated by the fact that both of the political bodies, City of Champaign and Champaign County, have to act on this agreement. He said that potentially F.E. Moran could have a development agreement with the City of Champaign and the language that would be used in that case would be that the City of Champaign would make their best efforts to amend the Enterprise Zone Boundary because the two pieces outside of the City of Champaign’s control would be approval from Champaign County Board’s action and the State of Illinois’ approval. He said that they cannot enter into a contractual agreement that commits to the improvements if the City of Champaign is only one of the three entities that ultimately make the decision. He said that it is certainly a possibility but the City of Champaign has not engaged in such conversations with F.E. Moran but again such a commitment would not be very binding because the City of Champaign cannot bind the County or the State.

Mr. Schroeder asked if the taxes that would be abated would only be on the improvements.

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Mr. Rost stated that Mr. Schroeder is correct. He said one of the benefits of the Enterprise Zone is that the only thing that will be abated is what F.E. Moran spends therefore if they just move in and occupy the building and spent little or none money then they will have what we have today but if they make significant improvements then that will be abated for a period of five years and then the jump in tax increase would occur and a much more valuable property will be on the tax rolls.

Mr. Doenitz suggested that this request be deferred until an agreement regarding improvements is instituted.

Ms. Wysocki asked Mr. Rost if this is possible.

Mr. Rost stated that he can certainly present this to F.E. Moran. He said that F.E. Moran may have a contract for purchase that has a contingency in it that they receive the Enterprise Zone. He said that they may need to discuss how to bind them as much as we possibly can, given the intergovernmental nature of this situation and then they will have to wait for the process to be complete.

**Mr. Doenitz moved, seconded by Mr. Langenheim to defer this item to the October ELUC meeting.**

Mr. Schroeder asked Mr. Doenitz what he wants to see presented at the October, ELUC meeting.

Mr. Doenitz stated that what he does not want to see this property being placed in the Enterprise Zone with a free ticket for F.E. Moran. He said that the City of Champaign has already given their approval therefore if the County Board takes action to approve then it is sent to the State for approval.

Mr. Schroeder stated that he is against deferring this request and is in favor or granting the Enterprise Zone because it is tough enough to do business in the State of Illinois anyway.

Mr. Weibel asked if F.E. Moran could attend the next ELUC meeting or the County Board meeting.

Mr. Rost stated that he will contact F.E. Moran to see if it would be possible for them to attend. He said that it would be difficult for the City of Champaign and the County to have an agreement between themselves therefore what need to have F.E. Moran commit to development on the subject property.

Ms. Wysocki stated that currently there are two motions on the floor, one to recommend approval and one to defer this item until the October, ELUC meeting.

Ms. Wysocki requested a roll call vote for the motion to defer this item.

**Roll Call for Mr. Doenitz’s motion to defer this item to the October, ELUC meeting:**

<b>Doenitz-yes</b>	<b>Langenheim-yes</b>	<b>Schroeder-no</b>
<b>Wysocki-no</b>	<b>Jones-no</b>	<b>Anderson-absent</b>



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3 **The motion to defer failed by roll call vote.**  
4

5 Ms. Wysocki requested a roll call vote for the original motion to recommend approval for this item.  
6

7 **Roll Call for Mr. Schroeder’s motion to recommend approval of the Joint Champaign County-City of**  
8 **Champaign Enterprise zone: Boundary Agreement.**  
9

10	<b>Doenitz-no</b>	<b>Langenheim-no</b>	<b>Schroeder-yes</b>
11	<b>Wysocki-yes</b>	<b>Jones-yes</b>	<b>Anderson-absent</b>
12	<b>Moser-absent</b>	<b>Gladney-absent</b>	

13  
14 **The motion to recommend approval carried by roll call vote.**  
15

16 **10. Champaign County Zoning Ordinance requirements for wind turbine developments**  
17

18 Mr. Hall distributed to the Committee a memorandum titled, “Zoning Ordinance Requirements for Wind  
19 Farms” dated Sept 8, 2008. He said that the memorandum illustrates that if we could proceed with an  
20 application for a wind farm under the current *Ordinance* and the way that we charge the fees for a Special Use  
21 Permit, which is based on the area taken out of production, a 7,000 acre wind farm with 100 turbines would  
22 have an application fee of only \$1,680 which in terms of the amount of what the cost covers would be  
23 miniscule. He said that an alternative way, which would require amending the *Zoning Ordinance*, we would  
24 charge a Special Use Permit fee based on the entire area described in the application. He said that if the  
25 development would be on 7,000 acres with 100 turbines it would be a \$71,000 application fee. He said that  
26 this is similar to the fee that McLean County has received for each of the two wind farms and one of those  
27 wind farms had an approximate \$90,000 application fee. He said that legally the application fees need to be  
28 based on the actual cost that the County incurs and application fees cannot be used as an income generator. He  
29 said that wind farms are so controversial and so complicated that the County should not be concerned with a  
30 fee of this size. He said that the County is going to have a lot of costs, even if this project goes very well. He  
31 said that if the County is involved in a legal challenge, such as McLean County is currently involved in, our  
32 costs could have no limit.  
33

34 Mr. Hall stated that the distributed memorandum is just a reminder to the Committee that when we proceed  
35 with an amendment concerning wind turbine developments that the fees are in the neighborhood that the  
36 Committee believes is reasonable. He said that there are other ways to calculate fees and if the Committee  
37 feels that the upper end fee seems too high then further discussion is needed for alternative fees. He noted that  
38 there is no staff recommendation included in the memorandum for the kind of County Board approval that a  
39 wind farm should obtain. He said that two approaches were reviewed, the County Board Special Use Permit  
40 approach which is what every County that has zoning uses. He said that an alternative is the combination  
41 Zoning Map Amendment and County Board Special Use Permit approach and frankly staff has been discussing  
42 this issue over the past couple of weeks. He said that we know that there are counties which have taken the

1 have taken the County Board Special Use Permit approach for a wind farm but there has been no decision when  
2 these projects have been challenged and it is so unlike any other development that staff is a little concerned  
3 about this approach. He said that for example, a County Board Special Use Permit for a wind farm would  
4 almost certainly result in small parcels that are not party to the agreement of the Special Use Permit being  
5 surrounded by the wind farm. He said that there is no other Special Use Permit like this and we know that  
6 these things are going to be controversial and the lawsuit that is against McLean County came from owners of  
7 these small tracts that are surrounded by the wind farm. He said that the basis of the lawsuit is that McLean  
8 County did not treat all testimony in the same manner and they ended up cutting off testimony for some people  
9 during the public hearing and he assured the Committee that Champaign County is not going to do that but  
10 there is a big possibility that including the smaller land parcels that are not party to the Special Use Permit may  
11 create some legal risk. He said that at a staff level we are much more comfortable with a Zoning Map  
12 Amendment and a Special Use Permit. He said that this does not have to slow the process down and it doesn't  
13 have to increase the fees but it would create protest rights for those people who are opposed to it. He said that  
14 if we do not have a Zoning Map Amendment there will be neighbors who are opposed to the proposed wind  
15 farm development and they will not have protest rights but the County should not go with the Zoning Map  
16 Amendment route just to create protest rights. He said that what is really at issue is a wind farm which will  
17 consist of hundreds of wind turbines on thousands and thousands of acres and is that materially different from  
18 one or two wind farms here or there. He said that all he can tell the Committee is that a unified wind farm  
19 development has road impacts that one or two Special Use Permits would not have and it ends up with a  
20 landscape appearance that you wouldn't get if you didn't go with the unified wind farm approach because with  
21 the current *Ordinance* there won't be hundreds of wind towers in the AG-1 district. He said that when the  
22 *Ordinance* is amended you should consider if it is being amended because we think that this thing will be  
23 generally okay anywhere and we just want to review it for site specific concerns or are we amending the  
24 *Ordinance* because a wind farm is a unique creature which needs its own overlay zoning district which would  
25 require each individual wind turbine to obtain a Special Use Permit.

27  
28 Mr. Hall stated that staff is finding this a very difficult call. He said that what really matters is if a tens of  
29 thousands of acre wind farm with hundreds of wind turbines is materially different than a few farmers doing a  
30 few wind turbines on their farmland.

31  
32 Mr. Schroeder asked if a whole new category would need to be created for such an overlay of this type.

33  
34 Mr. Hall stated that yes, a new category would need to be created that could be called a Wind Farm  
35 Development Overlay which would simply overlay the AG-1 zoning. He said that in Champaign County a  
36 landowner has the basic right to sell off three or four lots and he is assuming that this would still be applicable.  
37 He said that he is not suggesting that the County change anything about the underlying zoning but there would  
38 be an overlay zoning district and for someone to propose that would only need the signatures and support of  
39 50% of the landowners in that area.

40  
41 Mr. Schroeder asked if a 2/3 majority would be required from the County Board for approval.  
42

1 Mr. Hall stated that approval would require a majority of the County Board but if only 20% of the landowners  
2 covered by the rezoning were opposed it would trigger a super-majority requirement. He said that if the  
3 Special Use Permit approach is utilized and 20% of the landowners protest the request without protest rights  
4 those landowners may take the County to court requesting that there should be a rezoning.

5  
6 Mr. Schroeder stated that there is only a small portion of the County which would even be eligible for a wind  
7 farm development.

8  
9 Mr. Hall stated that there has been rumor of a possible wind farm in the southeastern portion of the County and  
10 he is not aware of any specific proposal although we are aware of this specific wind farm proposal to the  
11 landowners in the northeastern portion of the County. He said that right now he would have to say that the  
12 County could easily be faced with two wind farms and the proposed wind farm in the northeastern part of the  
13 County will involve over 14,000 acres. He said that he does not have any idea what might happen in the  
14 southeastern portion of the County but he does know that staff has been receiving calls from an engineer whose  
15 job it is to search out likely locations for wind farms and he has indicated that the County may have an  
16 application for such a proposal by the end of September. Mr. Hall stated that the engineer did not indicate  
17 where this proposed wind farm will be located or how large it would be.

18  
19 Mr. Langenheim stated that it is possible that a wind farm could be established and one property owner inside  
20 the area could be excluded and would be unable to participate in the profits of installing in the profits of  
21 installing his own generators and this would be intolerable. He said that it would also be intolerable for people  
22 who are adjacent to the wind farm to be excluded from participating in the benefits thereof or joining in and  
23 setting up their own wind farm.

24  
25 Mr. Hall stated that individual landowners who desire to erect their own personal wind turbine could do so. He  
26 said that what needs to be part of the approval are these commercial scale, 400 foot high commercial wind  
27 turbines.

28  
29 Mr. Langenheim asked if a small landowner did not participate in the Special Use Permit request for a wind  
30 farm could he be prevented from developing on his own land.

31  
32 Mr. Hall stated that he is not sure how those things are handled and no specific proposal has been presented for  
33 review. He said that this is why we have this concern that leads staff to feel much more comfortable with a  
34 Zoning Map Amendment.

35  
36 Mr. Doenitz asked what would happen if an application for a proposed wind farm is submitted by the end of  
37 September and no action has been taken regarding this matter by the County Board.

38  
39 Mr. Hall stated that more than three wind turbines could only happen in the I-2 Heavy Industry zoning district  
40 and if a single developer proposes a development with more than three wind turbines then they will need the I-  
41 2 Heavy Industry zoning district. He said that he will inform such developers that they will be welcome to  
42 apply for the rezoning of 12,000 acres of land in Champaign County to the I-2 zoning district but they should



1 they should not plan on that request being approved.  
2  
3 Mr. Doenitz stated that the County is in the driver's seat which will buy the County some time to address this  
4 issue in the *Zoning Ordinance*.  
5  
6 Mr. Hall stated yes and it would give the County an interested observer which could give good testimony  
7 during the text amendment process. He said that those landowners who are opposed to such a development  
8 would probably accuse the County of tailoring the *Zoning Ordinance* to fit the developer's needs but we want  
9 to be realistic when we set up this text amendment.  
10  
11 Mr. Doenitz stated that this testimony will give effected property owners which are outside of the wind farm  
12 the right to protest.  
13  
14 Mr. Hall stated yes.  
15  
16 Mr. Langenheim stated that he is thinking that a certain area will be blocked off and everyone in that area  
17 would share equally in terms that are proposed.  
18  
19 Mr. Hall stated that if the County Board Special Use Permit approach is taken and all of the signatures of all of  
20 the landowners were obtained in that proposed area as part of the special use permit then personally he would  
21 have no reservations about that approach.  
22  
23 Mr. Langenheim stated that if there is a landowner in that area who wants to hold out and not be part of that  
24 development he is restricted from holding out because the unit is established by law and all of the land in that  
25 area is treated as a single owner and the proceeds are divided equally amongst the landowners.  
26  
27 Mr. Schroeder asked Mr. Langenheim if he is indicating that a landowner who chooses not to be included in  
28 the special use permit or map amendment should receive some of the proceeds that are received by the  
29 landowner who is a part of the wind farm development.  
30  
31 Mr. Langenheim stated yes.  
32  
33 Ms. Wysocki stated that she attended the Champaign County Farm Bureau workshop regarding agri-energy  
34 which included a speaker who was a landowner in McLean County who was speaking about his experience, as  
35 a landowner, in getting that whole process started. She said that each landowner has their own lease with the  
36 company or developer which is installing these wind turbines and each landowner receives \$20,000 dollars a  
37 year for the rent that the developers will pay for those turbines to be erected on their property. She said that if  
38 someone owns more land or has more than one wind turbine on their property then of course they receive more  
39 than \$20,000 dollars but it is not like there is a pot of money that is divided up each year amongst the involved  
40 landowners. She said that in the speaker's experience there were no landowners who held out along that  
41 corridor which houses the wind turbines and currently the developer is moving across the road to establish  
42 contact with the landowners with the idea of expansion. She said that basically the landowner is receiving rent

1 landowner is receiving rent regardless of the amount of energy that is produced by each individual wind  
2 turbine.

3  
4 Mr. Schroeder stated that he does not believe that there is any way that the County can legally disperse those  
5 rental funds to the affected and unaffected landowners. He said that a more than 1,000 feet tall  
6 communications tower was erected within one-quarter of a mile of his parents and at one time the strobe was so  
7 bright that it blinked in their south window. He said that the landowner is receiving a certain amount of money  
8 per year for that tower although it is affecting everyone in the area.

9  
10 Mr. Langenheim stated that there are spacing requirements for the wind turbines so a pattern of windmills is  
11 created. He said that if there is a landowner who does not have a site or lease agreement for a wind turbine  
12 although his land is completely surrounded he would be restricted to place a wind turbine on his property. He  
13 said that if there is going to be a legally described pattern and everyone who lives within the area goes with that  
14 pattern and must assume part of the responsibility of that pattern but must also gain part of the income from it,  
15 whether they want to be in the pattern or not.

16  
17 Mr. Schroeder stated that he is not sure how the County Board as a whole can achieve that equilibrium.

18  
19 Mr. Langenheim stated that he suggests that the County find a way to achieve that equilibrium.

20  
21 Mr. Hall stated that if the map amendment approach is taken the people who are included in that case that don't  
22 feel like they are receiving their fair share will have protest rights. He said that a County Board Special Use  
23 Permit will have landowners that are sitting in the middle of the wind farm that are not going to receive any  
24 benefit from the wind farm. He said that the County cannot deal with the distribution of benefits and the most  
25 the County can do is create protest rights.

26  
27 Mr. Schroeder asked Mr. Hall if there are any counties which have gone with a Zoning Map Amendment for  
28 this type of development.

29  
30 Mr. Hall stated that he is not aware of any counties which have taken this route.

31  
32 Mr. Weibel asked Mr. Hall how many counties in Illinois have wind farms.

33  
34 Mr. Hall stated that there are at least a dozen or more counties in Illinois which have wind farm development.  
35 He said that he has been more concerned that there is a tendency in zoning to copy what another county has  
36 approved and he has always tried not to do that.

37  
38 Mr. Weibel stated that if we do not get something in place then it may be like some of the oil lease agreements  
39 where it is first come first serve.

40  
41 Mr. Schroeder stated that the oil lease agreement is in regard to limited supply where a wind farm is an infinite  
42 supply.

1

Mr. Langenheim stated that access to the air is finite.

3

Mr. Schroeder stated that if there is only going to be one wind tower per 80 acres the location of the wind tower should be considered in regard to an adjacent landowner who may only have a 10 acre parcel.

6

Mr. Jones stated that it appears that the adjacent landowners will be highly impacted by the wind towers and those adjacent land owners should have protest rights. He said that he is leaning towards the map amendment alternative so that the adjacent landowners have that protest right.

10

Mr. Doenitz asked Mr. Hall how many of the counties which have wind farms have zoning.

12

Mr. Hall stated that he believes that the majority of the counties have zoning but he is only aware of Woodford, McLean, and Ogle. He said that is not familiar with any wind turbine developments in the southern portion of the state.

16

Mr. Doenitz stated that a wind farm is being proposed in Vermilion County but they do not have zoning.

18

Mr. Hall stated that Mr. Doenitz is correct in that Vermilion county does not have zoning. He said that Ford County does not have zoning either and a wind farm is being proposed in that county. He said that staff can continue to research these other wind farm developments and report back to the Committee but the general approach used is the County Board Special Use Permit.

23

Mr. Schroeder stated that he would not be opposed to leaning towards the map amendment but the County Board Special Use Permit would probably make the County Board more cognizant of landowners that are going to be adjacent and affected. He asked Mr. Hall to investigate which route some of the other counties have taken in regard to such development.

28

Mr. Hall asked the Committee if they had any thoughts regarding the fee for this development.

30

Mr. Weibel stated that a development like this will cost the developer millions of dollars therefore the cost of the zoning case will be minimal.

33

Mr. Hall stated that staff will report back to the Committee at the October meeting and he will also be discussing the effect on staffing.

36

Ms. Wysocki asked Ms. Papavasiliou if she desired to add any comments.

38

Ms. Papavasiliou stated that McLean County was not actually sued for not providing protest rights but were sued for limiting public testimony to ten minutes. She said that this is the only case that she is aware of which involves a lawsuit regarding the establishment of a wind farm therefore this is the problem that her office is facing because they do not know what people's rights are when they are surrounded by a wind farm. She said

42

1 She said that people generally do not have rights regarding their landscape but her office is looking into this  
2 issue. She said that a State’s Attorney from their office is very against limiting public participation but the  
3 three attorneys which are currently in the State’s Attorney’s office do not agree with that view and it has been  
4 determined that Champaign County State’s Attorney Julia Reitz would like to meet with all four of the  
5 attorneys.  
6

7 Mr. Schroeder stated that landowner’s testimony is pertinent information that pertains to the case yet we do not  
8 want repetition or a variation of the previous testimony. He said that any piece of information that is provided  
9 from any source is always important.  
10

11 Mr. Doenitz asked Ms. Papavasiliou if she was aware of what stage the McLean County lawsuit is in to date.  
12

13 Ms. Papavasiliou stated that at the next meeting she will have more information for the Committee regarding  
14 the McLean County lawsuit.  
15

16 Ms. Wysocki asked the Committee if there were any additional comments and there were none.  
17

18 **11. Requirement that a current land owner pay the zoning use permit fee for a structure built by**  
19 **a previous owner without a Zoning Use Permit.**  
20

21 Mr. Hall stated that there is no new information on this issue at tonight’s meeting. He said that the Committee  
22 discussed this issue at the last meeting and did not determine a decision or requested any new information. He  
23 said that since the last meeting this topic has come up again although in this context someone is looking to  
24 purchase a property and they contacted the office and staff identified construction which occurred without a  
25 permit. He said that in this particular instance the buyer was made fully aware of the violation before they  
26 purchased the property, and that is a good thing. He said that what was issue at the last meeting was that when  
27 someone purchases a residential property and discovers at a later date that not all of the accessory buildings  
28 were properly permitted. He said that the new owner desires to build on to their home and the *Ordinance*  
29 stated that no new permit can be issued unless all existing violations are corrected and unauthorized  
30 construction is a violation. He said that the new owner is responsible for payment of any outstanding fees for  
31 the previous unauthorized construction and if that unauthorized construction requires a variance they will be  
32 responsible for the costs associated with that process also. He said that staff desires direction from the  
33 Committee regarding this issue and whether a change to the *Ordinance* is necessary.  
34

35 Mr. Doenitz stated that the *Ordinance* does need to be changed because a new owner should not be held  
36 accountable for the actions of the previous owner. He said that he is aware that some other Board members  
37 may disagree with his opinion.  
38

39 Mr. Weibel asked for a legal opinion on this matter.  
40

41 Mr. Hall stated that he has discussed this issue with Ms. McGrath. He said that the *Ordinance* has a  
42 requirement that the Zoning Administrator cannot issue a permit if there are any outstanding violations on a

1 property. He said that he said that buildings that have been constructed without a permit is a violation and it is  
2 very common for new property owners to come to the office to obtain a Zoning Use Permit for their desired  
3 new construction to only find out that they are required to pay the fees for construction that the previous owner  
4 did not obtain a permit for. He said that the issue that the issue that the Committee was addressing at the  
5 August meeting was accessory residential structures which would include sheds, garages, etc.

