

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **June 27, 2013**
Time: **7:00 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
5. Continued Public Hearings
6. New Public Hearings

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

***Case 749-V-13** Petitioner: **Sangamon Valley Public Water District with Kerry Gifford, General Manager**

Request: **Authorize a County Board Variance from Subsection 13.2.1A.4 that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District.**

Location: **An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.**

***Case 752-S-13** Petitioner: **Premier Cooperative Incorporated with board members Art Farley, Joseph Kuntz, Bill Stierwalt, Kim Jolley, Kenneth Heiser, Stephen Hettinger, Roger Miller, Pat Feeney, Jim Kleiss, Douglas Hansens, John G. Murray, Dwight Huffstutler, Maury Busboom, and corporate officers Roger Miller, Jeff Breen, James Deters**

Request: **Authorize the following as a Special Use in the I-1 Light Industry Zoning District:**

Part A. Authorize multiple principal uses and buildings on the same lot for bulk fuel storage, fertilizer sales and storage, and grain elevator operations and storage.

Part B. Authorize bulk fuel storage as "Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate" as a special use with a waiver of the standard condition for a minimum lot size of 5 acres.

Part C. Authorize the replacement of an existing nonconforming grain elevator that is 120 feet in height.

Part D. Authorize the construction and use of two grain dryers that are 120 feet in height.

Part E. Authorize the construction and use of a grain elevator with a wet grain leg that is 185 feet in height and a dry grain leg that is 185 feet in height.

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
JUNE 27, 2013**

***Case 752-S-13 cont:**

Location: **A 57.98 acre tract of land located in the Northeast Quarter of the Northwest Quarter of Section 34 of Tolono Township and in the North One-Half of the Northeast Quarter of Section 34 of Tolono Township and commonly known as the United Prairie Fertilizer sales and storage facility and the Premier Cooperative grain elevator at 949 CR 700N, Tolono.**

***Case 753-V-13** Petitioner: **Wachstetter Farms, Inc, with owners Norman Wachstetter and Mike Wachstetter**

Request: **Authorize the following in the I-1 Light Industry Zoning District:
Part A. Variance for a front setback from Second Street of 32 feet in lieu of the minimum required 75 feet for a proposed grain bin.
Part B. Variance for a front setback from Second Street of 39 feet in lieu of the minimum required 75 feet for an existing nonconforming grain bin.
Part C. Variance for a front setback from Ferguson Street of 28 feet in lieu of the minimum required 55 feet for an existing nonconforming building.**

Location: **Lots 1, 2, 3, 4, 5, 6, and B of Block 3 of the Original Town of Foosland in the Southeast Quarter of Section 17 of Brown Township and commonly known as the Wachstetter grain elevator at 200 Main Street, Foosland.**

Case 757-AT-13 Petitioner: **Champaign County Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:
Part A. Adopt an updated Flood Insurance Study with an effective date of October 2, 2013.
Part B. Adopt updated Digital Flood Insurance Rate Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new maps can be viewed at www.illinoisfloodmaps.org
Part C. Adopt a new Special Flood Hazard Area Ordinance based on the minimum requirements of the National Flood Insurance Program (NFIP) and the State of Illinois.**

7. Staff Report
8. Other Business
 - A. Review of Docket
 - B. Cancellation of September 12, 2013, meeting
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

CASE NO. 749-V-13

PRELIMINARY MEMORANDUM

June 20, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioner: **Sangamon Valley Public
Water District**

Site Area: **3.6 acres**

Time Schedule for Development: **Existing
and Proposed**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District.**

Location: **An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.**

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

(217) 384-3708

BACKGROUND

Sangamon Valley Public Water District (SVPWD) requests a County Board Variance to authorize the Zoning Administrator to issue a Zoning Use Permit for the expansion and construction of a water treatment plant that is proposed to be located on a lot that has not received plat approval by the Village of Mahomet. Granting the Variance does not exempt the petitioner from complying with the Village of Mahomet subdivision regulations. The Variance will only allow the Zoning Administrator to issue a Zoning Use Permit to authorize construction. The Village will still be free to enforce their subdivision regulations.

The expansion of the treatment plant was authorized by the Zoning Board of Appeals in related Cases 717-AM-12, 718-S-12, and 719-V-12 on October 11, 2012. At the time those cases were approved there was optimism that the Village of Mahomet and SVPWD could come to an agreement on compliance with the subdivision regulations without annexation. The two parties have not yet come to an agreement and now SVPWD is in a position where they need to begin the process of submitting building permits in order to start construction in a timely manner to get the new treatment plant operational. SVPWD has emphasized that it is crucial to get construction started in order to capitalize on funding sources, to get the plant operational to ensure compliance with regulatory requirements, and to meet the needs of its customers.

SVPWD has maintained that they do not desire to be annexed by the Village of Mahomet and it is their belief that for subdivision approval, annexation would be required as discussed in the attached article from the Mahomet Citizen. In a letter dated May 14, 2013, from Mell Smigielski, Village Administrator, Village of Mahomet, Mr. Smigielski indicates that annexation is strongly encouraged, but is not required by any applicable Statute or Village Ordinance.

As required by Paragraph 13.2.1A.4.a. a subdivision plat for the subject property as prepared by a Licensed Illinois Surveyor in compliance with the technical platting requirements of the relevant municipal subdivision requirements has not yet been submitted by the petitioner. This requirement was added late in the process of Case 743-AT-13 and after the petitioner had submitted their application. Presumably the petitioner has not had adequate time to have a subdivision plat prepared.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. The Village does not have protest rights.

The Mahomet Township Plan Commission has been notified of this case. Townships with plan commissions have protest rights on a County Board authorized Variance.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Water Treatment Plant	AG-2 Agriculture
North	Agriculture	R-4 Multiple Family Residence
East	Residential	R-4 Multiple Family Residence
West	Residential	Village of Mahomet (R-1)
South	Agricultural/Residential	Village of Mahomet (RU, R-2, and R-3)

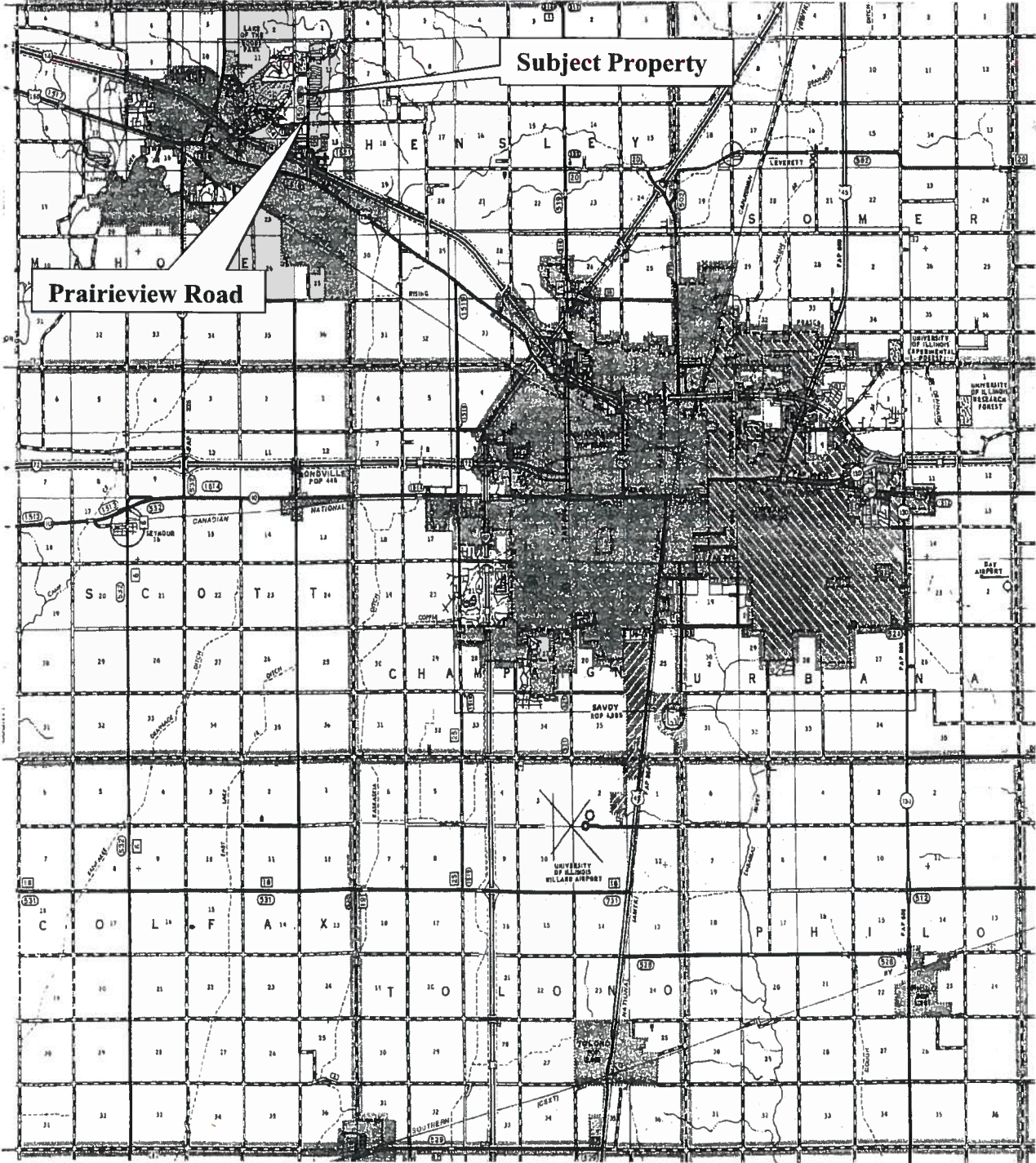
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 14, 2013
- C Letter from Mell Smigielski, Village Administrator, Village of Mahomet, received May 15, 2013
- D Mahomet Citizen Article, *Mahomet Trustees to Consider Zoning Issue*, dated October 18, 2012
- E Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

