

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: February 16, 2012
Time: 6:30 P.M.
Place: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

*Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.,
and enter building through Northeast
door.*

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (December 15, 2011 and February 2, 2012)
5. Continued Public Hearings
6. New Public Hearings
Case 701-AT-11 Petitioner: Zoning Administrator

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

- Request: **Part A.** Revise paragraph 6.1.4 D. 1 to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.
- Part B.** Revise paragraph 6.1.4 F. as follows:
1. Revise subparagraph 6.1.4 F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.
 2. Delete subparagraph 6.1.4 F. 1.u.
 3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and Repair Agreement with the appropriate highway authority.
- Part C.** Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.
- Part D.** Add new subparagraph 6.1.4 E. 7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.
- Part E.** Revise subparagraph 6.1.4 S. 1. (c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval.
- Part F.** Strike the requirement for “reclamation agreement” for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of “site reclamation plan” and add certain other related requirements as follows:
1. Section 3 revise the definition of “NON-ADAPTABLE STRUCTURE” to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
 2. Make the following revisions to paragraph 6.1.1A.:
 - a. Strike references to “reclamation agreement” and replace with “site reclamation plan”

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Case 701-AT-11 cont:

- b. **Revise subparagraphs 6.1.1 A. 1. through 5 as follows:**
 - (1) **Require a site reclamation plan for NON-ADAPTABLE STRUCTURES**
 - (2) **Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.**
 - (3) **Limit consideration of salvage value to be as limited by Paragraph 6.1.4P.**
- c. **Revise subparagraph 6.1.1 A.6 to strike “120 days” and replace with “180 days” and insert “or applicant” after “landowner”.**
- d. **Revise paragraph 6.1.1A. to add other related requirements**
- 3. **Revise paragraph 6.1.4P as follows:**
 - a. **Revise paragraph 6.1.4P to strike references to “reclamation agreement” and replace with “site reclamation plan.”**
 - b. **Delete subparagraphs 6.1.4P.3.(d), (e), and (f) and add new subparagraphs to require the following:**
 - (1) **At the time of decommissioning a Roadway Use and Repair Agreement.**
 - (2) **The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.**
 - c. **Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan.**
 - d. **Insert new subparagraph 6.1.4 P.4.(b) to require the following:**
 - (1) **Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards.**
 - (2) **Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any deconstruction costs.**
 - (3) **Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.**
 - (4) **Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.**
 - (5) **Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.**
 - e. **Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values.**
 - f. **Revise paragraph 6.1.4P to add other related requirements.**

***Note: The description of the Request has been simplified from the legal advertisement. See the legal advertisement included with the memorandum.**

7. Staff Report

8. Other Business

- A. January 2012 Monthly Report
- B. Review of ZBA Docket
- C. March 1, 2012, Special Meeting Determination

9. Audience Participation with respect to matters other than cases pending before the Board

10. Adjournment* Administrative Hearing. Cross Examination allowed.

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 1776 E. Washington Street
4 Urbana, IL 61801

5 **DATE:** December 15, 2011

6 **PLACE:** Lyle Shields Meeting Room
7 1776 East Washington Street
8 Urbana, IL 61802

9 **TIME:** 6:30 p.m.

10 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren,
11 Brad Passalacqua

12 **MEMBERS ABSENT :** Roger Miller

13 **STAFF PRESENT :** Connie Berry, John Hall, Jamie Hitt, Andrew Kass

14 **OTHERS PRESENT :** Edgar Hoveln, Kelly Dillard, Ramona Dillard

15
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21 **1. Call to Order**

22 The meeting was called to order at 6:33 p.m.

23
24
25 **2. Roll Call and Declaration of Quorum**

26 The roll was called and a quorum declared present with one member absent and one vacant seat.

27
28
29
30 **3. Correspondence**

31 None

32
33
34 **4. Approval of Minutes**

35 **A. Closed Session: July 28, 2011**

36
37 **Ms. Capel moved, seconded by Mr. Courson to approve the Closed Session Minutes for July**
38 **28, 2011, and that the July 28, 2011, Closed Session minutes shall remain closed.**

39
40 **B. Open Session: July 14, 2011, August 11, 2011, November 3, 2011, and November 10,**
41 **2011.**

42
43 **Ms. Capel moved, seconded by Mr. Passalacqua to approve the July 14, 2011, August 11, 2011,**
44 **November 3, 2011, and November 10, 2011, minutes.**

45
46 Mr. Thorsland asked the Board if there were any corrections to the minutes.

47
48 Mr. Palmgren stated that the July 14, 2011, minutes should indicate a correction to Ms. Capel's

DRAFT

1 motion regarding the re-arrangement of the agenda. He said that the draft minutes indicate the
2 following:

3 **Ms. Capel moved, seconded by Mr. Courson to re-arrange the agenda and hear**
4 **Case 693-S-11 prior to Cases 683-AT-11, 684-AT-11, and 695-AT-11. The motion**
5 **carried by voice vote.**
6

7 Mr. Palmgren stated that Ms. Capel’s motion should be corrected to indicate the following:

8 **Ms. Capel moved, seconded by Mr. Courson to re-arrange the agenda and hear Case**
9 **693-S- 11 prior to Cases 683-AT-11, 684-AT-11, and 685-AT-11. The motion carried by**
10 **voice vote.**
11

12 Mr. Thorsland asked the Board if there were any further corrections to the minutes and there were
13 none.
14

15 **The motion carried by voice vote.**
16

17 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the
18 witness register. He reminded the audience that when they sign the witness register they are
19 signing an oath.
20

21
22 **5. Continued Public Hearing**
23

24 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
25 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions**
26 **required for any County Board approved special use permit for a Rural Residential**
27 **Development in the Rural Residential Overlay district as follows: (1) require that each**
28 **proposed residential lot shall have an area equal to the minimum required lot area in the**
29 **zoning district that is not in the Special Flood Hazard Area; (2) require a new public street to**
30 **serve the proposed lots in any proposed RRO with more than two proposed lots that are each**
31 **less than five acres in area or any RRO that does not comply with the standard condition for**
32 **minimum driveway separation; (3) require a minimum driveway separation between**
33 **driveways in the same development; (4) require minimum driveway standards for any**
34 **residential lot on which a dwelling may be more than 140 feet from a public street; (5) require**
35 **for any proposed residential lot not served by a public water supply system and that is located**
36 **in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
37 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and**
38 **contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review**
39 **of the results; (6) require for any proposed RRO in a high probability area as defined in the**
40 **Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development**
41 **undertaking and provide a copy of the ISHPA response; (7) require that for any proposed**

1 **RRO that the petitioner shall contact the Endangered Species Program of the Illinois**
2 **Department of Natural Resources and provide a copy of the agency response.**

3
4 Mr. Hall stated that there are no updates for Case 685-AT-11. He said that he is still trying to
5 recover from the wind farm cases and a lot of non-zoning case work has been occupying a lot of his
6 time. He requested that Case 685-AT-11 be continued to the proposed January 12, 2012, meeting.
7 He said that if Case 691-S-11 takes up a lot of the meeting time then the Board could continue Case
8 685-AT-11 to a later date. He said that he is confident that he can have documentation for the
9 Board's review by January 12, 2012.

10
11 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the proposed January 12, 2012,
12 meeting.

13
14 **Mr. Palmgren moved, seconded by Mr. Passalacqua to continue Case 685-AT-11 to the**
15 **proposed January 12, 2012, meeting. The motion carried by voice vote.**

16
17
18 **Case 695-I-11 Petitioner: Zoning Administrator Request: Determine if the requirement of**
19 **paragraph 7.1.2 E. limiting vehicles that may be used in a Rural Home Occupation is as**
20 **follows: (1) Considers a vehicle to be any motorized or non-motorized device used to carry,**
21 **transport, or move people, property or material either on road or primarily off road; or a**
22 **piece of mechanized equipment on which a driver sits; and (2) Limits the number of non-farm**
23 **vehicles to no more than 10 vehicles in total, including vehicles under 8,000 pounds gross**
24 **vehicle weight, including trailers and off-road vehicles but excluding patron or employee**
25 **personal vehicles; and (3) Limits the number of vehicles weighing more than 8,000 pounds**
26 **gross vehicle weight to no more than three self-propelled vehicles. Location: Lot 1 of Orange**
27 **Blossom Estates in Section 18 of Hensley Township and commonly known as the house and**
28 **shed at 700 County Road 2175N, Champaign.**

29
30 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the
31 witness register. He reminded the audience that when they sign the witness register they are
32 signing an oath.

33
34 Mr. Thorsland asked the petitioner if they desired to make a statement outlining the nature of the
35 request.

36
37 Mr. Hall stated that interpretation cases do not have a Summary of Evidence, Finding of Fact and
38 Final Determination. He said that any previous interpretation cases have been determined by the
39 Board as documented in the minutes of the meeting. He said that he hopes that the Board can take
40 action on this case tonight. He encouraged the Board and whoever makes the final motion, that if
41 they believe that the minutes of the previous meetings and tonight's meeting adequately provide all

1 of the information necessary and the Board just wants to approve or deny it then that is all the Board
2 has to do. He said that to the extent that there may be some information or evidence that was
3 especially compelling since there is no written finding the Board may want to mention that
4 information or evidence but the Board is certainly not obligated to.

5
6 Mr. Hall read the Supplemental Memorandum dated December 15, 2011, as follows:

7 The minutes of the July 28, 2011, public hearing demonstrate that at that time the Board
8 agreed that the phrase "off road vehicles" was not defined and therefore it was not clear what
9 the Ordinance actually required.

10
11 Mr. Hall said that he had no doubts about the meaning of 7.1.2E. because he simply followed
12 the same course of action that had been followed since that amendment was added to the
13 Ordinance in 1993. He said that if he had been confused he could have referred to the same
14 minutes of adoption that were attached to the Preliminary Memorandum. He said that he
15 believes that those minutes support the actions that he has taken in this case.

16
17 Mr. Hall said that he believes that in light of the confusion in the Zoning Ordinance his
18 actions have been reasonable and appropriate including the decision to bring this issue to the
19 Board as an interpretation case rather than make Mr. Dillard pay the \$200 fee for an appeal
20 case.

21
22 Mr. Hall stated that it is now clear that the Zoning Ordinance needs to be amended so as to
23 remove the confusion about what should be required by paragraph 7.1.2E. He said that he
24 has added a new text amendment Case 704-AT-11 to the docket and will seek guidance from
25 the County Board in January 2012, however this case requires the Board to make a ruling on
26 the appropriateness of his actions regarding the Dillard property.

27
28 Mr. Hall said that this zoning case is unrelated to any other issue but there have been
29 allegations that his actions and the actions of the Department have resulted in Mr. Dillard
30 incurring costs for Zoning Ordinance compliance that should not have occurred. He said that
31 he can assure the Board that his actions and the actions of the Department have not caused
32 Mr. Dillard to incur any unreasonable costs.

33
34 Mr. Hall read the Zoning Board Alternatives as indicated in the Supplemental Memorandum dated
35 December 15, 2011. He said that the alternatives for the Zoning Board of Appeals in this case
36 include the following:

37
38 **Uphold the Zoning Administrator's interpretation of 7.1.2E.** If the Board believes that
39 Mr. Hall's interpretation of the Ordinance was reasonable it may uphold his interpretation.
40 In upholding Mr. Hall's interpretation the Board will not be ruling on anything related to the
41 Illinois Vehicle Code but simply whether his interpretation of this confusing part of the

1 Ordinance was reasonable and appropriate. If the Board upholds his interpretation any
2 further action against Mr. Dillard's property will be halted because it is now clear that
3 paragraph 7.1.2E of the Zoning Ordinance needs to be amended and it would be
4 unreasonable to proceed with action against the Dillard property until paragraph 7.1.2E. is
5 clarified. If the Ordinance that is eventually adopted in Case 704-AT-11 does limit the
6 numbers of equipment in an RHO in the same way that it limits vehicles the Mr. Dillard will
7 have to decide whether to seek a variance for the RHO or a special use permit as a
8 contractor's facility and that will lead to another zoning case but enforcement will be stayed
9 until the outcome of that case.

10
11 **Find in favor of Mr. Dillard.** If the Board believes that Mr. Hall's interpretation of the
12 Ordinance was unreasonable it may find in favor of Mr. Dillard. He said that finding in favor
13 of Mr. Dillard will result in a Zoning Compliance Certificate being issued. Mr. Hall said that
14 even if the Board finds in favor of Mr. Dillard he will still seek direction from the County
15 Board regarding a text amendment of paragraph 7.1.2E of the Zoning Ordinance. He said
16 that if the Ordinance that is eventually adopted by the County Board limits the numbers of
17 equipment in an RHO in the same way that it limits vehicles then Mr. Dillard's current
18 equipment would be nonconforming and allowed to remain in these numbers but not
19 increase. He said that at this time I assume that nonconforming right would also apply to
20 future replacement equipment.

21
22 Mr. Hall stated that he wants to make it clear that if the Board finds in favor of Mr. Dillard then they
23 are deciding that the numbers of equipment that Mr. Dillard has is in keeping with a reasonable
24 interpretation of the Ordinance and that would make them nonconforming in the event that the
25 Ordinance is amended. He said that if the Board finds in favor of the Zoning Administrator that it
26 was a reasonable interpretation then Mr. Dillard will continue on about his way until Case 704-AT-
27 11 is resolved. Mr. Hall stated that the earliest date that Case 704-AT-11 can be resolved will
28 probably be in August of 2012, because it takes that much time to get direction from the County
29 Board, place the legal advertisement for the public hearing, send it back to the County Board, await
30 municipal protest and then determine the outcome. He said that he would not expect Case 704-AT-
31 11 to be a controversial case but one never knows and the only thing that he would seek direction
32 from the County Board on in Case 704-AT-11 is the limit on vehicles in 7.1.2.E. He said that at this
33 time there are no other issues that he needs County Board guidance for but he cannot rule out
34 something being brought up at the County Board. He said that as far as he is concerned getting this
35 issue clarified is probably the most pressing text amendment that the Board has. He said that it is
36 astounding how unclear 7.1.2.E. is and it would be best to get that resolved.

37
38 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

39
40 Mr. Thorsland called Mr. Kelly Dillard to testify.