7  
8 Ms. Papavasiliou stated that if the *Ordinance* indicates that the new owner is liable then they are liable.

9  
10 Mr. Schroeder stated that it is too bad that this type of information is not apparent during a title search when the  
11 property is purchased. He asked if there was a way that zoning compliance could be incorporated in to that  
12 process.

13  
14 Mr. Doenitz stated that he does not believe that the County government should be putting new owners in that  
15 position.

16  
17 Ms. Papavasiliou stated that the Committee may want to amend the *Ordinance*.

18  
19 Mr. Hall asked Mr. Doenitz if it was his intention that if someone buys a property and a garage was built  
20 without a permit, which needed a variance, to waive the fees.

21  
22 Mr. Doenitz stated that he is not recommending that the County waive variance fees. He said that if someone  
23 purchases a property and his lawyer was not smart enough to ask the zoning office if all construction was  
24 authorized then the new owner is not stuck with paying the fees for any unauthorized structures.

26  
27 Mr. Hall asked Mr. Doenitz what if that same someone built an unauthorized structure ten year ago and they  
28 come to the office to obtain a new permit and discovers that they have to pay the fees for the unauthorized  
29 construction.

30  
31 Mr. Doenitz stated that if it is the same owner then he has no problem with them having to pay the fees for the  
32 unauthorized construction. He said that if Brad Jones purchased a property from him, which included an  
33 unauthorized structure then Brad Jones should not have to pay the fees for the construction it should be him.  
34 He said that he does not understand how the County can hold a new property owner responsible for something  
35 that they had no part in.

36  
37 Mr. Hall stated that if the Committee agrees with Mr. Doenitz's comments it would be his recommendation to  
38 just waive those fees but he does not recommend that the County spend its resources to attempt to go back on  
39 the previous owner of the subject property.

40  
41 Mr. Doenitz stated that he would like to see the fees waived for a new property owner who discovers that they  
42 have an unauthorized accessory building on their property that was built by a previous owner.

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Mr. Hall asked the Committee if they would like to review the draft amendment before the public hearing is initiated. He asked the Committee where they would place this issue on their priority list because staff will have their hands full with the wind farm issue.

Mr. Doenitz stated that after the wind farm issue is resolved then he would like staff to begin constructing an amendment regarding unauthorized construction by a previous owner.

**Mr. Doenitz moved, seconded by Mr. Jones to amend the Zoning Use Permit fees for unauthorized accessory structures.**

Mr. Schroeder stated that he is opposed to Mr. Doenitz’s motion because it is just opening up a can of worms. He said that this would undercut the *Ordinance* and if we approve such an amendment then we might as well not have any fees for construction at all. He said that if someone wanted to improve the value of their property and wanted to build a shed without a permit they could and then turn around a sell the property leaving the new owner with no responsibility for the unauthorized shed.

Mr. Weibel stated that perhaps staff could check with McLean County to see what practice they follow for unauthorized construction.

Mr. Doenitz stated that he does not believe that the average person is that malicious. He said that there will be some that will fall through the cracks but this situation only comes to light when a new owner comes to the office for a permit.

Mr. Schroeder stated that he does not believe that average person is that malicious but there are a lot of people in the unincorporated areas of the County who are not aware that the *Ordinance* exists and the ones that do really don’t care.

Mr. Doenitz stated that we shouldn’t just penalize the property owner who is trying to do the right thing.

Mr. Langenheim asked Mr. Hall where the responsibility for the unauthorized construction lies.

**The motion carried.**

**12. Monthly Report (June, July and August, 2008)**

Mr. Hall informed the Committee that no monthly reports are available for review at this time. He said that the June, July, August and September, 2008 monthly reports will be available at the October, ELUC meeting.

**13. Other Business**

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None

**14. Determination of Items to be placed on the County Board Consent Agenda**

**The consensus of the Committee was that Items #7 and #8 will be placed on the County Board Consent Agenda.**

**15. Adjournment**

**Mr. Schroeder moved, seconded by Mr. Jones to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

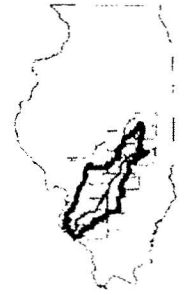
Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.fm



**KASKASKIA WATERSHED ASSOCIATION, INC.**

KWA, Inc.  
c/o Southwestern Illinois RC&D, Inc.  
406 E. Main  
Mascoutah, IL 62258  
618-588-4451  
kwa@swircd.org



September 17, 2008

Mr. C, Pius Weibel  
Champaign Co. Board  
1776 E. Washington Street  
Urbana IL 61801

**RE: Kaskaskia River Watershed – Localized Water Retention**

Dear Mr. Weibel,

Over the past decade the Kaskaskia Watershed Association (KWA) has worked to support the many and varied interests within the watershed, including agriculture, industry, recreation, fish & wildlife habitat and navigation. This is often a challenging task, and never more-so than in a year where we received so much rainfall, such as 2008. Long-term records depict that these seasons of extremes, whether flood or drought, are cyclic, and it is therefore important that we plan for the future to avoid economic loss and reduce the impact on our communities when these extreme events do occur.

One area that we ask that you address is the issue of **water retention**. While this may seem unimportant in a year that is providing too much water, it's imperative that we start to look at practices that at a minimum slow water down, and more effectively store water at the community or county level. If we all work together towards achieving greater water retention then we can help to improve **water quality**, which is important to both residential and industrial growth, and reduces downstream flooding, which is important to our farmers, recreational interests, as well as to our fish & wildlife habitat.

The US Geological Survey predicts that by the year 2040 there could be a 20% increase in the amount of rainfall within the Upper Mississippi River Basin, which includes all of the Kaskaskia River, due to the rapid escalation of climate change. They're also estimating that streams could be carrying 50% more volume due to more frequent significant rainfall events. Those communities that are currently experiencing residential and/or commercial development will have runoff amounts increased even further due to the additional impervious surfaces.



The flooding event of 2008 reminds us of the need to incorporate **stormwater management** requirements in county and community development regulations. The Kaskaskia Watershed Association requests that you review your development regulations for these provisions and, if necessary, update them to require new developments to include practices which slow down the release of stormwater to avoid downstream flooding.

There are a number of practices that could be implemented at either the county or community level that will help to improve the flow of water within the Kaskaskia River watershed, thereby reducing the pressure on our hydrologic system, leading to improved water quality as well as less economic loss during years of extreme conditions.

One of the easiest steps in improved water management is to conduct a local **stream analysis or assessment**. This assessment will identify areas that have been channelized, bank erosion, log jams, as well as impacts associated with livestock operations, urbanization and invasive species. The *Landowner's Guide to Stream Protection and Preservation* provides useful information to assist in identifying issues, available programs, as well as potential contacts who are capable of assisting in a comprehensive stream analysis. This document can be viewed at: [www.swircd.org](http://www.swircd.org).

One outcome of a stream assessment could be a community or county-wide **stream set back ordinance**. This type of ordinance can restrict development within and along floodplains, by identifying the necessary setback based on stream order (size) as well as stream condition. This is a very important tool in terms of protecting areas from development for future stormwater storage.

As different programs and practices are available for different resource needs, one of the initial steps in better water management is to develop a community or county-wide "**resource plan**". Resource plans are typically developed within a geographic information system (GIS) and are used to compare and contrast three key types of information: an inventory of existing resources, projections of future development, and existing plans. An overlay analysis approach using the three types of information can be used to identify conflicts or consistencies of existing and planned land use, evaluate planning alternatives, and identify potential impacts of development scenarios or policies. Following are examples of resource plans which have been created for developing regions within Madison County. (<http://www.swircd.org/swircd/projects/publications.htm>)

Once the key natural, agricultural and cultural resources within a community have been identified, programs can be identified, and in some cases created, to assist in the protection of these resources.

**Conservation subdivisions** are characterized by common open space and clustered compact lots. The purpose of a conservation subdivision is to protect farmland and/or natural resources while allowing for the maximum number of residences under current community zoning and subdivision regulations. In some

cases a greater density (density bonus) may be offered in the local ordinance to encourage this approach to residential development planning. A guidebook for implementing conservation subdivisions is available at:  
<http://www.swircd.org/pdf/conservation%20subdivision%20design%20handbook.pdf>

**Low Impact Development** (LID) is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Instead of conveying and managing or treating stormwater in large, costly end-of-pipe facilities located at the bottom of drainage areas, LID addresses stormwater through small, cost-effective landscape features located at the lot level. These landscape features may include porous pavement, rain barrels, rain gardens, grassed swales and bio-retention areas. There are a number of excellent websites which further define low impact development practices.

Illinois loses nearly two townships, or 50,000 acres, every year to urban sprawl or development. As our population continues to increase, so does the rate of conversion. An important tool in improved water management may include the **preservation of open space**. This could include the acquisition of land, but can also include conservation or agricultural easements. A number of grant programs exist that can assist communities/counties in the protection of open space. We encourage you to work with a local/regional land trust to identify properties, programs and potential sources of funding. More information on land trusts in Illinois can be obtained from: <http://www.swircd.org/tlc.htm>

We look forward to working with you in an effort to better the quality of your life within the Kaskaskia River watershed. Please feel free to contact me, or any of the KWA Board of Directors listed, to discuss any of the opportunities listed above, or to bring forward needs or opportunities within your portion of the watershed.

Sincerely,

George Andres  
President

## KWA Board of Directors

### Upper Reach

**Dr. Jerry Snyder, Vice President**

(217) 428-2520

gas322duck@comcast.net

**Bruce Condill**

(217) 543-2394

tgpp1@wireless111.com

**Nancy Cruitt**

(217) 774-2877

dncruitt@consolidated.net

**Rob Amling**

(217) 567-3574

rodestaml@consolidated.net

**Steve Jurgens**

(217) 543-2044

sjurgens@consolidated.net

### Mid Kaskaskia

**Jim Harris, Vice President**

(314) 704-3624

jamesbharris@att.net

**Edwin Lubbers**

(618) 594-2343

**Ted Beier**

(314) 232-0634

tbeier@sbcglobal.net

**Russell Schwarm**

(618) 349-8381

**Greg Kintz**

(636) 537-7843

gregkintz63017@yahoo.com

### Central Kaskaskia

**Glen Schuetz, Vice President**

(618) 243-6147

glens55@hotmail.com

**Larry Hasheider**

(618) 246-3084

lhmh76@hotmail.com

**Gary Knoloff**

(618) 594-2902

**Dale Brockmann**

(618) 243-5234

dbrockmann@oenbokawville.com

**Jennifer Malacarne**

(618) 243-6256

bongo2@onemain.com

### Lower Kaskaskia

**Leonard Vasquez, Vice President**

(618) 475-3512

vasquezmetal@aol.com

**George Andres, President**

(618) 282-3807

krpdport@htc.net

**Bob Myerscough**

(618) 791-6739

bob8665@hotmail.com

**Tommy Thompson**

(618) 587-7691

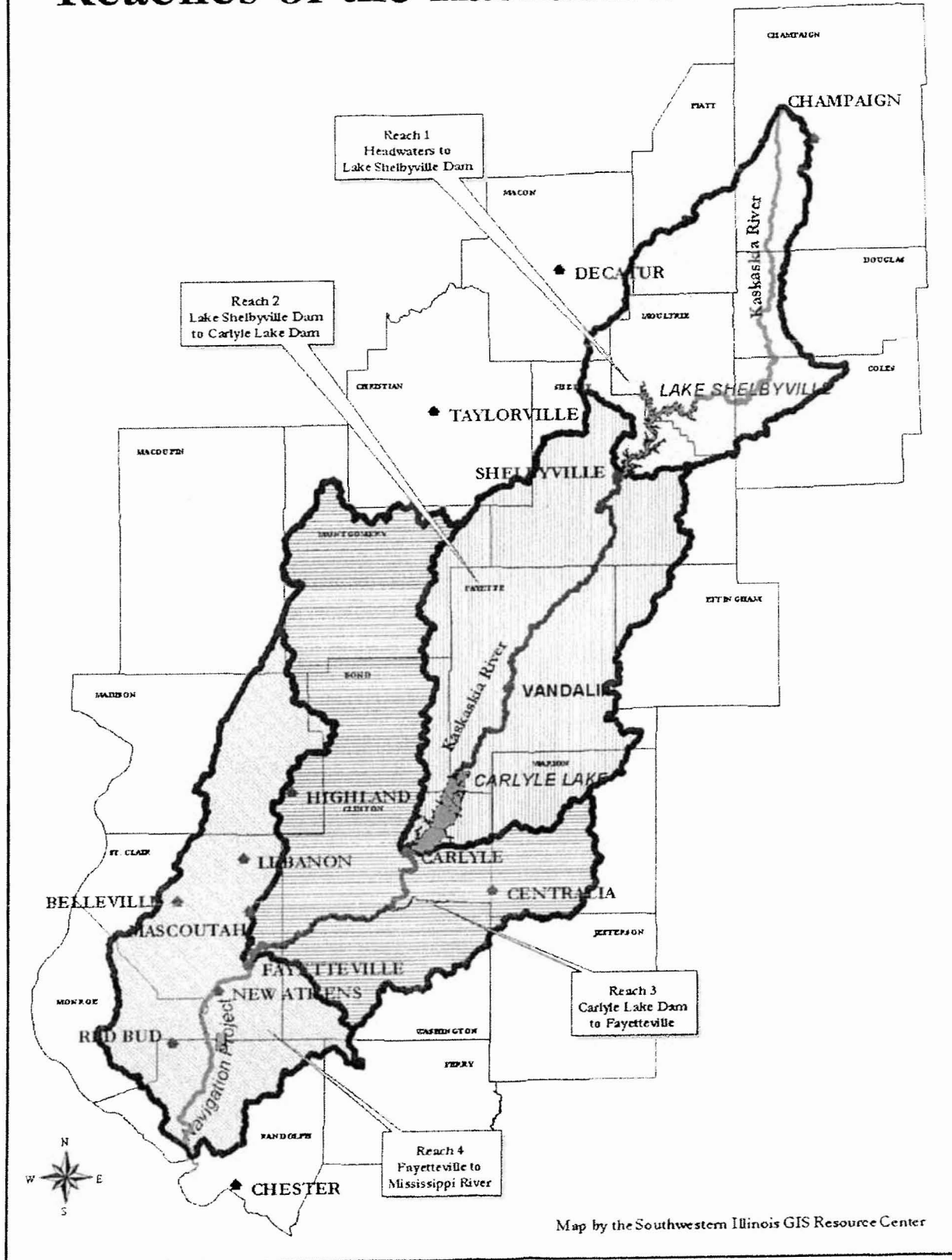
tec@egyptianwb.net

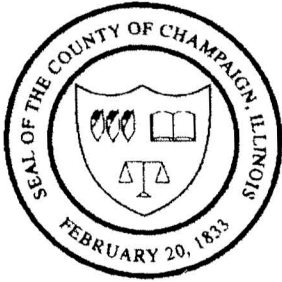
**Pat Wetzel**

(618) 939-7621

wpwetzel@htc.net

# Reaches of the Kaskaskia River





**STATE OF ILLINOIS  
COUNTY OF CHAMPAIGN**

**ENTERTAINMENT, RECREATION,  
LODGING OF TRANSIENTS, AND RACEWAYS LICENSE**

**No. 2008-02D-04  
\$ 20.00**

Egyptian Collectors Association, Inc. Hunting and Trade Shows

License is hereby granted to Bob Leckrone to provide Recreation/Entertainment at Champaign County Fair Grounds, 903 N. Coler, Urbana, Illinois in Champaign County on October 18, 2008 and October 19, 2008. This License expires the 20th day of October, 2008 at 12:01a.m.

Witness my Hand and Seal this \_\_\_\_\_th day of October, A.D. 2008.

\_\_\_\_\_  
MARK SHELDEN  
County Clerk  
Champaign County

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



**FILED**

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

SEP 03 2008

*Mark Shelden*  
CHAMPAIGN COUNTY CLERK

For Office Use Only

License No. 2008-020-04  
Date(s) of Event(s) 10-18 thru 10-19-08  
Business Name: Egyptian  
License Fee: \$ 20.00  
Filing Fee: \$ 4.00  
TOTAL FEE: \$ 24.00  
Checker's Signature: [Signature]

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

<b>Filing Fees:</b>	Per Year (or fraction thereof):	\$ 100.00
	Per Single-day Event:	\$ 10.00
	Clerk's Filing Fee:	\$ 4.00

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

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

- A. 1. Name of Business: E.C.A. inc HUNTING & TRADE SHOWS
- 2. Location of Business for which application is made: CHAMPAIGN Co. FAIR URBANA, IL
- 3. Business address of Business for which application is made: 212 1/2 E BROADWAY BOX 138 CENTRAL, IL 62801
- 4. Zoning Classification of Property: FAIR GROUNDS
- 5. Date the Business covered by Ordinance No. 55 began at this location: \_\_\_\_\_
- 6. Nature of Business normally conducted at this location: FAIR + EXHIBITS
- 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): BUY-SELL & TRADE SHOW
- 8. Term for which License is sought (specifically beginning & ending dates): OCT 18 & 19, 2008  
(NOTE: All annual licenses expire on December 31st of each year)
- 9. Do you own the building or property for which this license is sought? NO
- 10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: CHAMPAIGN COUNTY FAIR P.O. BOX 544 URBANA IL 61803 (OCT 20, 08)
- 11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

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



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

Name: BOB LECKRONE Date of Birth: \_\_\_\_\_  
Place of Birth: SALEM, IL Social Security No.: \_\_\_\_\_  
Residence Address: 211 N. Cherry BOX 203 HOFFMAN, IL 62250  
Citizenship: U.S.A. If naturalized, place and date of naturalization: \_\_\_\_\_

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

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

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

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

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): \_\_\_\_\_  
ROBERT TERRY  
Date of Birth: \_\_\_\_\_ Place of Birth: PADUCAH, KENTUCKY  
Social Security Number: \_\_\_\_\_ Citizenship: U.S.A.  
If naturalized, state place and date of naturalization: \_\_\_\_\_
2. Residential Addresses for the past three (3) years: 150 MILLER DR.  
PADUCAH, KY 42003
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: MGR. AIR PRODUCTS Co.  
VICE PRES. ECA INC.

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

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

1. Name of Corporation exactly as shown in articles of incorporation and as registered:  
EGYPTIAN COLLECTORS ASSOC. INC.
2. Date of Incorporation: 1986 State wherein incorporated: IL.

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

N/A

Give first date qualified to do business in Illinois: 1986

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

212 1/2 E. BROADWAY (Box 138)  
CENTRALIA, IL. 62801

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

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

Name of Officer: BOB LECKRONE Title: PRESIDENT

Date elected or appointed: 1986 Social Security No.:

Date of Birth: Place of Birth: SALEM, IL.

Citizenship: USA

If naturalized, place and date of naturalization:

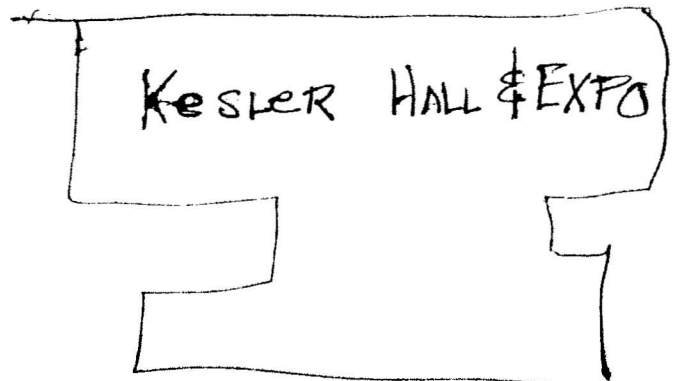
Residential Addresses for past three (3) years: 211 No. Cherry (Box 202)  
HOFFMAN, IL 62250

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

RETIRED TRUCK DRIVER  
F.C.A. PRESIDENT

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

PARKING  
ALONG  
ROADS





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

N/A

Give first date qualified to do business in Illinois: 1986

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

212 1/2 E. BROADWAY (BOX 138)  
CENTRALIA, IL 62801

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

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

Name of Officer: DALLAS CATHAM Title: Secretary

Date elected or appointed: 1986 Social Security No.

Date of Birth: Place of Birth: BROWNSTOWN, IL

Citizenship:

If naturalized, place and date of naturalization:

Residential Addresses for past three (3) years:

RT 2 BOX 109  
BROWNSTOWN, IL 62418

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

RETIRED (CLIPS)  
SECRETARY ECA INC.