Case 749-V-13

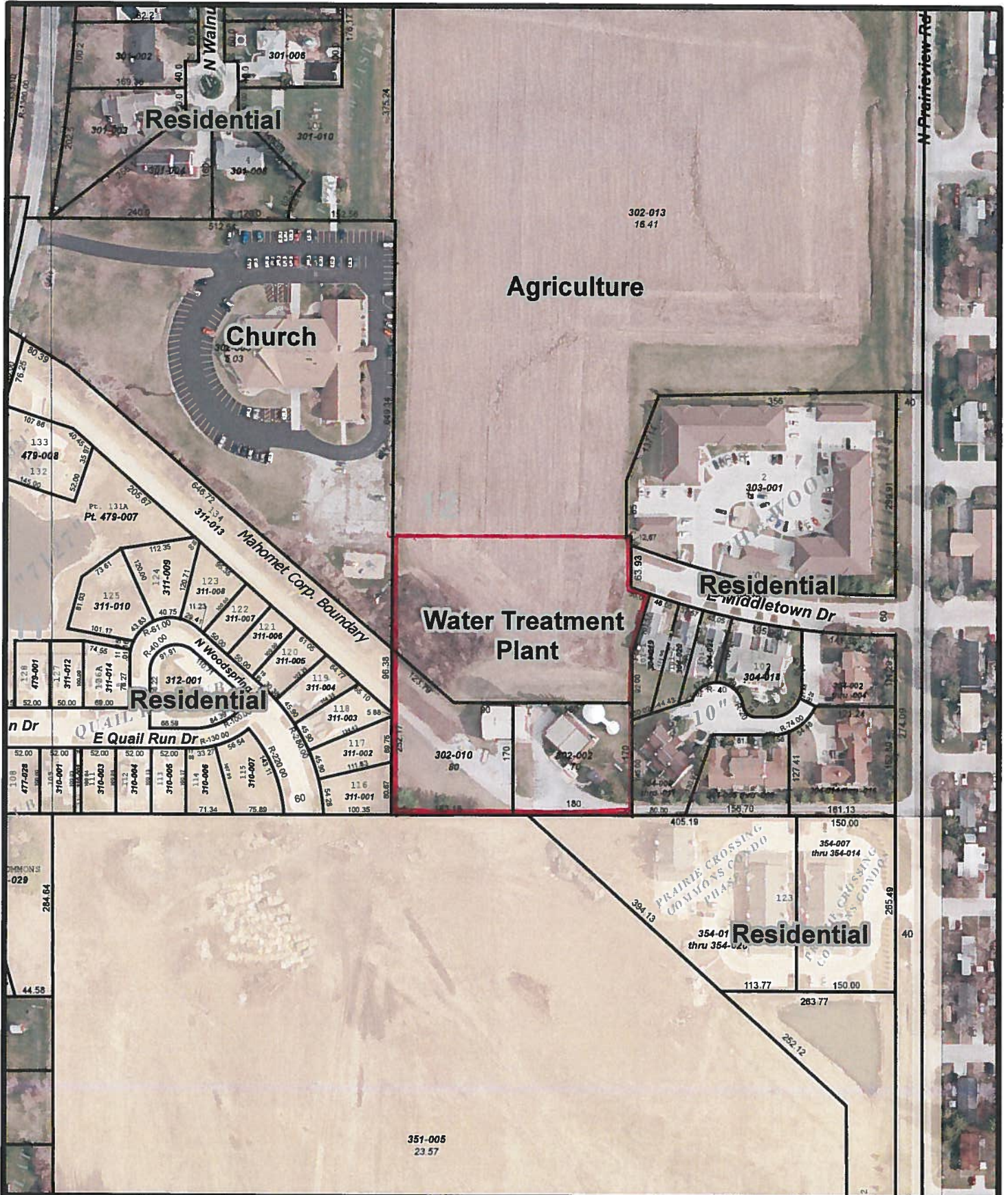
June 20, 2013



Attachment A: Land Use Map

Cases: 749-V-13

June 20, 2013



 Subject Property

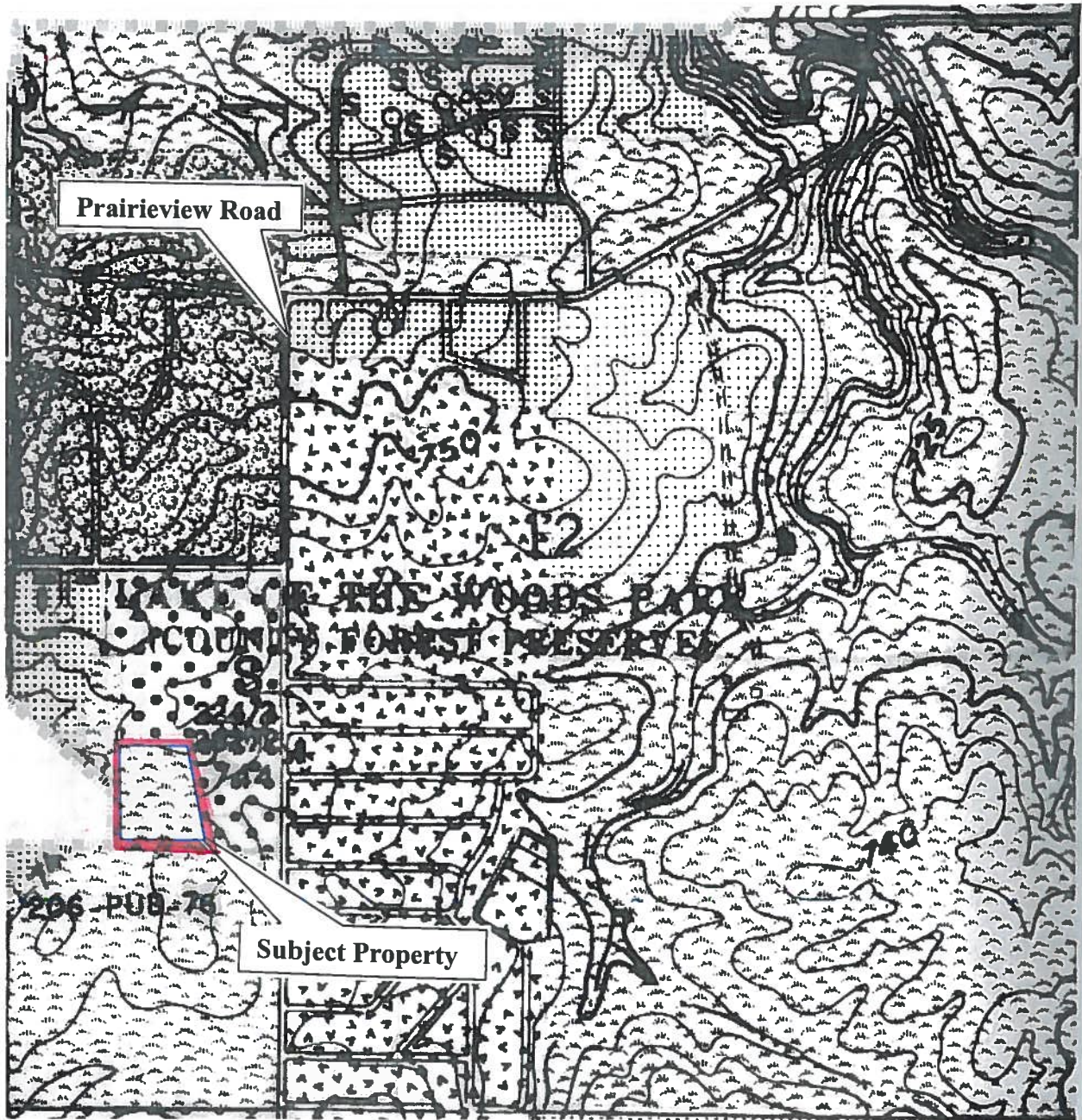
1 inch = 200 feet



ATTACHMENT A. ZONING MAP

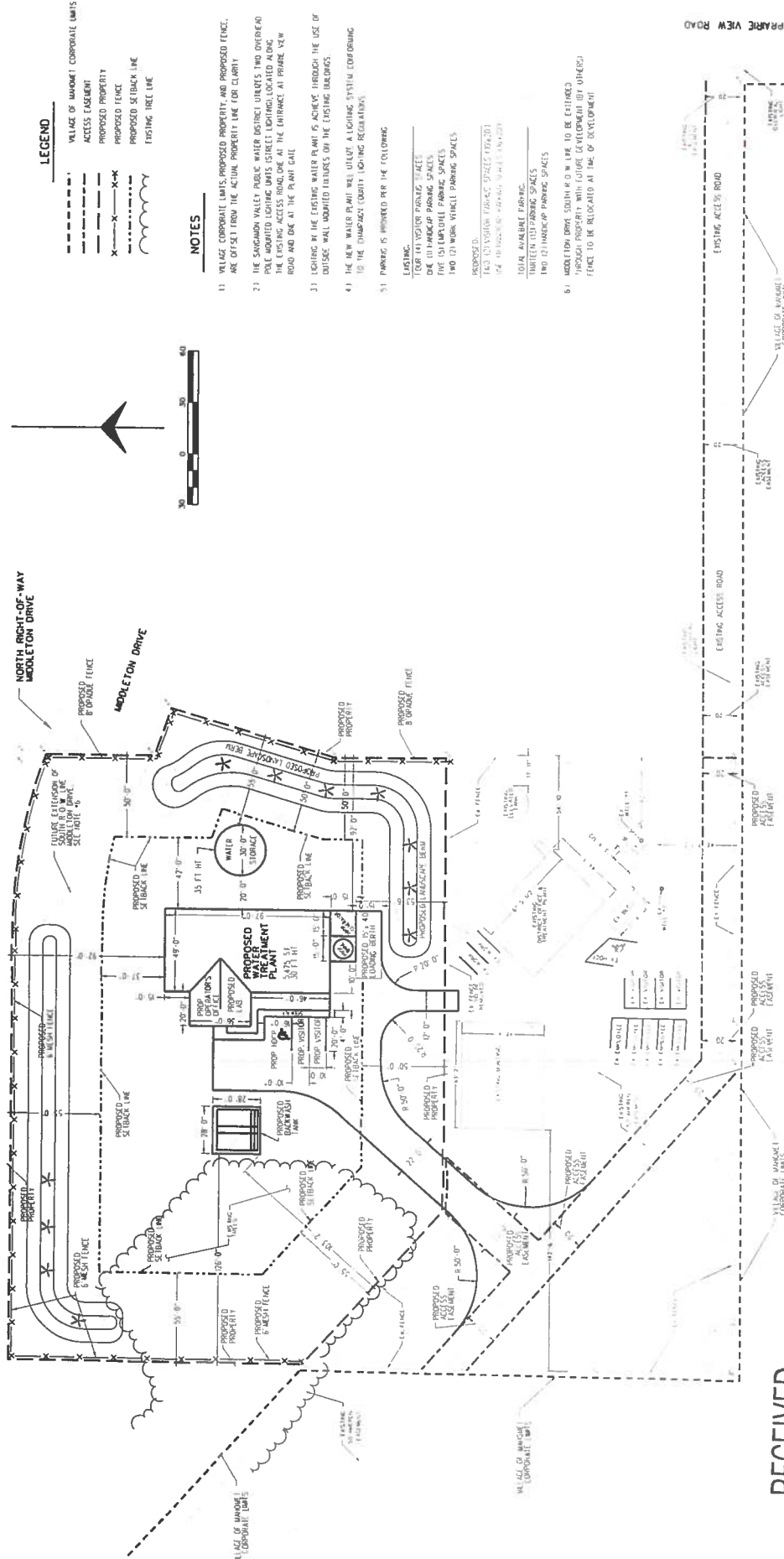
Case: 749-V-13

June 20, 2013



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

SANGAMON VALLEY PUBLIC WATER DISTRICT PROPOSED WATER TREATMENT PLANT REZONING PRELIMINARY SITE PLAN



- LEGEND**
- VILLAGE OF WASHINGTON CORPORATE LIMITS
 - - - ACCESS EASEMENT
 - - - PROPOSED PROPERTY
 - - - PROPOSED FENCE
 - - - PROPOSED SETBACK LINE
 - - - EXISTING TREE LINE

- NOTES**
- 1) VILLAGE CORPORATE LIMITS, PROPOSED PROPERTY AND PROPOSED FENCE, ARE OFFSET FROM THE ACTUAL PROPERTY LINE FOR CLARITY.
 - 2) THE SANGAMON VALLEY PUBLIC WATER DISTRICT UNLITS TWO OVERHEAD UTILITY LINES LOCATED ALONG STREET LOCATED ALONG THE EAST SIDE OF THE ENTRANCE AT PARTRIDGE VIEW ROAD AND ONE AT THE PLANT GATE.
 - 3) LIGHTING IN THE EXISTING WATER PLANT IS ACHIEVED THROUGH THE USE OF OUTSIDE WALL MOUNTED FIXTURES ON THE EXISTING BUILDINGS.
 - 4) THE NEW WATER PLANT WILL UTILIZE A LIGHTING SYSTEM CONFORMING TO THE ILLINOIS LIGHTING REGULATIONS.
 - 5) PARKING IS PROVIDED FOR THE FOLLOWING:
 - EXISTING:
 - FOUR (4) VISITOR PARKING SPACES
 - ONE (1) PROPOSED PARKING SPACES
 - ONE (1) PROPOSED PARKING SPACES
 - TWO (2) WORK VEHICLE PARKING SPACES
 - PROPOSED:
 - ONE (1) VISITOR PARKING SPACES
 - ONE (1) PROPOSED PARKING SPACES
 - ONE (1) PROPOSED PARKING SPACES
 - TOTAL AVAILABLE PARKING:
 - SIXTEEN (16) PARKING SPACES
 - TWO (2) HANDICAP PARKING SPACES
 - 6) WIDDLETON DRIVE SOUTH R.O.W. LINE TO BE EXTENDED THROUGH PROPERTY WITH FUTURE DEVELOPMENT (BY OTHERS) FENCE TO BE RELOCATED AT TIME OF DEVELOPMENT.