1 Mr. Kelly Dillard, who resides at 700 CR 2175N, Champaign, stated that he does not believe that the
2 Zoning Ordinance is hard to understand because the syntax is perfectly easy for him to understand.
3 He said that the Zoning Ordinance only refers to non-farm, Second Division vehicles. He said that
4 he reviewed the last meeting's minutes and Mr. Hall indicated that he did not want to discuss
5 anything about Second Division vehicles because it was too confusing. Mr. Dillard stated that it is
6 not confusing at all and each Board member had a copy of the definition of a Second Division motor
7 vehicle to review. He said that he found it odd that Mr. Hall continues to indicate that this issue is
8 hard to understand and yet his request is written in the same syntax that the Ordinance was written
9 in. Mr. Dillard stated that everything in Mr. Hall's request refers back to the first paragraph of
10 7.1.2.E. He said that it is very simple to look at 7.1.2.E and see that each item refers back to non-
11 farm, Second Division vehicles and also motor vehicles. He said that the only way that 7.1.2.E
12 would be hard to understand is if it does not say what you want it to say. He said that this is not
13 about what Mr. Hall wants it to say but what it does say which is the letter of the law.
14

15 Mr. Dillard stated that one of the things that he found disconcerting at the last meeting was that this
16 is obviously an issue of disagreement between himself and Mr. Hall. He said that during the Board's
17 discussion, after testimony, Mr. Hall was part of that discussion and Mr. Dillard had no ability to
18 rebut what Mr. Hall said during that discussion, even if it was incorrect information. Mr. Dillard
19 stated that everyone received a copy of Mr. DiNovo's memorandum with ZBA minutes attached
20 which discussed the Ordinance. Mr. Dillard stated that no one received minutes from the County
21 Board which discussed the Ordinance but it is obvious that during the amendment process that the
22 County Board did not agree with Mr. DiNovo then and they changed the Ordinance to be what it is
23 today. He said that the current Ordinance is not as far reaching as the Zoning Department would
24 like it to be because it only deals with second division motor vehicles. He said that whatever the
25 Board's decision is tonight there is no such thing as a vehicle that is a farm vehicle for a farmer and
26 not a farm vehicle for him. He said that if the Board chooses to rule that a backhoe is a vehicle that
27 is included in this then that ruling will have a far reaching affect on all of the farmers that have
28 backhoes, bobcats and bulldozers of their own.
29

30 Mr. Dillard stated that the minutes from the last meeting indicate that Mr. Thorsland noted that Mr.
31 Hall stated the description of the case was more in line of what he thought 7.1.2.E should say and
32 that he took out Second Division vehicles and Mr. Hall indicated that Mr. Thorsland was correct.
33 Mr. Dillard stated that it is a little hard to take out Second Division vehicles when that is what the
34 entire Ordinance is about.
35

36 Mr. Dillard stated that Mr. Hall indicated in the new memorandum that staff did not cause Mr.
37 Dillard any undue costs because of the way that he has enforced this issue. Mr. Dillard stated that
38 Mr. Hall is not qualified to make such a statement because staff has cost Mr. Dillard a lot of money
39 in trying to take care of things that he should not have had to take care of.
40

41 Mr. Thorsland asked the Board if there were any questions for Mr. Dillard and there were none.

1
2 Mr. Thorsland asked if staff had any questions for Mr. Dillard.
3
4 Mr. Hall asked Mr. Dillard to indicate what things staff required him to do that the Ordinance does
5 not require.
6
7 Mr. Dillard stated that all of the outdoor storage, the trees and extra parking lot was not for anything
8 but the heavy equipment which is not covered in any section of the Ordinance at all.
9
10 Mr. Hall asked Mr. Dillard if he believes that outdoor storage does not need to be screened under the
11 Ordinance.
12
13 Mr. Dillard stated that he wouldn't because heavy equipment is not outdoor storage.
14
15 Mr. Hall stated that is not covered by paragraph 7.1.2.E.
16
17 Mr. Dillard stated that it isn't covered under any of the Ordinance.
18
19 Mr. Courson stated that paragraph 7.1.2.I.(i) indicates the following: outdoor storage of any number
20 of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair is
21 prohibited.
22
23 Mr. Dillard stated Mr. Courson is correct because the Ordinance is all one sentence and indicates that
24 non-farm, Second Division vehicles as defined by the Illinois Vehicle Code, and used in any RHO
25 shall be limited as follow and the three items after this statement all refer to Second Division
26 vehicles. He said that all three items which follow Mr. Hall's request refer to the initial part of the
27 request.
28
29 Mr. Courson stated that Mr. Dillard is correct but paragraph 7.1.2.I. indicates prohibited Rural Home
30 Occupation activities shall include outdoor storage of any number of unlicensed vehicles.
31
32 Mr. Dillard stated that paragraph 7.1.2.I. is part of the same sentence as the first part because this is
33 all one sentence beginning at 7.1.2.E. Non-farm, Second Division vehicles as defined.
34
35 Mr. Courson stated that the beginning of 7.1.2 indicates Rural Home Occupations and does not
36 discuss Second Division vehicles until 7.1.2.E.
37
38 Mr. Dillard stated that Mr. Courson is correct.
39
40 Mr. Courson stated that paragraph 7.1.2.I. deals with 7.1.2. which has nothing to do with Second
41 Division vehicles except for paragraph 7.1.2. E.

1

2 Mr. Dillard stated that he thought Mr. Courson was discussing paragraph 7.1.2.E.(i) and not
3 paragraph 7.1.2.I.

4

5 Mr. Hall stated that paragraph 7.1.2.K on page 7-4 of the Zoning Ordinance indicates that outdoor
6 STORAGE shall be limited to SIDE YARDS or to the REAR YARD and screened as provided in
7 Section 7.6. He said that outdoor STORAGE is capitalized because it is a defined word. He said
8 that STORAGE is defined as the presence of equipment, or raw materials or finished goods
9 (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and
10 excluding the parking of operable vehicles. Mr. Hall stated that the items in question are equipment
11 therefore keeping them outside is indeed outdoor storage and outdoor storage and/or outdoor
12 operation screening requirements are indicated in Section 7.6 on page 7-16 of the Zoning Ordinance.
13 He said that a Type-D Screen is an eight foot screen.

14

15 Mr. Dillard asked Mr. Hall if he indicated that in regards to storage that operable vehicles are
16 excluded.

17

18 Mr. Hall stated that operable vehicles are not considered storage but are just parked.

19

20 Mr. Dillard stated that if the heavy equipment is considered an operable vehicle then it too is
21 excluded.

22

23 Mr. Hall stated that it is excluded from the definition of outdoor storage but there are other
24 requirements in the Ordinance that require them to be screened depending on where they are located.

25

26 Mr. Dillard stated that the only thing that he is interested in is paragraph 7.1.2.E and does it only
27 refer to non-farm, Second Division vehicles.

28

29 Mr. Passalacqua stated that he does not know if the Board can only rule on 7.1.2.E because we are
30 talking about outdoor storage of these vehicles which makes 7.1.2.I apply.

31

32 Mr. Dillard stated that the issue at hand is the number of vehicles and there is nowhere else in the
33 Ordinance that indicates a number of vehicles allowed. He said that the thing that will either rule in
34 his favor or Mr. Hall's favor is does the number of allowed vehicles apply to Second Division
35 vehicles.

36

37 Mr. Hall stated that what is issue is that given the plain language in paragraph 7.1.2.E were his
38 actions appropriate. He said that the Board determined on July 28, 2011, that paragraph 7.1.2.E is
39 unclear. He said that given that unclarity and a neighbor who is complaining which way should
40 he error, he said that he decided to error with the neighbor however he was willing to bring this issue
41 before the Board as an interpretation rather than making Mr. Dillard apply for an appeal. He said

1 that he could have brought it before the Board as an interpretation case when the issue first came up
2 but during his seventeen years of experience this is the procedure that had been exercised and this is
3 the first time someone disagreed. He said that if he brought everything before the Board when
4 someone disagreed the Board would never get cases done for people who paid the fee to obtain the
5 Board's decision. He said that as the Zoning Administrator he is to exercise his judgment when
6 necessary and that is what he did with this case. He said that he would appreciate a decision from
7 this Board on this issue when the Board is ready.

8
9 Mr. Dillard stated that the only person that has ever said that paragraph 7.1.2.E is unclear is Mr. Hall
10 because it is not unclear to Mr. Dillard at all. He said that the Board has not ruled that paragraph
11 7.1.2.E is unclear.

12
13 Ms. Capel stated that the literal interpretation of the words is not in keeping with the intent of the
14 Ordinance. She said that Mr. Hall interpreted the Ordinance with the intent of the Ordinance as a
15 guide and Mr. Dillard is using the literal words to justify his position which basically is not in
16 keeping with the intent of the Ordinance.

17
18 Mr. Passalacqua stated that the page 21 of the approved July 28, 2011, minutes indicate that the
19 Board agreed that there needs to be a more specific definition.

20
21 Mr. Dillard stated that he has always been under the impression that a law is to be enforced under the
22 letter of the law and if it is wrong then the letter of the law should be changed. He said that there is
23 nothing that indicates what the County Board's intent was and only what Mr. DiNovo's intent was
24 and that is not who made the Ordinance. He said that the County Board made the Ordinance. He
25 said that he does not know where to obtain the County Board minutes to indicate what the County
26 Board said about this issue but obviously it was different than what Mr. DiNovo wanted it to be. He
27 said that the County Board's intent was different than what has been done with the Ordinance since
28 1993.

29
30 Mr. Hall asked Mr. Dillard if he read the memorandum dated February 9, 1993, from Mr. DiNovo to
31 the County Board.

32
33 Mr. Dillard stated that he did read Mr. DiNovo's memorandum but it is not the County Board
34 minutes.

35
36 Mr. Hall stated that Mr. DiNovo's memorandum is the memorandum on which the County Board
37 took action and there are minutes attached from the ZBA. He said that Mr. Dillard is correct in
38 indicating that the Board does not have County Board minutes to review but there have never been
39 County Board minutes ever provided during the history of Champaign County that actually put down
40 substantive discussions. He said that to claim that the County Board minutes indicate one thing or
41 another is not helpful. He said that all staff knows is that Mr. DiNovo's memorandum is the

1 document that the County Board reviewed prior to adopting the Ordinance.

2
3 Mr. Dillard stated that the County Board adopted a different Ordinance than what Mr. DiNovo asked
4 them to adopt.

5
6 Mr. Hall stated that this is the final version that went to the County Board that was adopted. He said
7 that the Ordinance was changed previously in 1992 but the Ordinance was adopted in 1993.

8
9 Mr. Dillard stated that he realizes that the Ordinance was changed previously but the request in the
10 memorandum from Mr. DiNovo, which included minutes, is not what was adopted.

11
12 Mr. Hall reaffirmed to the Board that what is at issue is given the admitted and agreed to confusion
13 in the Ordinance, were his actions appropriate.

14
15 Mr. Dillard stated that his request before the Board is whether the Ordinance only applies to non-
16 farm, Second Division vehicles.

17
18 Mr. Hall stated that Mr. Dillard has not paid a fee therefore he has no request before the Board. He
19 said that the request is from the Zoning Administrator.

20
21 Mr. Thorsland stated that page 7-3 of the Zoning Ordinance indicates paragraph 7.1.2.E as follows:
22 Non-farm, Second Division vehicles are defined by the Illinois Vehicle Code, used in any
23 Rural Home Occupation shall be limited as follows:

- 24 i. no more than three self propelled vehicles over 8,000 lbs. gross vehicle weight shall
25 be permitted;
- 26 ii. no more than 10 vehicles in total, including vehicles under 8,000 lbs. gross vehicle
27 weight, trailers and off-road vehicle shall be permitted excluding patron or employee
28 personal vehicles;
- 29 iii. all Second Division vehicles shall be stored indoors or parked no less than 50 feet
30 from any lot line and no less than 100 feet from any off-site existing dwelling
31 conforming as to use.

32
33 Mr. Thorsland stated that the July 22, 2011, Preliminary Memorandum includes Mr. Dillard's
34 approved Zoning Use Permit, which is 73-07-01RHO, and the Special Conditions for 73-07-01RHO.
35 He said that Special Condition #2 clearly states that the limit of 10 non-personal vehicles also applies
36 to vehicles not intended for road use such as a trencher, an excavator, a backhoe, a bobcat, etc. He
37 said that there is also a list of the 17 vehicles that were present on the subject property on June 22,
38 2011, and 17 vehicles is more than the 10 allowed. He said that he would argue that all 17 of the
39 vehicles listed may not count. He said that what is implicit is that at the time of the issuance of 73-
40 07-01RHO, Mr. Dillard agreed to the Ordinance.

41

1 Mr. Thorsland stated that he has an RHO on his property and he farms therefore he may have more
2 than 10 vehicles on his property but his combine doesn't do anything other than harvest his corn and
3 beans. He said that he understands Mr. Dillard's position and he understands that it is staff's job to
4 take what the County has and deal with it. He said that presently he is leaning towards Alternative
5 #1 which is to uphold Mr. Hall's interpretation because the problem comes from the Second Division
6 definition included in the Illinois Vehicle Code, which is not something that the County produced.
7 He said that the County does have an Ordinance which indicates a limit of 10 vehicles in total and
8 that is something that the Board can address in Case 704-AT-11. He said that the new memorandum
9 dated December 15, 2011, from Mr. Hall spells out the Board's two alternatives for tonight and
10 neither one has an immediate effect on Mr. Dillard's operation. He said that it may be a good
11 opportunity to finish the interpretation case for Mr. Hall and let it move forward and get 704-AT-11
12 in the works to get this issue resolved. He said that depending upon the outcome it is Mr. Dillard's
13 option to either come back with a different application or not increase the number of nonconforming
14 equipment. He said that Mr. Dillard could replace his existing equipment but his use would be
15 nonconforming. He said that the real task at hand is that the Board needs to decide tonight if Mr.
16 Hall's interpretation is reasonable. He said that he is leaning towards determining that Mr. Hall's
17 interpretation is a reasonable interpretation of the limited tool that is before the Board. He said that
18 he understands Mr. Dillard's position completely because Second Division vehicles are indicated in
19 the Ordinance. He said that he read Mr. DiNovo's memorandum again and that is what the County
20 Board received in order to make their determination. He said that Mr. Hall pointed out that the
21 County Board minutes are more of an outline rather than word for word. He said that the ZBA
22 minutes are more detailed and they do reflect the actual discussion.

23

24 Mr. Thorsland asked Mr. Dillard if he had any further comments.

25

26 Mr. Dillard stated that he does not have 10 Second Division vehicles.

27

28 Mr. Thorsland stated yes, but a condition of Mr. Dillard's permit indicated a limit of 10 non-personal
29 vehicles.

30

31 Mr. Dillard stated that the limit is 10 non-personal motor vehicles.

32

33 Mr. Thorsland stated that he owns a trencher, he uses it for farming, but he does own a trencher.

34

35 Mr. Dillard stated that part of the problem is that Mr. Hall is counting the trailers yet the Ordinance
36 specifically states that trailers are permitted.

37

38 Mr. Thorsland stated that he drives past Mr. Dillard's property every day and as far as he is
39 concerned the property looks normal. He said that the Ordinance needs to be fixed to include a
40 better set of definitions for Mr. Dillard, Mr. Hall and the future ZBA. He said that he appreciates
41 that Mr. Dillard and Mr. Hall brought this issue before the Board so that it can be worked out to

1 avoid future disagreements. He said that staff and the Board had given Mr. Dillard the benefit of not
2 having to pay a fee to clarify this manner. He said that regardless of the outcome of the Board's
3 ruling or Case 704-AT-11, his operation will not stop.

4
5 Mr. Dillard stated that he has a reasonable place located in the country and he does not have an
6 unreasonable amount of anything. He said that the Ordinance is what it is currently and what it is
7 going to be amended to in the future is unknown. He requested that the Board rule in his favor and
8 when the Ordinance changes staff should administer the Ordinance as it changes.

9
10 Mr. Thorsland asked the Board if there were any questions for Mr. Dillard and there were none.

11
12 Mr. Thorsland asked if staff had any questions for Mr. Dillard and there were none.

13
14 Mr. Thorsland stated that the Board can rule Mr. Hall's interpretation as a reasonable or
15 unreasonable interpretation by ruling with one of the Zoning Board alternatives included in Mr.
16 Hall's December 15, 2011, memorandum. Mr. Thorsland stated that he would prefer that the ruling
17 be accompanied by an explanation as to why the Board ruled as it did tonight.

18
19 Mr. Thorsland stated that he believes that Mr. Hall's interpretation is a reasonable interpretation as
20 indicated in Alternative #1. He said that he would argue that some of the vehicles do not count but
21 as far as an interpretation of the Ordinance, without looking at the specific definition for vehicles, the
22 RHO is limited to 10 non-farm vehicles in total.

23
24 Mr. Courson stated that Alternative #1 is too vague because it is not specific as to motorized or non-
25 motorized vehicles. He asked Mr. Hall if he would consider a wheel barrow to be a non-motorized
26 vehicle.

27
28 Mr. Hall asked Mr. Courson to restate his question.

29
30 Mr. Courson stated that the definition of a vehicle is not consistent in the Ordinance. He said that
31 the definition of a vehicle as stated in the Ordinance could be a two-wheeled cart, wheel barrow,
32 lawnmower, etc. He asked Mr. Hall if he feels that a wheel barrow is a vehicle.

33
34 Mr. Hall stated no and he is sorry that Mr. Courson felt like he needed to ask him that question. He
35 said that he does not believe that a wheel barrow is a vehicle and he has not made an issue of wheel
36 barrows on Mr. Dillard's property.

37
38 Mr. Courson stated that he is not concerned about Mr. Dillard's property at this time but according to
39 the definition a wheel barrow would qualify because the definition is vague. He said that someone
40 could throw hundreds of different things in the definition that would not be considered a vehicle.

1 Mr. Hall stated that Mr. Courson was one Board member who agreed that in the Ordinance an off-
2 road vehicle was not defined therefore he did not know what to do with it.