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

**AFFIDAVIT**

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

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

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

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

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

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

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

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


**AFFIDAVIT**

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

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

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

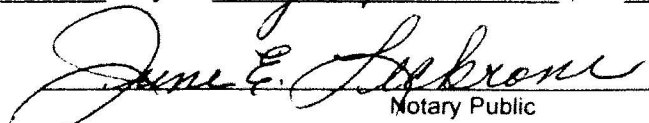
We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

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

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

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

Subscribed and sworn to before me this 29 day of August, 2008.

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

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



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

**FOR ELUC USE ONLY**

County Clerk's Office

1. Proper Application Date Received: 9-3-2008
2. Fee Amount Received: \$24.00

Sheriff's Department

1. Police Record Approval: TV542 Date: 9/8/08
2. Credit Check Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

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

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Planning & Zoning Department

1. Proper Zoning Approval: ✓ Date: 10/07/08
2. Restrictions or Violations Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: \_\_\_\_\_ Signature: [Signature]

Approved as Special Use Permit in the CR District ZONING ADMINISTRATOR  
in Case 962-5-94

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Environment & Land Use Committee

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

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

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

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

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

For Office Use Only

License No. 2008-0211-06  
Date(s) of Event(s) FEBRUARY 21-2012  
Business Name: GORDYVILLE U.S.A. LLC  
License Fee: \$ ~~40.00~~ 30.-  
Filing Fee: \$ 4.00  
TOTAL FEE: \$ 34.-  
Checker's Signature: MS 9/29/08

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

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

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

- A. 1. Name of Business: Gordyville LLC
2. Location of Business for which application is made: Box 490, 2205 CR 3000 N, GIFFORD, IL 61847
3. Business address of Business for which application is made: Champaign Cty, 2205 CR 3000N, GIFFORD, IL 61847
4. Zoning Classification of Property: Business
5. Date the Business covered by Ordinance No. 55 began at this location: -
6. Nature of Business normally conducted at this location: AUCTIONS, FLEA MARKETS, HORSE SHOWS, AGRICULTURAL EVENTS
7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): RODEO AND DANCE
8. Term for which License is sought (specifically beginning & ending dates): OCTOBER 31 - 2008 thru November 2, 2008  
(NOTE: All annual licenses expire on December 31st of each year)
9. Do you own the building or property for which this license is sought? YES
10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: NA
11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7. NA

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

Recreation & Entertainment License Application  
Page Two

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

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

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

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

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

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

C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): \_\_\_\_\_  
*NR* Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_ Citizenship: \_\_\_\_\_  
If naturalized, state place and date of naturalization: \_\_\_\_\_  
2. Residential Addresses for the past three (3) years: \_\_\_\_\_  
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: \_\_\_\_\_

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

D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered: Gordville LLC  
2. Date of Incorporation: 12-28-04 State wherein incorporated: ILLINOIS

Recreation & Entertainment License Application  
Page Three

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

NA

Give first date qualified to do business in Illinois: -

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

\_\_\_\_\_

5. Objects of Corporation, as set forth in charter: Auctions, House Stores, Flea markets etc

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

Name of Officer: Johanna M Chiram Title: part owner

Date elected or appointed: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: Champaign IL

Citizenship: USA

If naturalized, place and date of naturalization: NA

Residential Addresses for past three (3) years:

2104 Wiggins St Champaign, IL 61822      now - 4904 Parkview Champaign, IL 61822

Business, occupation, or employment for four (4) years preceding date of application for this license: Partner/emp. by Cordaville LLC

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

NO OUTDOOR AREA TO BE USED EXCEPT parking  
40 acres parking  
Event all indoor.



Recreation & Entertainment License Application  
Page Three

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

*NA*

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

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

5. Objects of Corporation, as set forth in charter: *Auctions, horse shows, flea markets etc*

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

Name of Officer: *James J. Hannigan* Title: *Partner*

Date elected or appointed: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: *Champaign, IL*

Citizenship: *USA*

If naturalized, place and date of naturalization: *NA*

Residential Addresses for past three (3) years:

*201 E Summit  
Champaign, IL 61847*

Business, occupation, or employment for four (4) years preceding date of application for this license: *Cardville LLC - Maricopa, AZ*

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

*No outdoor area to be used except parking  
40 acres parking  
Event all indoor.*

Recreation & Entertainment License Application  
Page Three

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

NA

Give first date qualified to do business in Illinois: -

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

\_\_\_\_\_

5. Objects of Corporation, as set forth in charter: Auctions, Horse Shows, Flea Markets etc.

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

Name of Officer: John C. Lunnagan Jr Title: put owner

Date elected or appointed: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Citizenship: USA

If naturalized, place and date of naturalization: NA

Residential Addresses for past three (3) years: \_\_\_\_\_

2444 CR 2700 N  
Sioux, Ia 61847

Business, occupation, or employment for four (4) years preceding date of application for this license: Farmer, Emp. by Cordova LLC

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

NO OUTDOOR AREA TO BE USED EXCEPT PARKING  
40 ACRES PARKING  
EVENT ALL INDOOR.

Recreation & Entertainment License Application  
Page Three

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

NA

Give first date qualified to do business in Illinois: -

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

\_\_\_\_\_

5. Objects of Corporation, as set forth in charter: Auctions, Horse Shows, Flea markets etc

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

Name of Officer: PATRICIA FRIEDRICHS Title: Part owner

Date elected or appointed: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: Champaign, IL

Citizenship: USA

If naturalized, place and date of naturalization: NA

Residential Addresses for past three (3) years:

2757 CR 2100N  
Urbana, IL

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

Borderville LLC - High flea market

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

NO OUTDOOR AREA TO BE USED EXCEPT PARKING  
40 acres parking  
Event all indoor.

Recreation & Entertainment License Application  
Page Three

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

*NA*

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

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

5. Objects of Corporation, as set forth in charter: *Auctions, Horse Shows, Flea Markets etc*

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

Name of Officer: *Edward F. Adnanagan* Title: *Part owner*

Date elected or appointed: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: *Champaign, IL*

Citizenship: *USA*

If naturalized, place and date of naturalization: *209 S. New*

*S. Broad, IL 61847*

Residential Addresses for past three (3) years: \_\_\_\_\_

*Emp. by Bungee Corp.*

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

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

*No outdoor area to be used except parking  
40 acres parking  
Event all indoor.*

Recreation & Entertainment License Application  
Page Three

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

NA

Give first date qualified to do business in Illinois: -

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

5. Objects of Corporation, as set forth in charter: Auctions, Horse Shows, Flea markets etc

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

Name of Officer: Mary E. Hannagan Title: Part Owner  
Date elected or appointed: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: Champaign, IL  
Citizenship: USA  
If naturalized, place and date of naturalization: NA

Residential Addresses for past three (3) years:

2451 CR 2800N  
Perfield, IL 61862

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

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

NO OUTDOOR AREA TO BE USED EXCEPT PARKING  
40 acres parking  
Event all indoor.

Recreation & Entertainment License Application  
Page Four

**AFFIDAVIT**

(Complete when applicant is an Individual or Partnership)

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

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

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

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

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

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

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

**AFFIDAVIT**

(Complete when applicant is a Corporation)

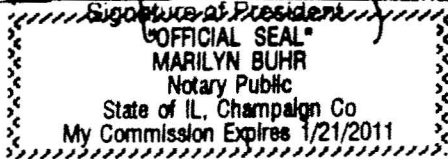
We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose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

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

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

*Marilyn Buhr*  
\_\_\_\_\_  
Signature of President

*John M. [Signature]*  
\_\_\_\_\_  
Signature of Secretary



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

Subscribed and sworn to before me this 27th day of September, 2008

*Marilyn Buhr*  
\_\_\_\_\_  
Notary Public

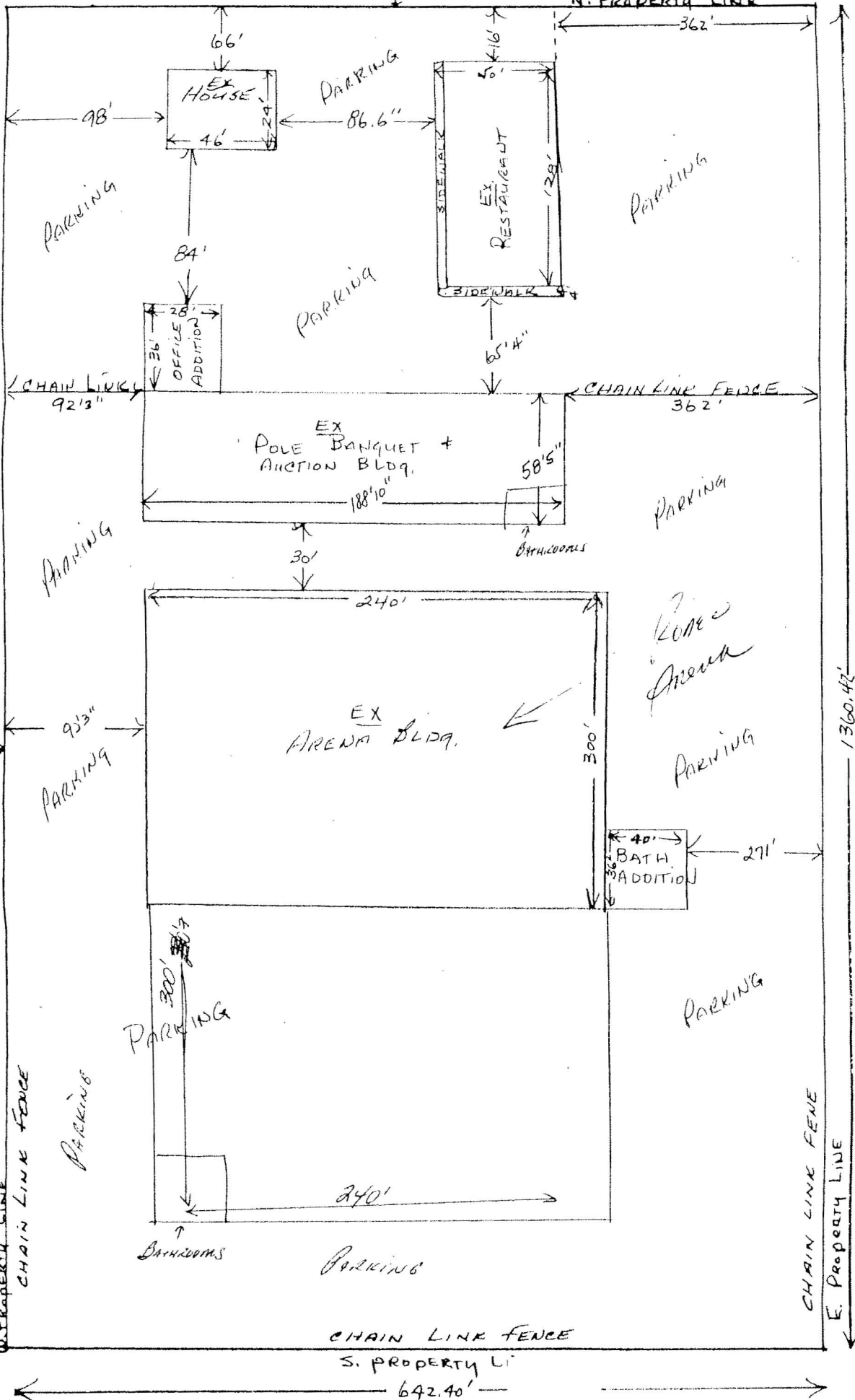
This COMPLETED application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIGN CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Uois 61802. A \$4.00 Filing Fee should be included



CENTER-U.S. ROUTE 136

61.25'

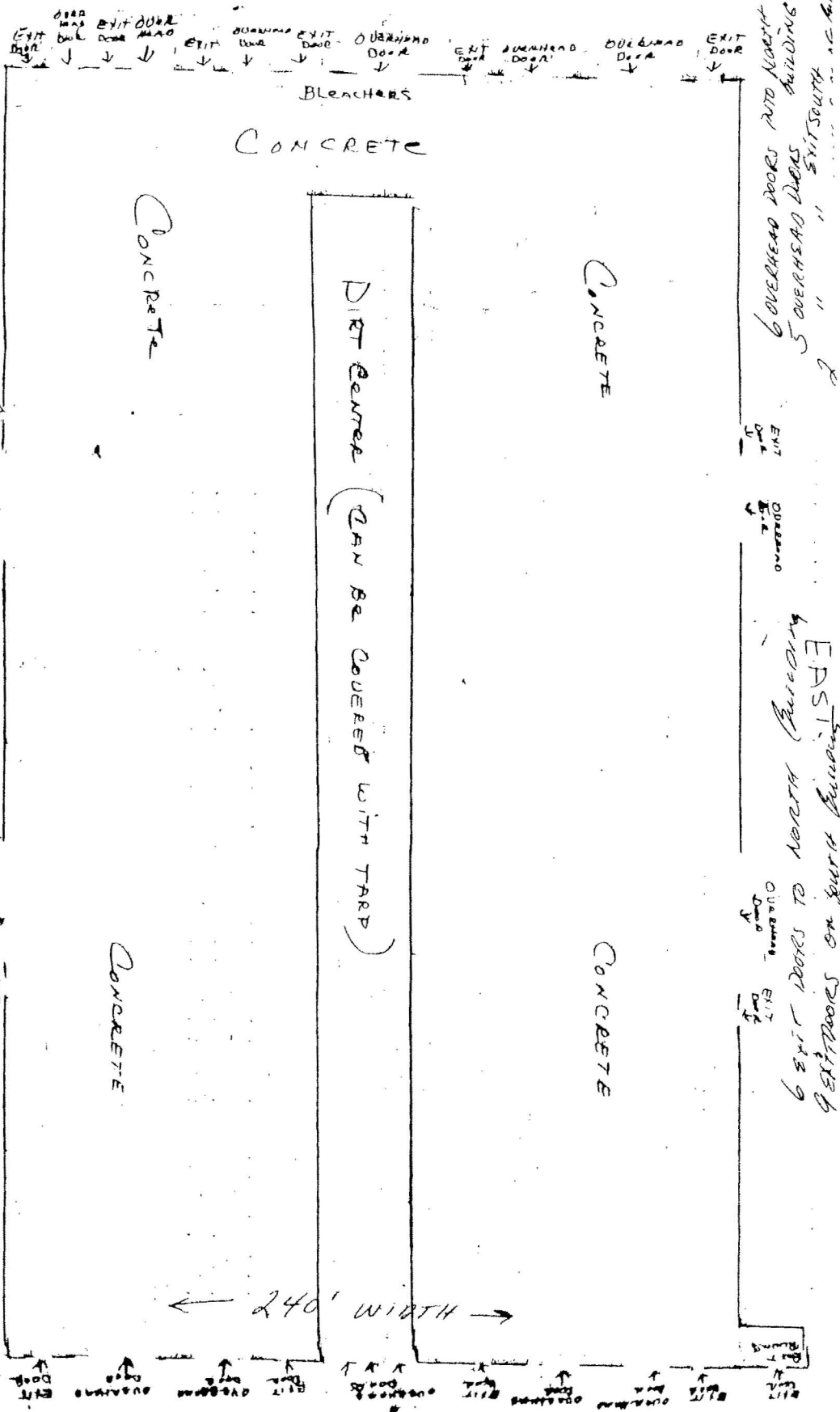
N. PROPERTY LINE



NORTH

84000 sq ft area of floor space

# SOUTH BUILDING



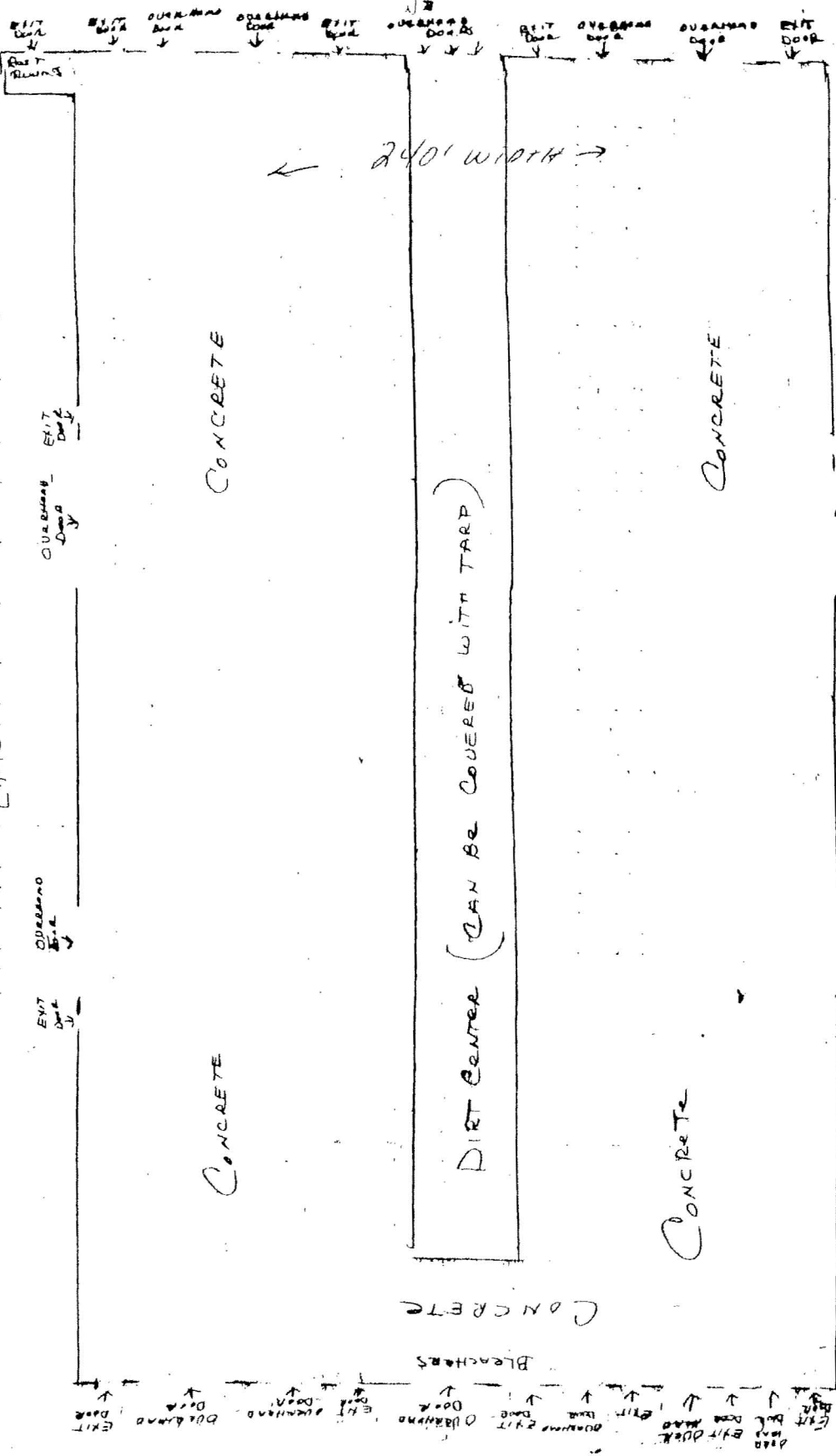
← Nest →  
300'

← 240' WIDTH →

EAST

NORTH BUILDING

SOUTH



15 EXIT DOORS  
15 OVER HEAD DOORS

West 300'

84000 square feet of floor area

NORTH



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### LLC FILE DETAIL REPORT

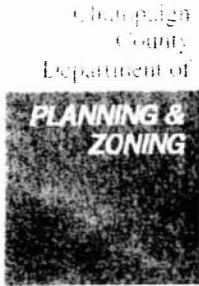
Entity Name	GORDYVILLE, LLC	File Number	01379771
Status	GOODSTANDING	On	11/19/2007
Entity Type	LLC	Type of LLC	Domestic
File Date	12/28/2004	Jurisdiction	IL
Agent Name	DENNIS KNOBLOCH	Agent Change Date	12/08/2005
Agent Street Address	115 W. JEFFERSON STE 200	Principal Office	2451 COUNTY RD 2800 NORTH PENFIELD 61862
Agent City	BLOOMINGTON	Management Type	MBR
Agent Zip	61701	Dissolution Date	PERPETUAL
Annual Report Filing Date	11/19/2007	For Year	2007
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

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

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

To: **Environment and Land Use Committee**  
From: **JR Knight, Associate Planner**  
**John Hall, Zoning Administrator**  
Date: **October 9, 2008**  
RE: **Zoning Case 583-AT-07**

---

**Zoning Case 583-AT-07**

Request **Amend the Zoning Ordinance to establish “pipeline impact radius” and restrict certain development within a pipeline impact radius.**  
Petitioner **Zoning Administrator**

---

**STATUS**

The Zoning Board of Appeals voted to “RECOMMEND ENACTMENT” of this proposed Zoning Ordinance Text Amendment at their September 11, 2008, meeting. The Approved Finding of Fact is attached.