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TELEPHONE: 219-244-1100
FAX: 219-244-1101
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CHAMPAIGN CO. P & Z DEPARTMENT
Village of Mahomet

Office of the Village Administrator

503 E. Main Street – P.O. Box 259 – Mahomet, IL 61853-0259

Phone: (217) 586-4456 ext. 12

Fax: (217) 586-5696

E-mail: msmigielski@mahomet-il.gov

Website: <http://mahomet.govoffice.com>

May 14, 2013

Mr. John Hall
Planning & Zoning Director
Champaign County Planning and Zoning Department
Brookens Administration Center
1776 East Washington Street
Urbana, Illinois 61802

RE: SANGAMON VALLEY PUBLIC WATER DISTRICT SITE
VILLAGE OF MAHOMET, CHAMPAIGN COUNTY, ILLINOIS

Dear Mr. Hall,

This letter is intended to inform you that there appears to have been some miscommunication/misunderstanding between the Village of Mahomet and the Sangamon Valley Public Water District (SVPWD). SVPWD representatives are apparently under the mistaken impression that the Village of Mahomet Subdivision Ordinance requires annexation of any land parcel contiguous to the Village as a condition precedent to being subdivided. That impression is inaccurate in that annexation is strongly encouraged by Village policy, but is not required by any applicable Statute or Village Ordinance.

The Village understands that SVPWD has misrepresented these requirements to the County Zoning Board of Appeals, the ELUC, County Board members, and others. Hopefully this will set the record straight in this regard.

The Village also understands that the proposed expansion of the SVPWD Water Treatment Plant will involve a subdivision. The Village remains firm in its desire that SVPWD and the current landowner comply with all applicable Village Subdivision Ordinance requirements during the development process. This minimal requirement is for the protection of the various parties involved, as well as for any adjacent property owners who will be impacted by the Plant expansion.

If you have any questions, please contact me at any time.

Sincerely,

Cc: Alan Kurtz, CC Board Chair
John Jay, CC Board
Gary Maxwell, CC Board
Mayor Brown
Sean Widener, Mahomet Trustee
William Oligier, Mahomet Trustee
Andrew Harpst, Mahomet Trustee
Vicki Cook, Mahomet Trustee
Bruce Colravy, Mahomet Trustee
Bob Maht, Mahomet Village Planner


Mell Smigielski, Village Administrator

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...s," he said.



Stephanie Henry/Mahomet Citizen

Mahomet resident Aaron Tandy tries his hand at putting out a fire at the Corbett Fire Protection District open house on Thursday night. The annual event gave local residents the chance to meet firefighters and tour the department's facilities. See more photos on page 16.

Mahomet trustees to consider zoning issue

Will decide whether to protest county decision

By AMELIA BENNER
Mahomet Citizen editor

At their Tuesday night study session, the Village of Mahomet Board of Trustees heard about a complex zoning issue affecting the pending construction of a

new water treatment plant for the Sangamon Valley Public Water District. No decisions were made at the study session, as the parties involved await a meeting next Tuesday between Village and SVPWD staff.

At issue is whether the Village will make a formal protest against zoning changes for the proposed water treatment plant site that were previously approved by the Champaign County Zoning Board of Appeals.

Although the site itself doesn't lie within Village limits, it is within the mile-and-a-half "extra-

territorial jurisdiction" in which the Village has the right to protest zoning decisions.

SVPWD, which serves water customers both inside and outside the Village, as well as in Seymour and Sadorus, set plans for building a new plant in motion earlier this year. With that goal in mind, they asked the Champaign County Zoning Board of Appeals to consider changing the zoning designation of the proposed construction site from residential to agricultural.

The 2.9-acre tract in question is at 709 North Prairievew Road, north of the current treatment

plant. SVPWD had previously approached the Village about expanding to the south, and were told that this plan would require annexation by the Village under current policy.

SVPWD moved forward with zoning channels at the County level concerning the land to the north. At a series of public hearings on the issue, Village staff testified that the rezoning was inconsistent with Mahomet's goals and policies for zoning and development.

Annexation is at the heart of the issue, Village Planner Bob Mahrt said that the Village's policies for

growth occurring contiguous to its limits triggers automatic annexation of the site, whether the zoning moves forward through County or Village channels.

But SVPWD board member Bud Parkhill said that SVPWD's attorney believes that the Water district is exempt from the State Plat Act and therefore exempt from automatic annexation by the Village. The site in question is owned by Parkhill Enterprises.

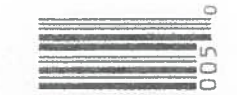
Mayor Deb Brauning said that rumors that the Village's ultimate goal is to take over water-treatment operations from SVPWD

See TRUSTEES Page 16

See CANDIDATES Page 8

...Mahomet resident...
...well, who was appointed to the...
...county board in 2011, is a retired...
...civil engineer and land surveyor...
...Eric Thorsland of rural Mahom-...
...et works as a research engineer...
...and farmer. He has served on the...
...Champaign County Zoning Board...
...of Appeals since 2007, and was an...
...unsuccessful county board can-...
...didate in 2008 and 2010.

Eugenia Lamb Watson, a nurse



0051160

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The Mahomet Citizen was named the best small weekly newspaper of its class in Illinois in 2009 and 2011.

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CHAMPAIGN COUNTY DEPARTMENT

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are untrue. "That's not a concern at this point," she said, and Village Attorney Jim Evans said that a move by the Village to take over SVPWD would be illegal anyway.

Parkhill said that he was willing to build the new plant to the design specifications that would be required under annexation—but added that he did not want to undergo the time and expense required to rezone through the Village subsequent to the annexation process, and that the water district board would prefer to move ahead at the county level.

SVPWD General Manager Kerry Gifford said that he hopes to break ground on the project by fall 2013, with financing provided by a low-interest loan from the Illinois Environmental Protection Agency.

The board will continue discussion on the matter at its regular meeting on Tuesday, Oct. 23, following the meeting between Village and SVPWD staff.

In other business, Stephen DeReus gave a report on the status of the new police pension fund, which was mandated by law when Mahomet's population topped 5,000.

DeReus said that the fund wrapped up the fiscal year valued at just over \$191,000 but with an unfunded liability of over \$1 million.

He said that the fund would continue to grow slowly thanks to unfavorable interest rates and limitations on the kinds of investments available at this point.

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CHAMPAIGN CO. P & Z DEPARTMENT

PRELIMINARY DRAFT

749-V-13

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

Final Determination: ***{GRANTED / GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: **June 27, 2013**

Petitioners: **Sangamon Valley Public Water District**

Request: **Authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 27, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Sangamon Valley Public Water District, 709 North Prairieview Road, Mahomet, owns the subject property.
2. The subject property is an approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. The Village of Mahomet has been notified of this case, but does not have protest rights on a County Board authorized Variance.
4. The subject property is within Mahomet Township, a township with a Plan Commission. The Mahomet Township Plan Commission has been notified of this case and does have protest rights.
5. Related Cases 717-AM-12, 718-S-12 and 719-V-12 were approved on October 11, 2012, by the Champaign County Zoning Board of Appeals. Case 718-S-12 authorized a Special Use Permit for the expansion of the water treatment plant with waivers of standard conditions. Case 719-V-12 authorized requested variations from Zoning Ordinance requirements.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

5. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned AG-2 Agriculture, and is in use for a water treatment plant.
 - B. Land to the north is zoned R-4 Multiple Family Residence, and is in agricultural use.
 - C. Land to the east is zoned R-4 Multiple Family Residence, and is in residential use.
 - D. Land to the west is in the Village of Mahomet, and is zoned R-1 and is in residential use.
 - E. Land to the south is in the Village of Mahomet, and is zoned RU, R-2, and R-3, and is in residential and agricultural use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

6. Regarding the site plan of the subject site:
 - A. The subject property is approximately 3.6 acres in area.
 - *B. The Site Plan received May 14, 2013, indicates the following:
 - (1) The original non-conforming water treatment plant which consists of a 61' × 44' treatment plant and District office, related smaller buildings, 12 existing parking spaces, 2 existing wells, 2 existing overhead lights, existing fencing, the existing access easement, two wells, and the 131 feet tall elevated water storage tank. All situated on a .70 acre non-conforming lot of record.
 - (2) An unauthorized 63' × 48' building to the west of the original plant that is partially on a .80 acre lot that has not been approved by the Village of Mahomet.
 - (3) The proposed expansion onto an additional 2.10 acres (rezoned in related case 717-AM-12) north of the existing property and consists of the following buildings and structures:
 - (a) A proposed 5,475 square feet treatment plant.
 - (b) A proposed 28' × 28' backwash tank.
 - (c) A proposed brine storage tank.
 - (d) A proposed 56,000 gallon ground storage tank that is 35 feet in height.
 - (e) The locations of proposed 6' to 8' in height fencing and landscape screening. The landscape screening consists of a berm on the east side and a berm along the north property line. Existing trees on the west side will be utilized as well.
 - (f) The proposed 20 feet wide access easement.
 - (g) A 15' × 40' loading berth.
 - (h) 2 parking spaces and 1 accessible parking space.
 - (i) The location of the future south Right-of-Way line of Middletown Drive in the northeast corner of the subject property.
 - (4) An existing 50 feet wide Ameren easement in the southwest corner of the subject property.

PRELIMINARY DRAFT

- (5) A note indicating that the proposed treatment plant will utilize a lighting system conforming to the Champaign County lighting requirements.
- (6) A note indicating that the fence will be relocated when the south right-of-way line of Middletown Drive is extended through the property.

* Identical Evidence from related Cases 718-S-12 and 719-V-12

- C. The requested variance is to authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) “BOARD” is the Zoning Board of Appeals of the COUNTY.
 - (2) “CONSTRUCTION” is the excavation of earth to provide for a foundation, basement or cellar; and/or, the addition to or removal from a LOT or tract of land of earth or water so as to prepare said LOT or tract of land for the CONSTRUCTION of a STRUCTURE: and/or, the act of placing or affixing a component of a STRUCTURE upon the ground or upon another such component; and/or, the placing of CONSTRUCTION materials in a permanent position and fastening in a permanent manner; and/or, the demolition, elimination, and/or removal of an existing STRUCTURE in connection with such CONSTRUCTION.
 - (3) “COUNTY” is the COUNTY of Champaign, Illinois.
 - (4) “GOVERNING BODY” is the COUNTY Board of Champaign County, Illinois.
 - (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (6) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
 - (7) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes

and bounds, into LOTS two or more in number, for the purpose, whether immediate or future of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving and new STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.

- (8) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (9) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.

B. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the BOARD or the GOVERNING BODY to make the following findings for a variance:

- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

PRELIMINARY DRAFT

- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- C. Subsection 13.2.1A.4. prohibits the Zoning Administrator from issuing Zoning Use Permits or Zoning Compliance Certificates when the CONSTRUCTION or USE violates the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations except for the following:
- (1) CONSTRUCTION or change of USE to establish or enlarge a water treatment plant or related facilities owned and operated by a predominantly rural water district when such improvements are deemed necessary to serve the public health, safety, and well being of the residents of Champaign County when that CONSTRUCTION or change of USE is required to comply with municipal SUBDIVISION regulations including the requirement for annexation to a municipality and that municipality is a non-home rule municipality and has its own water treatment plant and related facilities. The GOVERNING BODY may authorize a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations if the municipality will not consider plat approval without the requirement for annexation provided as follows:
 - (a) In addition to all other requirements of Section 9.1.9 the water district shall include with the application for VARIANCE a copy of a SUBDIVISION Plat for the subject property that has been prepared by a Licensed Illinois Surveyor in compliance with the technical platting requirements of the relevant municipal SUBDIVISION requirements but perfect compliance with the technical platting requirements shall not be required for the VARIANCE.
 - (b) The recommendation by the BOARD and the action by the GOVERNING BODY shall include a special condition that the VARIANCE shall not confer GOVERNING BODY approval or support for violation of the technical platting requirements of the relevant municipal SUBDIVISION requirements.
 - (c) The Zoning Administrator shall provide notice to the relevant municipality of the public hearing and the final determination for the VARIANCE and copies of any related Zoning Use Permit or Zoning Compliance Certificate that are authorized.
- D. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“Sangamon Valley Public Water District has an existing and adjacent water treatment plant, wells, office, and site. The proposed plant upgrade needs to be located near the existing facilities, however the current property lacks sufficient space.”**
 - B. This location has been a water treatment plant for a principally rural water district since before the Zoning Ordinance was adopted on October 10, 1973.
 - C. The existing water treatment plant must be expanded in order to provide needed water for the residents served by the Sangamon Valley Public Water District.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, **“Sangamon Valley Public Water District would like to reduce additional required property, thereby conserving the “campus” type intent of the existing site. Sangamon Valley Public Water District would like to keep its treatment site compact, efficient, and centrally located. A new site would likely consume agricultural ground elsewhere.”**
 - B. The Petitioner (Sangamon Valley Public Water District) needs to expand the existing water treatment plant in order to provide needed water for the residents of the District but without the requested variance no Zoning Use Permit can be approved until the lot has subdivision approval which would, so far as is known, also include annexation of the property.
 - C. In a letter dated May 14, 2013, from Mell Smigielski, Village Administrator, Village of Mahomet, Mr. Smigielski indicates that annexation is strongly encouraged, but is not required by any applicable Statute or Village Ordinance.
 - D. In a Mahomet Citizen article dated October 18, 2012, titled, *Mahomet Trustees to Consider Zoning Issue*, Bob Mahrt, Village Planner, Village of Mahomet, is quoted as follows: “The Village’s policies for growth occurring contiguous to its limits triggers automatic annexation of the site whether the zoning moves forward through the County or Village channels.”