3
4 Mr. Courson stated that he still has not been able to discover what classifies as a Second Division
5 vehicle.

6
7 Mr. Hall stated that he understands what classifies as a Second Division but what he did with off-
8 road vehicles is what is described here in this interpretation. He said that what (1), (2), and (3) are
9 his attempt to indicate what he thought and that would include a bicycle or wheel barrow and
10 perhaps that did not obtain enough review and he will apologize for that but that is not what is at
11 issue. He said that what is at issue is that paragraph 7.1.2.E includes a phrase which makes it
12 unclear.

13
14 Mr. Courson stated that he will agree that paragraph 7.1.2.E is unclear.

15
16 Mr. Thorsland stated that a reasonable person would not consider a bicycle or wheel barrow as
17 something that this Ordinance is covering. He said that he did not believe at any time that anything
18 smaller than a tractor would be included and he did not even consider that a lawnmower would be
19 counted.

20
21 Mr. Courson stated that if the Board is going to use this as a legal definition then it must be clear.

22
23 Mr. Hall stated that we are not using it as a legal definition.

24
25 Mr. Passalacqua stated that as it pertains to the case at hand regarding the language of paragraph
26 7.1.2.E(2) which includes trailers and off-road vehicles but excluding patron or employee vehicles
27 then he would agree to the Zoning Administrator's interpretation and he would also note that the
28 Zoning Administrator has made every attempt to make this as easy as possible by not ensuing the
29 \$200 fee from Mr. Dillard for an appeal case. He noted that the Zoning Administrator is
30 accommodating Mr. Dillard at this time by not ensuing the appeal case and simply getting through
31 this hoop so that the Board can move on to the next one.

32
33 Mr. Thorsland asked Mr. Passalacqua if he would like to make a motion. He said that much care
34 was taken to prevent as much impact as possible to Mr. Dillard's current operation for his Rural
35 Home Occupation.

36
37 **Mr. Passalacqua moved, seconded by Ms. Capel to uphold the Zoning Administrator's**
38 **interpretation of 7.1.2.E.**

39
40 The roll was called:

41

Courson-no	Miller-absent	Palmgren-yes
Passalacqua-yes	Capel-yes	Thorsland-yes

Mr. Hall thanked the Board. He said that the Board’s decision upholds the Zoning Administrator’s interpretation of 7.1.2.E. and staff will proceed as outlined in the Supplemental Memorandum dated December 15, 2011. He informed Mr. Dillard that if he has any questions he should feel free to call the office to speak with staff. He said that staff will keep Mr. Dillard informed of the progress in getting direction by the County Board and staff will notify as to when the public hearing will begin. He said that Mr. Dillard will be copied any memorandums that will come before the Board for Case 704-AT-11.

Mr. Hall thanked Mr. Dillard.

6. New Public Hearings

Case 681-S-11 Petitioner: Kopmann Cemetery Request to authorize an expansion of a nonconforming cemetery with waivers (variances) in related Case 682-V-11 in the AG-1 Zoning District. Location: A 4.45 acre tract in the Southwest Quarter of the Southeast Quarter of Section 36 of Compromise Township and commonly known as the Kopmann Cemetery at the Northwest corner of the intersection of CR 2400N and CR 2400E, St. Joseph.

682-V-11 Petitioner: Kopmann Cemetery Request to authorize the following in the AG-1 District: A. Variance of setbacks for existing headstones along CR 2400E with a setback of 33 Feet in lieu of the required setback of 55 feet and setbacks for existing and proposed headstones along CR 2400N with a setback of 37 feet in lieu of the required setback of 55 feet; and B. Variance of setback for an existing shed with setbacks of 41 feet from CR 2400E and 37 feet from CR 2400N in lieu of the required setback of 55 feet; and C. Variance of maximum lot size on best prime farmland for a total lot area of 4.45 acres in lieu of the maximum of 3 acres allowed on best prime farmland; and D. Waiver (variance) of standard conditions for a lot area of 4.45 acres in lieu of the required 10 acres for a cemetery; and a front yard setback of 33 feet from CR 2400E and 37 feet from CR 2400N in lieu of the required 100 feet; side yard setback of 15 feet in lieu of the required 50 feet; and a rear yard setback of 25 feet in lieu of the required 50 feet. Location: A 4.45 acre tract in the Southeast Quarter of the Southeast Quarter of Section 36 of Compromise Township and commonly known as the Kopmann Cemetery at the Northwest corner of the intersection of CR 2400N and CR 2400E, St. Joseph.

Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the

1 witness register but are requested to clearly state their name before asking any questions. He noted
2 that no new testimony is to be given during the cross examination. He said that attorneys who have
3 complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

4
5 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the
6 witness register. He reminded the audience that when they sign the witness register they are
7 signing an oath.

8
9
10 Mr. Thorsland asked the petitioner if they desired to make a statement outlining the nature of the
11 request.

12
13 Mr. Ed Hovel, who resides at 408 Moraine Drive, Rantoul, stated that he has been a Board member
14 of the Kopmann Cemetery Association for 30+ years and he is the treasurer/secretary. He said that
15 Mr. Schluter, who is the caretaker, and Mr. Buhr, a Kopmann Cemetery Board member, are present
16 at tonight's meeting. He said that there is a need to expand the cemetery therefore they are before
17 this Board tonight for approval. He said that the existing portion of the cemetery has grave stones
18 which date from the early 1800's.

19
20 Mr. Hovel read a letter from Bill Scott, attorney for the petitioner, and submitted the letter as a
21 Document of Record. Mr. Hovel read Mr. Scott's letter as follows:

22
23 As part of this application, because of the way the cemetery has been laid out in the past, and
24 the way it will be laid out in the future, certain variances are required. We very much
25 appreciate the time that Mr. Hall and Mr. Kass have spent in preparing the report for the
26 Board.

27
28 It is Mr. Scott's purpose to explain why we believe that the special use permit should be
29 granted, with the variances that we are seeking. The Kopmann Cemetery was established by
30 the farming community for farmers in the 1800's. Since the time the cemetery was first
31 created in the late 1800's there have been four additions to that cemetery. Before the newly
32 created sixth addition to the cemetery the last addition was created in the 1980's.

33
34 The cemetery is bordered on the east and south by County roads and across those roads lies
35 farmland. The cemetery is bordered on the north and the west by farmland owned by the
36 Kopmann family whose ancestors provided the first land for the creation of the cemetery.

37
38 It is our belief that with the grave sites contemplated with the sixth addition that we will be
39 able to provide cemetery plots for farming families for the next 50 years or more.

40
41 The shed at the southeast corner of the property was built at or around 1900 or before.

1
2 The setback line for the cemetery lots along CR 2400E was established when the initial
3 cemetery was created in the late 1800's and that setback line has continued for each of the
4 successive additions. That setback line is no less than 33 feet and the same is true with
5 respect to the setback line along 2400N. The initial cemetery was built with a setback line of
6 37 feet from CR 2400N. Now the cemetery addition proposes a setback line for the new
7 sixth addition of the same 37 feet so that the setback line from CR 2400 N would remain the
8 same. The west setback line would be 15 feet from the Kopmann farm and the north, or rear
9 setback line would be no less than 25 feet from the remaining Kopmann farm.

10
11 The cemetery is situated in an area which is categorized as best prime farmland by
12 Champaign County. No one wishes to preserve the farmland for use by farmers more than
13 the farming community especially the farming community in this area. The cemetery was
14 started by farmers and generations of farmers who are buried in the cemetery. The farming
15 community which surrounds this cemetery has a strong desire to continue the cemetery in its
16 present location and the cemetery must be expanded to allow for that.

17
18 The only adjoining use of the property is that of farm land and one residence to the south
19 some 400 feet from the cemetery. On multiple occasions the Kopmann family has sold the
20 cemetery land to the association. Obviously they do not believe that the use of their property
21 or the value of their property is negatively affected by the presence of the cemetery. We do
22 not believe the cemetery negatively affects property values of surrounding farms and we
23 believe it enhances the value because of the sense of community it promotes.

24
25 We understand that there are two sets of requirements, namely those of the AG-1 District and
26 those relating to the special use restrictions imposed on cemeteries. We believe that if the
27 Zoning Board of Appeals is of the opinion that the waivers or variances sought for the special
28 use for cemeteries are allowable, then the variances for the AG-1 District would be much
29 smaller in amount and would be justified.

30
31 Nothing in the use of this cemetery creates any visual barriers to surrounding property
32 owners. With the public roads on the south and east, there are effectively open areas of close
33 to 100 feet to the east and to the south. The uses of the property to the east across CR 2400E
34 are agricultural. The use of the property to the south across CR 2400N is agricultural. Given
35 the nature and history of uses of this property, for generations to come, it is very likely all
36 this property will remain in agricultural production.

37
38 There is no lighting on the property. The cemetery is on two rural roads on which traffic is
39 extremely light. There is no air, noise, or dust pollution of any sort generated by the
40 cemetery. The cemetery creates no impact on the drainage of the property or surrounding
41 properties. There is no sanitary sewer system on the property and there will be no buildings

1 on the site. There are no present or planned uses on site which would create any risk of
 2 flooding. The only time the cemetery is used for any number of people in excess of one car
 3 is during funerals. Parking takes place within the cemetery and along the road. As these
 4 roads carry local traffic this has never been a problem.

5
 6 The risk of fire on site is non-existent.

7
 8 We are seeking variance for setback lines and by comparison the setback lines for accessory
 9 structures are 15 feet in the AG-1 District.

10
 11 Mr. Hovel stated that Mr. Scott jokingly noted that we have asked the corn and beans what they
 12 think of the addition and as best we can tell, they do not object.

13
 14 Mr. Hovel stated that there 48 parking spaces available on the cemetery's street. He said that the
 15 shed which is located on the property was built during the horse and buggy days. He said that the
 16 setbacks were established when the cemetery was created and the desire is to align the new grave
 17 stones with the existing grave stones which are no less than 33 feet from CR 2400E and 37 feet from
 18 CR 2400N.

19
 20 Mr. Hall stated that these small rural cemeteries are an important part of the rural fabric and the
 21 Zoning Ordinance has never found a way to accommodate them particularly since the recent
 22 amendments regarding the use of best prime farmland. He said that Mr. Scott's letter describes this
 23 issue perfectly. Mr. Hall stated that the County's standards for cemeteries, which staff can find no
 24 justification for, merely serve to increase the amount of land that is necessary and if there were soils
 25 which were not like the soils that we have the setbacks would make a lot of sense. He said that if
 26 there were houses next to the cemetery a 50 foot side yard would make a lot of sense but in regards
 27 to this cemetery the only neighbors are the corn and beans. He said that there is one house to the
 28 south but it has a tremendous setback of its own.

29
 30 Mr. Hall stated that the task for cemeteries is to identify all of the variances and waivers that are
 31 necessary because of the way that the Ordinance is written. He said that Board members might
 32 observe that the Summary of Evidence is somewhat different than what has been done in the past.
 33 He said that in the past these two requests would have been done as two completely different cases
 34 but as a result of the recent wind farm special use permit staff has prepared one Summary of
 35 Evidence with two separate determinations. He said that staff is doing this because staff wants to
 36 make this the standard for doing these types of cases so that it will be better prepared when there is a
 37 special use which might be controversial. He said that he does not expect to receive any protest from
 38 the Compromise Township Plan Commission on these two cases but in order to minimize the risk of
 39 any errors staff needs to do all special use permits in this manner, especially in townships where
 40 there are plan commissions. He said that he believes that this procedure works out well because
 41 there is less paperwork in front of the Board and the new memorandum that was prepared for tonight

1 makes the request very clear. He said that the Board can either review the new memorandum which
2 indicates the new items of evidence or they can follow the revised Summary of Evidence which has
3 all new items underlined. He said that new evidence has been added, much along the lines of what
4 Mr. Scott suggested in his letter, that all of the things that require waivers or variances are just things
5 which conspire to use more best prime farmland and the variance for the lot size is a variance. He
6 said that everything that has been requested is reasonable and staff has documented why these
7 requests should be approved. He said that staff called the attorney for the Compromise Township
8 Plan Commission in an attempt to find out if they had any comments although staff did not call the
9 plan commission members individually. Mr. Hall stated that he does not expect to have any protests
10 received regarding these requests but at a staff level a standard format should be achieved for special
11 use permits where plan commissions exist and that is a standard that he would recommend for the
12 Board as well. He said he would recommend that when there is a special use permit where there is a
13 township plan commission a response from the plan commission should be received before the
14 Board takes action. He said that there has been no response from the Compromise Township Plan
15 Commission to date therefore the case would need to be continued to a later meeting or the Board
16 could decide to move forward and take action on these two cases tonight and hope that no negative
17 comments are received from the plan commission.

18
19 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

20
21 Mr. Thorsland stated that he would like to receive comments from the Compromise Township Plan
22 Commission. He said that he would not be entirely uncomfortable in stating that the Board would
23 really like the precedence of having the township plan commission indicate if they had any protests
24 but he would not be afraid of moving forward with this case tonight. He asked the other Board
25 members to indicate their preference.

26
27 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hoveln or Mr. Hall at this
28 time and there was no one.

29
30 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
31 testimony regarding Cases 681-S-11 and 682-V-11 and there was no one.

32
33 Ms. Capel stated that at the risk of setting bad precedence she would like to complete these two cases
34 tonight.

35
36 Mr. Thorsland agreed with Ms. Capel.

37
38 Mr. Thorsland closed the witness register for Cases 681-S-11 and 682-V-11.

39
40 Mr. Thorsland noted that Item #9.E.(1) should be revised to indicate "serve" rather than "serves."
41

1 Mr. Hall noted that the Kopmann Cemetery Association has been very patient with these cases. He
2 said that the wind farm kept these cases from coming forward before the Board. He said that staff
3 got these two cases to Board as soon as possible and he appreciates their patience regarding the
4 timing of these cases.

5
6 Mr. Thorsland stated that a new Item #7 should be added to the Documents of Record indicating the
7 following: Letter from Bill Scott, attorney for the petitioner, read and submitted at the December 15,
8 2011, public meeting by Ed Hovel. Mr. Thorsland stated that Item #5 should be revised to indicate
9 Preliminary Memorandum dated December 9, 2011.

10
11 **Findings of Fact for Case 681-S-11:**

12
13 From the documents of record and the testimony and exhibits received at the public hearing for
14 zoning case 681-S-11 held on December 15, 2011, the Zoning Board of Appeals of Champaign
15 County finds that:

16
17 **1. The requested Special Use Permit IS necessary for the public convenience at this**
18 **location.**

19
20 Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at
21 this location because it is an expansion of an existing facility which is located in a rural area with no
22 neighbors being impacted by the expansion.

23
24 Ms. Capel stated that the requested expansion is required so that the cemetery can continue to serve
25 the community.

26
27 Mr. Thorsland stated that the cemetery has been serving the community for over 100 years.

28
29 **2. The requested Special Use Permit is so designed, located, and proposed to be**
30 **operated so that it WILL NOT be injurious to the district in which it shall be**
31 **located or otherwise detrimental to the public health, safety and welfare.**

32
33 **a. The street has ADEQUATE traffic capacity and the entrance location has**
34 **ADEQUATE visibility.**

35
36 Ms. Capel stated that the street has ADEQUATE traffic capacity.

37
38 Mr. Courson stated that the entrance location has ADEQUATE visibility.

39
40 **b. Emergency services availability is ADEQUATE.**
41

1 Mr. Passalacqua stated that emergency services availability is ADEQUATE.

2
3 **c. The Special Use will be designed to CONFORM to all relevant County**
4 **ordinances and codes, subject to requested variances and waivers.**
5

6 Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County
7 ordinances and codes, subject to required variances and waivers.

8
9 **d. The Special Use WILL be compatible with adjacent uses.**

10
11 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

12
13 **e. Surface and subsurface drainage will be ADEQUATE.**
14

15 Mr. Courson stated that surface and subsurface drainage will be ADEQUATE.

16
17 **f. Public safety will be ADEQUATE.**
18

19 Ms. Capel stated that public safety will be ADEQUATE.

20
21 **h. The provisions for parking will be ADEQUATE.**
22

23 Mr. Passalacqua stated that the provisions for parking will be ADEQUATE.

24
25 Mr. Hall recommended that the Board amend Finding #2.c to include subject to required variances
26 and waivers.