The Committee provided direction for this text amendment at the March 8, 2007, meeting. See the attached excerpt of minutes from that meeting. Note that the recommended amendment is not as restrictive as the Committee asked for at the March 8, 2007, meeting. See the discussion below. Nonetheless the recommended amendment will add requirements that are a substantial improvement over the existing Ordinance. The relevant existing Zoning Ordinance requirements have been summarized in an attachment.

The Committee should continue this case to the next meeting to allow municipalities and townships a chance to formally comment on the recommendations of the ZBA.

---

**Recommended Amendment Versus Original ELUC Direction**

Concerns relative to land use compatibility near pipelines are briefly reviewed in items 5 and 6 of the Finding of Fact. The recommended amendment is not as restrictive as the Committee asked for at the March 8, 2007, meeting in the following ways:

1. **The recommended amendment does not prohibit “by-right” lots or dwellings from being located in a pipeline impact radius.**

The March 8, 2007, minutes demonstrate that the Committee was very specific that the amendment should prohibit “by-right” lots from being located in a pipeline impact radius. By-right lots are lots that can be created without any specific approval from the County. Item 7 of the Finding of Fact summarizes public testimony during the public hearing and demonstrates that public testimony during the public hearing was greatly opposed to restrictions on by-right lots. More importantly, testimony by a representative of a pipeline operator indicated concern that overly restrictive requirements could make it more difficult for operators to acquire new easements if and when the need arises.

Based on the testimony the Zoning Administrator willingly revised the amendment and the recommended amendment allows “by-right” dwellings to be constructed within a pipeline impact radius but requires the Zoning Administrator to provide a written notice to the applicant that (1) makes the applicant aware that the construction or lot is within a pipeline impact radius and (2) the dimension of the pipeline impact radius and (3) the last known point of contact for the pipeline operator.

2. **The recommended amendment does not prohibit lots created in a Rural Residential Overlay Zoning District from being located in a pipeline impact radius.**

The March 8, 2007, minutes also demonstrate that the Committee was very specific that the amendment should also prohibit lots created in a Rural Residential Overlay Zoning District from being located in a pipeline impact radius. In fact, the need for this amendment arose when the Committee was presented with two separate Rural Residential Overlay Zoning District amendments that were both located in a pipeline impact radius. Item 7.J. of the Finding of Fact documents that the State’s Attorney has advised that neither is there a public policy basis to distinguish between streets and driveways nor is there a public policy basis to prohibit RRO lots in the PIR provided that no construction is allowed in the PIR and there is a legal risk in an amendment that does not authorize such lots. The ZBA accepted the State’s Attorney’s recommendation.

The recommended amendment allows RRO lots to be partially within a pipeline impact radius but it does require (1) a minimum lot area outside the pipeline impact radius that is equal to the minimum required lot area (one acre in the AG-1 District) and (2) no use or construction can occur on that portion of an RRO lot inside the pipeline impact radius except for construction and use of a driveway.

**ATTACHMENTS (excerpted from Documents of Record)**

- A Excerpt of approved ELUC minutes of March 8, 2007
- B Relevant Existing Zoning Ordinance Requirements
- C Recommended Draft Amendment dated September 11, 2008
- D Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on September 11, 2008



ELUC

AS APPROVED APRIL 09, 2007

3.12.07

1 is an issue, there is a problem denying some petitions and allowing others to go forward. She added that  
2 this might be something to put into the land use goals for future consideration but she cautions against  
3 using it at this time.

4  
5 Mr. Schroeder stated that he has concerns about the subject property. He said that he agreed with Mr.  
6 Moser that the productivity index for the property is pretty low for row crop agricultural production but  
7 there is a livestock facility within one-half mile of the proposed development. He said that he is  
8 concerned about the sprinkling of development in the County where it is not contiguous. He said that  
9 the subject property is more open than some of the cases that come before this Committee but he does  
10 have a concern regarding the livestock facility.

11  
12 **The motion carried by voice vote with two opposing votes.**

13  
14 **11. Zoning Case 579-AM-07: Petitioner: Bill Cope and Mary Kalantzis Request to amend the**  
15 **Zoning Map to change the zoning district Designation from AG-2, Agriculture Zoning**  
16 **District to the CR, Conservation Recreation Zoning District. Location: A 10 acre tract that**  
17 **is approximately the West Half of the East Half of the Northeast Quarter of the**  
18 **Northwest Quarter of Section 32 of Somer Township and commonly known as the**  
19 **western half of the tree farm at 4100 North Lincoln Avenue.**

20  
21 **Mr. Schroeder moved, seconded by Mr. Moser to recommend approval of Case 579-AM-07: Bill**  
22 **Cope and Mary Kalantzis. The motion carried by voice vote with one opposing vote.**

23  
24 **12. Alternatives for Zoning Ordinance text amendments for land use compatibility near**  
25 **pipelines**

26  
27 Mr. Hall stated that the determination of what is compatible land use near a pipeline is the Committee's  
28 judgment call. He said that perhaps the Committee believes that rural subdivisions that are small,  
29 medium or large could be compatible as long as lot buyers are aware of the pipeline and are placed on  
30 notice or that the only compatible use would be, regardless of how many lots, lots that are completely  
31 outside an identified significant impact radius. He said that there are two very different determinations  
32 of what is compatible and that is the crux of the issue. He said that it might depend on how many lots  
33 are proposed. He reviewed the Comparison of Alternatives for Greater Land Use Compatibility between  
34 RRO Amendments and Pipelines. He said that once the Committee decides what might be acceptable  
35 for an RRO, would it be acceptable for a Special Use Permit where there may be greater numbers on a  
36 single parcel or would it work for a subdivision where the lots are by-right. He said that if the  
37 Committee decides to prohibit RRO lots within a significant impact radius of any pipeline should that  
38 prohibition also apply to a subdivision where the lots are by-right. He said that ideally the County could  
39 finally have an amendment that would address all of these different conditions but currently this  
40 memorandum only addresses the RRO lots and after making that determination it could be forwarded to  
41 the ZBA with some guidance on special use permits and by-right lots. He said that the most difficult  
42 issue is what if there are by-right lots that do not require a plat of subdivision. He said that it would be

3-12-07

AS APPROVED APRIL 09, 2007

ELUC

1 within the Committee's authority to establish a higher standard for those kinds of lots but his fear is that  
2 people would only find out about it after they have already purchased the lot. He said that the lot may  
3 have not been configured correctly and it may not be able to be revised after the real estate closing. He  
4 said that he had a similar concern about the maximum lot size and to date staff has not had anyone apply  
5 for a maximum lot size variance. He said that perhaps the word has spread very quickly and people are  
6 aware of the County's rules but the concern about by-right lots is still present. He said that the  
7 memorandum only requests direction for RRO lots.  
8

9 Mr. Langenheim stated that two considerations come to mind. He said that the amount of land that is  
10 adjacent to the pipelines versus the amount of land that is available for development in the County. He  
11 said that it is a very small area and the risk is problematic. He said that under those conditions the  
12 County should be very restrictive and critical in permitting construction adjacent to pipelines. He said  
13 that there is a concern about the danger to people but what about confined animals.  
14

15 Ms. Wysocki stated that direction must be given to staff therefore the options must be considered.  
16

17 **Mr. Doentiz moved, seconded by Mr. Moser to consider the prohibition of RRO lots within a**  
18 **significant impact radius of any pipeline.**  
19

20 Ms. Anderson stated that she supported the motion and she also thought that the amendment should  
21 apply to all lots and asked how people would find out about the regulations.

22 Mr. Hall stated that the Committee could pass an overlay zoning district that would apply to all known  
23 pipelines. He said that the overlay would be indicated on the zoning map but this would be a map  
24 amendment and would be subject to protest. He said that there are certain townships which have a  
25 greater density of pipelines in their area and it is unknown whether they would be opposed to such a map  
26 amendment. He said that an alternative approach would be that the standard could be adopted and a map  
27 could be created indicating all known pipelines in the County. He said that the map could be checked  
28 each time someone calls the office regarding a permit. He said that today with the maximum lot size  
29 requirement the situation exists where people can create a lot and make it bigger than the three acres  
30 without knowing about the existence of a pipeline. He said that he would like to speak to the State's  
31 Attorney about the legal aspects. He said that if the Committee is ready to give direction about by-right  
32 lots with the similar standard regarding pipelines staff could pursue that direction and if it is not feasible  
33 then staff could report that finding to the Committee.  
34

35  
36 Mr. Moser asked Mr. Hall how the large the easements were over the pipelines.  
37

38 Mr. Hall stated there was a subdivision before the County in the mid 90's where they never bothered to  
39 define the blanket easement and when they platted the lots they redefined the easement and made it into  
40 a 75 foot easement. He said that in regard to the pipelines for the Manlove Gas Storage Area there is  
41 disagreement on how large the easements are because they are at least 50 feet but some interpretations  
42 indicate 90 feet.

1 ELUC

AS APPROVED APRIL 09, 2007

3/12/07

2 Mr. Moser stated that if someone gets a title policy on a particular lot the easement should be indicted.

3  
4 Mr. Hall stated that you would think that any new lot which is created before someone would take title to  
5 that lot they would investigate the easement. He said whether or not the prospective owner follows up  
6 on the easement is another matter.

7  
8 Mr. Weibel stated that he owned a lot which was on top of the Manlove Gas Storage Area and his deed  
9 indicated an easement which included approximately six pages of text therefore it was very clear that the  
10 easement existed. He said that if the property is outside of the easement there is still a danger zone.

11  
12 Mr. Hall stated that recently staff processed a different RRO which had a lower pressure gas pipeline on  
13 the other side of the road and if someone was purchasing a lot on the other side of the road they would  
14 not be aware of the pipeline or danger zone.

15  
16 Mr. Doenitz stated that by-right lots should be included in the prohibition.

17  
18 **Mr. Doenitz amended his original motion to consider a text amendment based on Alternative E**  
19 **that would prohibit RRO lots and By Right lots within a significant impact radius of any pipeline.**  
20 **Mr. Moser agreed with the amended motion.**

21  
22 Mr. Moser stated that on a property near Sidney he repaired a tile hole which was 30 feet from the road.  
23 He said that during the repair he cut a fiber optic cable and the owner was not aware of the cable's  
24 existence. He said that there is a stake next to the road which indicates a fiber optic cable in the area but  
25 no one knew the specific location of the cable. He said that he ended up knocking out a lot of service  
26 because the location of the cable was not clearly marked. He said that when someone cuts into a cable  
27 of this type they are liable and financially it can be very painful.

28  
29 Ms. Wysocki asked Mr. Hall if pipeline companies are required to report pipeline locations.

30  
31 Mr. Hall stated that the location of new pipelines is reported because they must go through federal  
32 approval but the problem is with the older pipelines. He said that many times the pipeline is indicated in  
33 one area but it may travel in a direction so that its specific route is not known until you reach the other  
34 side of the section.

35  
36 Mr. Moser asked Mr. Hall if staff has a map indicating where the pipelines are located in this area.

37  
38 Mr. Hall stated no, but it is being requested so that it can be included with the other known pipeline map.

39  
40 Mr. Weibel stated that ESDA has previously requested that information, such as maps indicating  
41 pipelines and public water sources, which indicate potential sites which could be attacked by terrorists  
42 be taken out of the libraries and quarantined. He said that he is not sure if this is still the case but it is a

3-12-07

AS APPROVED APRIL 09, 2007

ELUC

1 possibility.

2  
3 **The amended motion carried by voice vote.**

4  
5 **Mr. Langenheim moved, seconded by Ms. Anderson to direct staff to prepare a map of all relevant**  
6 **pipelines in the County in conformance with any relevant guidelines for homeland security.**

7  
8 **The motion carried by voice vote.**

9  
10 Mr. Louis Wozniak called a point of order. He said that the Committee had agreed to allow him to  
11 speak about the pipelines yet a motion was made and approved without giving him the opportunity to do  
12 so. He said that after he speaks the Committee may want to reconsider their motion.

13  
14 Mr. Schroeder stated that staff was directed to prepare the proposal and the proposal was not created at  
15 this meeting.

16  
17 Mr. Wozniak stated that he understands what transpired however he has information to present which  
18 may change the Committee's opinion as to the directives that will be sent to the ZBA.

19  
20 Mr. Schroeder stated that he would agree to allow Mr. Wozniak the opportunity to speak.

21  
22 Mr. Doenitz also agreed to allow Mr. Wozniak the opportunity to speak.

23  
24 Mr. Wysocki stated that if the motion is going to be the same there is no point in reconsidering the  
25 motion. She informed Mr. Wozniak that he may speak at this time and share any information that he has  
26 regarding the pipelines. She said that staff can take this information and incorporate it in constructing  
27 their text amendment.

28  
29 Mr. Schroeder stated that Mr. Wozniak's information may be more appropriate for testimony at the  
30 ZBA.

31  
32 Mr. Doenitz stated that Mr. Wozniak was present during the discussion of the motion.

33  
34 Mr. Wozniak stated that he was present during the discussion of the motion but he was informed at the  
35 beginning of the meeting that he would be given an opportunity to speak. He said that he was not going  
36 to break in on the Committee's deliberations.

37  
38 Ms. Wysocki stated that Mr. Wozniak could have reminded the Committee that he needed to be  
39 acknowledged.

40  
41 Ms. Wozniak stated that it is a reasonable error that a citizen of the County could make not knowing the  
42 exact rules of this Committee versus the rules of the ZBA. He said that Mr. Hall informed him that the

ELUC

AS APPROVED APRIL 09, 2007

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1 rules of the Committee are much different than the ZBA's and it is very unfair that he was not allowed  
2 the opportunity to speak when he was informed that he would be given that opportunity when the agenda  
3 item was discussed. He requested a commitment that after he speaks the motion would be reconsidered  
4 or an amended motion made.

5  
6 Ms. Wysocki stated no. She said that if the Committee is not going to change their position on the  
7 motion after hearing his information then there is no reason to take on another vote. She said that it is  
8 the Committee's prerogative. She said that the Committee will listen to his information and if someone  
9 desires to make a motion to reconsider then it will come from the Committee but if they are silent and no  
10 one makes a motion then the original motion stands.

11  
12 Mr. Wozniak agreed.

13  
14 Mr. Wozniak stated that he would like to address the issue of land use compatibility with respect to gas  
15 pipelines because it is the charge of this Committee to direct the ZBA to draft some type of text  
16 amendment. He said that the chart submitted to the Committee from staff, indicated on Page 69 of the  
17 ELUC packet, has some missing alternatives. He said that a stakeholder in this issue is the County  
18 government which can win by having some solid guidelines but can lose by having to enforce these  
19 rules. He said that the gas company is certainly a stakeholder in this issue because they can win by  
20 having people get off their heels about pipelines and therefore decrease their exposure to liability  
21 especially since the pipeline operators have, by contract, agreed that they would underwrite all damages  
22 that occur to property as a result of a mishap in the installation and operation of the pipelines. He said  
23 that the gas company will be a winner if the County extends the regulations to one-half mile where no  
24 buildings, animals, etc, are allowed even though they only committed to a 30 foot easement. The  
25 landowners are stakeholders and will win because they would know what regulations are in place and  
26 they would be informed about pipelines prior to the purchase of the property but they will lose if the  
27 County passes a requirement prohibiting construction within the designated area.

28  
29 Mr. Wozniak stated that the alternatives are incomplete. He said that the Committee has chosen  
30 Alternative E but in order to make a reasonable selection of choices one should be able to differentiate  
31 between personal injury and property damage because they are two different things. He asked if there  
32 was a difference between dwellings and other structures in the impact area. He said that the March 8,  
33 2007, memorandum does not make any differentiation between dwellings and structures such as garages,  
34 barns, shops, grain bins. He said that *Title 49* of the Federal Regulations clearly distinguishes between  
35 structures and dwellings. He said that it defines dwellings as buildings intended for human occupancy.  
36 He said that the pipeline regulations require pipeline operators to mitigate the effects of population  
37 density near pipelines. He said that it does not deny people building outside of the easement, which  
38 would be a case of law, or near the pipeline. He said that it does indicate that if the density of population  
39 reaches a certain level the pipeline operator must mitigate this effect and he can do it in several ways.  
40 He said that the pipeline operator can decrease the pressure of the pipeline, install a thicker pipe or  
41 relocate the pipe. He said that the Federal regulations require all pipelines to be installed within 50 feet  
42 of a road therefore a street must exist where a pipeline is set. He said that now it is up to the Committee



3-12-07

**AS APPROVED APRIL 09, 2007**

**ELUC**

1 to decide if there is a difference between dwellings and structures.

2  
3 Mr. Wozniak stated that if all portions of an RRO or By-Right lot are to be located outside the potential  
4 impact radius how does this rationale square with traffic on roads as far as potential personal injury. He  
5 said that if all portions of the RRO are to be located outside of the potential impact radius how does that  
6 square with farming operations in relation to personal injury. He said that farmers drive tractors and  
7 farm over the top of the pipelines because they are buried four feet deep. He asked if a pipeline operator  
8 with a secured 30 foot wide easement for pipeline installation and who has agreed to underwrite  
9 damages, in writing in the easement, be accorded the rights by county regulations to keep other's  
10 property free of structures. He said that the pipeline operator has already agreed that any damage that  
11 occurs outside of the 30 foot wide easement is his responsibility. He asked if the owner of a property be  
12 limited to 10 times the amount of strip of land that he has given easement to in order to accommodate  
13 the pipeline operator and limit his liability. He said that there are many homes which are within the  
14 potential impact radius area and there are many pipeline operators who have placed their pipelines in  
15 such a proximity to pre-existing homes that those homes became within the potential impact radius.

16  
17 Mr. Wozniak stated that if the two tanks in Newcomb Township, owned by People's Gas, were damaged  
18 by a high powered rifle or hit by an airplane the entire county would probably blow up because it would  
19 suck the oxygen out of a very large area and people would not be able to get away fast enough. He said  
20 that there would be a donut effect bringing the fresh air in and the other air would circulate and come  
21 back and suck the oxygen out of a very great area.

22 Ms. Wysocki asked the Committee if Mr. Wozniak's information has changed anyone's mind on the  
23 previous motion.

24  
25  
26 The consensus of the Committee was that it had not.

27  
28  
29 **13. 2007 Electronics Recycling Event Update**

30  
31 Mr. Hall stated that the location of the event is in the north parking lot of Solo Cup on Main Street in  
32 Urbana.

33  
34 **14. Proposal to prepare a Champaign County Government Land Use Plan**

35  
36 Mr. DiNovo stated that a proposal has been constructed which includes the technical content and  
37 sequence of steps in developing a plan. He said that the first item that he would like to discuss with the  
38 Committee is the proposal as to how the governing structure for doing the plan should be set up. He said  
39 that this is not a simple question and it is unsure that the legal environment in which this decision is  
40 made is clear cut therefore input from the State's Attorney's office is required. He said that in  
41 discussing the proposal earlier today with Ms. Wysocki it was decided to reduce the amount of  
42 appropriations required by the County by spreading this out over an additional fiscal year. He said that



**ATTACHMENT E**  
**Relevant Existing Zoning Ordinance Requirements**  
**MARCH 8, 2007**

**RELEVANT EXISTING ZONING ORDINANCE REQUIREMENTS**

The Zoning Ordinance already contains some basic zoning regulations that are relevant to ensuring safe land use in the vicinity of pipelines.

**Zoning Requirements Applicable to Any Construction**

Paragraph 4.2.2 D. prohibits any construction within utility easements as follows (capitalized words are defined in the Ordinance):

No USE shall be established, CONSTRUCTION undertaken, nor fill placed in any recorded drainage or utility easement that would interfere with the function of the easement.

It is difficult to enforce this requirement because staff reviewing Zoning Use Permit Applications will generally only have information regarding whether or not an easement is present if the application is on a lot in a platted subdivision. This prohibition could be clarified by also including "pipeline easement". Note that simple excavation or regrading is not prohibited in easements and the Zoning Ordinance does not regulate regrading.

**Zoning Requirements Applicable Only to Map Amendments to the RRO District**

Subparagraph 5.4.3 C.2.k. requires that in making findings for map amendments (rezoning) to the Rural Residential Overlay (RRO) Zoning District the Zoning Board of Appeals (ZBA) shall consider, among other things, "The presence of nearby natural or man-made hazards".

Paragraph 5.4.5 B. requires that an application for a map amendment to the RRO District must include an open title commitment or a title policy not more than 12 months old. The open title commitment will indicate if there is an easement for a pipeline on the property proposed for rezoning.