PRELIMINARY DRAFT

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“No, the Sangamon Valley Public Water District site has been at its current location for over 40 years. Sangamon Valley Public Water District would like to keep the existing compact setting.”**
 - B. The petitioner has previously attempted to enter into an agreement with the Village of Mahomet where the petitioner would comply with the subdivision regulations, but without annexation to the Village.
 - C. As amended in Case 743-AT-13, The Ordinance requires submission of a preliminary plat of subdivision as evidence that the Petitioner is willing to comply with all technical planning requirements. The plat does not have to be complete.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **“The proposed site does not promote new development in outlining agricultural zones. The site keeps the existing harmony and compact development. The site does not affect natural features, while keeping hazardous treatment chemicals within the existing safety enclosures and protective fencing.”**
 - B. The proposed variance from Subsection 13.2.1A.4. of the *Zoning Ordinance* is a 100% variance.
 - C. The Zoning Ordinance does not clearly state the considerations that underlay the requirement for compliance with a municipal subdivision requirement. In general, this requirement is presumably intended to ensure the following:
 - (a) Conformance with area general plans.
 - i. Related Case 718-S-12 was revised to conform to the area general plan.
 - (b) Conformance with a municipal comprehensive plan.
 - i. This has been a treatment plant since prior to the adoption of zoning in 1973.
 - (c) The provision of necessary infrastructure.
 - i. No infrastructure is needed.

- D. The subject property conforms to all other zoning requirements subject to variance Case 719-V-12.
- E. The requested variance is not prohibited by the *Zoning Ordinance*

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **“The proposed site would utilize the existing Illinois Environmental Protection Agency (IEPA) approved chemical storage, security system, and emergency procedures. Deliveries and traffic would remain the same with the existing entrance.”**
 - B. The Township Road Commissioner and the County Engineer have received notice of this variance but no comments have been received.
 - C. The Fire Protection District has been notified of this variance but no comments have been received.
- 12. When asked on the application what other circumstances justify the Variance the Petitioner stated: **“Sangamon Valley Public Water District needs to be able to produce a safe, clean, and affordable water source to the local public. It is counterproductive to have multiple public water districts overlapping boundaries and control.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 12. Regarding proposed special conditions of approval:

No Special Conditions of Approval are proposed at this time.

DOCUMENTS OF RECORD

1. Variance Application received on May 14, 2013, with attachments:
 - A Legal Description
 - B Site Plan
2. Letter from Mell Smigielski, Village Administrator, Village of Mahomet, received May 15, 2013
3. Mahomet Citizen Article, *Mahomet Trustees to Consider Zoning Issue*, dated October 18, 2012
4. Case 717-AM-12 Case File
5. Case 718-S-12 Case File
6. Case 719-V-12 Case File
7. Case 743-AT-13 Case File
8. Preliminary Memorandum dated June 20, 2013 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received May 14, 2013
 - C Letter from Mell Smigielski, Village Administrator, Village of Mahomet, received May 15, 2013
 - D Mahomet Citizen Article, *Mahomet Trustees to Consider Zoning Issue*, dated October 18, 2012
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 749-V-13 held on **June 27, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** 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 because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

PRELIMINARY DRAFT

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}*

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested by the petitioner, **Sangamon Valley Public Water District**, in **Case 749-V-13** to **authorize a County Board Variance from Subsection 13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a municipality when the requirement for annexation to that municipality is pursuant to or is a requirement for plat approval by that municipality, for a proposed expansion of a water treatment plant and related facilities that are owned and operated by a predominately rural water district in the AG-2 District** should be *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* by the County Board.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

CASE NO. 752-S-13

PRELIMINARY MEMORANDUM

June 20, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: Premier Cooperative, Inc.

Request: Authorize the following as a Special Use in the I-1 Light Industry Zoning District on the subject property below:

- Part A. Authorize multiple principal uses and buildings on the same lot for bulk fuel storage and sales, fertilizer sales and storage, and grain elevator operations and grain storage.
- Part B. Authorize bulk fuel storage with accessory sales, as "Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate" as a special use.
- Part C. Authorize the replacement of an existing nonconforming grain elevator that is 120 feet in height.
- Part D. Authorize the construction and use of four grain storage bins of the following heights 110 feet, 118 feet, 122 feet, and 127 feet.
- Part E. Authorize the construction and use of two grain dryers that are 120 feet in height.
- Part F. Authorize the construction and use of a grain elevator with two receiving legs that are 185 feet in height, a wet grain leg that is 185 feet in height and a dry grain leg that is 185 feet in height.

Location: A 57.98 acre tract of land located in the Northeast Quarter of the Northwest Quarter of Section 34 of Tolono Township and in the North One-Half of the Northeast Quarter of Section 34 of Tolono Township and commonly known as the United Prairie Fertilizer sales and storage facility and the Premier Cooperative grain elevator at 949 CR 700N, Tolono.

Site Area: 57.98 acres

Time Schedule for Development: Post Harvest 2013 and 2014

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

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

(217) 384-3708

BACKGROUND

Premier Cooperative, Inc., owns the subject property and has proposed some updates to one of the existing uses on the property as well as adding a new use on the property. The subject property has been utilized by a number of entities over the years and various buildings and structure have been constructed by right. Until now no use on the property has triggered a special use permit until the proposed bulk fuel storage facility was proposed.

The petitioner has proposed to make improvements to the long standing grain storage and handling operation by installing 4 new grain bins, a new grain elevator and grain legs, a new scale, and new grain dryers. Some existing storage buildings will be demolished as a result of these improvements. The proposed Special Use Permit will also bring the existing nonconforming grain elevator that is 120 feet in height into compliance.

The proposed bulk fuel storage and sales facility will have three 24,000 gallon above ground storage tanks and one 10,000 underground storage tank. A building with a loading and unloading bay is also proposed. This facility must receive the appropriate permits from the Office of the State Fire Marshal to authorize construction and use of the tanks and the petitioner is still waiting to receive their permits from the Office of the State Fire Marshal. A traffic increase on CR 700N is expected as a result of this facility, but staff is unsure of how significant it will be.

Fertilizer sales and storage also occurs on the subject property and these facilities are operated by United Prairie (owned by Premier Cooperative) and United Suppliers. There are a total of 4 buildings utilized for the storage and sales of dry and liquid fertilizers. There are also six existing anhydrous ammonia tanks and three liquid nitrogen tanks on the property.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Tolono. The Village has received notice of these cases, but does not have protest rights.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Grain Elevator and Fertilizer Storage	I-1 Light Industry
North	Agriculture	AG-1 Agriculture
East	Agriculture/Residential	AG-1 Agriculture/Village of Tolono
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

STORMWATER MANAGEMENT

The petitioner must comply with the *Stormwater Management Policy* because the amount of impervious area proposed for the bulk fuel storage facility is greater than 1 acre and fits into a 90,000 square feet rectangular area with a minimum dimension of 150 feet. There is additional impervious area on the subject property that has been added since the adoption of the policy that has not provided for stormwater management. A stormwater management plan must be submitted by the petitioner that is in compliance with the *Stormwater Management Policy* before a Zoning Use Permit Application can be approved.

PROPOSED SPECIAL CONDITIONS

- A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special condition stated above is required to ensure the following:

That the drainage improvements conform to the requirements of the Stormwater Management Policy.

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed bulk fuel storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure the following:

That the proposed structure is safe and in conformance with Public Act 96-704.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special conditions stated above are required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance .

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit for the construction and/or installation of the bulk fuel storage tanks and related building until the petitioner has provided documentation indicating compliance with the *Illinois Gasoline Storage Act* as regulated and enforced by the Office of the State Fire Marshal.**

The special conditions stated above are required to ensure the following:

That the proposed bulk fuel facility will comply with State of Illinois requirements.

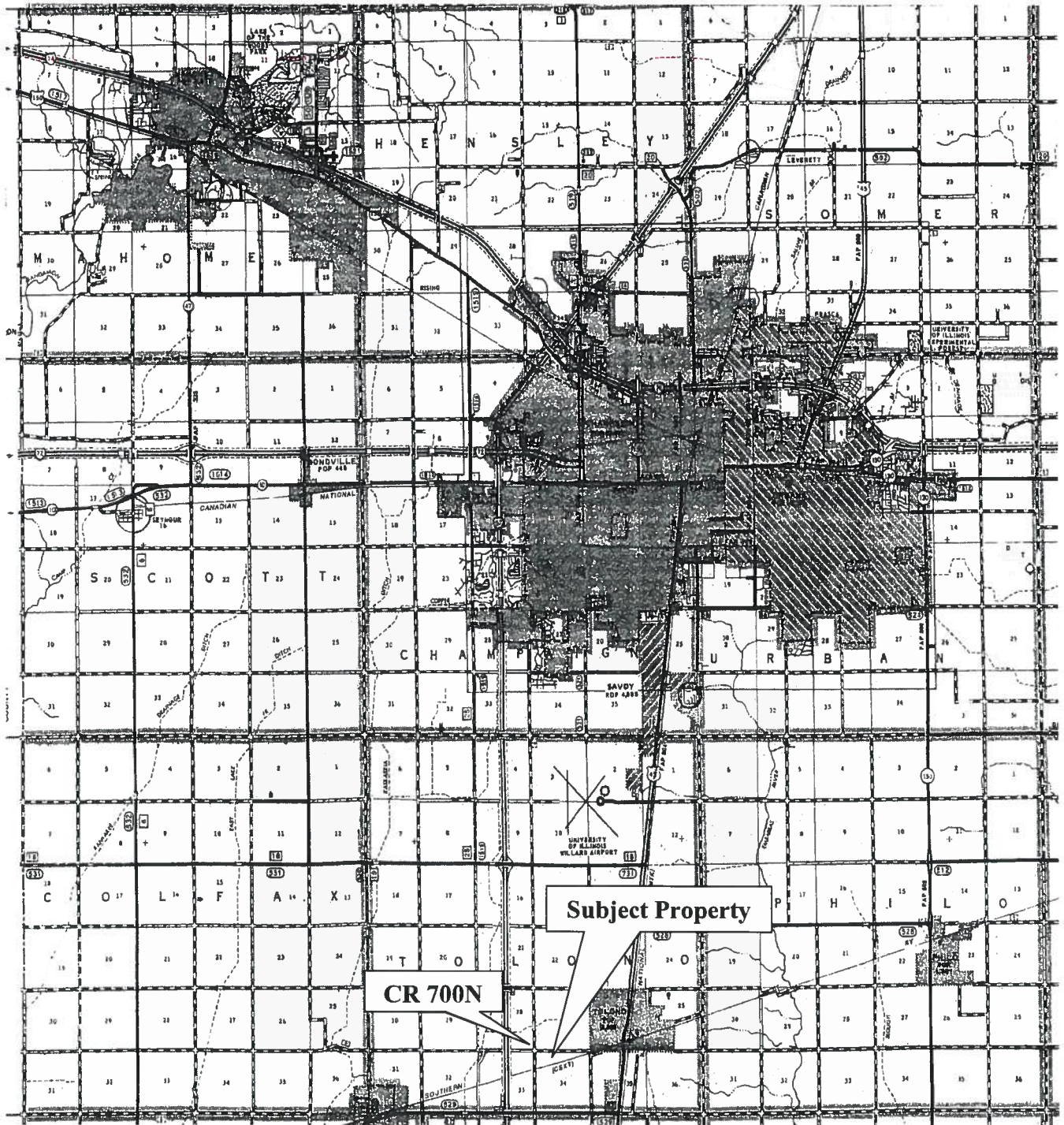
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received June 3, 2013 (included separately)
- C Annotated Site Plan (included separately)
- D Proposed Grain Elevator expansion Site Plan (Phase 1 and 2)
- E Bulk Fuel Storage Facility Site Plan, Floor Plans, and Building Diagram received May 15, 2013
- F News-Gazette Article, *Premier Cooperative to Add Bulk Fuel Facility*, dated March 1, 2013
- G Email from Robert Hahn, Airspace Specialist, IDOT, to Jeff Breen, Operations Manager, Premier Cooperative, Inc., dated May 30, 2013
- H Site Visit Photos (included separately and only to Board members and the petitioner, photos will be available on the County website)
- I Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