27
28 The Board accepted Mr. Hall's recommendation.

29
30 Mr. Thorsland asked Mr. Courson if his determination of CONFORM is still accurate for Finding
31 #2.c.

32
33 Mr. Courson stated yes.

34
35 Ms. Capel stated that the requested Special Use Permit is so designed, located and proposed to be
36 operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise
37 detrimental to the public health, safety and welfare.

38
39 **3a. The requested Special Use Permit DOES conform to the applicable regulations**
40 **and standards of the DISTRICT in which it is located.**
41

1 Ms. Capel stated that the requested Special Use Permit DOES conform to the applicable regulations
2 and standards of the DISTRICT in which it is located.

3
4 **3b. The requested Special Use Permit DOES preserve the essential character of the**
5 **DISTRICT in which it is located because:**

6
7 **a. The Special Use will be designed to CONFORM to all relevant County**
8 **ordinances and codes, subject to required variances and waivers.**

9
10 Mr. Thorsland stated that the Special Use will be designed to CONFORM to all relevant County
11 ordinances and codes, subject to requested variances and waivers.

12
13 **b. The Special Use WILL be compatible with adjacent uses.**

14
15 Mr. Courson stated that the Special Use WILL be compatible with adjacent uses.

16
17 **c. Public safety will be ADEQUATE.**

18
19 Mr. Passalacqua stated that public safety will be ADEQUATE.

20
21 Mr. Courson stated that the requested Special Use Permit DOES preserve the essential character of
22 the DISTRICT in which it is located.

23
24 **4. The requested Special Use Permit IS in harmony with the general purpose and**
25 **intents of the Ordinance because:**

26
27 **a. The Special Use is authorized in the District.**

28
29 **b. The requested Special Use Permit IS necessary for the public convenience at**
30 **this location.**

31
32 Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at
33 this location.

34
35 **c. The requested Special Use Permit is so designed, located and proposed to be**
36 **operated so that it WILL NOT be injurious to the district in which it shall be**
37 **located or otherwise detrimental to the public health, safety and welfare.**

38
39 Mr. Passalacqua stated that the requested Special Use Permit is so designed, located and proposed to
40 be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise
41 detrimental to the public health, safety and welfare.

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d. The requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Courson stated that the requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Courson stated that the requested Special Use Permit IS in harmony with the general purpose and intent of the Ordinance.

5. The requested Special Use IS an existing nonconforming use and the requested Special Use Permit WILL make the existing use more compatible with its surroundings.

The Board affirmed Finding #5.

**6. Regarding necessary waivers of standard conditions:
A. Regarding the requested waiver of the standard condition in Section 6.1.3 for a cemetery for a lot area of 4.45 acres instead of the Standard Condition lot area of 10 acres:**

(1) The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

Ms. Capel stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

(2) Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

Mr. Courson stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

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Mr. Courson stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

(4) The special condition, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant.

Mr. Courson stated that the special condition, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant.

(5) The requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Courson stated that the requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.

B. Regarding the requested waiver of the standard condition in Section 6.1.3 for a cemetery for a setback from the centerline of CR 2400N of 37 feet instead of the Standard Condition setback from street centerline of 100 feet:

(1) The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

Mr. Passalacqua stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

(2) Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or

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construction.

Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

(4) The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Courson stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

(5) The requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Courson stated that the requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.

C. Regarding the requested waiver of the standard condition in Section 6.1.3 for a cemetery for a setback from the centerline of CR 2400E of 33 feet instead of the Standard Condition setback from street centerline of 100 feet:

(1) The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

Mr. Courson stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

(2) Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or

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construction.

Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

(4) The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

(5) The requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Passalacqua stated that the requested waiver IS the minimum variation that will make possible the reasonable use of the land/structure.

D. Regarding the requested waiver of the standard condition in Section 6.1.3 for a cemetery for a side yard of 15 feet instead of the Standard Condition side yard of 50 feet:

(1) The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

Mr. Courson stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety and welfare.

(2) Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

(3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or

1 **construction.**

2
3 Mr. Courson stated that practical difficulties or hardships created by carrying out the strict letter of
4 the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land
5 or structure or construction.

6
7 **(4) The special conditions, circumstances, hardships, or practical**
8 **difficulties DO NOT result from actions of the applicant.**

9
10 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties
11 DO NOT result from actions of the applicant.

12
13 **(5) The requested waiver IS the minimum variation that will make**
14 **possible the reasonable use of the land/structure.**

15
16 Mr. Courson stated that the requested waiver IS the minimum variation that will make possible the
17 reasonable use of the land/structure.

18
19 **E. Regarding the requested waiver for the standard condition in Section 6.1.3**
20 **for a cemetery for a rear yard of 25 feet instead of the Standard Condition**
21 **rear yard of 50 feet:**

22
23 **(1) The waiver IS in accordance with the general purpose and intent of**
24 **the Zoning Ordinance and WILL NOT be injurious to the**
25 **neighborhood or to the public health, safety and welfare.**

26
27 Mr. Courson stated that the waiver IS in accordance with the general purpose and intent of the
28 Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety
29 and welfare.

30
31 **(2) Special conditions and circumstances DO exist which are peculiar to**
32 **the land or structure involved, which are not applicable to other**
33 **similarly situated land and structures elsewhere in the same district.**

34
35 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the
36 land or structure involved, which are not applicable to other similarly situated land and structures
37 elsewhere in the same district.

38
39 **(3) Practical difficulties or hardships created by carrying out the strict**
40 **letter of the regulations sought to be varied WILL prevent**
41 **reasonable or otherwise permitted use of the land or structure or**

1 construction.

2
3 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the
4 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
5 structure or construction.

6
7 (4) The special conditions, circumstances, hardships, or practical
8 difficulties DO NOT result from actions of the applicant.

9
10 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties
11 DO NOT result from actions of the applicant.

12
13 (5) The requested waiver IS the minimum variation that will make
14 possible the reasonable use of the land/structure.

15
16 Mr. Passalacqua stated that the requested waiver IS the minimum variation that will make possible
17 the reasonable use of the land/structure.

18
19 7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.

20
21 Findings of Fact for Case 682-V-11:

22
23 From the documents of record and the testimony and exhibits received at the public hearing for
24 zoning case 682-V-11 held on December 15, 2011, the Zoning Board of Appeals of Champaign
25 County finds that:

- 26
27 1. Special conditions and circumstances DO exist which are peculiar to the land or
28 structure involved, which are not applicable to other similarly situated land and
29 structures elsewhere in the same district.

30
31 Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or
32 structure involved, which are not applicable to other similarly situated land and structures elsewhere
33 in the same district because the cemetery was originally laid out 100-years ago and the requested
34 variance allows less best prime farmland to be used for the expansion.

- 35
36 2. Practical difficulties or hardships created by carrying out the strict letter of the
37 regulations sought to be varied WILL prevent reasonable or otherwise
38 permitted use of the land or structure or construction.

39
40 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter
41 of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the

1 land or structure or construction because adhering to the strict letter of the setbacks would prevent
2 the cemetery association from putting in as many extra plots as needed.

3
4 **3. The special conditions, circumstances, hardships or practical difficulties DO**
5 **NOT result from actions of the applicant.**

6
7 Mr. Courson stated that the special conditions, circumstances, hardships or practical difficulties DO
8 NOT result from actions of the applicant because this is an existing cemetery which has been
9 operating for over 100-years and when it was created there was no restriction on the use of best
10 prime farmland in the County.

11
12 **4. The requested variance IS in harmony with the general purpose and intent of**
13 **the Ordinance.**

14
15 Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent
16 of the Ordinance because the variance will minimize impacts to farming and the use of farmland.

17
18 **5. The requested variance WILL NOT be injurious to the neighborhood or**
19 **otherwise detrimental to the public health, safety, or welfare.**

20
21 Mr. Courson stated that the requested variance WILL NOT be injurious to the neighborhood or
22 otherwise detrimental to the public health, safety, or welfare because the road is sufficient for traffic,
23 the entrance to the cemetery is adequate for traffic and emergency services are adequate for the area.

24
25 Ms. Capel stated that parking is also adequate.

26
27 **6. The requested variance IS the minimum variation that will make possible the**
28 **reasonable use of the land/structure.**

29
30 Ms. Capel stated that the requested variance IS the minimum variation that will make possible the
31 reasonable use of the land/structure because it is the minimum variance that will allow the cemetery
32 to be in conformance.

33
34 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

35
36 **Mr. Courson moved, seconded by Mr. Passalacqua to adopt the Findings of Fact for Case 681-**
37 **S-11 and 682-V-11, as amended. The motion carried by voice vote.**

38
39 **Mr. Capel moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of**
40 **Record and Finding of Facts as amended. The motion carried by voice vote.**

41

1 **Mr. Courson moved, seconded by Ms. Capel to move to the final determination for Cases 681-**
2 **S-11 and 682-V-11. The motion carried by voice vote.**

3
4 Mr. Thorsland informed the petitioner that a full Board is not present at tonight’s meeting therefore it
5 is at the petitioner’s discretion whether to request that the present Board move to the Final
6 Determination or request a continuance until a full Board is present.

7
8 Mr. Hoveln requested that the present Board move to the Final Determination.

9
10 **Final Determination for Case 681-S-11:**

11
12 **Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of**
13 **Appeals finds that, based upon the application, testimony, and other evidence received in this**
14 **case, that the requirements for approval of Section 9.1.11b. HAVE been met, and pursuant to**
15 **the authority granted by Section 9.1.6B of the Champaign County Zoning Ordinance,**
16 **determines that the Special Use requested in Case 681-S-11 is hereby GRANTED to the**
17 **petitioner Kopmann Cemetery to authorize an expansion of Kopmann Cemetery as a Special**
18 **Use Permit in the AG-1 Zoning District.**

19
20 The roll was called:

21
22 **Palmgren-yes Thorsland-yes Passalacqua-yes**
23 **Capel-yes Courson-yes Miller-absent**

24
25 **Final Determination for Case 682-V-11:**

26
27 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of**
28 **Appeals finds that, based upon the application, testimony, and other evidence received in this**
29 **case, that the requirements for approval in Section 9.1.9.C HAVE been met and pursuant to**
30 **the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the**
31 **Zoning Board of Appeals of Champaign County determines that the variance requested in 682-**
32 **V-11 is hereby GRANTED to the petitioner Kopmann Cemetery to authorize a variance of**
33 **setbacks, maximum lot size, as well as waivers (variance) of standard conditions for front yard**
34 **setbacks, minimum lot size, rear yard setback and side yard setback to allow for an expansion**
35 **of Kopmann Cemetery.**

36
37 The roll was called:

38
39 **Passalacqua-yes Capel-yes Courson-yes**
40 **Miller-absent Palmgren-yes Thorsland-yes**

1 Mr. Hall informed Mr. Hoveln that the two cases have been approved. He said that staff will send
2 the final paperwork out within the next few weeks. He thanked Mr. Hoveln for his patience.
3
4

5 **7. Staff Report**
6

7 None
8

9 **8. Other Business**

10 **A. Review of ZBA Docket**
11

12 The Board briefly reviewed the ZBA Docket.
13
14

15 **B. Cancellation of December 29, 2011, meeting**
16

17 Mr. Passalacqua noted that he will be absent from the proposed January 12, 2012, ZBA meeting.
18

19 **Mr. Courson moved, seconded by Mr. Palmgren to cancel the December 29, 2011, ZBA**
20 **meeting. The motion carried by voice vote.**
21

22 Mr. Thorsland stated that the ZBA will attempt to have a special meeting prior to the February 2,
23 2012, regular meeting to honor retired Board member Melvin Schroeder. Mr. Thorsland stated that
24 staff will contact Mr. Schroeder to confirm the date.
25

26 **C. Review of 2012 ZBA Calendar**
27

28 **Ms. Capel moved, seconded by Mr. Passalacqua to approve the 2012 ZBA Calendar as**
29 **submitted. The motion carried by voice vote.**
30

31 **D. October and November, 2011 Monthly Reports**
32

33 Mr. Hall stated that the October and November, 2011 Monthly Reports are not available tonight for
34 review. He said that he said that his goal is to have the monthly reports ready for the Committee of
35 the Whole meeting in January. He said that he will send out the October and November, 2011
36 Monthly Reports to the Board as soon as they are complete.
37

38 **9. Audience Participation with respect to matters other than cases pending before the**
39 **Board**
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41 None

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10. Adjournment

Ms. Capel moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:09 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 1776 E. Washington Street

4 Urbana, IL 61801

5 **DATE:** February 2, 2012

6 **PLACE:** Lyle Shields Meeting Room

7 1776 East Washington Street

8 Urbana, IL 61802

9 **TIME:** 6:30 p.m.

10 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Roger Miller, Eric Thorsland,

11 **MEMBERS ABSENT:** Paul Palmgren, Brad Passalacqua

12 **STAFF PRESENT:** Connie Berry, John Hall, Andrew Kass

13 **OTHERS PRESENT:** Herb Schildt, Annie Murray, Jack Murray

14 **1. Call to Order**

15 The meeting was called to order at 6:30 p.m.

16 **2. Roll Call and Declaration of Quorum**

17 The roll was called and a quorum declared present with two members absent and one vacant seat.

18 **3. Correspondence**

19 None

20 **4. Approval of Minutes**

21 None

22 **5. Continued Public Hearing**

23 None

24 **6. New Public Hearings**

25 Case 701-AT-11 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: Part A. Revise paragraph 6.1.4 D.1 to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER. Part B. Revise paragraph 6.1.4 F. as follows: 1. Revise

DRAFT

1 subparagraph 6.1.4F.1 to require that agreements between the Applicant and the County
2 Engineer shall not be forwarded to the County Board before the special use permit is
3 forwarded and that all other agreements shall be executed prior to the close of the public
4 hearing before the Board; and 2. Delete subparagraph 6.1.4F.1.u; and 3. Add new
5 subparagraph 6.1.4F.3. to require at the time of decommissioning a Roadway Use and Repair
6 Agreement with the appropriate highway authority. Part C. Revise paragraph 6.1.4J. to
7 require the Applicant to submit a copy of the Agency Action Report or the Detailed Action
8 Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well
9 as the response from IDNR. Part D. Add new subparagraph 6.1.4E.7.to require that a
10 permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER
11 sites and access roads. Part E. Revise subparagraph 6.1.4S.1(c)(3) to authorize flexibility in
12 the locations of WIND TOWERS from what is indicated on the site plan provided that the
13 final locations comply with any required waivers or special conditions of approval. Part F.
14 Strike the requirement for “reclamation agreement” for NON-ADAPTABLE STRUCTURES
15 and WIND FARMS and replace with a requirement of “site reclamation plan” and add
16 certain other related requirements as follows: 1. In Section 3 revise the definition of “NON-
17 ADAPTABLE STRUCTURE” to include a WIND TURBINE TOWER and a WIND FARM
18 TOWER AS currently defined in Section 3; and 2. Make the following revisions to paragraph
19 6.1.1A: a. Strike references to “reclamation agreement” and replace with “site reclamation
20 plan.” b. Revise subparagraphs 6.1.1A.1 through 5 as follows: (1) Require a site reclamation
21 plan for NON-ADAPTABLE STRUCTURES; and (2) Require the site reclamation plan to be
22 binding upon all successors of title to the land and require reclamation work be performed
23 and that a letter of credit be provided for financial assurance; and (3) Limit consideration of
24 salvage value to be limited by Paragraph 6.1.4P. c. Revise subparagraph 6.1.1A.6 to strike
25 “120 days” and replace with “180 days” and insert “or applicant” after “landowner.” d.
26 Revise paragraph 6.1.1A to add other related requirements; and 3. Revise paragraph 6.1.4P
27 as follows: a. Revise paragraph 6.1.4P to strike references to “reclamation agreement” and
28 replace with “site reclamation plan.”; and b. Delete subparagraphs 6.1.4P.3.(d), (e), and (f)
29 and add new subparagraphs to require the following: (1) At the time of decommissioning a
30 Roadway Use and Repair Agreement; and (2) The depth of removal of foundation concrete
31 below ground shall be a minimum of 54 inches and require that replacement soil shall meet
32 specified minimum standards of soil quality; depth; compaction; and drainage; and c. Revise
33 subparagraph 6.1.4P.4(a) to require an irrevocable letter of credit and an escrow account as
34 financial assurance to be provided for the site reclamation plan; and d. Insert new
35 subparagraph 6.1.4P.4(b) to require the following: (1) Authorize salvage value to be deducted
36 from decommissioning costs, subject to meeting specified standards; and (2) Add requirements
37 for determining estimated net salvage value based on the average salvage price of the past five
38 years and including any deconstruction costs; and (3) Add a limit of 70% for the amount of
39 estimated salvage value that may be deducted from estimated decommissioning costs; and (4)
40 Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the
41 demolisher should the reclamation work be performed; and (5) Limit the maximum allowable

1 **credit for the salvage value of any WIND FARM TOWER to no more than the estimated**
2 **decommissioning cost of removal of the above ground portions of that WIND FARM**
3 **TOWER; and e. Renumber existing subparagraph 6.1.4P.4(b)(5) to become new**
4 **subparagraph 6.1.4P.4.(d) and revise to require regular adjustment to the amount of financial**
5 **assurance to ensure that it reflects current information by requiring an Illinois Professional**
6 **engineer to provide an updated report of estimates of decommissioning costs and salvage**
7 **values; and f. Revise paragraph 6.1.4P to add other related requirements. *Note: The**
8 **description of the request has been simplified from the legal advertisement. See the legal**
9 **advertisement included with the memorandum.**

10
11 Mr. Thorsland noted that the description of Case 701-AT-11 has been simplified on the agenda
12 from the legal advertisement.