**1. The following definitions are proposed to be added to Section 3:**

**PIPELINE IMPACT RADIUS:** The distance within which the potential failure of a GAS PIPELINE or a HAZARDOUS LIQUIDS PIPELINE could have significant impact to people and property.

**PIPELINE, GAS:** Any transmission pipeline for gases including within a storage field. This definition does not apply to either service lines for local service to individual buildings or distribution lines, as defined in 49 CFR 192.3.

**PIPELINE, HAZARDOUS LIQUID:** Any pipeline used for the transmission of anhydrous ammonia, petroleum, or petroleum products such as propane, butane, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil, and kerosene.

**2. Add the following Subparagraph H. to Subsection 4.3.4 Lots, as follows:**

H. Restrictions on LOTS and USES within any PIPELINE IMPACT RADIUS

1. PIPELINE IMPACT RADIUS

a. The PIPELINE IMPACT RADIUS for a GAS PIPELINE is similar to the potential impact radius identified by Title 49 of the Code of Federal Regulations Part 192.903. Potential impact radius as defined by 49 CFR 192.903 is determined by the formula  $r=0.69*\sqrt{(p*d^2)}$ , where r' is the radius of a circular area in feet surrounding the point of pipeline failure, p' is the maximum allowable operating pressure in the pipeline segment in pounds per square inch and d' is the nominal diameter of the pipeline in inches. Maximum allowable operating pressure and nominal diameter will be provided by the pipeline operator. The PIPELINE IMPACT RADIUS indicated in these regulations is not necessarily the same as the potential impact radius used by the Illinois Commerce Commission to enforce 49 CFR 192.903. Both the PIPELINE IMPACT RADIUS and potential impact radius are approximations of the effect of any given potential failure event.

b. The PIPELINE IMPACT RADIUS for a HAZARDOUS LIQUID PIPELINE is 150 feet.

2. Any LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICT after *{DATE OF ADOPTION}* shall have a minimum LOT AREA outside the PIPELINE IMPACT RADIUS equal to the minimum requirements of Section 5.3. No LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS shall be located entirely within the PIPELINE IMPACT RADIUS.

3. No USE, BUILDING, or STRUCTURE established or built after *{DATE OF ADOPTION}* shall be located within a PIPELINE IMPACT RADIUS except as provided in paragraph 4.3.4 H.4.

4. Exemptions
  - a. AGRICULTURE or an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to AGRICULTURE.
  - b. Any PIPELINE, wellhead, or USE that is an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE or a wellhead.
  - c. Enlargement, repair, and replacement of conforming USES, BUILDINGS, and STRUCTURES that were lawfully established and existed on *{DATE OF ADOPTION}*.
  - d. USES, BUILDINGS and STRUCTURES established after *{DATE OF ADOPTION}* on conforming LOTS of record that existed on *{DATE OF ADOPTION}*.
  - e. Any outlot per paragraph 4.3.4.A., or STREET created in any RRO or residential DISTRICT.
  - f. Any portion of a lot containing a driveway and construction of a driveway on any lot in the RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS
  - g. USES, BUILDINGS, and STRUCTURES on LOTS that are exempt from the requirement for the Rural Residential Overlay Zoning District and that are created after *{DATE OF ADOPTION}*.
  
5. Notice of PIPELINE IMPACT RADIUS.
  - a. The ZONING ADMINISTRATOR shall provide notice of the existence of a PIPELINE IMPACT RADIUS to any land owner that submits a Zoning Use Permit Application on any of the following:
    - i. Land that is located within a PIPELINE IMPACT RADIUS; or
    - ii. Land that is subject to an easement for underground gas storage; or
    - iii. Land within 150 feet of an easement for underground gas storage.
  - b. The notice shall include the following information:
    - i. The approximate location and type of the relevant pipeline
    - ii. The dimension of the PIPELINE IMPACT RADIUS including the approximate location on the proposed LOT.
    - iii. The last known point of contact for the relevant pipeline operator.

**AS APPROVED**

**583-AT-07**

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

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Final Determination: **RECOMMEND ENACTMENT**

Date: September 11, 2008

Petitioner: Zoning Administrator

- Request:
1. Amend Section 3.0 Definitions to add "GAS PIPELINE"; "HAZARDOUS LIQUIDS PIPELINE"; and "PIPELINE IMPACT RADIUS".
  2. Add new paragraph 4.3.4 H. that does the following:
    - a. Identifies the PIPELINE IMPACT RADIUS for a HAZARDOUS LIQUIDS PIPELINE to be 150 feet.
    - b. Identifies the PIPELINE IMPACT RADIUS for a GAS PIPELINE to be similar to the potential impact radius as defined by Title 49 of the Code of Federal Regulations (CFR), Part 192.903 which is based upon maximum allowable operating pressure in the pipeline segment in pounds per square inch and the nominal diameter of the pipeline in inches. The PIPELINE IMPACT RADIUS for a GAS PIPELINE is specific to each pipeline. Typical PIPELINE IMPACT RADIUS for GAS PIPELINES in Champaign County is 350 feet or more.
    - c. Prohibits the following within any PIPELINE IMPACT RADIUS:
      - (1) Creation of a new LOT in the R-1, R-2, R-3, R-4, R-5, or RRO Districts without adequate LOT AREA outside the PIPELINE IMPACT RADIUS.
      - (2) The establishment of any USE, BUILDING, or STRUCTURE other than those specifically exempted.
    - d. Exempts AGRICULTURE, AGRICULTURE ACCESSORY USES; any USE ACCESSORY to a GAS or HAZARDOUS LIQUID PIPELINE; existing USES, BUILDINGS, and STRUCTURES and additions thereto; new USES, BUILDING, or STRUCTURES on existing lots; new USES, BUILDINGS, and STRUCTURES on LOTS that are exempt from the RRO District; portions of lots containing driveways; and any outlot or STREET in any RRO District or R District.
    - e. Requires notice be given to any applicant for a Zoning Use Permit within a PIR or within 150 feet of an easement for underground gas storage.

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 27, 2007, October 11, 2007, November 30, 2007, May 29, 2008, and September 11, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
  - A. Three recent requests for rezoning to the Rural Residential Overlay (RRO) Zoning District have been located on properties in close proximity to natural gas pipelines and two of those cases are located in the vicinity of the Manlove Gas Storage Facility.
  - B. There are many liquid and gas pipelines that cross Champaign County. The Manlove Gas Storage Facility in Newcomb, Brown, and East Bend Townships is the most concentrated area of pipelines in the County.
  - C. The *Zoning Ordinance* currently only contains minimal regulations to ensure land use compatibility and safety near pipelines.
  - D. On March 12, 2007, ELUC directed staff to prepare a text amendment to ensure land use compatibility and safety near pipelines.

**GENERALLY REGARDING THE EXISTING ZONING REGULATIONS**

3. The *Zoning Ordinance* already has basic provisions intended to ensure some degree of land use compatibility in the vicinity of pipelines, as follows:
  - A. Paragraph 4.2.2 D. prohibits any construction within utility easements as follows (capitalized words are defined in the Ordinance):

No USE shall be established, CONSTRUCTION undertaken, nor fill placed in any recorded drainage or utility easement that would interfere with the function of the easement.
  - B. Subparagraph 5.4.3 C.2.k. requires that in making findings for map amendments (rezoning) to the Rural Residential Overlay (RRO) Zoning District the Zoning Board of Appeals (ZBA) shall consider, among other things, “The presence of nearby natural or man-made hazards.”
  - C. Paragraph 5.4.5 B. requires that an application for a map amendment to the RRO District must include an open title commitment or a title policy not more than 12 months old. The open title commitment will indicate if there is an easement for a pipeline on the property proposed for rezoning.
  - D. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
    - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
    - (2) “ACCESS STRIP” is that part of a FLAG LOT which provides the principal ACCESS to the LOT, and has FRONTAGE upon a STREET.

ITEM 3.D. CONTINUED

- (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (4) "AGRICULTURE" is the growing, harvesting, and storing of crops including legumes, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony, and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (5) "AREA, LOT" is the total area within the LOT LINES.
- (6) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION, or as otherwise permitted by law, to be used, developed, or built upon as a unit.
- (7) "LOT, FLAG" is an interior LOT separated from STREETS by intervening LOTS except for an ACCESS STRIP which provides FRONTAGE upon a STREET.
- (8) "UTILITY, PUBLICLY REGULATED" is a business or entity providing water, sanitary sewer, power and light, television cable, or similar services to the public of such a nature that it enjoys an exclusive franchise, in a specific geographic area, and is regulated by a Federal, State, or local governmental regulatory agency.

**SUMMARY OF THE PROPOSED AMENDMENT**

- 4 The proposed amendment regulates the use of lots within a certain distance of an underground pipeline, as follows:
  - A. Add the following definitions to Section 3:
    - (1) PIPELINE IMPACT RADIUS: The distance within which the potential failure of a GAS PIPELINE or a HAZARDOUS LIQUIDS PIPELINE could have significant impact to people and property.



ITEM 4.A. CONTINUED

- (2) PIPELINE, GAS: Any transmission pipeline for gases including within a storage field. This definition does not apply to either service lines for local service to individual buildings or distribution lines, as defined in 49 CFR 192.3.
  - (3) PIPELINE, HAZARDOUS LIQUID: Any pipeline used for the transmission of anhydrous ammonia, petroleum, or petroleum products such as propane, butane, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil, and kerosene.
- B. Add the following Subparagraph H. to Subsection 4.3.4 Lots, as follows: (Note: the following is numbered as it will appear in the Zoning Ordinance, not in the typical format of a Finding of Fact)
- H. Restrictions on LOTS and USES within any PIPELINE IMPACT RADIUS
1. PIPELINE IMPACT RADIUS
    - a. The PIPELINE IMPACT RADIUS for a GAS PIPELINE is similar to the potential impact radius identified by Title 49 of the Code of Federal Regulations Part 192.903. Potential impact radius as defined by 49 CFR 192.3 is determined by the formula  $r=0.69*\sqrt{(p*d^2)}$ , where r' is the radius of a circular area in feet surrounding the point of pipeline failure, p' is the maximum allowable operating pressure in the pipeline segment in pounds per square inch and d' is the nominal diameter of the pipeline in inches. Maximum allowable operating pressure and nominal diameter will be provided by the pipeline operator. The PIPELINE IMPACT RADIUS indicated in these regulations is not necessarily the same as the potential impact radius used by the Illinois Commerce Commission to enforce 49 CFR 192.3. Both the PIPELINE IMPACT RADIUS and potential impact radius are approximations of the effect of any given potential failure event.
    - b. The PIPELINE IMPACT RADIUS for a HAZARDOUS LIQUID PIPELINE is 150 feet.
  2. Any LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICT after {DATE OF ADOPTION} shall have a minimum LOT AREA outside the PIPELINE IMPACT RADIUS equal to the minimum requirements of Section 5.3. No LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS shall be located entirely within the PIPELINE IMPACT RADIUS.
  3. No USE, BUILDING, or STRUCTURE established or built after {DATE OF ADOPTION} shall be located within a PIPELINE IMPACT RADIUS except as provided in paragraph 4.3.4 H.4.

ITEM 4.B. CONTINUED

4. Exemptions
  - a. AGRICULTURE or an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to AGRICULTURE.
  - b. Any PIPELINE, wellhead, or USE that is an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE or a wellhead.
  - c. Enlargement, repair, and replacement of conforming USES, BUILDINGS, and STRUCTURES that were lawfully established and existed on {DATE OF ADOPTION}.
  - d. USES, BUILDINGS and STRUCTURES established after {DATE OF ADOPTION} on conforming LOTS of record that existed on {DATE OF ADOPTION}.
  - e. Any outlot, per paragraph 4.3.4.A., or STREET created in any RRO or residential DISTRICT.
  - f. Any portion of a lot containing a driveway and construction of a driveway on any lot in the RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS
  - g. USES, BUILDINGS, and STRUCTURES on LOTS that are exempt from the requirement for the Rural Residential Overlay Zoning District and that are created after {DATE OF ADOPTION}.
5. Notice of PIPELINE IMPACT RADIUS.
  - a. The ZONING ADMINISTRATOR shall provide notice of the existence of a PIPELINE IMPACT RADIUS to any land owner that submits a Zoning Use Permit Application on any of the following:
    - i. Land that is located within a PIPELINE IMPACT RADIUS; or
    - ii. Land that is subject to an easement for underground gas storage; or
    - iii. Land within 150 feet of an easement for underground gas storage.
  - b. The notice shall include the following information:
    - i. The approximate location and type of the relevant pipeline

ITEM 4.B. CONTINUED

- ii. The dimension of the PIPELINE IMPACT RADIUS including the approximate location on the proposed LOT.
- iii. The last known point of contact for the relevant pipeline operator.

**GENERALLY REGARDING LAND USE SAFETY CONCERNS RELATED TO PIPELINES**

5. There are different land use safety concerns for pipelines carrying hazardous liquids and pipelines carrying natural gas, as follows:
- A. Minimum safety requirements for gas transmission pipelines are included under Title 49 of the Code of Federal Regulations (CFR), Part 192 that establishes the following:
    - (1) Section 192.3 has definitions for four different types of gas pipelines: distribution lines, gathering lines, service lines, and transmission lines, as follows:
      - (a) Distribution lines are any pipeline other than a gathering or transmission line.
      - (b) Gathering lines are pipelines that transport gas from a current production facility to a transmission line or a main.
      - (c) Service lines are a distribution line that transports gas from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to the customer's piping, whichever is further downstream, or at the connection to the customer's piping if there is no meter.
      - (d) Transmission lines are pipelines other than gathering lines that either:
        - i. Transport gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center; or
        - ii. Operate at a hoop stress of 20 percent or more of specified minimum yield strength; or
        - iii. Transport gas within a storage field.
    - (2) Section 192.5 describes Class locations. Class location is based upon population density using a standard class location unit that is defined by 49 CFR 192.5 as an onshore area that extends 220 yards on either side of the centerline of any continuous one mile length of pipeline. Defined class locations are the following:
      - (a) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

ITEM 5.A.(2) CONTINUED

- (b) A Class 1 location is any class location unit that has 10 or fewer buildings intended for human occupancy
  - (c) A Class 2 location is any class location unit that has more than 10 but fewer than 46 buildings intended for human occupancy.
  - (d) A Class 3 location is any class location unit that has more than 46 buildings intended for human occupancy; or anywhere a pipeline lies within 100 yards (91 meters) of an identified site, which is either a building or a small, well-defined outside area (such as a playground, recreation area, outside theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12 month period. (The days and weeks need not be consecutive.)
  - (e) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.
- (3) Section 192.609 describes the required study when an increase in population indicates a change in class location. Class location may change as a result of development within 220 yards of a pipeline and whenever an increase in population density indicates a change in class location for a segment of pipeline operating at a hoop stress not commensurate with that class location the pipeline operator must within 24 months of the change in class location make a study as outlined in 49 CFR 192.609 and reduce the operating pressure of the pipeline in the covered segment to that allowed by 49 CFR 192.611
- (4) Section 192.901 indicates that the safety regulations which refer to high consequence areas and potential impact radius are only applicable to gas transmission pipelines.
- (5) Section 192.903 defines potential impact radius (PIR) as the radius of a circle within which the potential failure of a gas pipeline could have significant impact on people or property. PIR is determined by the formula  $r=0.69*(\sqrt{p*d})^2$ , where r' is the radius of a circular area in feet surrounding the point of pipeline failure, p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and d' is the nominal diameter of the pipeline in inches.
- (6) Section 192.903 does not define a high consequence area but it is apparently an area where population density is great enough that the consequences in terms of impact on people or property from an undesired event are so great that a pipeline operator is required to develop and follow a written integrity management plan for all pipeline segments within high consequence areas. High consequence areas are classified as the following:

ITEM 5.A.(6) CONTINUED

- (a) An area defined as either a Class 3 or 4 location under 49 CFR 192.5; or any area in a Class 1 or 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or any area in a Class 1 or 2 location where the potential impact circle contains an identified site, which is either an outdoor area like a playground or other public gathering area; or a building such as a church, public meeting hall, or other public gathering place.
    - (b) Or the area within a potential impact circle containing 20 or more buildings intended for human occupancy; or an identified site.
  - B. There are no Federal regulations which specify a buffer for hazardous liquid pipelines, but a 1987 research survey by the American Petroleum Institute found that most damage occurred within 150 feet of hazardous liquid pipelines.
  - C. Title 83 of the Illinois Administrative Code Part 590 indicates that the Illinois Commerce Commission adopts the standards contained in 49 CFR 192 (and other parts of Title 49 not relevant to this amendment) as its minimum safety standards for gas pipeline facilities.
6. Regarding testimony received during the public hearing for Zoning Case 542-AM-06:
- A. Zoning Case 542-AM-06 was a rezoning to the Rural Residential Overlay (RRO) District on property within a pipeline impact radius.
  - B. In a letter dated July 7, 2006, and in testimony at the July 13, 2006, ZBA meeting Tom Puracchio, Gas Storage Manager for the People's Gas Light and Coke Company testified as follows:
    - (1) The 393 feet of Potential Impact Radius is a fair approximation of the pipeline and well rupture that occurred in 1998. In that event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast and one should not expect a pipeline rupture to go straight up, depending on the weather.
    - (2) Although not a safety issue, on occasion maintenance activities require venting of gas at any time of day or night without notice to adjacent property owners that might result in noise for a few hours.
  - C. Frank Kamerer, a neighbor to the subject property of Case 542-AM-06 at 2648 CR 350E, testified at the July 13, 2006, ZBA meeting as follows:
    - (1) As people have moved to smaller lots in the area some of them have built houses almost on top of the gas pipeline.
    - (2) He was [near the site of the 1998 incident] when a joint blew out of a gas pipeline and it put a hole in the ground so big you could put a bus in it.
    - (3) People's replaced three quarters of a mile of gas pipeline on his property last year.

ITEM 6.C. CONTINUED

- (4) The pipelines are man made and some day they will fail, but People's has done a good job so far.
- D. Dave Nelson, a neighbor to the subject property in Case 542-AM-06 at 2659 CR 350E, testified at the July 13, 2006, ZBA meeting as follows:
- (1) He was present during the pipeline and well rupture event in 1998 and his house was one mile away from where the event occurred, and it sounded like a jet was landing on Route 47. He said the staging area for the Cornbelt Fire Department was at the Shiloh Methodist Church and they could not go any closer until People's shut down the gas line. He tried to film the incident but he could not get his camera to focus on the flames until they had died down significantly.

**GENERALLY REGARDING PUBLIC TESTIMONY**

7. Testimony received in the public hearing for this case can be summarized as follows:
- A. Tom Puracchio, Manager of Gas Storage for People's Gas, testified at the October 11, 2007, ZBA meeting as follows:
    - (1) People's Gas has made it clear that the governing federal regulations established a potential impact radius that do not in any way prohibit the right of construction within the impact radius.
    - (2) People's Gas would prefer that instead of prohibiting construction in the potential impact radius the landowners that are in the pipeline impact radius be notified and made aware of the existence of the pipeline to avoid harm or damage.
    - (3) He said that People's Gas feels the County could be of assistance with this process by referring to the existence of the pipeline easements on plats of subdivisions which are approved by the County.
    - (4) He said that the County could also assist this process by referring to the existence of pipeline easements in various zoning and site plan approvals.
    - (5) He said that these practices would raise property owner's knowledge and awareness and understanding about the existence of pipelines on their property.
  - B. Michael Tague, attorney representing Mr. Bateman in Case 520-AM-05 testified at the October 11, 2007, ZBA meeting that if the County does adopt an ordinance that would prohibit any creation of lots in any part of the potential impact radius it would be unconstitutional if it is not rationally supported by a material improvement in public safety due to the miniscule probability of potential impact in the first instance and the mathematical small statistical reduction of such number at a very severe cost to some particular property owners.



ITEM 7. CONTINUED

- C. Andy Busch testified at the October 11, 2007, ZBA meeting, as follows:
- (1) In 1993 the National Transportation Safety Board indicates that pipelines carrying petroleum and other hazardous material transported 590 billion ton miles and had 210 accidents.
  - (2) In 1993 the Bureau of Transportation Statistics state the incidence of hazardous incidents from truck traffic were somewhere around 900 per month therefore 4 times as many in a month involved truck traffic versus one year by pipeline.
- D. Matt Anderson, Pipeline Integrity Specialist for Ameren, testified at the October 11, 2007, ZBA meeting that one of the concerns of his company about the possible 350 foot impact radius where nothing could be built is that it would make it considerably more difficult for any pipeline operator to secure any easements for any new pipeline that would be installed or relocated.
- E. Herb Schildt, 398 CR 2500N, Mahomet, testified at the October 11, 2007, ZBA meeting, as follows:
- (1) The land that he and his wife own will be affected by the proposed amendment because Peoples Gas has storage leases on it although there are currently no pipelines or injection wells on or near their property.
  - (2) He said that these are longstanding agreements whose stipulations are well understood.
  - (3) He stated that he does understand the County's desire to establish some guidelines related to pipelines.
  - (4) He asked if it is reasonable and proper to use the impact radius formula defined by the Department of Transportation to determine zoning setbacks. He said that given that it results in extremely large setbacks this is a crucial question.
  - (5) He said that the impact radius formula presented in Title 49, Part 192 of the Code of Federal Regulations and the 2006 version indicates that these regulations define rules that a pipeline operator must follow and he sees nothing within these regulations that pertains to the landowner.
  - (6) He said that Title 49, Part 192 defines obligations on the pipeline operator including the need to mitigate risk and is not an obligation on the landowner to mitigate this risk.
  - (7) He stated that if Case 583-AT-07 would severely restrict by-right zoning permits it would reverse this obligation because it would effectively place the responsibility of risk mitigation on the landowner by denying him or her the use of what can be a very large portion of land.