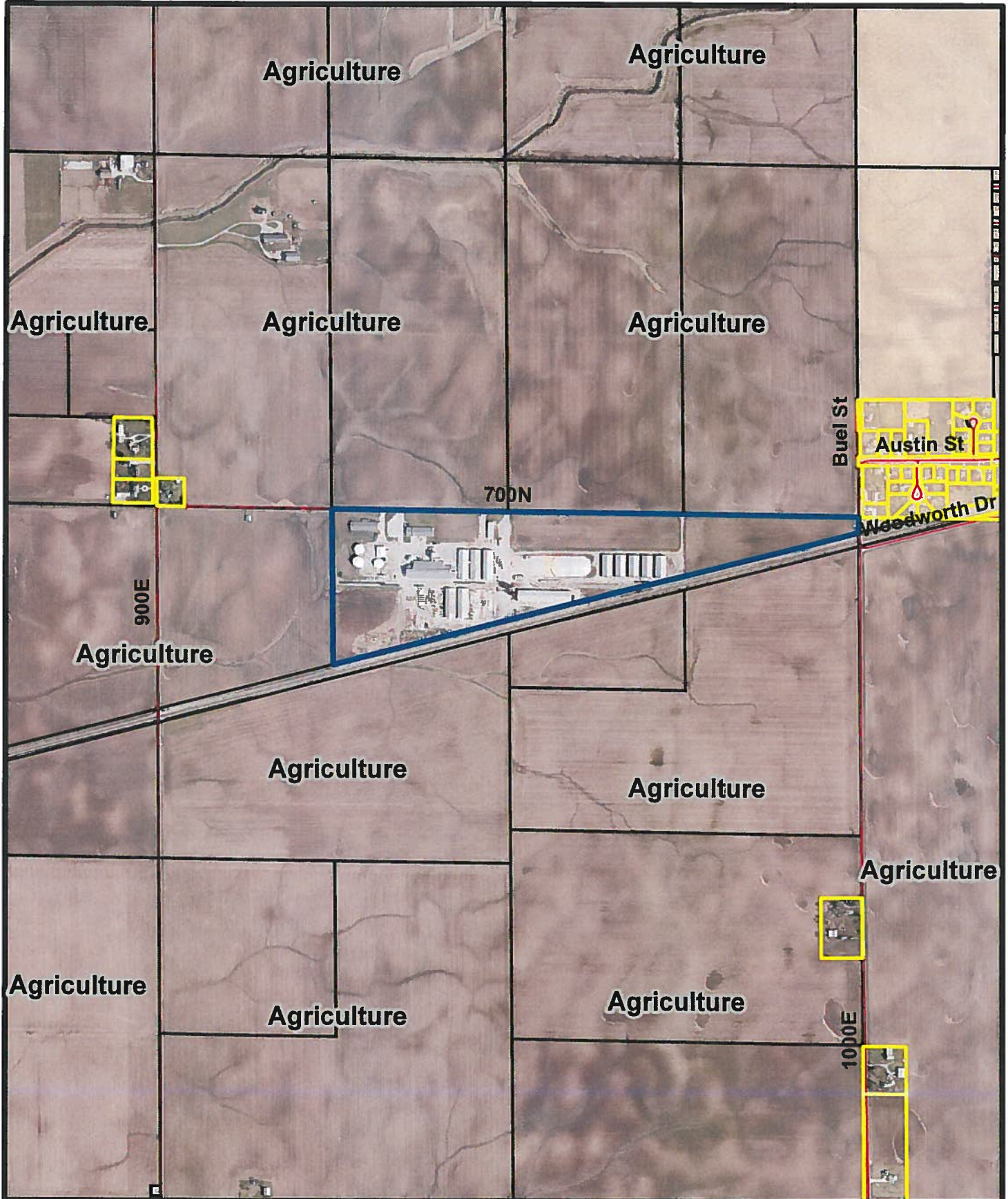
Case 752-S-13




June 20, 2013



Champaign
County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map
Case 752-S-13
June 20, 2013



-  Subject Property
-  Residential
-  Municipal Boundary

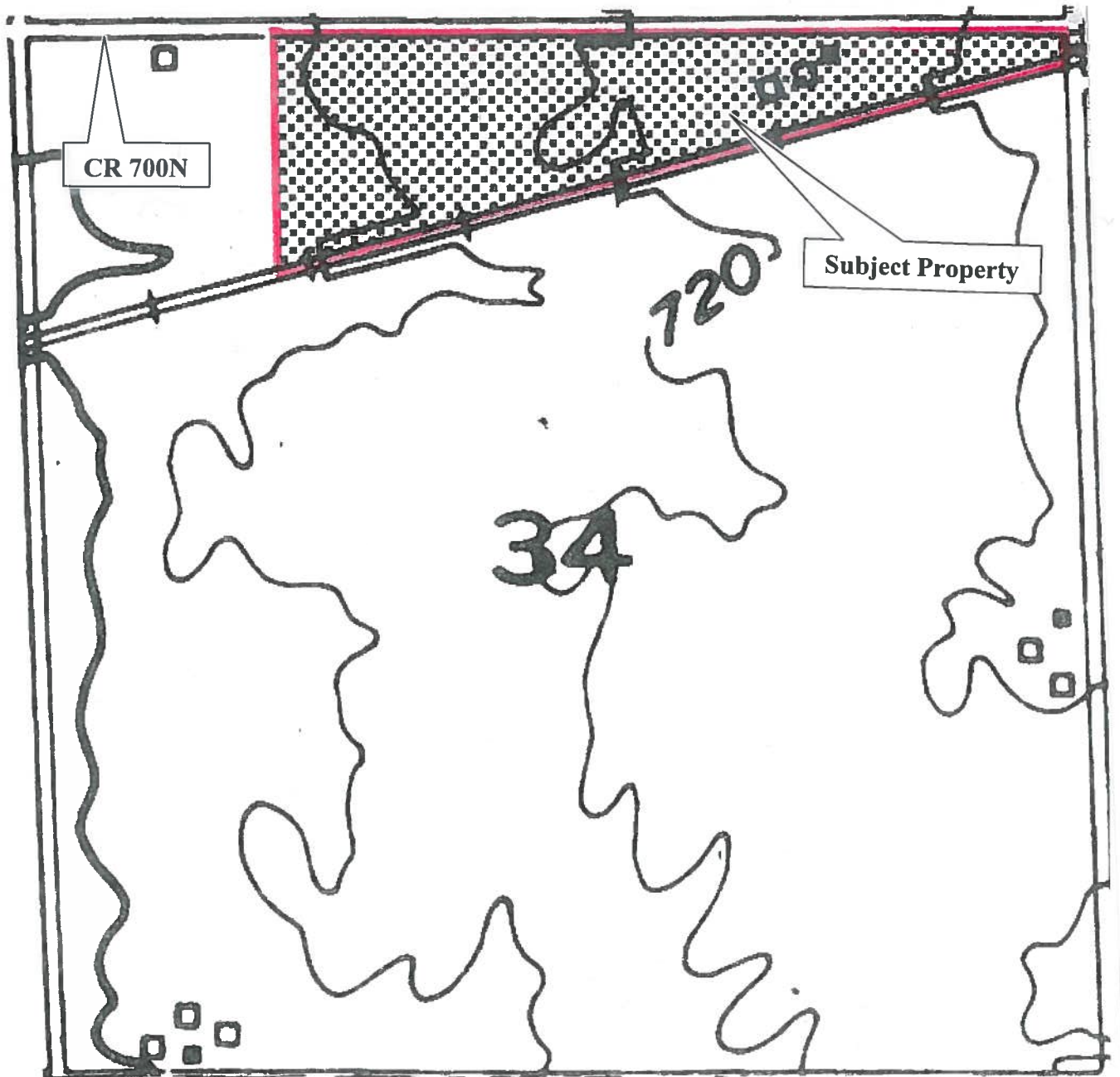
1 inch = 1,000 feet



ATTACHMENT A. ZONING MAP

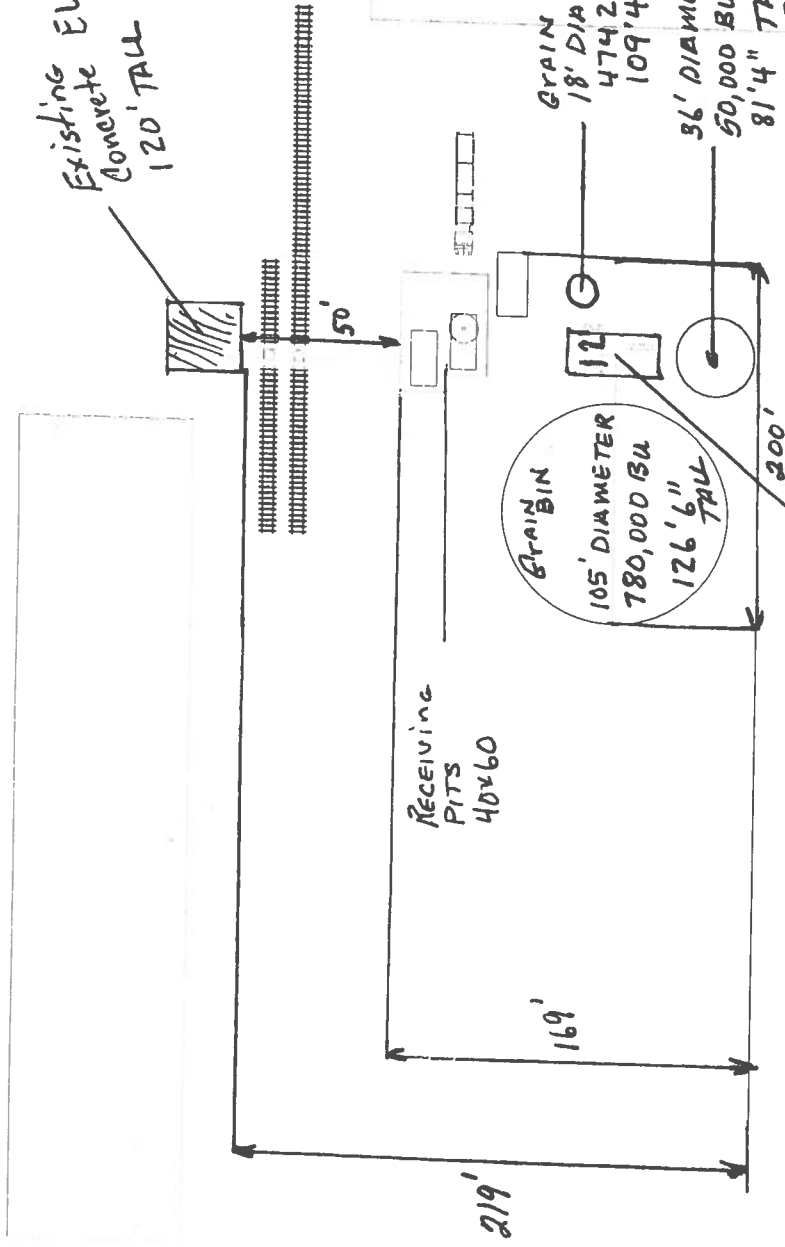
Case: 752-S-13

June 20, 2013



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

Existing ELEVATOR
Concrete
120' TALL



EXISTING SCALE

RECEIVING LEGS 2

LEG 1 - 20,000 BPH 185' TALL

LEG 2 - 20,000 BPH 175' TALL

NEW CONSTRUCTION

PHASE 1

219' x 200'