13
14 Mr. Hall stated that Mr. Thorsland was correct in stating that the description included on the
15 agenda is indeed a shortened version of the legal advertisement. He said that the reason that the
16 description is so long is because staff is recommending changes to the existing ordinance and
17 therefore every change has to be spelled out.

18
19 Mr. Hall stated that the January 27, 2012, Preliminary Memorandum which was included in the
20 mailing essentially had the revised draft amendment that the Committee of the Whole reviewed
21 beginning in December and ending in January. He said that through the process at the
22 Committee of the Whole the amendment became more complete and that is why it doesn't really
23 match the legal advertisement. He said that the legal advertisement was written once the
24 amendment was more or less complete and the new memorandum dated February 2, 2012,
25 included Attachment H, which is a revised draft of the amendment. He said that there are very
26 few revisions included in Attachment H but the draft amendment has been formatted to match
27 the legal although Page H-7 does have some numbering errors.

28
29 Mr. Hall stated that staff began working on this amendment during the second week of
30 November while the wind farm special use was still at the County Board. He said that it isn't
31 that staff enjoys working on wind farm things but staff knew that there were rumors that a new
32 wind farm special use permit application would be received in February 2012. He said that staff
33 desired to have the changes to the reclamation agreement done by February but that is obviously
34 not possible at this time. He said that the January 4, 2012, memorandum which was mailed to
35 the Committee of the Whole included a short overview and made it very clear that five of the
36 changes are in response to waivers that were required for the California Ridge Wind Farm. He
37 said that one change makes the Erosion and Sedimentation Control Plan a permanent part of the
38 Ordinance and most of the changes are related to the concept of changing the reclamation
39 agreement requirement to a simple site reclamation plan requirement. He said that the concept
40 which the State's Attorney is striving for is that there is no need for an agreement because the
41 requirements will be sufficiently spelled out in the Ordinance and a plan will be required as part

1 of the application. He said that staff will try to mock up a reclamation plan for the California
2 Ridge Wind Farm so that the Board could see what they might expect for future wind farms. He
3 said that just as important as changing the agreement to a simple requirement for a plan is the
4 proposal to limit the amount that salvage value can be used in offsetting decommissioning costs.
5

6 Mr. Hall distributed the February 2, 2012, Supplemental Memorandum with attachments to the
7 Board as well as the following three separate attachments: 1. Approved Reclamation Agreement
8 for Case 696-S-11; and 2. Joint Committee on Administrative Rules Administrative Code; and 3.
9 Citizen's Guide to Farmland Reclamation. He said that the Board members can review the
10 approved reclamation agreement for the California Ridge project recalling all of the long hours
11 that they spent laboring over it and they can determine what the effect of limiting the salvage
12 value of no more than 70% would have. He said that the thing that the Board has to be certain of
13 is if they are comfortable with the idea of not spending the time to format a 15 page agreement so
14 that everything is right there in 15 pages. He said that he is sure that requirements in the
15 Ordinance which have to be met is a way that this could work but nothing beats having it all
16 summed up in a 15 page document. He said that the State's Attorney is adamant that the County
17 should get away from this type of an agreement because the County does not have specific
18 authorization for the agreements in the statutes therefore there is some degree of risk. He said
19 that in addition to the reclamation agreement is the excerpt from the Illinois Administrative Code
20 regarding the Agency Action Report, which is a required submittal. He said that he has always
21 operated off of the RRO requirement for an Agency Action Report and he has misunderstood
22 what an Agency Action Report is. He said that the last handout is a Citizen's Guide to Farmland
23 Reclamation which is a publication of the Illinois Department of Natural Resources, Office of
24 Mines and Minerals, and it is a good overview of the kinds of issues that must be dealt with
25 when trying to reclaim land. He said that reclaiming of land cannot be done very successfully
26 and the good news is that the County is only trying to reclaim land on the excavations where the
27 top 54 inches of the footing is torn out and it is not like trying to reclaim mined land but is close.
28 He said that the current Ordinance does not prevent filling those excavated holes with nothing
29 but clay and that is clearly not what we want.
30

31 Mr. Hall stated that the February 2, 2012, Supplemental Memorandum includes a table which
32 relates every portion of the proposed amendment back to the approval of Case 696-S-11
33 indicating which waivers are being eliminated as well as eliminating the need for some special
34 conditions. He said that Attachment D, Proposed Standards for Soil Backfill for Excavated
35 Foundation, is the first draft of the standards for the soil which could be used to refill the
36 excavated foundations. He said that he does not expect wind farm companies to set aside the
37 native soils that they excavate in the beginning and hold the soil there for 25 years until they are
38 ready to decommission. He said that the wind farm companies will try to obtain soil to place
39 back into the holes if the need ever arises. He said that staff cannot report how many cubic yards
40 of soil would be required to fill the excavated holes but it is a good pile of dirt that would be
41 required and the soil should be of the type that would be of productive use. He said that

1 Attachment D has been reviewed by a professional geologist. He said that he had hoped to
2 obtain review from some engineers who have experience in reclaiming mined land before the
3 hearings are over. He said that the idea of changing the reclamation agreement to the site
4 reclamation plan came from the State's Attorney and it is a good idea if the Board is comfortable
5 with it.
6

7 Mr. Hall stated that another comment that occurred during the Committee of the Whole was to
8 make it clear that discussion of salvage value is regarding net salvage value after deducting all of
9 the costs for demolition and any preparation for transportation for reuse or recycling or for simple
10 disposal and other costs and the language of subparagraph 6.1.4P.(4) is in such a way that
11 nothing is left out. He said that the body of the memorandum has the proposed language for net
12 estimated salvage value and staff is not trying to complicate this but it is not necessary to
13 reinvent the wheel every time staff spends a lot of time with California Ridge trying to get the
14 costs inserted that may have been there in the beginning but wasn't clear. He said subparagraph
15 6.1.4P.(4) would have saved staff a lot of time on the California Ridge Wind Farm.
16

17 Mr. Hall stated that the last comment from the Committee of the Whole was to increase the
18 frequency of updating the financial assurance after year 13. He said that at least one Board
19 member would like to see the frequency be on an annual basis. Mr. Hall said that he does not
20 believe that an annual update is necessary because it is a cost to the wind farm company and the
21 County. He said that he believes that every two years would be very adequate but staff
22 advertised the amendment with the one year requirement and if the ZBA believes that one year is
23 better than two years then they should feel free to recommend such. He said that Page H-9 of
24 Attachment H, Revised Draft Amendment, staff has indicated that the Board needs to select one
25 or two years. He said that if the Board believes that two years is adequate then the Board should
26 be explicit as to why and if the Board believes that one year is necessary then the Board should
27 be explicit as to why one year is necessary.
28

29 Mr. Hall stated that Attachment A of the Reclamation Agreement for Case 696-S-11, California
30 Ridge Wind Project-Base Decommissioning Cost Estimate, indicates the total decommissioning
31 cost and the total salvage value and in the future it is hoped that the net salvage value total will
32 be indicated. He said that the total salvage value for California Ridge was \$4,865,400 and
33 subtracted from the \$5,771,500 total decommissioning cost resulting in a base decommissioning
34 cost of \$906,100. He said that the base decommissioning cost of \$906,100 was multiplied by
35 210% resulting in the \$1.9 million dollar total for the letter of credit. He said that in the
36 proposed amendment the total salvage value figure, \$4,865,400, would be reduced by 30%
37 resulting in \$3,405,780 and the base decommissioning cost would increase to \$2,365,720 which
38 is 2.6 times what it was for California Ridge. He said that for California Ridge the letter of credit
39 would have gone up from the \$1.9 million figure to \$4,968,012. He said that the letter of credit
40 for California Ridge is set at a reasonable value but it would be better if it were set at \$4.9
41 million but that is not the Ordinance that was set at the time. He said that the amount that the

1 County ended up with on that project is more than any other wind farm in Illinois. He said that
2 he does not know if the next wind farm company will find that the amendment which is being
3 proposed would result in an unfeasible project but again the amendment is only proposing it to be
4 limited to 70%. He said that the one thing that he learned during the California Ridge case was
5 that you never know what is feasible until you ask for it and you don't give up until you get it and
6 everything that the County asked for it got.
7

8 Mr. Hall stated that he can walk through item by item of the amendment with the Board because
9 staff is not trying to rush the Board and no final action will be requested tonight or the next
10 meeting unless everyone agrees that they are ready for it. He said that staff will have a finding of
11 fact to the Board for final action at the next meeting and when it comes time to review the docket
12 staff will request that the Board schedule a special meeting on March 1st.
13

14 Mr. Thorsland asked the Board if there were questions for Mr. Hall.
15

16 Mr. Courson asked Mr. Hall if requiring the wind farm companies to have a road agreement in
17 place before they decommission could give them a reason to stall decommissioning.
18

19 Mr. Hall stated that one thing that was discovered in the last wind farm project was that the road
20 agreement at that time should not be nearly as complicated as the road agreement in the
21 beginning because the roads should already be improved. He said that the wind farm company
22 does not have to provide the road agreement until they are ready to decommission. He said that
23 if we only ever have a wind farm company doing the decommissioning then that would be great
24 and the worse case would be if the County was doing the decommissioning. He said that he does
25 not believe that the requirement for the road agreement would be a reason for anyone to stall
26 decommissioning and the fact of the matter is that the financial assurance has to be in place as
27 long as the wind farm is up therefore the County would be covered to the extent that it would
28 ever be covered.
29

30 Mr. Courson stated that he is concerned that the wind farm company could force the County into
31 doing the decommissioning because they could not obtain a road agreement.
32

33 Mr. Hall stated that the Ordinance already requires the wind farm company to have the cost
34 included in the financial assurance for the road improvements at that time although who knows
35 how close that will be to reality.
36

37 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were
38 none.
39

40 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the
41 witness register. He reminded the audience that when they sign the witness register they are

1 signing an oath. He asked the audience if anyone desired to sign the witness register at this time
2 to present testimony.

3
4 Mr. Thorsland called Herb Schildt to testify.

5
6 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, Illinois stated that he had a couple of
7 questions for staff regarding the proposed amendment. He said that Item #5. Revise paragraph
8 6.1.4S.1.(c)(3), on page A-2 of Attachment A. Revised Draft Example Amendment, which is
9 included as an attachment to the January 27, 2012, Preliminary Memorandum, has been modified
10 on page H-2 of Attachment H. Revised Draft Amendment, which is included as an attachment to
11 the February 2, 2012, Supplemental Memorandum. He asked Mr. Hall why the clause
12 “greater separation does not increase the noise impacts” was removed from paragraph
13 6.1.4S.1.(c)(3).

14
15 Mr. Hall stated that he does not understand why the clause is to be removed because it is still a
16 concern therefore he will double check the reasoning for its deletion.

17
18 Mr. Schildt stated that it didn’t seem to be harmful because obviously why would we want to
19 have more noise. He said that his reading of the rewrite of the revised paragraph determined that
20 the paragraph is now confusing. Mr. Schildt stated that the revised paragraph reads as follows:
21 the separation of all WIND FARM structures from adjacent NON-PARTICIPATING
22 DWELLINGS OR PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site
23 Plan and that dimension shall establish the effective minimum separation that shall be required
24 for any Zoning Use Permit unless the Board authorizes a lesser separation in a special condition
25 of approval or waiver, if required that is also consistent with any required waivers of paragraph
26 6.1.4C. Mr. Schildt asked Mr. Hall to explain what the word “required” means because it has to
27 be consistent with paragraph 6.1.4C.whether there are waivers or not. He said that being
28 consistent with any required waivers could mean that it doesn’t have to be consistent with
29 anything else. He said that a developer could jump to the conclusion that it has to be consistent
30 with any required waivers but what about the ones that are not required. Mr. Schildt stated that
31 he believes that the rewrite is ambiguous.

32
33 Mr. Hall asked Mr. Schildt if he believes that the rewrite of paragraph 6.1.4S.1.(c)(3) is
34 ambiguous even with the following sentence: Different locations for WIND FARM structures
35 may be provided in the site plan for the Zoning Use Permit provided that the final locations of
36 WIND FARM TOWERS comply with any authorized waivers or special conditions of approval
37 of the WIND FARM County Board SPECIAL USE Permit.

38
39 Mr. Schildt stated that the paragraph indicates that it has to comply to the waivers but it doesn’t
40 say that it has to comply with the standard conditions.

41

1 Mr. Hall stated that if it doesn't comply with the standard condition then it needs a waiver.
2
3 Mr. Schildt stated that he is only pointing out that, there is an implication that it is understood
4 that compliance with 6.1.4C is required, but the way the language is written it actually states that
5 you have to comply with any authorized waivers or standard conditions. He said that the
6 language raises a conflict. He said that during the California Ridge special use permit there was
7 discussion about conflicting paragraphs and which one needed to be followed and the revised
8 paragraph appears to be one of those conflicting paragraphs.
9
10 Mr. Hall stated that he appreciates Mr. Schildt's comments and it did take a lot of effort to get
11 this particular change past the State's Attorney. He said that he would welcome any revision that
12 Mr. Schildt would like to submit.
13
14 Mr. Schildt stated that he will give this more thought. He said that the amendment states that it
15 has to be consistent with any required waivers but what if there are no waivers does it still have
16 to be consistent with paragraph 6.1.4C. He said that it is implied that it does but paragraph
17 6.1.4S.1.(c)(3) can be read in an odd way. He recommended that the noise language be restored.
18
19 Mr. Hall stated that he will review the change but there may be a logical reason why it was
20 redundant in the paragraph. He said that the immediate concern is that when you start moving
21 locations around you are affecting noise impacts.
22
23 Mr. Schildt stated that granting greater flexibility to the Zoning Administrator is also granting
24 more flexibility to the wind farm developer. He said that he would personally like to see this
25 balanced with greater protection for the landowners by creating greater separation distances of
26 1,500 feet, which is what the ZBA originally recommended, and property value guarantees. He
27 said that if there is no true impact on property values, as the wind farm developers have claimed,
28 then there should be no problem with such a guarantee but if there is an impact then the County
29 is stepping in and doing the right thing for the long time residents of the County. He said that he
30 would see this as a balance in giving flexibility to the developer offset by protection to the
31 landowners.
32
33 Mr. Schildt noted that when he comes to the microphone to address staff and the Board he is not
34 criticizing but requesting clarification. He said that paragraph 6.1.1A.2., under Item #20, Revise
35 paragraphs 6.1.1A.1. through 5, indicates the following: The site reclamation plan shall be
36 binding upon all successors of title to the land. Prior to the issuance of a SPECIAL USE Permit
37 for such NON-ADAPTABLE STRUCTURES, the landowner shall also record a covenant
38 incorporating the provisions of the site reclamation plan on the deed subject to the LOT,
39 requiring that the reclamation work be performed and that a letter of credit be provided for
40 financial assurance. Mr. Schildt stated that this does make the landowner responsible for site
41 reclamation if all else fails.