ITEM 7. CONTINUED

F. Lou Wozniak testified at the November 29, 2007, ZBA meeting as follows:

- (1) He made a calculation of the probability of a pipeline accident occurring.
- (2) He made certain assumptions that one may or may not agree with.
- (3) He looked back at the last ten years and he noted that there was one explosion that left a crater and scorched a house but nothing has happened since that time.
- (4) Since that time Peoples Energy has started a maintenance program where they load pipes with water and watch for a decrease in pressure overnight and they do this every 5 years or so on a rotation basis.
- (5) One could guess that the probability of an accident happening now has been greatly reduced compared to the probability before this maintenance program went into effect.
- (6) He found that someone would be 10 times more likely to be in an auto accident than the chance of a home in the impact radius of the pipeline being subject to a pipeline accident.

G. A letter was received from Michael Tague on January 29, 2008, that can be summarized as follows:

- (1) Item [B.H.2. of the proposed amendment] should include the following language at the end of the sentence "...without adequate building area outside the potential impact radius."
- (2) This language is necessary because when [Item 2 of paragraph H] is coupled with [Item 3 of paragraph H] material public safety issues are completely mitigated.
- (3) A statute that would result in a situation where a lot could not be created that may be partially within the pipeline impact radius but with that part within the pipeline impact radius having no more density of occupancy or activity than before the creation of the lot would be an unreasonable burden on property rights.
- (4) With no evidence of any benefit and ample evidence of detriment, the ordinance without the [previously suggested language] is not only unsound but legally and constitutionally impermissible.

H. A letter was received from Michael Tague on October 18, 2007, in which he indicated that all land owners with land inside a PIPELINE IMPACT RADIUS, as determined by the County-wide pipeline map, should be notified of the proposed amendment.

I. Matthew Anderson, from Ameren Pipeline Integrity Specialists, testified at the October 11, 2007, ZBA meeting that Ameren's entire potential impact radius for their transmission facilities is no more than 110 feet [wide].

ITEM 7. CONTINUED

- J. At the September 11, 2008, public hearing the State's Attorney advised that neither is there a public policy basis to distinguish between streets and driveways nor is there a public policy basis to prohibit RRO lots in the PIR provided that no construction is allowed in the PIR. Thus there is a legal risk in an amendment that does not authorize such lots.

*GENERALLY REGARDING EXISTING PIPELINES IN CHAMPAIGN COUNTY*

- 8. Existing pipeline facilities in Champaign County can be found on the National Pipeline Mapping System Public Map Viewer (<http://www.npms.phmsa.dot.gov/>) and on the "Gas Facilities in Illinois" map prepared by the Illinois Commerce Commission, as follows:
  - A. Gas distribution lines in Champaign County typically branch off of larger transmission lines and provide service to the smaller urbanized areas in the county. They are shown on the "Gas Facilities in Illinois" map, but are not intended to be subject to the proposed amendment. They are generally located, as follows:
    - (1) Lines operated by Northern Illinois Gas Company which branch off from the Natural Gas Pipeline Company of America interstate line in Piatt County and serve the Villages of Fisher, Rantoul, Gifford, Penfield, Ludlow, and several villages in Ford and Vermillion Counties.
    - (2) Lines operated by Ameren Services which branch off the Trunkline Gas Company transmission line at various points throughout the county and serve the Villages of Royal, Ogden, St. Joe, Homer, Sidney, and Philo.
    - (3) Lines operated by Ameren Services which branch off the Natural Gas Pipeline Company of America interstate line in Piatt County and serve the Villages of Mahomet, Rising, Seymour, Bondville, and Staley.
    - (4) Lines operated by Ameren Services which branch off the Panhandle Eastern Pipeline Company transmission line in the southern part of the county and serve the Villages of Tolono, Sadorus, Ivesdale, and Pesotum.
    - (5) Lines operated by Ameren Services which branch off the Panhandle Eastern Pipeline Company interstate line in Edgar County, travel through Vermillion County, and enter Champaign County along the east county line in the southeast corner of the county. These lines serve the Villages of Allerton, Broadlands, and Longview.
  - B. There are no gas gathering pipelines in Champaign County.
  - C. Gas service lines in Champaign County are not shown on either the National Pipeline Mapping System Public Map Viewer or the "Gas Facilities in Illinois" map and are not intended to be subject the proposed amendment.

ITEM 8. CONTINUED

- D. Gas transmission lines are defined by 49 CFR 192.3 in three different ways (See Item 5.A.(1)(d)). These lines are shown primarily on the National Pipeline Mapping System Public Map Viewer. The three different types of transmission pipelines are generally located in the county as follows:
- (1) The first type of gas transmission pipeline, “transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center.” There appear to be five of these kinds of gas transmission pipelines in the county, as follows:
    - (a) A pair of lines operated by Trunkline Gas Company, which enters the county along the south county line, near I-57, travels northeast through the County, and exits the County along the east line north of I-74.
    - (b) Another line operated by Trunkline Gas Company, which branches off the previous lines, travels northwest through the county to the People’s Gas Manlove Storage Facility in the northwest part of the county.
    - (c) A line operated by Panhandle Eastern Pipeline Company which enters the county at the south county line near I-57, travels due north until it connects to a transmission line operated by Ameren just south of Champaign-Urbana.
    - (d) A line operated by the University of Illinois which enters the county on the west county line just south of Champaign-Urbana, travels due east through the county where it appears to connect to the Ameren transmission pipeline just south of Champaign-Urbana.
    - (e) Lines operated by People’s Gas Light and Coke Company which leave their Manlove Storage facility in the northeast part of the county and travel north out of the county and west out of the county.
  - (2) The second type of gas transmission pipeline, “operates at a hoop stress of 20 percent or more of specified minimum yield strength.” There appear to be three of these kinds of pipelines in the county, as follows:
    - (a) A line operated by Northern Illinois Gas Company that enters the county on the north county line, travels southeast until it crosses I-57, then travels south to the vicinity of Rantoul, then it travels east out of the county along US-136.
    - (b) A line operated by Ameren Services which is practically an extension of the Panhandle Eastern Pipeline Company line (See Item 8.D.(1)(c)) into Champaign-Urbana.
    - (c) Another line operated by Ameren Services which enters the county on the west line just south of I-72 and travels approximately due east to the west side of I-57.

ITEM 8.D. CONTINUED

- (3) The third type of gas transmission pipeline, “transports gas within a storage field.” The Manlove Gas Storage Field in the northwest corner of the county has many of these kinds of lines. These lines are not currently shown on the National Pipeline Mapping System, but they will be available in the future, until then they are proposed to be regulated by notifying land users who are within 150 feet of the extent of People’s Gas underground gas storage easements and within the storage field.

**GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES**

9. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
  - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.
10. The Land Use Goals and Policies for Residential Land Uses appear to be relevant because pipeline facilities exist next to many residential land uses, and new residential land uses are frequently established near pipeline facilities. Land Use Goals and Policies for Residential Land Uses are as follows:
  - A. None of the Goals for Residential Land Uses appear to be relevant to the proposed amendment, and only Residential Land Use Policy 2.5 appears to be relevant to the proposed amendment.
  - B. Residential Land Use Policy 2.5 is as follows:

The Zoning Board of Appeals, the Environment and Land Use Committee, and the County Board will only support the development of residential areas separated from incompatible non-residential uses, unless natural or man-made buffering is provided.

The proposed amendment appears to **CONFORM** to Residential Policy 2.5 because:

- (1) The amendment will require separation between underground pipelines and lots in any new R-1, R-2, R-3, R-4, R-5, and RRO District.
- (2) The proposed amendment will not restrict by-right development, as follows:
  - (a) On March 12, 2007, ELUC directed staff to prepare a text amendment to ensure land use compatibility and safety near pipelines by restricting development that

requires discretionary approval and by-right development near underground pipelines.

- (b) Testimony from Tom Puracchio, Michael Tague, Andy Busch, Herb Schildt, Louis Wozniak, and Matthew Anderson at the October 11, 2007, ZBA meeting supports not restricting by-right development.

11. The Land Use Goals and Policies for Commercial Land Uses appear to be relevant because commercial land uses could be established near pipeline facilities. The Land Use Goals and Policies for Commercial Land Uses are as follows:

- A. None of the Goals for Commercial Land Uses appear to be relevant to the proposed amendment, and only Commercial Land Use Policy 3.6 appears to be relevant to the proposed amendment.

- B. Commercial Land Use Policy 3.6 is as follows:

The County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed amendment appears to **CONFORM** to Commercial Policy 3.6 because the amendment will eliminate the need to consider Pipeline Impact Radii in commercial site plans by requiring new lots to be located entirely outside any adjacent PIR.

12. The Land Use Goals and Policies for Commercial Land Uses appear to be relevant because commercial land uses could be established near pipeline facilities. The Land Use Goals and Policies for Commercial Land Uses are as follows:

- A. None of the Goals for Utility Land Uses appear to be relevant to the proposed amendment, and only the Utility Land Use Policy 7.1 appears to be relevant to the proposed amendment.

- B. Utility Land Use Policy 7.1 is as follows:

The County Board, Environment and Land Use Committee, and the Zoning Board of Appeals will coordinate changes in land use with public and private utility systems.

The proposed amendment appears to **CONFORM** to Utility Policy 7.1 because:

- (1) The amendment will ensure that both land owners and pipeline operators will be aware of the potential for development in their immediate vicinity.
- (2) Staff has prepared a county-wide pipeline map, as follows:
  - (a) It indicates all natural gas transmission lines, distribution lines between transmission lines and settled areas, all storage lines in gas storage fields, and all hazardous liquid transmission lines, and the Pipeline Impact Radius for all pipelines.



**AS APPROVED**

- (b) It is for staff reference only and will not be released to the public in any form, as per the following exemption from the Illinois Freedom of Information Act 5 ILCS 140/7 (1) (mm):

Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility or by the Illinois Power Agency.

13. Regarding the General Land Use Goals and Policies:

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

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

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

The proposed amendment appears to **ACHIEVE** the first general land use goal because the amendment will protect the health and safety of the County by reducing potential conflicts between underground pipelines and other land uses.

- (2) The third General Land Use Goal is:

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

The proposed amendment appears to **ACHIEVE** the third general land use goal because the amendment will mitigate or prevent significant impact from pipeline failure on adjacent land uses.

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

Arrangement of land use patterns designed to promote mutual compatibility.

The proposed amendment appears to **ACHIEVE** the fourth general land use goal because the proposed amendment will reduce potential conflicts between underground pipelines and other land uses.

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

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

The proposed amendment appears to **ACHIEVE** the fifth general land use goal because the proposed amendment will encourage development away from pipelines in order to avoid problems of compatibility of use.

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

**DOCUMENTS OF RECORD**

1. Application for Text Amendment from the Zoning Administrator, received on January 18, 2008
2. Preliminary Memorandum dated September 21, 2007, with attachments:
  - A ELUC Memorandum of March 8, 2007
  - B Excerpt of Approved ELUC Minutes of March 8, 2007
  - C Excerpts from Title 49 of the Code of Federal Regulations
  - D Proposed Ordinance
3. National Pipeline Mapping System Map of Transmission Pipelines in Champaign County (annotated, no legend)
4. Letter from Michael Tague, received October 11, 2007 (distributed at meeting)
5. Letter from Michael Tague, received October 18, 2007
6. Supplemental Memorandum dated November 21, 2007, with attachments:
  - A Letter from Michael Tague dated October 16, 2007
  - B National Pipeline Mapping System Map of Transmission Pipelines in Champaign County (annotated, with legend)
  - C Figure 6-2: Gas Distribution Facilities from the Preliminary Draft of the Existing Conditions and Trends Report of the Champaign County Land Resource Management Plan (amended)
  - D Figure 6-3: Non-Water Well Locations from the Preliminary Draft of the Existing Conditions and Trends Report of the Champaign County Land Resource Management Plan (amended)
  - E Revised Draft of Proposed Ordinance based on ELUC direction, dated November 21, 2007
  - F Alternative Revised Draft of Proposed Ordinance, dated November 21, 2007
7. Letter from Scott Bidner, President, Champaign County Farm Bureau, received on November 29, 2007
8. Supplemental Memorandum dated November 29, 2007, with attachments:
  - A Letter from Scott Bidner, President, Champaign County Farm Bureau, received on November 29, 2007
  - B Excerpt of Minutes of October 11, 2007, ZBA meeting
9. Letter from Michael Tague, received on December 4, 2007
10. Supplemental Memorandum dated January 25, 2008, with attachments:
  - A Email from Patrick Gaume, Senior Staff Engineer, dated January 10, 2008
  - B Letter from Louis Wozniak, dated January 9, 2008
  - C Preliminary Draft Finding of Fact for Case 583-AT-07
11. Letter from Michael Tague, received on January 29, 2008

12. Supplemental Memorandum dated May 23, 2008, with attachments
  - A Revised Draft Amendment to the *Zoning Ordinance*
  - B Letter from Tom Puracchio, Manager of Gas Storage, Peoples' Gas, dated July 7, 2006
  - C Letter from Michael Tague received on January 29, 2008
  - D Excerpt of Minutes from the July 13, 2006, ZBA meeting (included separately)
  - E Minutes from the November 29, 2008, ZBA meeting (included separately)
  - F Revised Draft Finding of Fact for Case 583-AT-07
  
13. Supplemental Memorandum dated May 29, 2008, with attachments:
  - A Revised Draft Amendment to the *Zoning Ordinance* dated May 29, 2008
  - B Excerpt of 49 CFR 192 (included separately)
  - C 83 IAC 590.10
  
14. Supplemental Memorandum dated September 5, 2008, with attachments:
  - A Revised Draft Amendment to the *Zoning Ordinance* dated May 29, 2008
  - B Letter from Michael Tague, received December 4, 2007
  - C Revised Finding of Fact for Case 583-AT-08
  
15. Supplemental Memorandum for Case 583-AT-07 dated September 11, 2008, with attachments:
  - A Revised Draft Amendment to the *Zoning Ordinance* dated September 11, 2008
  - B Letter from Michael Tague to the State's Attorney, dated June 3, 2008

**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 583-AT-07** should **BE ENACTED** by the County Board in the form attached hitherto.

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

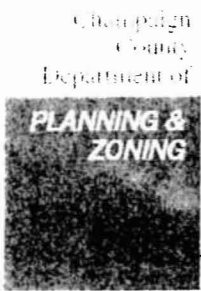
SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



To: **Environment and Land Use Committee**

From: **J.R. Knight**, Associate Planner  
**John Hall**, Zoning Administrator

Date: October 9, 2008

RE: Zoning Case 630-AM-08

Zoning Case 630-AM-08

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

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

**Request Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture Zoning District to B-1 Rural Trade Center Zoning District**

**Petitioners Wingfield Distributors, Inc. and Dean Wingfield, President; and Wayne Busboom**

**Location: An approximately 2.6 acre portion of a 30 acre tract in the North Half of the Northeast Quarter of the Southeast Quarter of Section 22 of Somer Township and commonly known as the farm shed at the Southwest corner of the intersection of CR 2050N and CR 1600E.**

**STATUS**

The Zoning Board of Appeals voted to "RECOMMENDED ENACTMENT" for this proposed rezoning at their September 11, 2008, meeting. Relevant maps are attached to the memo. The Finding of Fact is attached.

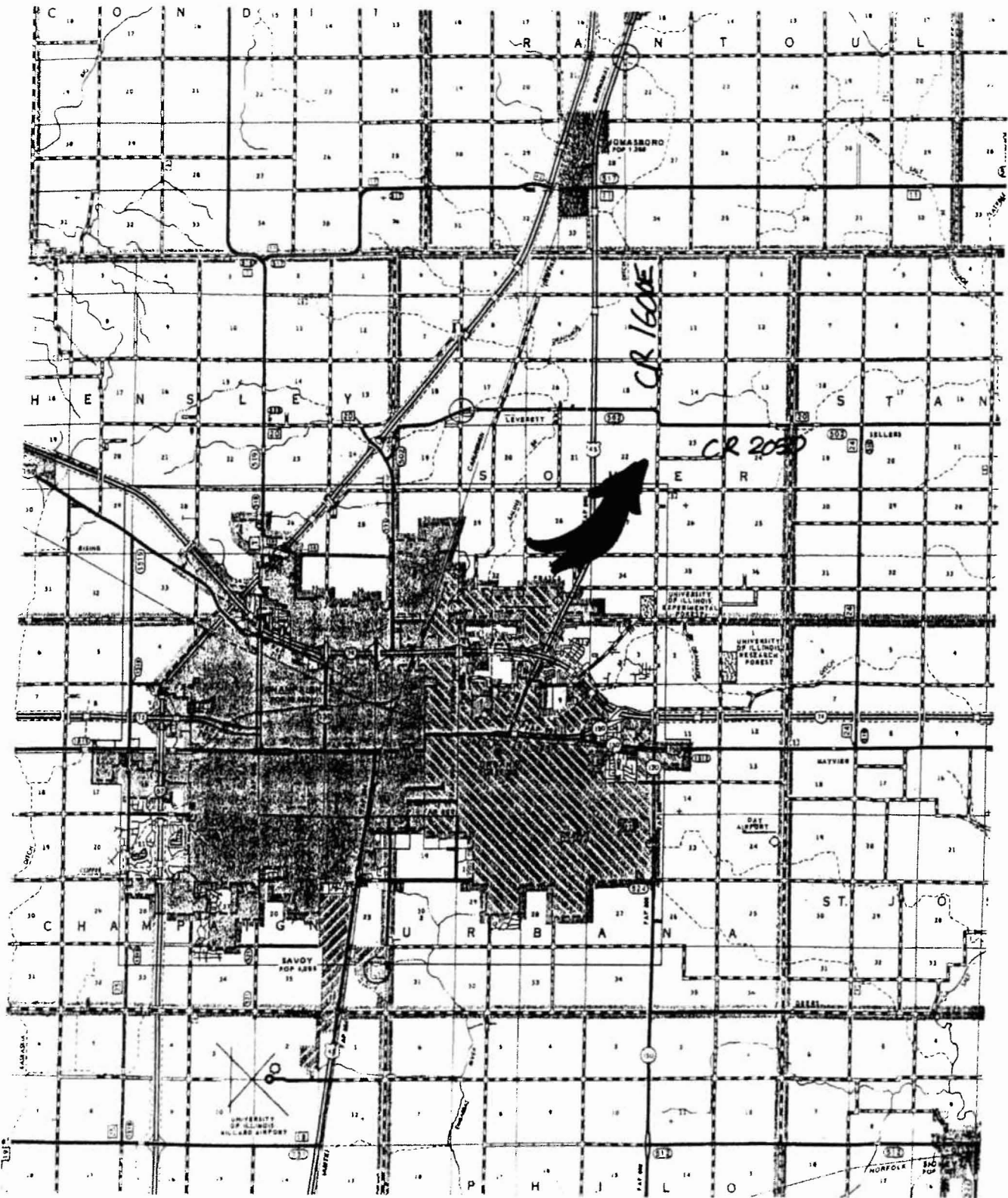
This case is not located within any municipal ETJ, and no formal protests have been received from neighboring land owners.