RECEIVED

MAR 26 2013

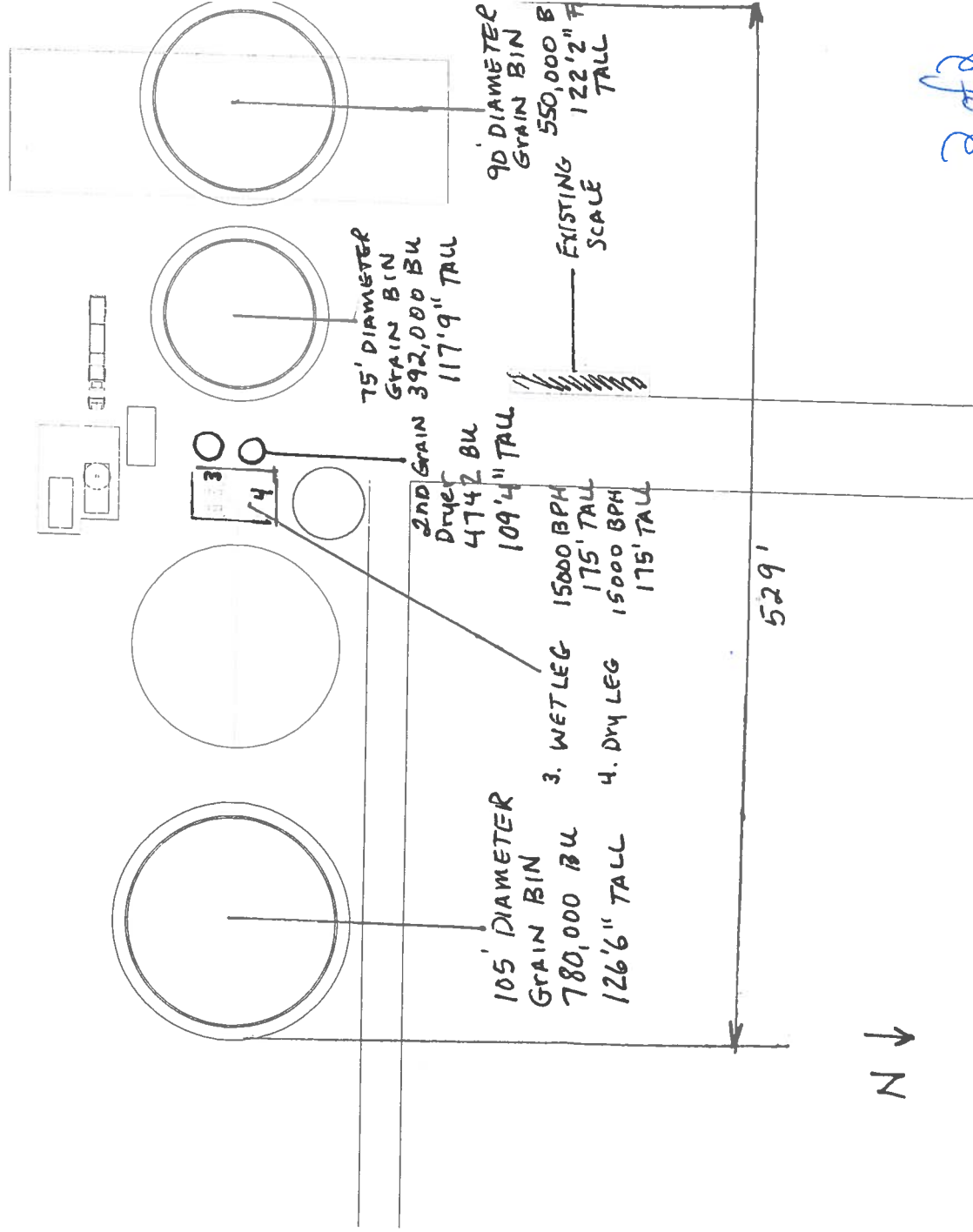
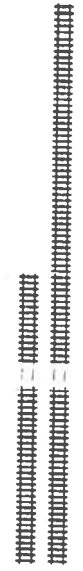
CHAMPAIGN CO. P & Z DEPARTMENT



PHASE 2

EXISTING
Concrete
ELEVATOR

120' TALL



75' DIAMETER
GRAIN BIN
392,000 BU
117'9" TALL

90' DIAMETER
GRAIN BIN
550,000 B
122'2" TALL

EXISTING
SCALE

2ND GRAIN
DRYER
4742 BU
109'4" TALL

105' DIAMETER
GRAIN BIN
780,000 BU
126'6" TALL

3. WET LEG 15000 BPH
175' TALL
4. DRY LEG 15000 BPH
175' TALL

529'

N ↓

TOTAL CONSTRUCTION
219' x 529'

RECEIVED

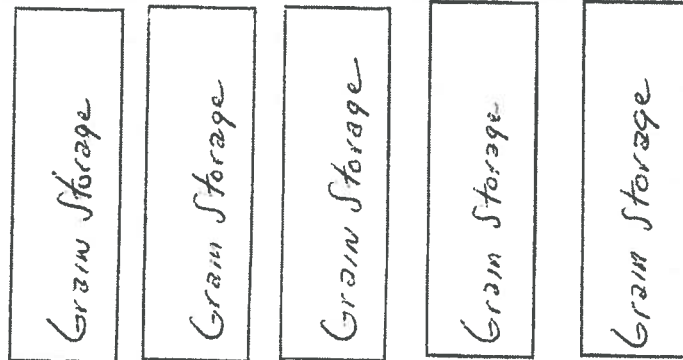
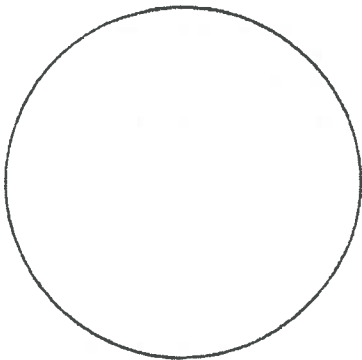
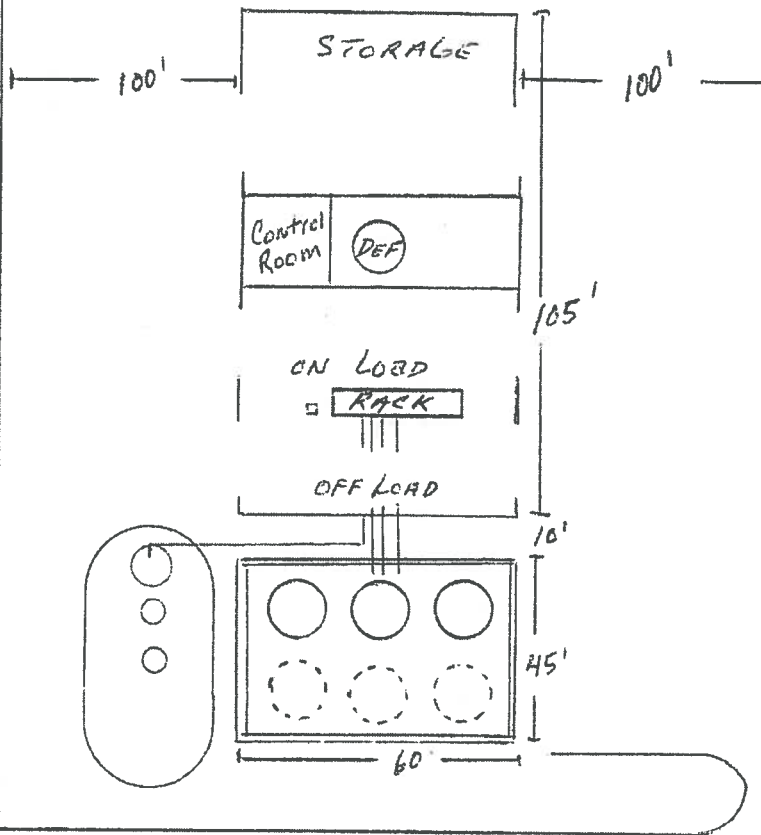
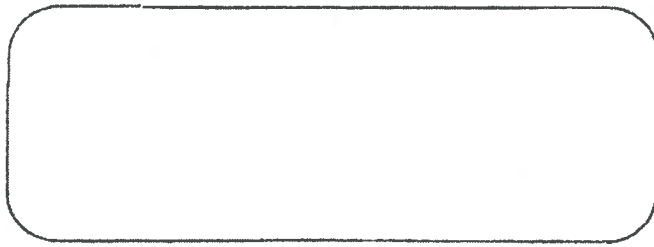
MAR 26 2013

CHAMPAIGN CO. P & Z DEPARTMENT

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PREMIER COOPERATIVE, TOLONO, IL

Road Way

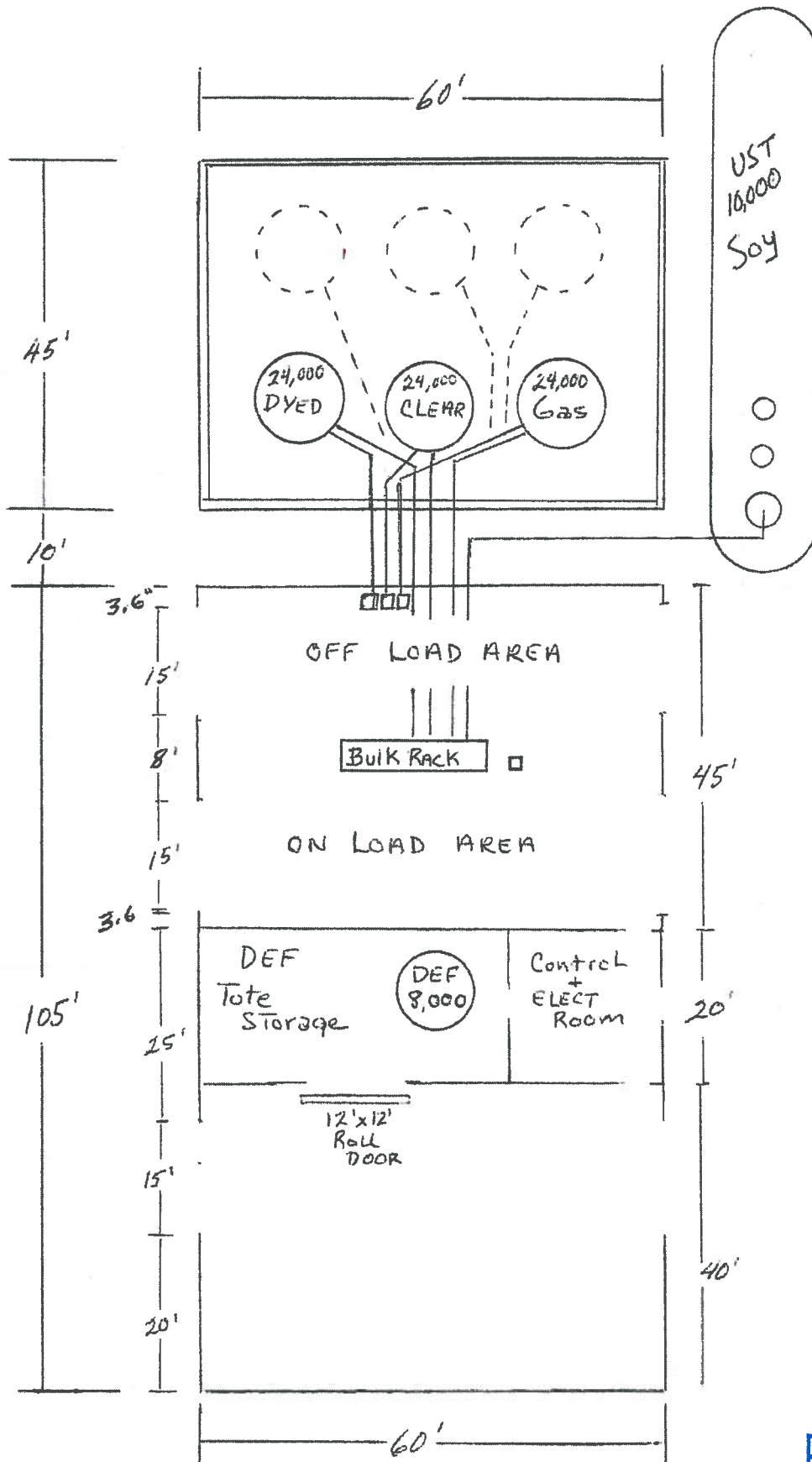


RECEIVED

MAY 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT

1 of 6



RECEIVED

MAY 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT

2 of 6

PREMIER COOPERATIVE, TOLONO, FL

60x60' Oil Storage, DEF Storage, + Control Room.