1
2 Mr. Hall stated that testimony during the California Ridge case indicated that there is an
3 agreement between the wind farm company and the landowner that makes the wind farm
4 company liable for reclamation.
5
6 Mr. Thorsland stated that those agreements are private agreements.
7
8 Mr. Schildt stated that someone who signs a lease agreement in Champaign County to have a
9 turbine on their land is also potentially incurring a liability that could exceed the payments on
10 their lease. He said that if for some reason all else fails and the landowner is forced to implement
11 a reclamation plan they will incur a heavy expense. He said that paragraph 6.1.1A.2 confines this
12 explicitly into law indicating that the landowner is, in fact, ultimately responsible for executing
13 the reclamation plan.
14
15 Mr. Hall stated that this is not the actual intent. He said that the intent is to always have
16 “landowner or applicant” because it must be made clear that the applicant is the one that will be
17 held liable for reclamation but the landowner has to be willing to grant access to the property if
18 decommissioning is required. He said that this is one thing that was specifically referenced in the
19 reclamation agreement for California Ridge but he does not know if such needs to be put into the
20 Ordinance anywhere because he is not sure how to compare the agreement to what needs to be in
21 the Ordinance.
22
23 Mr. Schildt stated that he specifically remembers someone asking Mr. Blazer if the landowner
24 was ultimately responsible for reclamation and Mr. Blazer stated yes, and that ultimately the
25 applicant only has a lease on the land and if everyone else takes a hike the landowner would
26 indeed be responsible.
27
28 Mr. Hall stated that he does not recall Mr. Blazer’s exact testimony.
29
30 Mr. Schildt stated that he is not indicating that paragraph 6.1.1A.2 is wrong he is just trying to
31 understand the text. He said that Item #23, revised paragraph 6.1.1A.12. on page A-10 of
32 Attachment A. Revised Draft Example Amendment, of the January 27, 2012, Preliminary
33 Memorandum, states the following: Upon transfer of any property subject to a letter of credit
34 pursuant to this Section, the new owner of record shall submit a new irrevocable letter of credit
35 of same or greater value to the Zoning Administrator, prior to legal transfer of title, and shall
36 submit a new site reclamation plan, pursuant to Section 6.1.1A.4.a. and for WIND FARMS,
37 Section 6.1.4.P. Once the new owner of record has done so, the letter of credit posted by the
38 previous owner shall be released and the previous owner shall be released from any further
39 obligations under the site reclamation plan. Mr. Schildt asked if “owner” is referring to the
40 property or the wind farm and the towers. He asked if it is the landowner who is responsible for
41 providing the letter of credit and site reclamation plan or the wind farm operator.

1
2 Mr. Hall stated that the intention in paragraph 6.1.1.A. is to always have “landowner or
3 applicant” and never have reference to the landowner only.
4
5 Mr. Schildt stated that paragraph 6.1.1A.12 refers to property owner therefore he was curious
6 who paragraph 6.1.1A.12 is referring to.
7
8 Mr. Hall stated that he hopes to make it clear in the next version of the amendment.
9
10 Mr. Schildt stated that these are just a few things that have popped out to him during his review.
11
12 Mr. Hall stated that Mr. Schildt is probably going to have questions that he is not going to try to
13 answer although Mr. Schildt is welcome to pass his questions on to the State’s Attorney. Mr.
14 Hall stated that he would never present himself as an attorney therefore he will not try to answer
15 some of Mr. Schildt’s questions.
16
17 Mr. Schildt stated that he appreciates Mr. Hall’s comments.
18
19 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to
20 present testimony in this case and there was no one.
21
22 Mr. Thorsland closed the witness register for tonight’s meeting.
23
24 Mr. Thorsland stated that the Board should review Attachment H. Revised Draft Amendment
25 with staff. He asked the Board if there were any questions or comments regarding Attachment H.
26
27 Mr. Hall stated that Item #2.d on page H-4 regarding subparagraph 6.1.1A.6 includes text
28 indicating “or applicant.” He said that there are other places where the same text needs to be
29 inserted in Section 6.1.1.
30
31 Mr. Thorsland asked if staff could request clarification from the State’s Attorney that the
32 statement in paragraph 6.1.4S.1.(c)(3) regarding noise impacts should be included or omitted.
33
34 Mr. Hall stated that staff will check with the State’s Attorney regarding the omitted text in the
35 revision. Mr. Hall said that Mr. Joel Fletcher, Assistant State’s Attorney sends his regrets to the
36 Board for not attending tonight’s meeting but he had a prior commitment. Mr. Hall stated that if
37 the Board would like to have Mr. Fletcher attend the next meeting they should indicate such so
38 that he can notify Mr. Fletcher. Mr. Hall stated that the State’s Attorney’s time is very limited
39 and if his presence is not absolutely required he will not attend the next meeting so that he may
40 continue to work on other County matters.
41

1 Ms. Capel stated that Mr. Fletcher's presence is not required at the next meeting because if the
2 Board does have any questions they can convey those questions to Mr. Hall for clarification by
3 Mr. Fletcher.
4
5 Mr. Courson, Mr. Thorsland and Mr. Miller agreed with Ms. Capel.
6
7 Mr. Thorsland suggested that the Board read through Attachment H, Revised Draft Amendment,
8 included on the February 2, 2012, Supplemental Memorandum, a few times prior to the next
9 hearing for Case 701-AT-11. He directed the Board to page H-9, Item 3.g. for determination of
10 the frequency of updating the financial assurance for one or two years after year 13. Mr.
11 Thorsland stated that he believes that the two year requirement is sufficient because compiling
12 the data every year would lead to great expense. He said that the Board can wait until the next
13 meeting to decide but he believes that staff would like to have an answer tonight.
14
15 Mr. Hall stated that the Board does not need to make a decision tonight but if the Board gets a
16 definite opinion by the next meeting he would appreciate it if the Board would write down some
17 justifications for their determination.
18
19 Mr. Courson stated that once the wind farm company had their variables listed out all they would
20 have to do is insert the new cost estimates which should not be over burdensome for a company
21 of this size. He said that the wind farm corporations are rather large and they employ a lot of
22 people to do this type of stuff therefore it should not be tremendously expensive. He said that
23 whether the frequency is one or two years is arbitrary because it is just a number that was plucked
24 out of the air.
25
26 Mr. Hall stated that he is not concerned so much about the costs for the wind farm company but
27 he is concerned about the work load on the Zoning Administrator because this is not something
28 for the rest of the zoning department but is something that the Zoning Administrator is going to
29 have to be involved in and it will take priority.
30
31 Mr. Courson stated that if the submitted estimates do not fluctuate by a large amount from the
32 earlier submittals then there is no reason to increase the frequency but if there is a large
33 fluctuation then perhaps a shorter frequency should be considered.
34
35 Mr. Hall asked Mr. Courson if perhaps the County could require it every year if the conditions
36 could be indentified to justify why such frequency is necessary.
37
38 Mr. Courson stated that if they have a standard deviation off the average that is widely variable
39 from time to time then it probably should be reviewed every year.
40
41 Mr. Thorsland stated that perhaps a percentage that would trigger an annual review would be

1 necessary.
2
3 Mr. Hall stated that he has considered such a trigger but does not know how it should be
4 specified.
5
6 Mr. Courson stated that he understands the extra work load on the Zoning Administrator but if it
7 is not needed from past examples then the frequency could be every three years. He said that if
8 each estimate comes in within 2% each time then it appears redundant to require it every year.
9
10 Mr. Hall stated that as quickly as a year passes by three years becomes almost a lifetime because
11 there have been times when there have been three different Zoning Administrators in three years
12 time. He said that if we could identify the conditions under which one year would be warranted
13 then it would just be an issue that it has to be done therefore the wind company will just have to
14 do it but he does not know if those conditions can be identified.
15
16 Mr. Thorsland requested the Board's preference.
17
18 Mr. Courson stated that he is not a statistician so he could not tell the Board what percentage the
19 County should be looking at for a deviation of a standard.
20
21 Mr. Thorsland stated that the last big swing in salvage value was in 2008 to which it went very
22 low but since then salvage value has incrementally trickled back up to well above what the value
23 was before 2008.
24
25 Mr. Courson stated that there are other variables that will be considered also such as labor rates.
26 He said that if there is a stagnant labor wage that goes on for ten years or a building boom occurs
27 or high inflation that pushes labor wages way up then a huge fluctuation could occur which
28 would deviate the previous estimates.
29
30 Mr. Thorsland asked the Board if there were any other questions regarding the revised
31 amendment.
32
33 Mr. Hall advised the Board that there are some numbering issues which must be corrected. He
34 said that Item #3.c which is located at the bottom of page H-7 also incorporates Item #3.d. which
35 is located on page H-8. He said that the bolded text for Item #3.d should be eliminated and the
36 underlined text should remain and be absorbed into Item #3.c.
37
38 Mr. Hall stated that new subparagraph 6.1.4P.4.(b)(4), located on page H-9, should be moved to
39 page H-8 and the existing Items #6.1.4.P.4.(b)(4), #6.1.4.P.4.(b)(5) and #6.1.4.P.4.(b)(6) should
40 be renumbered accordingly. He said that subparagraph 6.1.4P.4.(b)(4) was included in the legal
41 like this therefore we can make that change. He said that existing Item #3.f on page H-9 is 3.e in

1 the legal and 3.g. is 3.f in the legal and 3.h. is 3.g. in the legal and likewise on down. He said
2 that once the changes are made in Attachment H. the text is accurately reflected in the legal
3 advertisement. He said that Attachment G. is the clean version of proposed paragraph 6.1.1A.
4

5 Mr. Thorsland asked staff and the Board if they would like to continue Case 701-AT-11 to the
6 February 16, 2012, meeting finalizing it on March 1st or would they prefer to reserve March 1st
7 exclusively for this case.
8

9 Mr. Hall stated that he believes that the case should be continued to the February 16th meeting.
10 He said that the question with Case 691-S-11 is whether it will be at the ZBA on February 16th or
11 not and if it is that case will take most of the meeting although Case 701-AT-11 is more
12 important than 685-AT-11 therefore he requested that the Board continue Case 701-AT-11 to the
13 February 16th meeting. He said that the Board may not have any time to spend on Case 701-AT-
14 11 at the February 16th meeting and it all depends on how Case 691-S-11 works out. He said that
15 the March 15th meeting has a full agenda and likewise for March 29th and April 12th therefore
16 staff has proposed a special meeting for March 1st. He said that if the special meeting would just
17 be for Case 701-AT-11 the Board could wait to see what happens on February 16th and then
18 decide whether or not a special meeting is warranted on March 1st. He said that staff has
19 tentatively reserved the Lyle Shields Meeting Room for March 1st.
20

21 Mr. Thorsland asked Mr. Hall, the petitioner, if a continuance date for Case 701-AT-11 on
22 February 16th was acceptable.
23

24 Mr. Hall stated yes.
25

26 Mr. Thorsland entertained a motion to continue Case 701-AT-11 to the February 16th meeting.
27

28 **Mr. Courson moved, seconded by Ms. Capel to continue Case 701-AT-11 to the February**
29 **16, 2012, meeting. The motion carried by voice vote.**
30

31 **7. Staff Report**

32 None
33

34 **8. Other Business**

35 **A. October, November and December 2011 Monthly Report**
36

37 Mr. Hall distributed the October, November, December 2011 Monthly Reports for the Board's
38 review. He said that if the Board has any questions he would be happy to address those questions.
39 He said that the Summary Report for Fiscal Year 2011 indicates that 2011 was nearly identical to
40 Fiscal Year 2010 but with one less new zoning case. He said that both years had a low number of
41 cases and the fact that we now have an Associate Planner back on board means that even if we only

1 have 22 cases in Fiscal Year 2012 it is going to be a better year for the Zoning Administrator.

2
3 Mr. Hall stated that the department goes through periods where it receives a lot of cases in one
4 month and very few the next therefore it is difficult to see any trend. He said that permitting in 2011
5 continued to be up from 2010 by 20% which is a meaningful difference. He said that 20% on cases
6 would be a difference of four and that would be a big difference.

7
8 **B. FOIA training**

9
10 Mr. Thorsland noted that the website indicated on the handout which was included in the mailing
11 packet for tonight's meeting is not a good website for access therefore staff e-mailed all Board
12 members a new website for access to the FOIA training.

13
14 Mr. Hall stated that the training goes fairly quickly and it should take less than an hour to complete.

15
16 **C. Review of ZBA Docket**

17
18 Mr. Thorsland requested that the Board notify staff of any future absences so that it may be noted on
19 the docket.

20
21 **9. Audience Participation with respect to matters other than cases pending before the**
22 **Board**

23
24 None

25
26 **10. Adjournment**

27
28 **Mr. Courson moved, seconded by Mr. Miller to adjourn the meeting. The motion carried by**
29 **voice vote.**

30
31 The meeting adjourned at 7:30 p.m.

32
33
34
35
36 Respectfully submitted

37
38
39
40
41 Secretary of Zoning Board of Appeals

CASE NO. 701-AT-11

SUPPLEMENTAL MEMORANDUM
FEBRUARY 10, 2012

Champaign
County
Department of

Petitioner: **Zoning Administrator**

Prepared by: **John Hall, Zoning Administrator**
Andy Kass, Associate Planner

**PLANNING &
ZONING**

Brookens

Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 6.1.4 D.1. to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.

Part B. Revise paragraph 6.1.4 F. as follows:

1. Revise subparagraph 6.1.4F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.
2. Delete subparagraph 6.1.4 F.1. u.
3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and repair Agreement with the appropriate highway authority.

Part C. Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.

Part D. Add new subparagraph 6.1.4 E.7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.

Part E. Revise subparagraph 6.1.4 S.1.(c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval.

Part F. Strike the requirement for "reclamation agreement" for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of "site reclamation plan" and add certain other related requirements as follows:

1. In Section 3 revise the definition of "NON-ADAPTABLE STRUCTURE" to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
2. Make the following revisions to paragraph 6.1.1A.:
 - a. Strike references to "reclamation agreement" and replace with "site reclamation plan"
 - b. Revise subparagraphs 6.1.1 A. 1. through 5 as follows:
 - (1) Require a site reclamation plan for NON-ADAPTABLE STRUCTURES.
 - (2) Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.
 - (3) Limit consideration of salvage value to be as limited by paragraph 6.1.4P.
 - c. Revise subparagraph 6.1.1A.6. to strike "120 days" and replace with "180 days" and insert "or applicant" after "landowner".
 - d. Revise paragraph 6.1.1A. to add other related requirements.
3. Revise paragraph 6.1.4P. as follows:
 - a. Revise paragraph 6.1.4P. to strike references to "reclamation agreement" and replace with "site reclamation plan".
 - b. Delete subparagraphs 6.1.4P.3. (d), (e), and (f) and add new subparagraphs to require the following:

- (1) At the time of decommissioning a Roadway Use and Repair Agreement.
 - (2) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.
- c. Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan.
- d. Insert new subparagraph 6.1.4 P.4.(b) to require the following:
- (1) Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards.
 - (2) Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any deconstruction costs.
 - (3) Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.
 - (4) Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.
 - (5) Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.
- e. Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values.
- f. Revise paragraph 6.1.4P. to add other related requirements.

* NOTE: The description of the Request has been simplified from the legal advertisement. See the legal advertisement on pages 14 – 17 on the Finding of Fact and Final Determination.

STATUS

This case was continued from the February 2, 2012, ZBA hearing. A Finding of Fact and Final Determination are attached separately. Attached to the Finding of Fact and Final Determination are the full legal advertisement and the proposed amendment. The proposed amendment has had minor changes and these changes are underlined and can be found on pages 20, 21, 22, 25, and 26.