**ATTACHMENTS (excerpted from Documents of Record)**

- A Case Maps for Case 630-AM-08 (Location, Land Use, and Zoning)**
- B Excerpt of www.wingfields.com**
- C Wingfield Distribution, Inc. Preliminary Site Plan dated September 11, 2008**
- D As Approved Finding of Fact for Case 630-AM-08**



ATTACHMENT A. LOCATION MAP  
Case 630-AM-08  
AUGUST 22, 2008



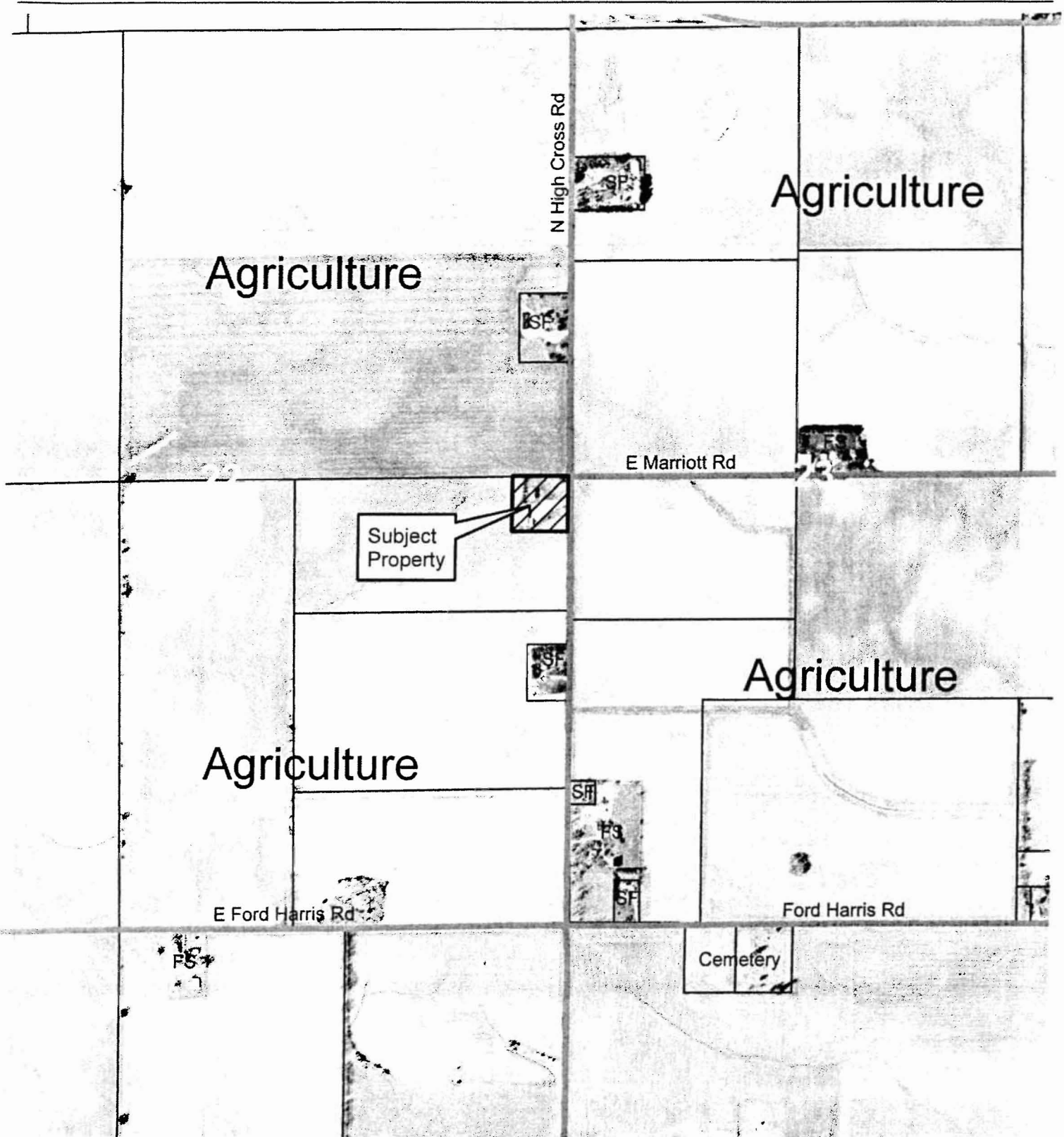
NORTH

Champaign  
County  
Department of  
**PLANNING &  
ZONING**

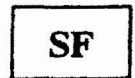
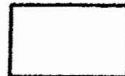
ATTACHMENT A. LAND USE MAP

Case 630-AM-08

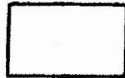
AUGUST 22, 2008



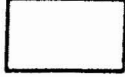
Area of Concern



Single Family



Farmstead



NORTH

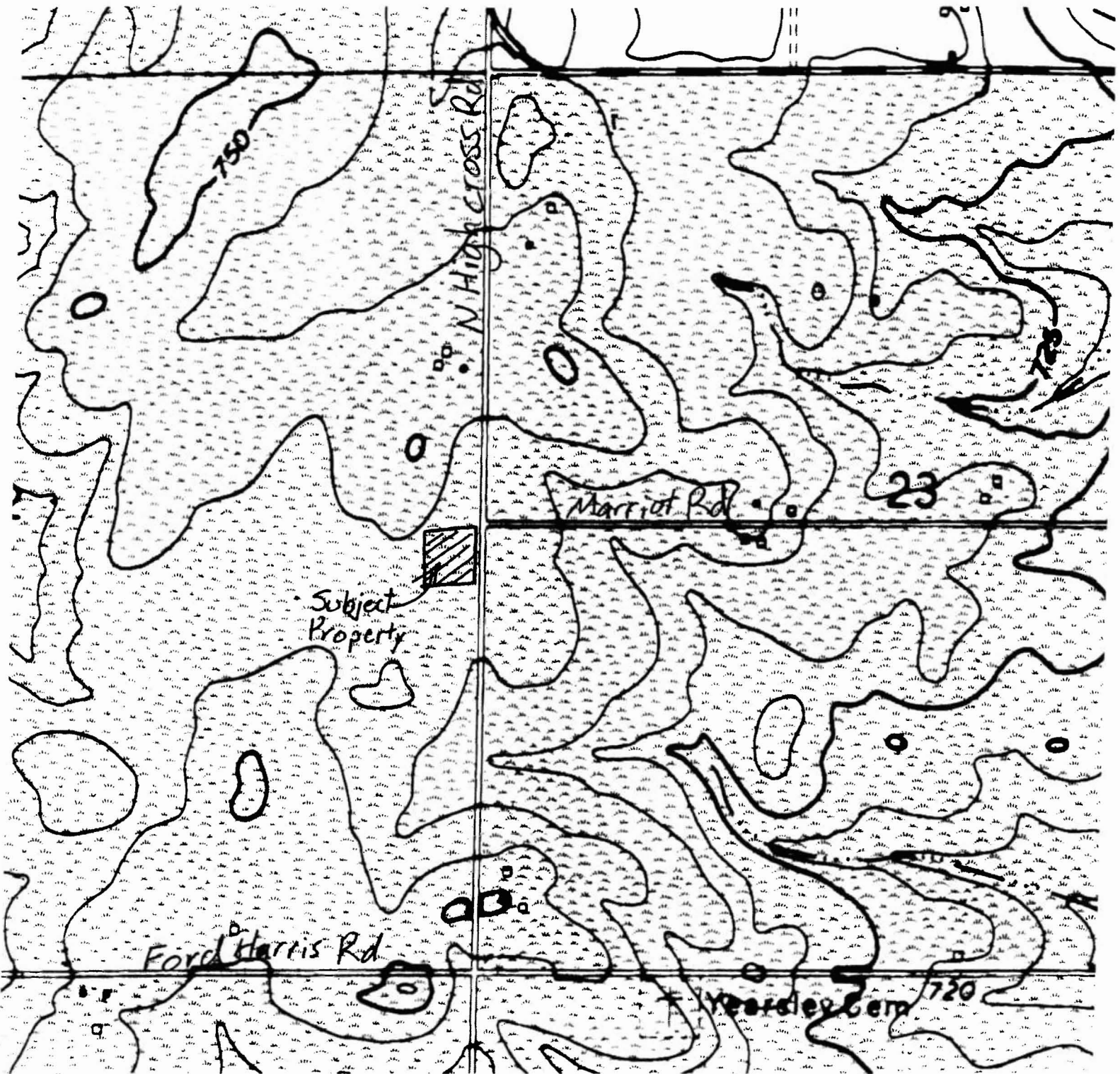
Champaign  
County  
Department of  
**PLANNING &  
ZONING**

1 inch equals 800 feet

ATTACHMENT A. ZONING MAP

Case 630-AM-08

AUGUST 22, 2008



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH <b>Champaign County Department of PLANNING &amp; ZONING</b>
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural T Center	B-4 General Business	I-2 Heavy Industry	

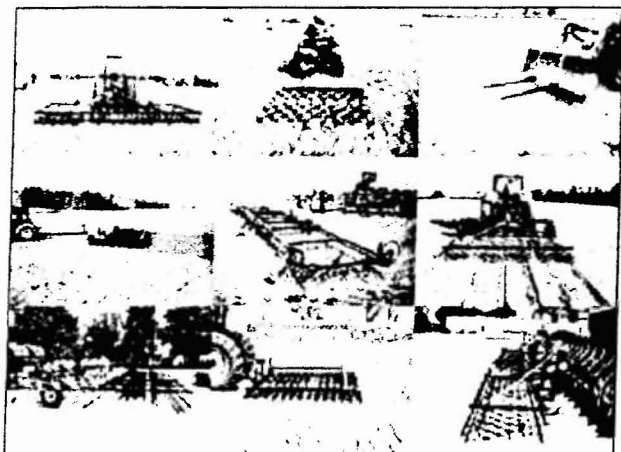
# Wingfield FLEXIBLE HARROW

AMERICAN STEEL. AMERICAN LABOR. AMERICAN QUALITY.  
WINGFIELD IS PROUD TO PRESENT "THE ALL-AMERICAN HARROW".



**Wingfield Distributors**  
4712 North Cunningham Avenue  
Urbana, IL 61802  
(800) 637-6712

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## FEATURED DEALER

**Ocala Tractor and Equipment**  
5841 North US Highway 441  
Ocala, FL 34475  
[www.ocalatractor.com](http://www.ocalatractor.com)

[Harrow Articles](#)

[F.A.Q.](#)

[Show Schedule](#)

[Location](#)

[Company History](#)

[Order Online](#)

**NOTE:** Though we have been facing increasing fuel and steel prices, we have managed to hold our price for over three years. However, starting **August 30, 2008**, we will be having a price increase to offset the increased burden placed upon us. So, if you have been on the fence about ordering a harrow, now is the time! Just place your order on or before the deadline to get your product at the lowest possible price.

## Wingfield Products

### Flexible Harrows

Small Harrows - 4'9" - 9' 6" wide (5' depth)

Mid-size Harrows - 8' - 12' wide (7.5' depth)

3pt. Pasture Harrow/Cart - 8' - 24' wide

Flexible Harrow Cart - 16' - 30' wide

Heavy-Duty Harrow Cart - 25' - 50' wide

Mounted Harrow - 4' - 60' wide

Drill Harrow - 10' - 30' wide

### 3pt. Renovators

Pasture Renovator

Arena Renovator

### Other Products

Loader Bucket Forks

3pt. Driveway Scraper

3pt. Forklift

Garfield Scrapers



## Replacement Parts

Replacement Sections - 3' 3" - 14' 4" wide

Replacement Parts - Tines, Hooks, & Side Tines

Bessey Tools

Edwards Ironworker

FMB Saws

## Why buy a Wingfield Harrow?

Wingfield has been using and selling the flexible tine harrow (also known as a drag harrow, chain harrow, harrow mat, and field drag) for over 35 years, and have manufactured our own high-quality harrow tine over the last 15 years. We have been innovators in the field with our numerous mounting options and cart designs, and produce the largest harrow selection in the world.

Harrows is what we do, and no one can match our quality and performance. We are an American company serving American farmers with the best products available. Please take the time to view all the information we have available on our website. We have nothing to hide with our harrow, and list the specifications to prove it!

With a flood of low quality foreign imports coming into the country, farmers are finding that paying a little extra money goes a LONG WAY to providing quality equipment that not only holds up in rough conditions but also works consistently throughout the equipments life.

## Uses for the harrow include:

**Agricultural:** Prepare a seedbed, mix residue, incorporate chemicals/fertilizer, warm the soil, level, break up dirt clods, use in lieu of a stalk chopper, remove weeds, improve seed to soil contact, and more...

**Livestock/Horses:** Maintain a riding arena/corral, seed/interseed a pasture, break up manure, dethatch, aerate, control parasites/flyes, invigorate growth, and more...

**Landscaping:** Seed/interseed a new lawn, clean up a vacant lot, level a gravel/dirt driveway, dry and smooth infields, and more...

**Professional:** Seed/interseed for turf production, smooth and level a construction site, break up plugs on a golf course, maintain a racetrack, and more...

## Additional Information:

**Harrow Tine** - The quality starts from the most basic part, the harrow tine.

**Harrow Articles** - These articles act as more or less a users guide on the MANY uses for the Wingfield Harrow.

**F.A.Q.** - This covers many of the most frequently asked questions that we receive from talking with our customers.

**Company Information** - A 3rd generation family-owned business that has been in business over 60 years.

**Show Schedule** - Listing of the many farms shows we attend across the country.

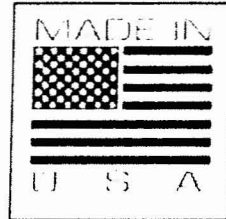
**Links** - These are a few companies we recommend due to their quality products, and/or service

**Customer Testimonials** - We are proud of our products and service, & love to hear from satisfied customers



Google

PayPal



# Wingfield **FLEXIBLE HARRROW**

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## About Us

The Wingfield family is proud to have practiced the principles of conservation tillage for the past 70 years. Willard Beckenholt began his family's quest in conservation tillage as one of the first in Illinois to purchase a tractor with rubber tires in the 1930s, and the purchase of a Seaman Rotary Tiller in 1942, which eliminated the age-old practice of moldboard plowing. Willard's son-in-law Carl was so impressed with the Seaman Tiller that he became a distributor in 1946, and Wingfield Distributors became a leader in conservation tillage. Carl began selling the Graham-Hoeme Chisel Plow in 1953 to complement the Seaman Tiller.

Sadly, Carl's early death in the 1960s prompted his son to drop out of the mechanical engineering program at the University of Illinois to take over the family business and family farm. Dean had never planted an acre of corn in his life, and was interested to learn his father's methods. Carl was a staunch believer in controlling erosion, and was heavily influenced by Pulitzer Prize winning author, Louis Bromfield of Malabar Farm at Mansfield, Ohio. Bromfield advocated a system of using the Seaman Tiller to cut and mix surface residue in the top six inches of field soil, and using the Graham Chisel Plow to loosen compacted soil to a depth of fourteen inches. This practice gave Bromfield the confidence to say he would give anyone \$100 if they found standing water in his fields one half hour after a rain.

Dean spent time talking to local farmers who shared his father's practices, learned to farm, and returned to college. He finished his education at the University of Illinois with a bachelor's in agriculture, with a major in agronomy soils, and a passion to continue his family's quest to encourage conservation tillage. Dean's quest in college was to find a better way to level the soil behind the chisel plow without losing the residue cover or moisture. The only method used at that time was a rod weeder, but it was expensive and cumbersome. The rod weeder was a rotating square rod, which was hydraulic driven and mounted on the shanks of the chisel plow. This implement laid unwanted plants and roots on topsoil to die in the sun.

Dean decided to make the rod weeder easier and less expensive, and used a flexible rod and mount brackets on the back of shanks. This could be adjusted up and down to allow the soil itself to turn the rod. Thus, the tiller rod was born. Over a million feet of tiller rod was sold in the midwest. However with the advent of more conservation tillage, residue became an issue. There was build-up between the shanks of tillage tools, which left piles of residue across the field. A friend from Indiana advised Dean of a harrow which he had used to clear residue, a flexible tine imported from England. The harrow created a more classic dry mulch on the surface, and Dean and other Illinois farmers began hooking up the harrow behind discs and other finishing tools. The harrow worked coarse soil and residue to the surface, while distributing finer soil to the seed zone. The dry mulch surface stopped moisture loss in Dean's fields.

As tillage tools increased in size, the original harrow drawbars were no longer feasible. Dean found a company which would attach his flexible tine harrows to a cart. Unfortunately, this



found a company which would attach his flexible tine harrows to a cart. Unfortunately, this cart was hard to fold, and a good friend, B.G. Schleuter, offered to build Dean a cart to work properly. B.G. was a man of his word, and the flexible tine harrow cart was born. Wingfield Distributors became the largest distributor of harrows until the late 1980s, when its main supplier, Fuerst decided to sell.

After much thought, Dean decided to design and manufacture his own harrow. When designing the harrow tine, he tried many different diameters and degrees of hardness of steel before selecting the best tine material. He found that anything over 1/2" diameter collected too much trash, and mild steel, well, was mild steel, which was subject to premature wear and/or spreading apart. Dean decided to use the highest carbon steel that can be bent cold without breakage and is drawn (from 1/2" to .452) for uniform diameters for more precise bends. The result was a high-quality harrow that provides excellent residue clearance, and even wear throughout the entire section. And so the Wingfield Harrow was born.

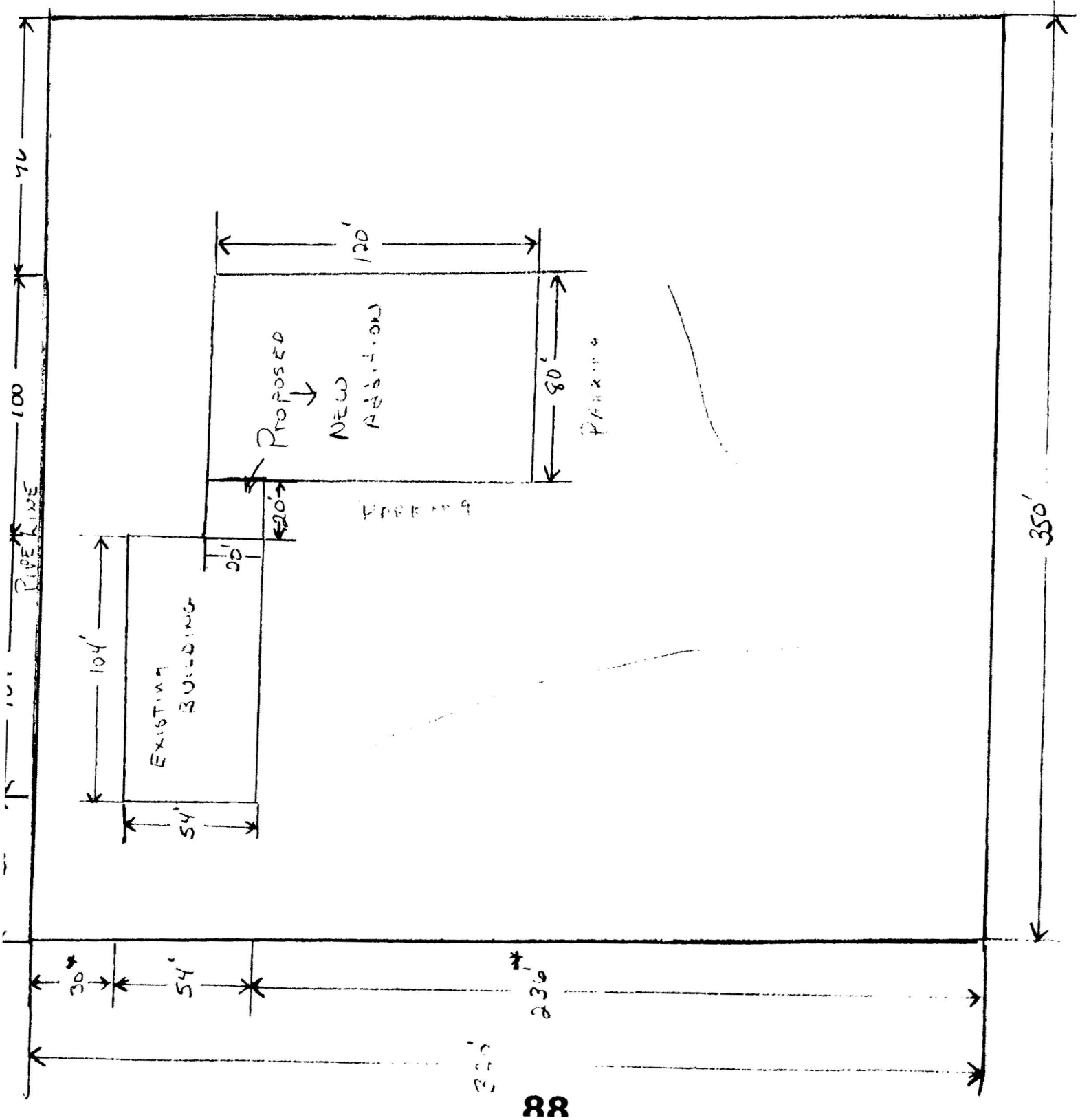
We are proud of our product, and the evolution of Wingfield Distributors in conservation tillage stands for the quality and durability that our customers rave about. Wingfield Distributors has come a long way from Willard's initial purchases of the Seaman Rotary Tiller, but our passion for conservation tillage has never wavered. This is our 15th year in building Wingfield Harrows, and our tines and mountings have more flexibility, durability, and life than our competitors. We offer harrows and drawbars from 4' to 24', 3 point harrows from 5' to 36', mounted harrows from 4' to 60+', and two models of harrow carts from 16' to 50'. Renovator knives can be added to our heavy duty pasture harrows and a hydraulic fold is available on all 3 point harrows and harrow carts. Replacement sections will fit most makes of competitive harrow carts. Wingfield Distributors is always installing our Wingfield Harrows on other tools such as pasture aerators, 3 point discs, seeders, etc. Thanks for visiting our website, and keep us in mind for your harrowing needs.