Storage Room

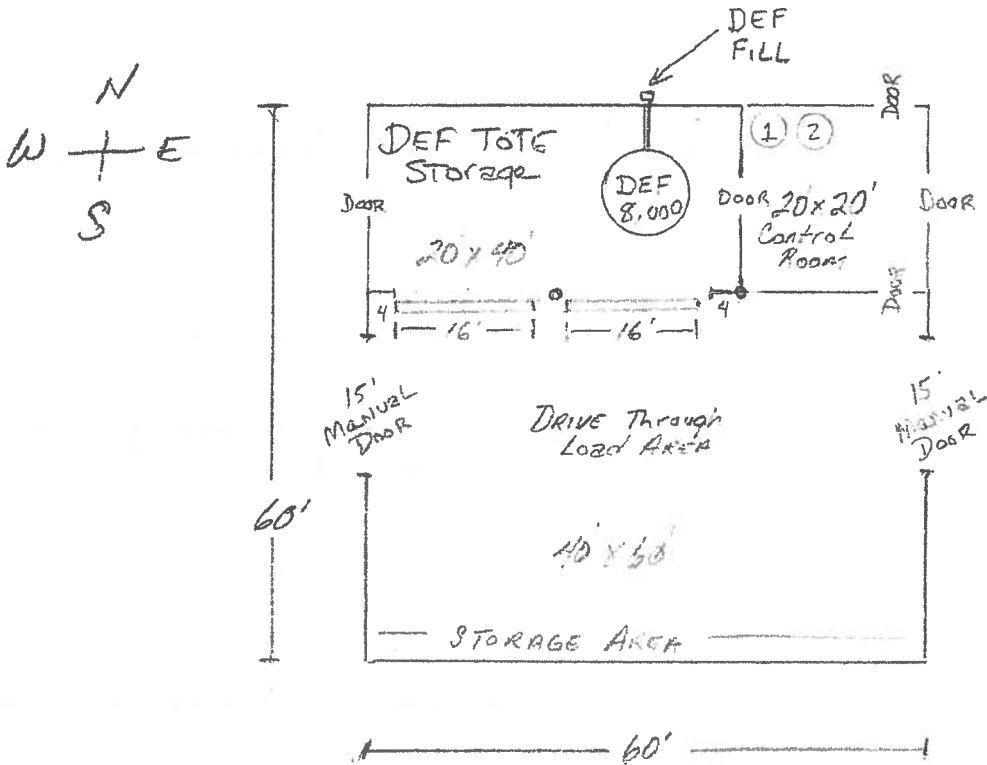
40 x 60' Room (non-insulated)
 (2) 15' manual doors
 - OVERHEAD

DEF Storage

20 x 40' Room (insulated)
 (2) 16' Wall Sliders
 (1) Walk Thru-door West End
 (1) Walk Thru-door into Control Room
 (1) 8,000 AST Poly Tank For DEF

Control Room

20 x 20' Room (insulated)
 (1) ELECTRICAL Panel
 (2) Tank gauge
 (3) Walk Thru doors
 - North Side
 - EAST SIDE
 - SOUTH SIDE



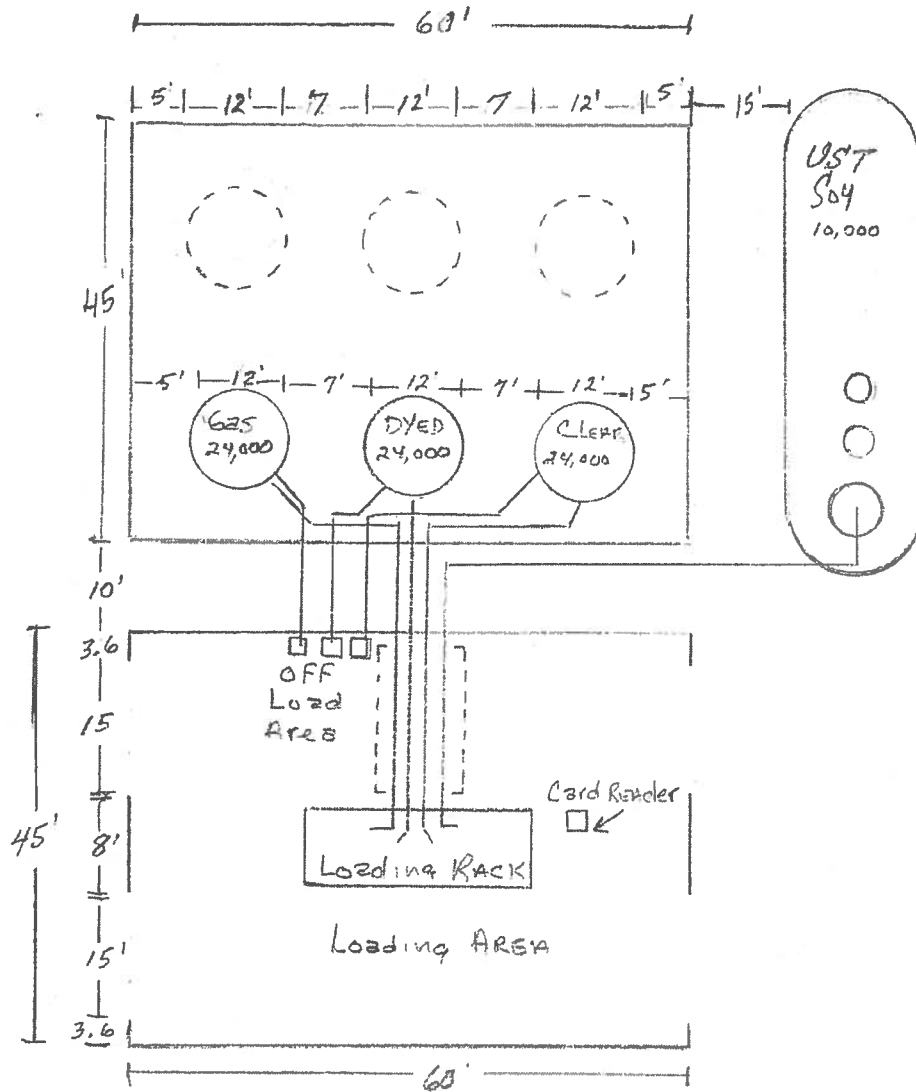
Premier Cooperative

RECEIVED

MAY 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT

3 of 6



Dyke Area

60' x 45'

- (3) 24,000 Tanks 12' diam x 30' tall
- (3) Future AST Tanks
- Pipe Run 3" Pipe
- Pipe Run For OFF-LOADING
- Pipe Run For Loading @ Loading Rack

Building Loading Area

60' x 45'

- (1) Loading Rack
- (1) CARD READER

PREMIER COOPERATIVE

RECEIVED

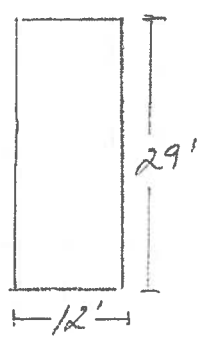
MAY 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT

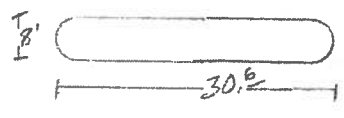
4 of 6

Premier
COOPERATIVE TANK SIZES

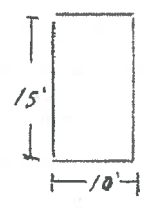
A S T: 24,000 gallon (1-Diesel Dyed, 1-Diesel Clear, 1-gas)
Above ground
TANK 12' x 29'



U S T: 10,000 gallon (SOY)
UNDERGROUND TANK 8' x 30'.6"



DEF TANK 8,400
10' x 15'



RECEIVED

MAY 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT

5 of 6

AGRICULTURE UPDATE

Premier Cooperative to add bulk fuel facility

By The News-Gazette

CHAMPAIGN — Premier Cooperative plans to expand its fuel division this year, with the aim of adding a bulk fuel facility at its Apex location west of Tolono, general manager Roger Miller said.

The cooperative currently operates a bulk fuel facility in the Ford County community of Elliott.

That facility was previously operated by Fisher Farmers Grain & Coal. But when Fisher Farmers merged with Grand Prairie Co-Op in 2009 to form Premier, the new cooperative lacked a fuel facility in the southern part of its territory.

“Our board decided to expand (the fuel business) into the entire footprint of Premier Cooperative,” Miller said.

The fuel division, managed by Dave Kiefer, handles all standard fuels, including diesel, gas, kerosene and soy biodiesel, as well as lubricant oils geared to agriculture, construction and other commercial use.

To accommodate the expansion, Premier recently added three employees: Jay Warfel in fuel and lubricant sales, Mike Lubben in fuel and lubricant delivery and Garrett Bruns, who will work in both sales and delivery.

To establish the fuel facility at Apex, Miller said, “the first step is to go through the county and get the proper permits.”

Other projects the Champaign-based cooperative has for this fiscal year, which runs through July 31, include:

— Installing a 750,000-bushel storage bin at the Fulls Siding facility 2 miles west of St. Joseph near U.S. 150. That would boost total storage there to about 1.1 million bushels.

— Installing new 5,000-bushel capacity dryers at its Broadlands facility in southeastern Champaign County and its Jamaica facility in southwestern Vermilion County.

— Making a rail upgrade at its Dewey facility in northern Champaign County.

Premier, which has about two dozen facilities in Champaign, Ford, Vermilion and Piatt counties, employs about 85 people, Miller said.

Farmer wins \$5,000 for local education

PHILO — Tolono farmer Thomas Kleiss has won two \$2,500 donations from the “America’s Farmers Grow

Communities” program — one for St. Thomas Catholic School in Philo and the other for the Champaign County Extension Education Foundation.

The program, sponsored by the Monsanto Fund, gives farmers an opportunity to win \$2,500 for their favorite local nonprofit organization.

But because Champaign County was declared a disaster area by the U.S. Department of Agriculture after last year’s drought, Kleiss was able to win two donations, totaling \$5,000.

Altogether, the program expects to donate more than \$5 million to nonprofits this year.

Other 2013 area winners and their designated nonprofits include:

— Douglas County: Debbie Duffie, Arcola Food Pantry and Hindsboro Fire Department.

— Ford County: Pamela Opperman, Piper City Public Library and Piper City Fire Department.

— Iroquois County: Judith Albers, God’s Little Food Pantry and the Iroquois County Historical Society.

— DeWitt County: Dyke Shaffer, Blue Ridge Educational Foundation and DeWitt County 4-H Foundation.

— Edgar County: Peggy Barth, Compassionate Food Ministries and Shiloh Junior & Senior High School.

— Coles County: Jill Walker, Mattoon FFA Chapter and Coles County 4-H.

Winners in Piatt, Vermilion and Moultrie counties were Ronald Meece, Charles Melecosky and Michael Reedy, respectively, but their designated nonprofits had not been posted on the program’s website.