ATTACHMENT

A Finding of Fact and Final Determination (attached separately)

PRELIMINARY DRAFT

701-AT-11

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

Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: February 16, 2012

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

- Part A. Revise paragraph 6.1.4 D.1. to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.
- Part B. Revise paragraph 6.1.4 F. as follows:
1. Revise subparagraph 6.1.4F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.
 2. Delete subparagraph 6.1.4 F.1. u.
 3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and repair Agreement with the appropriate highway authority.
- Part C. Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.
- Part D. Add new subparagraph 6.1.4 E.7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.
- Part E. Revise subparagraph 6.1.4 S.1.(c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval.
- Part F. Strike the requirement for "reclamation agreement" for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of "site reclamation plan" and add certain other related requirements as follows:
1. In Section 3 revise the definition of "NON-ADAPTABLE STRUCTURE" to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
 2. Make the following revisions to paragraph 6.1.1A.:
 - a. Strike references to "reclamation agreement" and replace with "site reclamation plan"
 - b. Revise subparagraphs 6.1.1 A. 1. through 5 as follows:

PRELIMINARY DRAFT

- (1) Require a site reclamation plan for NON-ADAPTABLE STRUCTURES.
- (2) Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.
- (3) Limit consideration of salvage value to be as limited by paragraph 6.1.4P.
- c. Revise subparagraph 6.1.1A.6. to strike "120 days" and replace with "180 days" and insert "or applicant" after "landowner".
- d. Revise paragraph 6.1.1A. to add other related requirements.
3. Revise paragraph 6.1.4P. as follows:
 - a. Revise paragraph 6.1.4P. to strike references to "reclamation agreement" and replace with "site reclamation plan".
 - b. Delete subparagraphs 6.1.4P.3. (d), (e), and (f) and add new subparagraphs to require the following:
 - (1) At the time of decommissioning a Roadway Use and Repair Agreement.
 - (2) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.
 - c. Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan.
 - d. Insert new subparagraph 6.1.4 P.4.(b) to require the following:
 - (1) Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards.
 - (2) Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any deconstructions costs.
 - (3) Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.
 - (4) Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.
 - (5) Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.
 - e. Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values.
 - f. Revise paragraph 6.1.4P. to add other related requirements.

*** NOTE: The description of the Request has been simplified from the legal advertisement. See the legal advertisement on pages 14 - 17.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 2, 2012, and February 16, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to improve the regulations set forth for wind farms in the *Champaign County Zoning Ordinance*.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

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

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

The proposed amendment is not directly related to Goal 1 and should **NOT BE RELEVANT** to Goal 1.

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

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

Goal 2 has two objectives and three policies. The proposed amendment is not directly related to Goal 2 but should **HELP ACHIEVE** Goal 2 because it should **HELP ACHIEVE** objective 2.1 that states that Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region, for the following reasons:

- A. The proposed amendment should **HELP ACHIEVE** objective 2.1 by the text amendment process whereby municipalities and townships with planning commissions are notified of any proposed text amendment and have the right to provide comments or even protest any text amendment.

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

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

Goal 3 has three objectives and no policies. The proposed amendment is not directly related to Goal 3 and should **NOT BE RELEVANT** to Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment is directly related to Goal 4 and should **HELP ACHIEVE** Goal 4 because wind farms provide added income to farmers and landowners through rent payments of land by the wind farm.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

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

The proposed amendment should ***NOT BE RELEVANT*** to Goal 5 because Goal 5 relates to urban land use and a wind farm is not an urban land use.

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

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

The proposed amendment should ***NOT BE RELEVANT*** to Goal 6 in general because the proposed amendment does not change anything in regards to specific policies supporting Goal 6 although the proposed amendment should result in a more thorough overall consideration of public safety in some land resource management decisions related to wind farm development.

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

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

The proposed amendment should ***NOT BE RELEVANT*** to Goal 7 in general.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

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

The proposed amendment ***IS NECESSARY TO ACHIEVE*** Goal 8 because the proposed amendment ***IS NECESSARY TO ACHIEVE*** objective 8.4 that states, **Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation** because Part D of the proposed amendment will require a permanent soil erosion and sedimentation plan to be submitted for all WIND FARM TOWER sites and access roads and site remediation requirements in the event of decommissioning. Soil erosion and sedimentation plans will prevent the loss of important soils on wind farm sites and the buildup of sediment in waterways. In the event of decommissioning, site remediation requirements will ensure that the site of a WIND FARM TOWER will be able to be put to productive use after decommissioning.

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

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

The proposed amendment ***IS NECESSARY TO ACHIEVE*** Goal 9 because the amendment is directly related to the development and use of wind farms which are a renewable energy source.

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

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

Goal 10 is **NOT RELEVANT** to the proposed amendment because the proposed amendment only affects the development of WIND FARMS or WIND FARM TOWERS.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not directly related to this purpose although the changes proposed should further this purpose in general because Part F of the proposed amendment will improve the decommissioning requirements for wind farms and other non-adaptable structures and thereby reduce the chance that such uses will blight the landscape and affect neighboring property values. Compared to the financial assurance provided for the California Ridge Wind Farm, future wind farm financial assurance will increase under the proposed amendment. California Ridge had to provide a letter of credit for \$1.9 million for decommissioning. Under the proposed amendment, which limits the amount of salvage value that can be considered in financial assurance California Ridge would have had to provide a letter of credit of \$4.9 million for decommissioning.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is not directly related to this purpose although some of the changes in Part B of the proposed amendment may help lessen the impact that decommissioning may have on streets.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose although the changes proposed in Part D should further this purpose in general because of the proposed

requirement of erosion and sedimentation control plan to be submitted for all WIND FARM TOWER sites and access roads.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is directly related to this purpose because Part A of the proposed amendment will promote public safety and general welfare by requiring design compliance, Part B of the proposed amendment will protect the general welfare of the County by ensuring that the road agreement process occurs at the correct time, Parts C and D of the proposed amendment will promote the general welfare of the County by ensuring adequate documentation of wildlife and natural resources, Part E of the proposed amendment will promote the general safety, health, welfare, and comfort of the County by ensuring that changes in turbine site distances are acceptable, and Part F of the proposed amendment will promote the general welfare of the County by protecting the County from paying for decommissioning itself.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into

districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is directly related to this purpose because the proposed amendments are improvements to the Champaign County Zoning Ordinance regarding wind farm requirements which were identified during the public hearing process for the California Ridge Wind Farm (Case: 696-S-11).

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not directly related to this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is directly related to this purpose because the changes proposed are the minimum standards for wind energy development in Champaign County. Part A of the proposed amendment will contribute to safety of development by requiring design compliance certificates to be submitted prior to receiving a Zoning Compliance Certificate. Part B of the proposed amendment will contribute to efficiency of development by requiring a road use a repair agreement to be made with appropriate highway authorities at the time of decommissioning.

REGARDING OTHER RELEVANT EVIDENCE

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:

{OTHER EVIDENCE MAY BE ADDED AS IT BECOMES APPARENT}

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **February 2, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** LRMP goals 8 and 9 (see items 13 and 14 on page 6).
 - B. The proposed Zoning Ordinance text amendment will also ***HELP ACHIEVE*** LRMP goals 2 and 4 (see items 7 and 9 on page 5).
 - C. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of the other LRMP goals 1, 3, 5, 6, 7, and 10.
2. The proposed text amendment {***WILL / WILL NOT***} improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see item 16 on pages 7-10).

DOCUMENTS OF RECORD

1. Application dated November 17, 2011, and as amended thereafter.
2. Preliminary Memorandum with attachments:
 - A Case Description of the Legal Advertisement for Case 701-AT-11
 - B Memo to the Champaign County Board Committee of the Whole dated January 4, 2012, with attachments.
3. Supplemental memorandum dated February 2, 2012, with attachments:
 - A Case Description from the Legal Advertisement for Case 701-AT-11
 - B Resolution No. 7966 (partial) Granting A Special Use Permit Zoning Case 696-S-11 California Ridge Wind Farm
 - C Excerpts from the Illinois Administrative Code regarding IDNR Agency Action Report (included separately)
 - D Proposed Standards for Soil Backfill for Excavated Foundation
 - E *Citizen's Guide to Farmland Reclamation*. IDNR Office of Mines and Minerals. (included separately)
 - F Reclamation Agreement Case 696-S-11 (California Ridge Wind Farm) Received November 2, 2011 (Includes Base Decommissioning Cost Estimate dated October 6, 2011) (included separately)
 - G Proposed Paragraph 6.1.1A.
 - H Revised Proposed Amendment
4. Supplemental memorandum dated February 10, 2012, with attachment:
 - A Finding of Fact and Final Determination

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 701-AT-11** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

LEGAL ADVERTISEMENT

CASE: 701-AT-11

Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 6.1.4 D.1. to require that documentation of design compliance with applicable industry standards be submitted prior to receiving a Zoning Compliance Certificate for either a WIND FARM or for any single WIND FARM TOWER.

Part B. Revise paragraph 6.1.4 F. as follows:

1. Revise subparagraph 6.1.4F.1. to require that agreements between the Applicant and the County Engineer shall not be forwarded to the County Board before the special use permit is forwarded and that all other agreements shall be executed prior to the close of the public hearing before the BOARD.
2. Delete subparagraph 6.1.4 F.1. u.
3. Add new subparagraph 6.1.4 F. 3. to require at the time of decommissioning a Roadway Use and repair Agreement with the appropriate highway authority.

Part C. Revise paragraph 6.1.4 J. to require the Applicant to submit a copy of the Agency Action Report or the Detailed Action Report, if applicable that is submitted to the Endangered Species Program of the IDNR as well as the response from IDNR.

Part D. Add new subparagraph 6.1.4 E.7. to require that a permanent soil erosion and sedimentation plan be submitted for all WIND FARM TOWER sites and access roads.

Part E. Revise subparagraph 6.1.4 S.1.(c)(3) to authorize flexibility in the locations of WIND TOWERS from what is indicated on the site plan provided that the final locations comply with any required waivers or special conditions of approval.

Part F. Strike the requirement for “reclamation agreement” for NON-ADAPTABLE STRUCTURES and WIND FARMS and replace with a requirement of “site reclamation plan” and add certain other related requirements as follows:

1. In Section 3 revise the definition of “NON-ADAPTABLE STRUCTURE” to include a WIND TURBINE TOWER and a WIND FARM TOWER as currently defined in Section 3.
2. Make the following revisions to paragraph 6.1.1A.:
 - a. Revise existing paragraph 6.1.1A. to strike references to “reclamation agreement” and replace with “site reclamation plan”; and replace references to 6.1.1C. with references to 6.1.1A.
 - b. Revise subparagraphs 6.1.1 A. 1. through 5 as follows:
 - (1) Require a site reclamation plan for NON-ADAPTABLE STRUCTURES.
 - (2) Replace “developer” with “applicant”.

- (3) Require the site reclamation plan to be binding upon all successors of title to the land and require reclamation work be performed and that a letter of credit be provided for financial assurance.
 - (4) Limit consideration of salvage value to be as limited by paragraph 6.1.4P.
 - (5) Require the site reclamation plan to provide for any environmental remediation require by State or Federal law.
 - c. Add new subparagraph 6.1.1A.7.e. that specifies that abandonment includes when a court of law or arbiter or mediator or any State or Federal agency charged with enforcing the law has made a finding that a non-adaptable structure or supporting structures or any related erosion controls constitutes a public nuisance or violates the law or when such State or Federal agency imposes an administrative sanction related to use of the structure or denying the a permit necessary for lawful operation.
 - d. Revise subparagraph 6.1.1A.6. to strike “120 days” and replace with “180 days” and insert “or applicant” after “landowner”.
 - e. Revise subparagraph 6.1.1 A. 11.b. to require payment of all administrative and ancillary costs associated with drawing upon the financial assurance and performing reclamation work.
 - f. Revise paragraph 6.1.1 A. 12. to require a new site reclamation plan be submitted upon transfer of any property subject to a letter of credit.
 - g. Add new subparagraphs 6.1.1 A. 13. & 14. to require:
 - (1) The applicant to provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator.
 - (2) In the event that a site reclamation plan is deemed invalid by a court of competent jurisdiction the SPECIAL USE permit shall be deemed void.
3. Revise paragraph 6.1.4P. as follows:
 - a. Revise paragraph 6.1.4P. to strike references to “reclamation agreement” and replace with “site reclamation plan”.
 - b. Delete subparagraphs 6.1.4P.3. (d), (e), and (f) and add new subparagraphs to require the following:
 - (1) At the time of decommissioning a Roadway Use and Repair Agreement.
 - (2) Evidence of any new, additional, or substitute financing or security agreement.
 - (3) The work in the site reclamation plan shall be done before abandoning the WIND FARM or prior to ceasing production of electricity from the WIND FARM, after it has begun, other than in the ordinary course of business.
 - (4) Payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required.
 - (5) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches and require that replacement soil shall meet specified minimum standards of soil quality; depth; compaction; and drainage.

PRELIMINARY DRAFT

- (6) The WIND FARM SPECIAL USE Permit shall be void if the site reclamation plan is deemed invalid by a court of competent jurisdiction.
 - (7) The obligation to complete the site reclamation plan and to pay all associated costs shall be independent of the obligation to provide financial assurance.
 - (8) The liability to complete the site reclamation plan or any breach of the site reclamation plan requirement shall not be capped by the amount of the financial assurance.
 - (9) Permission from the Zoning Administrator before removing equipment or property credited to salvage value without concurrent replacement of something of equal or greater value.
- c. Revise subparagraph 6.1.4 P.4. (a) to require an irrevocable letter of credit and an escrow account as financial assurance to be provided for the site reclamation plan and make the last sentence new subparagraph 6.1.4P.4.(c).
- d. Insert new subparagraph 6.1.4 P.4.(b) to require the following:
- (1) Authorize salvage value to be deducted from decommissioning costs, subject to meeting specified standards of either maintaining the WIND FARM TOWERS free and clear of liens and encumbrances or deducting the amount of any liens or encumbrances from the salvage value credit or requiring any and all financing or financial security agreements subject to the covenant required by paragraph 6.1.1A.2; and require proof of compliance as required by the Zoning Administrator
 - (2) Add requirements for determining estimated net salvage value based on the average salvage price of the past five years and including any costs of dismantling or demolishing, transportation, or other similar costs that will serve to reduce the net salvage value.
 - (3) Add a limit of 70% for the amount of estimated salvage value that may be deducted from estimated decommissioning costs.
 - (4) Require the site reclamation plan to provide for legal transfer of the STRUCTURE to the demolisher should the reclamation work be performed.
 - (5) Limit the maximum allowable credit for the salvage value of any WIND FARM TOWER to no more than the estimated decommissioning cost of removal of the above ground portions of that WIND FARM TOWER.
- e. Renumber existing paragraph 6.1.4 P.4.(b) to become new paragraph 6.1.4 P.4.(e) and revise to require equal annual installments of cash deposits in an escrow account.
- f. Renumber existing subparagraph 6.1.4 P.4. (b)(5) to become new subparagraph 6.1.4 P.4. (d) and revise to require regular adjustment to the amount of financial assurance to ensure that it reflects current information including any changes due to inflation or change in net salvage value by requiring an Illinois Professional Engineer to provide an updated report of estimates of decommissioning costs and salvage values once every three years for the first

- 12 years and at least every year thereafter and provide copies of the report to the Zoning Administrator; and require an anticipated life span of 25 years for a WIND FARM for purposes of financial assurance.
- g. Add new subparagraph 6.1.4 P.4.(f) to protect against a downward adjustment of salvage value and an upward adjustment of decommissioning costs and require adjustment of the financial assurance accordingly.
 - h. Revise subparagraph 6.1.4 P.5.(a) to strike references to “wind turbine” and replace with “WIND FARM TOWER” and insert the phrase “after it starts producing electricity.”
 - i. Add the following to subparagraph 6.1.4P.5.:
 - (1) A delay in construction after construction begins, of more than 6 months.
 - (2) The appearance of a state of disrepair or imminent collapse or an imminent threat to public health and safety.
 - (3) Any WIND FARM TURBINE derelict for 6 months.
 - (4) Violation of the Special Use Permit for more than 90 days.
 - (5) Failure to maintain financial assurance as required or compromising the County’s interest.
 - (6) Any material misstatement fact or misleading omission of fact by the Applicant.
 - (7) Failure to receive design certification as required.
 - j. Add new subparagraph 6.1.4P.6. to authorize the Zoning Administrator to deem a WIND FARM abandoned or some, but not all WIND FARM TURBINES and to draw upon the financial assurance to perform reclamation work for those deemed abandoned and require recalculation of decommissioning costs upon completion.
 - k. Renumber existing subparagraph 6.1.4P.6. and revise to include the phrase “Site Reclamation Plan” and strike the phrase “Site Reclamation Agreement including.”