**Home**

Handed out at meeting 9/11/08

\* APPROXIMATE DISTANCES

WING COS. DIST. IN  
PRELIMINARY SITE PL.  
9-11-08  
1" = 50'



*AS APPROVED*

630-AM-08

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

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Final Determination: **RECOMMEND ENACTMENT**

Date: September 11, 2008

Petitioners: Wingfield Distributors, Inc. and Dean Wingfield, President; and Wayne Busboom

Request: Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 28, 2008, and September 11, 2008**; the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner, Wayne Busboom, owns the subject property. Co-petitioner Dean Wingfield owns Wingfield Distributors, Inc.
2. The subject property is an approximately 2.6 acre portion of a 30 acre tract in the North Half of the Northeast Quarter of the Southeast Quarter of Section 22 of Somer Township and commonly known as the farm shed at the Southwest corner of the intersection of CR 2050N and CR 1600E.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities with zoning have protest rights on all rezonings and they are notified of such cases.
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:

**“Must be zoned for farm equipment business for repairs and sales”**

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

**“Will fill our company’s need much like John Deere Dealer Shop”**

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

6. Land use and zoning on the subject property and in the vicinity is as follows:
  - A. The subject property is zoned AG-2 Agriculture, and has an agricultural machine shed located on it but is not currently in use.

ITEM 6. CONTINUED

- B. Land in all directions from the subject property is zoned AG-2 Agriculture and is in use as farmland.
7. Previous zoning cases in the vicinity are the following:
- A. Case 175-S-99 was a Special Use Permit to allow a dog training club in the AG-2 District on the north side of Ford Harris Road approximately 750 feet east of U.S. 45 that was approved with one condition by the County Board on April 20, 1999.
  - B. 261-AM-00 was a map amendment proposed to rezone 37.1 acres northeast of the intersection of Ford Harris Road and U.S. 45 from the AG-2 District to the B-4 District. The petitioner withdrew the request on February 15, 2001.

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

8. 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-2 Agriculture DISTRICT is intended to prevent scattered, indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (2) The B-1 Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
  - B. Regarding the general locations of the existing and proposed zoning districts:
    - (1) The AG-2 Agriculture Zoning District was originally established in one and one half-mile bands around the county's urban centers. It is intended to provide a buffer between the urbanized area and the AG-1 District to provide for uses that may be necessary in the urban fringe. Some areas of AG-2 have disappeared as the cities and villages have expanded.
    - (2) There is very little B-1 Rural Trade Center Zoning District established in the County. There is no general trend for where it is located, however, it appears to be located in small tracts for one or two uses which serve the agricultural community.
  - 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 12 different types of uses authorized by right in the AG-2 District and there are 24 different types of uses authorized by right in the B-1 District:
      - (a) The following five uses are authorized by-right in both districts:
        - Subdivisions of three lots or less;
        - Agriculture;

ITEM 8.C.(1)(A) CONTINUED

- Minor rural specialty businesses;
  - Christmas tree sales lots; and
  - TEMPORARY USES.
- (b) The following six uses are authorized by-right in the B-1 District but are not authorized by any means in the AG-2 District:
- Parking garages or lots;
  - Telegraph offices;
  - Farm equipment sales and service;
  - Cold storage lockers for individual use;
  - Minor automobile repair (all indoors); and
  - Gasoline service stations.
- (c) The following 12 uses are authorized by-right in the B-1 District and may be authorized by Special Use Permit only in the AG-2 District:
- Major Rural Specialty Businesses;
  - Municipal or Government buildings;
  - Police or fire stations;
  - Libraries, museums, or galleries;
  - Parks or recreational facilities;
  - Telephone exchanges;
  - Farm chemicals and fertilizer sales with incidental storage and mixing of blended fertilizer;
  - Roadside produce sales stands;
  - Feed and grain (sales only);
  - Grain storage elevators and bins;
  - Antique sales and service; and
  - Small Scale Metal Fabricating Shops
- (2) There are 72 different types of uses authorized by Special Use Permit (SUP) in the AG-2 District and there are 10 different types of uses authorized by Special Use Permit in the B-1 District.
- (a) The following six uses may be authorized by SUP in both districts:
- Adaptive reuses of government buildings for any by-right use;
  - Electrical substations;
  - Heliport-restricted landing areas;
  - Livestock sales facilities and stockyards;
  - Slaughterhouses; and
  - Self-storage warehouses not providing heat and utilities to individual units
- (b) The following three uses may be authorized by SUP in the B-1 District but are not authorized by any means in the AG-2 District:

ITEM 8.C.(2)(B) CONTINUED

- Self-storage warehouses providing heat and utilities to individual units;
- Gasoline and volatile oils storage up to 175,000 gallon capacity in the aggregate; and
- Liquefied Petroleum Gases Storage

**GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA**

9. The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

**REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES**

10. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. The relationship of the Land Use Goals and Policies to the relevant LURP's is as follows:
- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

**GENERALLY REGARDING POLICIES FOR COMMERCIAL LAND USE**

11. There are seven commercial land use policies in the Land Use Goals and Policies, and two utilities policies (7.3 and 7.3a) which are relevant, as follows:
- A. Four of the seven commercial land use policies are not relevant to any given rezoning, as follows:
- (1) Policy 3.2 of the Land Use Goals and Policies states that the County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.

ITEM 11.A. CONTINUED

- (2) Policy 3.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer of development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.
  - (3) Policy 3.5 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial developments except in those areas which can be adequately served by public mass transit.
  - (4) Policy 3.7 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment or maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.
- B. Policy 3.1 of the Land Use Goals and Policies states that the County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.

The proposed rezoning appears to **CONFORM** to Policy 3.1 because the proposed use will serve the agricultural community in Champaign County.

- C. Regarding the adequacy of utilities and fire protection at the subject property for the proposed map amendment:
- (1) The following policies relate to adequacy of utilities and fire protection:
    - (a) Policy 3.4 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available.
    - (b) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
    - (c) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.



ITEM 11.C. CONTINUED

- (2) Regarding the availability of water:
  - (a) There is no public water supply that could feasibly be extended to the subject property, and any development on the subject property would have to be served by a well. There is no evidence to suggest that drilling a well on the subject property would be problematic.
  - (b) Policy 7.3 states that development may only occur if it is determined that water supply systems are adequate to meet the needs of the proposed development. Any future well on the subject property must be authorized by the Champaign County Public Health Department, and, in the case of development that requires a Special Use Permit, the Zoning Board of Appeals would also review the proposed development.
  - (c) In regards to the availability of an adequate water supply system, the proposed map amendment **CONFORMS** because there is no evidence that problems with water availability exist on the subject property.
- (3) Regarding the adequacy of an onsite wastewater disposal system for the subject property:
  - (a) The County Health Ordinance requires new commercial uses that generate large amounts of wastewater to connect to any public sewer system within 1,000 feet of the subject use. There is no public sewer system within 1,000 feet of the subject property, however, so any development on this property must be served by an onsite wastewater disposal system.
  - (b) According to the *Soil Survey of Champaign County* the subject property consists of both Flanagan and Drummer soil. Flanagan is a best prime farmland soil with a Medium rating for septic suitability, while Drummer is a best prime farmland soil with a Poor septic suitability rating.
  - (c) Any future septic system on the subject property must be authorized by the Champaign County Public Health District.
  - (d) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available, and that requests for development should demonstrate that wastewater disposal systems are adequate to meet the needs of the proposed development.
  - (e) In regards to the availability of an onsite wastewater disposal system, the proposed map amendment **CONFORMS** because any septic system on the subject property will be subject to review by the Champaign County Public Health District.

ITEM 11.C. CONTINUED

- (4) Regarding the adequacy of fire protection at this location for the proposed map amendment:
  - (a) The subject property is located within the response area of the Thomasboro Fire Protection District. The Fire District chief has been notified of this request but no comments have been received.
  - (b) In regards to adequate fire protection, the proposed map amendment appears to **CONFORM** to Policy 3.4 because there have been no concerns raised by the Thomasboro Fire Protection District.
- (5) The subject property has access to natural gas and three-phase power which is ideal for the proposed use.

D. Policy 3.6 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed rezoning appears to **CONFORM** to Policy 3.6 based on the following:

- (1) Any future construction on this property will have to meet the requirements of the *Zoning Ordinance* and the *Stormwater Management Policy*.
- (2) The subject property drains to roadside ditches along CR 1600E.
- (3) The subject property is located in Drainage District #1 of Somer Township. The drainage district was notified but no comments have received as yet.
- (4) Pursuant to Federal Emergency Management Agency Flood Insurance Rate Map Panel Number 170894-0125B, the subject property is not located within the Special Flood Hazard Area.

**REGARDING POLICIES FOR AGRICULTURAL LAND USE**

12. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-2 District, as follows:

- A. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
  - (1) Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.

ITEM 12.A. CONTINUED

- (2) Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
  - (3) Policy 1.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
  - (4) Policy 1.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.
  - (5) Policy 1.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.
- B. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
- i. those areas served by:
    - adequate utilities
    - transportation facilities, and
    - commercial services or
  - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

The proposed map amendment **CONFORMS** to Policy 1.2 based on the following:

- (1) The proposed map amendment will **CONFORM** to Policy 1.2 regarding transportation facilities based on the following:
  - (a) The subject property is located approximately one half-mile from County Highway 20 and approximately one and one-half road miles from US-45.
  - (b) In a letter received on September 3, 2008, co-petitioner Dean Wingfield stated the following:
    - i. The proposed use has three full time employees and 4-6 part time employees at its current location.



ITEM 12.B.(1)(F) CONTINUED

development is an insignificant increase in traffic in relation to the traffic generated by nonlocal use.

- (g) Although the capacity for a 19 feet wide road is not given in the *Manual*, 325 maximum ADT is the midpoint between the capacity of an 18 feet wide street and a 20 feet wide street. Thus, the traffic count for CR 1600E is already 25 ADT beyond capacity before adding the proposed use.
  - (h) Notice of the proposed variance was sent to the Township Highway Commissioner, Rick Wolken, and comments requested, but none have been received.
- (2) In regards to Policies 3.4, 7.3, and 7.3A and overall adequacy of utilities (See Item 11C.) the proposed map amendment **CONFORMS**.
  - (3) The proposed map amendment **CONFORMS** in regards to compatibility with agriculture because the proposed use will serve the agricultural community.

**REGARDING GOALS FOR COMMERCIAL LAND USES**

13. The commercial land use goals are relevant because the subject property is proposed to be changed to the B-1 DISTRICT. There are four commercial land use goals as follows:

- A. The first and fourth land use goals do not appear to be relevant to any given rezoning, as follows:
  - (1) The first commercial land use goal is provision of a sufficient amount of land designated for various types of commercial land use to serve the needs of the residents of the County.
  - (2) The fourth commercial land use goal is establishment of development procedures to promote appropriate justification for new commercial development.
- B. The second commercial land use goal is as follows:

Location of commercial uses:

- i. within ready accessibility to sewer, water and other utilities as well as adequate streets and highways.
- ii. Adequate public transit will also be considered.

Overall, the proposed rezoning **ACHIEVES** this goal based on the following:

- (1) In regards to accessibility of sewer, water, and other utilities Policy 3.4, Policy 7.3, and Policy 7.3A (see Item 11C.), the proposed rezoning **ACHIEVES** this goal.
- (2) In regards to adequate streets and highways, the proposed rezoning **ACHIEVES** the second commercial land use goal based on the following:
  - (a) There is no traffic impact analysis provided for this case.

ITEM 13.B.(2) CONTINUED

- (b) CR 1600E is a township highway with an oil and chip pavement of 19 feet where the subject property accesses the road.
  - (c) The types of uses authorized in the B-1 District are generally similar to the types of uses authorized in the AG-2 District and so the traffic impacts of rezoning should be minimal.
- (3) In regards to adequate public transit, the proposed use will not require mass transit and so this part of the goal is not relevant.

C. The third commercial land use goal is as follows:

Commercial areas designed to promote compatibility with non-commercial uses and at the same time provide ease of access.

This goal **WILL** be achieved by the proposed rezoning, based on the following:

- (1) In regards to compatibility with non-commercial uses, the proposed map amendment **ACHIEVES** this goal because the subject property is located in a predominantly agricultural area, however, the proposed use is intended to serve the agricultural community. The establishment of Gasoline and Volatile Oils Storage (GVOS) on the subject property would be the worst case scenario with regards to compatibility with non-commercial uses. However, GVOS is only authorized by Special Use Permit in the B-1 District and with a standard condition that it be located more than 500 feet from R District, or any residential, institutional, or public assembly use. The nearest dwelling to the subject property is located approximately 700 feet to the south.
- (2) In regards to ease of access the proposed map amendment **ACHIEVES** this goal because the subject property has access to CR 1600E, and is approximately one half-mile from County Highway 20.

**REGARDING GOALS FOR AGRICULTURAL LAND USES**

14. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-2 District, as follows:

A. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

Based on the proposed development the proposed map amendment **ACHIEVES** this goal because the amendment will result in the re-development of an existing farm shed property, and the proposed use will serve the agricultural community.

ITEM 14. CONTINUED

- B. The second agricultural land use goal of the Land Use Goals and Policies is as follows:

Establishment of an agricultural land classification system based on productivity. Improvement of rural drainage systems.

This policy does not appear to be relevant to relevant to any specific map amendment.

*REGARDING GENERAL LAND USE POLICIES*

15. There are two general land use policies in the Land Use Goals and Policies, as follows:

- A. The second land use policy is not relevant to any specific map amendment, as follows:

The County Board, the Environmental and Land Use Committee and the Board of Appeals will establish communication and coordination processes among local units of government in order to address and resolve similar or overlapping development problems.

- B. The first general land use policy is as follows:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of:

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant commercial land use policies and goals, the proposed map amendment **CONFORMS** to this policy as follows:

- (1) **CONFORMS** in regards to preserving agricultural land and open space because the proposed rezoning will result in the re-development of an existing farm shed property, and the proposed use will serve the agricultural community.
- (2) **CONFORMS** in regards to optimizing the use of water, sewer, and public transportation facilities and other public services based on the following:
  - (a) Regarding water and sewer, the subject property must use onsite water supply and septic systems; therefore, no public water supply system or public sanitary sewer system will be overextended.
  - (b) Regarding public transportation, the subject property is the rural area, where it will not be served by the Champaign-Urbana Mass Transit District, which will keep public transportation from being overextended.



ITEM 15.B.(2) CONTINUED

- (c) **CONFORMS** in regards to reducing the need for extending road improvements, because the subject property is located on a Township Road near a County Highway and a Federal Highway.

**REGARDING GENERAL LAND USE GOALS**

- 16. There are five general land use goals for all land use in the Land Use Goals and Policies, as follows:
  - A. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
    - (1) The first and fifth general land use goals are not relevant to any specific map amendment.
    - (2) The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed rezoning.

- B. The third general land use goal is as follows:

Land uses appropriately located in terms of:

- i. utilities, public facilities,
- ii. site characteristics, and
- iii. public services.

Overall the proposed map amendment **ACHIEVES** the third general land use goal, based on the following:

- (1) In regards to utilities, based on the review of the relevant policies: Policy 3.4, Policy 7.3, Policy 7.3A (see item 11C.), and the first general land use policy (see item 15.B.) the proposed map amendment **ACHIEVES** this goal.
- (2) Regarding road improvements, the proposed map amendment **ACHIEVES** the third general land use goal because the subject property is located on a township highway near County Highway 20 and U.S. 45.
- (3) Regarding site characteristics, the proposed map amendment **ACHIEVES** this goal because of the following:
  - (a) Commercial land use policy 3.6 mentions site considerations but is not specific as to what that means other than to mention drainage.
  - (b) There are no general policies that are specific to site characteristics, but the following considerations are relevant to site characteristics:
    - i. The subject property is located near CH 20 and US 45, north of Urbana, and any truck traffic to the subject property will only be on township roads for one half-mile.
    - ii. The subject property is not currently in use but was used as a farm shop previously.

ITEM 16.B.(3)(B) CONTINUED

- iii. Two corn bins which previously existing on the subject property have since been torn down.
- (c) The existing building on the subject property is 54 feet by 104 feet, which gives 5,616 square feet of area. Co-petitioner Dean Wingfield is proposing to use the building as cold storage to prevent the need for any outdoor storage.
- (d) According to the proposed site plan dated September 1, 2008, a proposed new building will be constructed on the subject property and connected to the existing building by a 20 feet long passageway on the north side of the existing building. The new building will be 80 feet by 120 feet, which gives 9,600 square feet of area. It will be an energy efficient manufacturing facility for Wingfield Distributor's flexible harrows.
- (e) Outdoor lighting will consist of one or two energy efficient lights.
- (f) The proposed business is a year-round business with the busiest time running from November to April.

C. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Overall the fourth general land use goal **WILL** be achieved by the proposed rezoning based the following:

- (1) The conformance or achievement of the preceding policies and goals.
- (2) At the August 28, 2008, public hearing, neighbor Tom McKinley testified that he was concerned that the amount of truck traffic would not be compatible with his residence located approximately 700 feet south of the subject property.
- (3) Based on the letter received on September 3, 2008, from co-petitioner Dean Wingfield there will be approximately four to five truck trips to the subject property each day and the traffic will be directed to access the property from the north.
- (4) Based on the distance between the subject property and the neighbors to the south the *Zoning Ordinance* will not require the parking lot to be screened from the properties to the south.

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

- 17. The LURP's were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning

ITEM 17. CONTINUED

Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Regarding compliance with relevant Land Use Regulatory Policies (LURP's):

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

The proposed map amendment **CONFORMS** to this policy because the proposed use will not be adversely affected by surrounding agriculture because it will serve the agricultural community.

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

The proposed map amendment **CONFORMS** to this policy because the proposed use will serve the agricultural community, so any traffic related to the proposed use will be related to agriculture.

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

The proposed map amendment **CONFORMS** to this policy based on the following:

- (1) According to the *Soil Survey of Champaign County*, there are two types of soil on the subject property: Flanagan silt loam and Drummer silty clay loam, both of which are best prime farmland soils, which makes the subject property best prime farmland overall.
- (2) This site has already been converted out of production agriculture and contains an existing building well-suited to the purposes of the Petitioner, making the site well-suited, overall for the proposed use.

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

The proposed map amendment **CONFORMS** to this policy based on conformance to or achievement of Policies 3.4, 7.3, and 7.3a of the Land Use Goals and Policies; the first general land use policy; and the third general land use goal.

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

ITEM 17.E. CONTINUED

The proposed map amendment **CONFORMS** to this policy because in the review of Policy 3.4 of the Land Use Goals and Policies, Thomasboro Fire Protection District was notified of this case and no comments were received.

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

The proposed map amendment **CONFORMS** to this policy because the proposed use will serve the agricultural community.

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

The proposed map amendment **CONFORMS** to this policy because the proposed use is otherwise appropriate in a rural area and the site is very well suited to them.

**DOCUMENTS OF RECORD**

1. Application for Rezoning from Dean Wingfield and Wayne Busboom, received on August 4, 2008
2. Preliminary Memorandum for Case 630-AM-08, with attachments:
  - A Case Maps for Case 630-AM-08 (Location, Land Use, Zoning)
  - B Section 5.2 of the *Zoning Ordinance* Table of Authorized Uses
  - C Excerpt of [www.wingfields.com](http://www.wingfields.com)
  - D Excerpt of Soil Survey of Champaign County
  - E Draft Finding of Fact for Case 622-AM-08
3. Photograph of subject property submitted on August 28, 2008
4. Supplemental Memorandum for Case 630-AM-08 dated September 5, 2008, with attachments:
  - A Letter from Dean Wingfield, received on September 3, 2008
  - B Wingfield Distributing Preliminary Site Plan dated September 1, 2008
5. Supplemental Memorandum for Case 630-AM-08 dated September 11, 2008, with attachments:
  - A Letter from Dean Wingfield, received on September 3, 2008
  - B Wingfield Distributing Preliminary Site Plan dated September 1, 2008
6. Annotated IDOT Map of Annual Average Daily Traffic Counts near the subject property
7. Wingfield Distributing Preliminary Site Plan dated September 11, 2008

**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 rezoning requested in Case 630-AM-08 should be **ENACTED** by the County Board.

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

SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