PROPOSED AMENDMENT

Note: Changes from the February 2, 2012, version are underlined.

Part A. Revise paragraph 6.1.4 D.1. to read as follows:

- (a) WIND FARM TOWERS, turbines, and all related construction shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”), Det Norske Veritas (“DNV”), Germanischer Lloyd Wind Energy (“GL”), or equivalent third party. Documentation of compliance must be submitted prior to receiving a Zoning Compliance Certificate for either the WIND FARM or for any single WIND FARM TOWER.

Part B.

1. Revise paragraph 6.1.4F.1. to read as follows:

1. The Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer; or Township Highway Commissioner; or municipality where relevant. Agreements with the County Engineer shall not be forwarded to the County Board before the wind farm special use permit is forwarded. All other agreements shall be executed prior to the close of the public hearing before the BOARD. The signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:

2. Delete paragraph 6.1.4F.1.u. and renumber succeeding paragraphs as required.

3. Add new subparagraph 6.1.4F.3. as follows:

3. At such time as decommissioning takes place the Applicant or its successors in interest shall enter into a Roadway Use and Repair Agreement with the appropriate highway authority.

Part C. Revise paragraph 6.1.4J. to read as follows:

- J. Standard Conditions for Endangered Species Consultation
The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report or, if applicable, a copy of the Detailed Action Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

Part D. Add new paragraph 6.1.4E.7. as follows:

7. Permanent Erosion and Sedimentation Control Plan
 - (a) Prior to the approval of any Zoning Use Permit, the Applicant shall provide a permanent soil erosion and sedimentation plan for all WIND FARM TOWER sites and access roads that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.
 - (b) As-built documentation of all permanent soil erosion and sedimentation improvements for all WIND FARM TOWER sites and access roads prepared by an Illinois Licensed Professional Engineer shall be submitted and accepted by the Zoning Administrator prior to approval of any Zoning Compliance Certificate.

Part E. Revise paragraph 6.1.4S.1.(c)(3) to read as follows:

- (3) The separation of all WIND FARM structures from adjacent NON-PARTICIPATING DWELLINGS OR PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit unless the Board authorizes a lesser separation in a special condition of approval or waiver, if required that is also consistent with any required waivers of paragraph 6.1.4C. Different locations for WIND FARM structures may be provided in the site plan for the Zoning Use Permit provided that the final locations of WIND FARM TOWERS comply with any authorized waivers or special conditions of approval of the WIND FARM County Board SPECIAL USE Permit. WIND FARM structures include WIND FARM TOWERS, substations, third party transmission lines, maintenance and management facilities, or other significant structures.

Part F.

1. **In Section 3 revise the definition of “non-adaptable structure” to read as follows:**

NON-ADAPTABLE STRUCTURE: Any STRUCTURE or physical alteration to the land which requires a SPECIAL USE Permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by right or by SPECIAL USE). This term shall include, but not be limited to, a WIND TURBINE TOWER and a WIND FARM TOWER.

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2. Make the following revisions to paragraph 6.1.1A.:

a. Revise paragraph 6.1.1A. to strike references to “reclamation agreement” and replace with “site reclamation plan” and replace references to 6.1.1C. with references to 6.1.1A. and;

b. Revise paragraphs 6.1.1A.1. through 5 to read as follows:

A. Site Reclamation Plan for NON-ADAPTABLE STRUCTURES

1. In the course of BOARD review of a SPECIAL USE request, the BOARD may find that a proposed STRUCTURE is a NON-ADAPTABLE STRUCTURE. Any WIND FARM shall be a NON-ADAPTABLE STRUCTURE. The Applicant for the SPECIAL USE request for a NON-ADAPTABLE STRUCTURE shall submit a site reclamation plan to the BOARD for the subject site.
2. The site reclamation plan shall be binding upon all successors of title to the land. Prior to the issuance of a SPECIAL USE Permit for such NON-ADAPTABLE STRUCTURES, the landowner or applicant shall also record a covenant incorporating the provisions of the site reclamation plan on the deed subject to the LOT, requiring that the reclamation work be performed and that a letter of credit be provided for financial assurance.
3. Separate cost estimates for Section 6.1.1A.4.a., 6.1.1A.4.b., and 6.1.1A.4.c. shall be provided by an Illinois Licensed Professional Engineer.
 - a. Cost estimates provided shall be subject to approval of the BOARD.
 - b. Except as provided in Section 6.1.4P., the salvage value of the components of the NON-ADAPTABLE STRUCTURE shall not be credited to the cost estimates.
4. The site reclamation plan shall provide for:
 - a. removal of above-ground portion of any STRUCTURE on the subject site; site grading; and, interim soil erosion control;
 - b. below-ground restoration, including final grading and surface treatment;
 - c. any environmental remediation required by State or Federal law;
 - d. provision and maintenance of a letter of credit, as set forth in Section 6.1.1A.5.

5. No Zoning Use Permit for such SPECIAL USE will be issued until the ~~developer~~ applicant provides the COUNTY with an irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana or reasonable anticipated travel costs shall be added to the amount of the letter of credit. The irrevocable letter of credit shall be in the amount of one hundred fifty percent (150%) of an independent engineer's cost estimate to complete the work described in Section 6.1.1A.4.a., Section 6.1.1A.4.b., and Section 6.1.1A.4.c., except a different amount may be required as a standard condition in Section 6.1.4P. This letter of credit, or a successor letter of credit pursuant to Section 6.1.1A.6. or 6.1.1A.12. shall remain in effect and shall be made available to the COUNTY for an indefinite term or for a different term that may be required as a standard condition in paragraph 6.1.4P.

2c. Add new subparagraph 6.1.1A.7.e. to read as follows:

- e. A court of law, an arbitrator, mediator, or any state or Federal agency charged with enforcing State or Federal law has made a finding that either said NON-ADAPTABLE STRUCTURE or the structures supporting said NON-ADAPTABLE STRUCTURE and/or any related site grading and soil erosion controls or lack of same, constitutes a public nuisance or otherwise violates State or Federal law, or any State or Federal agency charged with enforcing State or Federal law has made a final determination either imposing an administrative sanction on any person associated with the NON-ADAPTABLE STRUCTURE relating to its use or denying the NON-ADAPTABLE STRUCTURE a permit necessary for its lawful operation.

2d. Revise subparagraph 6.1.1A.6. as follows:

6. One hundred eighty (180) days prior to the expiration date of an irrevocable letter of credit submitted pursuant to this Section, the Zoning Administrator shall notify the landowner or applicant in writing and request information about the landowner's or applicant intent to renew the letter of credit, or remove the NON-ADAPTABLE STRUCTURE. The landowner or applicant shall have thirty (30) days to respond in writing to this request. If the landowner's or applicant intention is to remove the NON-ADAPTABLE STRUCTURE, the landowner or applicant will have a total of ninety (90) days from the date of response to remove it in accordance with Section 6.1.1A.4.a. At the end of ninety (90) days, the Zoning Administrator shall have a period of sixty (60) days to either:

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- a. confirm that the bank has renewed the letter of credit; or
- b. inspect the subject property for compliance with Section 6.1.1A.4.a.;
- c. draw on the letter of credit and commence the bid process to have a contractor remove the NON-ADAPTABLE STRUCTURE pursuant to Section 6.1.1A.4.a.

2e. Revise paragraph 6.1.1A.11.b. to read as follows:

- b. pay all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work, which shall include, but not be limited to, attorney's fees; construction management and other professional service fees; and the costs of preparing request for proposal and bidding documents required to comply with state law or Champaign County purchasing policies; and

2f. Revise paragraph 6.1.1A.12. to read as follows:

- 12. Upon transfer of any property subject to a letter of credit pursuant to this Section, the new owner or applicant of record shall submit a new irrevocable letter of credit of same or greater value to the Zoning Administrator, prior to legal transfer of title, and shall submit a new site reclamation plan, pursuant to Section 6.1.1A.4.a., and, for WIND FARMS, Section 6.1.4P. Once the new owner or applicant of record has done so, the letter of credit posted by the previous owner or applicant shall be released, and the previous owner shall be released from any further obligations under the site reclamation plan.

2g. Add new subparagraphs 6.1.1A.13. & 14. to read as follows:

- 13. The Applicant shall provide evidence of any new, additional, or substitute financial assurance to the Zoning Administrator throughout the operating lifetime of the NON-ADAPTABLE STRUCTURE.
- 14. Should the site reclamation plan, or any part of it, be deemed invalid by a court of competent jurisdiction, the associated SPECIAL USE permit shall be deemed void.

3. Revise 6.1.4P. as follows:

- a. **Revise paragraph 6.1.4P. to strike references to "reclamation agreement" and replace**

with “site reclamation plan”.

b. Delete paragraphs 6.1.4P.3.(d), (e), and (f) and add new paragraphs 6.1.4P.3.(d) through (m) as follows:

- (d) A stipulation that at such time as decommissioning takes place the applicant or it’s successors in interest are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.
- (e) A stipulation that the Applicant shall provide evidence of any new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.
- (f) A stipulation that the Applicant shall be obliged to perform the work in the site reclamation plan before abandoning the WIND FARM or prior to ceasing production of electricity from the WIND FARM, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance, and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land
- (g) The site reclamation plan shall provide for payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney’s fees; construction management and other professional service fees; and the costs of preparing request for proposals and bidding documents required to comply with state law or Champaign County purchasing policies.
- (h) The depth of removal of foundation concrete below ground shall be a minimum of 54 inches. The depth of removal of foundation concrete shall be certified in writing by an Illinois Licensed Professional Engineer and the certification shall be submitted to the Zoning Administrator.
- (i) The hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:
 - i. The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original WIND FARM construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.

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- ii.* The native soils excavated at the time of the original WIND FARM construction may be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the WIND FARM. The methods for storing the excavated native soils during the operating lifetime of the WIND FARM shall be included in the site reclamation plan.
- iii.* If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.
- iv.* An Illinois Licensed Professional Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.
- (j) A stipulation that should the site reclamation plan be deemed invalid by a court of competent jurisdiction the WIND FARM SPECIAL USE Permit shall be deemed void.
- (k) A stipulation that the Applicant's obligation to complete the site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.
- (l) A stipulation that the liability of the Applicant's failure to complete the site reclamation plan or any breach of the site reclamation plan requirement shall not be capped by the amount of the financial assurance.
- (m) If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value or if the Applicant installs equipment or property increasing the cost of decommissioning after the WIND FARM begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the

salvage value the Applicant shall promptly notify the Zoning Administrator. In either of these events the total financial assurance shall be adjusted to reflect any change in total salvage value and total decommissioning costs resulting from any such removal or installation.

3c. Revise paragraph 6.1.4P.4.(a) and insert new paragraph 6.1.4P.4.(b) and renumber existing paragraphs as required as follows:

3d. Insert new paragraph 6.1.4P.4.(b) as follows:

4. To comply with paragraph 6.1.1A.5., the Applicant shall provide financial assurance in the form of an irrevocable letter of credit and an escrow account as follows:
 - (a) At the time of Special Use Permit approval the amount of financial assurance to be provided for the site reclamation plan shall be 210% of the decommissioning cost as determined in the independent engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1A.4.a. and 6.1.1A.4.b. and 6.1.1A.4.c.
 - (b) Net salvage value may be deducted from decommissioning costs as follows:
 - (1) One of the following standards shall be met:
 - i.* The Applicant shall maintain the WIND FARM TOWERS free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or
 - ii.* The Applicant shall deduct from the salvage value credit the amount of any lien or encumbrance on each WIND FARM TOWER; or
 - iii.* Any and all financing and/or financial security agreements entered into by the Applicant shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1.A.2 that the reclamation work be done.
 - (2) The Applicant shall provide proof of compliance with paragraph 6.1.4P.4.(b)(1) prior to issuance of any Zoning Use Permit and upon every renewal of the financial assurance and at any other time upon the request of the Zoning Administrator.
 - (3) The Applicant shall provide in the site reclamation plan for legal transfer of the STRUCTURE to the demolisher to pay the costs of reclamation work, should the reclamation work be performed.

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- (4) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the tower, the hub assembly, the bed plate, the nacelle, the turbine, the blades, the tower cabling and internal wiring, the transformers, the foundation, and access roads.
- (5) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound engineering judgment as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.
- (6) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.
- (7) The credit for net estimated salvage value attributable to any WIND FARM TOWER may not exceed the estimated cost of removal of the above-ground portion of that WIND FARM TOWER on the subject site.

- (c) The GOVERNING BODY has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.

3e. Renumber existing paragraph 6.1.4P.4.(b) to become new paragraph 6.1.4P.4.(e) and revise the first part of the existing paragraph as follows:

- (e) The applicant or WIND FARM owner shall gradually pay down the value of the irrevocable letter of credit by placing cash deposits in an escrow account in equal annual installments over the first 13 years of the WIND FARM operation as follows:

3f. Renumber existing paragraph 6.1.4P.4.(b)(5) to become new paragraph 6.1.4P.4.(d) and revise as follows:

- (d) The Applicant shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:

- (1) At least once every three years for the first 12 years of the financial assurance and at least once every {1 or 2} years thereafter the Applicant shall use an independent Illinois Licensed Professional Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.
- (2) At all times the total combined value of the irrevocable letter of credit and the escrow account shall equal or exceed the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the WIND FARM was approved; and an amount for any future years left in the anticipated 25 year life span of the WIND FARM at an assumed minimum rate of inflation of 3% per year.

3g. Add new paragraph 6.1.4P.4.(f) as follows:

- (f) Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.4P.4.(d), the amount to be placed in the escrow account pursuant to this paragraph 6.1.4P.4. shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.

3h. Revise paragraph 6.1.4P.5.(a) to read as follows:

- (a) In the event that any WIND FARM TOWER or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such WIND FARM TOWER or component.

3i. Add the following to paragraph 6.1.4P.5.:

- (c) There is a delay in the construction of any WIND FARM TOWER of more than 6 months after construction on that WIND FARM TOWER begins.
- (d) Any WIND FARM TURBINE appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.
- (e) Any WIND FARM TURBINE is otherwise derelict for a period of 6 months.

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- (f) The WIND FARM is in violation of the terms of the WIND FARM SPECIAL USE permit for a period exceeding ninety (90) days.
- (g) The Applicant has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY's interest in the site reclamation plan.
- (h) The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.
- (i) The Applicant has either failed to receive a copy of the certification of design compliance required by paragraph 6.1.4D.1.(a) or failed to submit it to the County within 12 consecutive months of receiving a Zoning Use Permit regardless of the efforts of the Applicant to obtain such certification.

3j. Add new paragraph 6.1.4P.6. as follows:

- 6. The Zoning Administrator may, but is not required to, deem the WIND FARM abandoned, or the standards set forth in Section 6.1.4P.5 met, with respect to some, but not all, of the WIND FARM TURBINES in the WIND FARM. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to those WIND FARM TURBINES only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining WIND FARM TURBINES in the WIND FARM.

3k. Renumber existing paragraph 6.1.4P.6. and revise as follows:

- 7. The Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit and evidence of the escrow account must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.



GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

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

Goal 2 Objectives**Objective 2.1 Local and Regional Coordination**

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies**Objective 2.1 Local and Regional Coordination**

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

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

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

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

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

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for *Discretionary Review* Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

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

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

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

- The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:
- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
 - b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
 - c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1 5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

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

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2 2

The County will:

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

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

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

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

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

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development on good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.