Drought affects soybean quality

ST. LOUIS — Last year’s drought appears to have caused oil levels in the 2012 U.S. soybean crop to rise and protein levels to drop, a release from the United Soybean Board stated.

The annual U.S. Soybean Quality Survey found the oil level in the overall crop rose from 18.2 percent to 18.5 percent last year. In the meantime, the protein level dropped from 34.8 percent to 34.3 percent.

Seth Naeve, who conducted the study, said the drought likely had a hand in holding protein levels down.

Oil and protein levels are important to many soybean buyers.

Animal agriculture consumes nearly 98 percent of U.S. soy meal, which is fed to poultry, swine, fish and other animals.

The food industry uses nearly 70 percent of soy oil, either as a frying oil or as an ingredient in food products.

THURSDAY’S MARKETS

THE NYSE U.S. 100

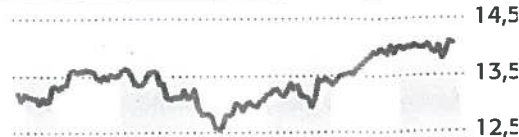
Name	Div	PE	Last	Chg
AT&T Inc	1.80f	29	35.91	+06
AbtLab s	.56	9	33.79	-47
Alrna	.12	47	8.52	-02

THE NASDAQ 100

Name	Div	PE	Last	Chg
AdobeSy	24	39.31	-29	
AlteraCp lf	.40	21	35.43	-44
Amazon		264.27	+1.02	

Feb. 28, 2013

Dow Jones industrials



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Jeff Breen

From: Hahn, Robert L [Robert.Hahn@illinois.gov]
Sent: Thursday, May 30, 2013 11:54 AM
To: Jeff Breen
Cc: 'Andrew Kass'
Subject: RE: FAA Submittal - Obstruction Evaluation / Airport Airspace Analysis (OE/AAA)

Jeff,

Based on the below distance and elevations, I agree that you don't penetrate the 100:1 notification surface and are not required to file w/ the FAA.

Also, I looked at our Champaign County mylar map and see no private RLA's (grass strips) around you and have no objection from my office.

Your call - on if you want something official in writing from the FAA - then file accordingly and in 30-60 days they will send you a determination.

Thanks,

Robert Hahn
Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Springfield, Illinois 62707
(W)217-524-1580
'Robert.Hahn@illinois.gov'

-----Original Message-----

From: Jeff Breen [<mailto:JBreen@premiercooperative.net>]
Sent: Thursday, May 30, 2013 11:39 AM
To: Hahn, Robert L
Subject: RE: FAA Submittal - Obstruction Evaluation / Airport Airspace Analysis (OE/AAA)

Latitude - 39 degrees 58'49.01"
Longitude- 88 degrees 17'14.32"

-----Original Message-----

From: Hahn, Robert L [<mailto:Robert.Hahn@illinois.gov>]
Sent: Thursday, May 30, 2013 11:21 AM
To: Jeff Breen
Subject: RE: FAA Submittal - Obstruction Evaluation / Airport Airspace Analysis (OE/AAA)

Jeff,

Can you send info on exactly your site is? Google-earth preferred.

Thanks,

Robert Hahn

DRAFT

752-S-13

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

Final Determination: *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}*

Date: **June 27, 2013**

Petitioners: **Premier Cooperative, Inc.**

Request: Authorize the following as a Special Use in the I-1 Light Industry Zoning District on the subject property below:

- Part A. Authorize multiple principal uses and buildings on the same lot for bulk fuel storage and sales, fertilizer sales and storage, and grain elevator operations and grain storage.
 - Part B. Authorize bulk fuel storage with accessory sales, as “Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate” as a special use.
 - Part C. Authorize the replacement of an existing nonconforming grain elevator that is 120 feet in height.
 - Part D. Authorize the construction and use of four grain storage bins of the following heights 110 feet, 118 feet, 122 feet, and 127 feet.
 - Part E. Authorize the construction and use of two grain dryers that are 120 feet in height.
 - Part F. Authorize the construction and use of a grain elevator with two receiving legs that are 185 feet in height, a wet grain leg that is 185 feet in height and a dry grain leg that is 185 feet in height.
-

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 27, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Premier Cooperative, Inc., 2104 West Park Court, Champaign, with board members Art Farley, 274 CR 1300N, Seymour; Joseph Kuntz, 37603 N 370E, Ranking; Bill Stierwalt, 418 CR 300N, Sadorus; Kim Jolley, 304 E South St, Fairmount; Kenneth Heiser, 741 CR 3450N, Foosland; Stephen Hettinger, 440 CR 1000E, Philo; Roger Miller, 2046 CR 2000E, Urbana; Pat Feeney, 1474 E CR 1500N, Monticello; Jim Kleiss, 484 CR 1200E, Tolono; Douglas Hansens, 2822 CR 800E, Dewey; John G. Murray, 2607 CR 1000E, Champaign; Dwight Huffstutler, 1132 E 2750 N RD, Mansfield; Maury Busboom, 217 W Main St, Royal; and corporate officers Roger Miller, General Manager; Jeff Breen, Operations Manager; and James Deters, Chief Financial Officer, 2104 West Park Court, Champaign, owns the subject property.
2. The subject property is a 57.98 acre tract of land located in the Northeast Quarter of the Northwest Quarter of Section 34 of Tolono Township and in the North One-Half of the Northeast Quarter of Section 34 of Tolono Township and commonly known as the United Prairie Fertilizer sales and storage facility and the Premier Cooperative grain elevator at 949 CR 700N, Tolono.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Tolono, a municipality with zoning. The Village has been notified of this case.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is 57.98 acres in area and is zoned I-1 Light Industry. The subject property is used for grain storage, fertilizer storage and sales, and proposed bulk fuel storage and sales.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is zoned AG-1 Agriculture, and is in agricultural use.
 - (2) Land on the south is zoned AG-1 Agriculture, and is in agricultural use.
 - (3) Land east of the subject property is zoned AG-1 Agriculture, and is in agricultural use. Some of the immediately adjacent land to the east is within the Village of Tolono and is in residential use.
 - (4) Land west of the subject property is zoned AG-1 Agriculture and is in agricultural use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The site plan received June 3, 2013, indicates the following existing and proposed grain elevator buildings and structures:
 - (1) Existing:
 - (a) The location of five 80' × 160' grain storage buildings
 - (b) A 400' × 80' grain storage building that will be demolished.
 - (c) An existing grain elevator that is 120 feet in height.
 - (d) Five 70' × 220' equipment storage buildings. At least two of these buildings will be demolished in the future.
 - (e) The location of an outdoor grain storage area.
 - (f) A 25' × 50' office utilized by Premier Cooperative, Inc.
 - (g) A 40' × 120' maintenance building utilized by Premier Cooperative, Inc., that was authorized by ZUPA No. 291-88-02 to Grand Prairie Cooperative.
 - (h) The locations of an existing scale
 - (2) Proposed:
 - (a) A proposed inbound scale.
 - (b) Two 105' × 98' proposed sidewall grain storage tanks that will be approximately 127 feet in height.
 - (c) The location of a future 75' diameter grain storage tank that will be approximately 118 feet in height.
 - (d) The location of a future 90' diameter grain storage tank that will be approximately 122 feet in height.
 - (e) Two proposed 25' diameter grain dryers that will be 120 feet in height.
 - (f) The proposed location of a grain elevator that will be no taller than 199 feet in height and the location of dump pits. Two receiving grain legs, a dry grain leg and a wet grain leg that will not be taller than 185 feet are proposed to be installed.

- (g) The proposed location of a 23' diameter hopper.
- B. The site plan received June 3, 2013, indicates the following proposed bulk fuel storage buildings and structures:
- (1) A 105' × 60' fuel mixing and storage building with an 8,400 gallon diesel exhaust fluid (DEF) storage tank located inside of it.
 - (2) Three 24,000 gallon fuel storage tanks.
 - (3) One 10,000 gallon underground soybean oil storage tank.
- C. The site plan received June 3, 2013, indicates the following existing fertilizer and agrichemical sales and storage buildings and structures:
- (1) The location of a dry fertilizer storage building utilized by United Prairie and authorized by ZUPA No. 44-02-02 and 90-05-01.
 - (2) Six anhydrous ammonia storage tanks. These tanks were authorized by ZUPA No. 012-88-02 and 199-03-02 to Grand Prairie Cooperative and United Prairie.
 - (3) A 60' × 90' chemical mixing building utilized by United Prairie.
 - (4) Three liquid nitrogen solution storage tanks.
 - (5) A 90' × 70' office and seed storage building utilized by United Prairie authorized by ZUPA No. 326-02-02 to United Prairie.
 - (6) A 190' × 60' office and agrichemical storage building utilized by United Suppliers authorized by ZUPA No. 290-05-02 to United Prairie.
- D. The floor plans of the proposed bulk fuel storage facility received on May 15, 2013, indicate the following:
- (1) A 60' × 105' building that is 18 feet in height.
 - (2) A 40' × 60' non-insulated storage room with two 15' manual overhead doors.
 - (3) A 20' × 40' insulated diesel exhaust fluid (DEF) storage room with an 8,400 gallon storage tank.
 - (4) A 20' × 20' insulated control room.
 - (5) A 45' × 60' loading and unloading area with a loading rack, card reader, and two 15' manual overhead doors.

- (6) A 45' × 60' dyke fuel containment area with three 24,000 gallon above ground storage tanks that are 30 feet in height. These tanks will be used to store unleaded gasoline, dyed diesel, and clear diesel. Three future above ground storage tanks are also indicated in this area.
- (7) A 10,000 gallon underground storage tank. This tank will be used to store soybean oil.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for multiple principal uses on one lot, gasoline and volatile oil storage, and structures over 100 feet in height in the I-1 Light Industry Zoning District in the *Zoning Ordinance*:
 - A. Section 4.2.1F.1 requires the following:
 - (1) It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT having more than one existing PRINCIPAL STRUCTURE or BUILDING constructed prior to the adoption of this Ordinance in the following zoning DISTRICTS except as provided in Section 4.2.1D unless a SPECIAL USE permit has been obtained from the BOARD:
 - R-4, Multiple Family Residence
 - B-1, Rural Trade Center
 - B-2, Neighborhood Business
 - B-3, Highway Business
 - B-4, General Business
 - B-5, Central Business
 - I-1, Light Industrial
 - I-2, Heavy Industrial
 - B. Section 4.2.1F.2. requires the following:
 - (1) Such SPECIAL USE permit shall be issued only if the following criteria have been met:
 - (a) The requirements of Section 9.1.11, SPECIAL USES, shall be met.
 - (b) The USES are permitted either by right or as a SPECIAL USE in the DISTRICT in which the LOT or parcel of land is located.
 - (c) The regulations and standards for the DISTRICT in which the LOT is located shall be met.
 - (d) A LOT may be occupied by two or more MAIN or PRINCIPAL STRUCTURES or BUILDINGS as authorized by a SPECIAL USE under this section, when adequate OPEN SPACE is provided between all STRUCTURES or BUILDINGS in accordance with the following standards:

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- (a) Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances shall conform to the standards of the Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics.
- (3) Subsection 6.1.3 establishes the following standards conditions for Gasoline and Volatile Oils Storage in the I-1 and I-2 Zoning DISTRICTS:
 - (a) Minimum lot size of 5 acres.
 - (b) AREA, HEIGHT and Placement regulations exceeding those of the DISTRICT may be applied so as to make the storage facility compatible with neighboring USES. Additional setbacks, screening and buffering may be required as deemed necessary by the BOARD to protect adjacent and surrounding PROPERTY.
 - (c) A State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 et. set.) shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.
 - (d) Gasoline and Volatile Oils Storage Facilities established after February 21, 1978, shall not be permitted closer than 500 feet from any R or B DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE. For Gasoline and Volatile Oils Storage Facilities established prior to February 21, 1978, the BOARD shall determine the permitted distance from any R or B DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE as deemed necessary to protect adjacent and surrounding property.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "BERTH, LOADING" is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (3) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

- (4) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (5) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (6) “HEIGHT” As applied to a story: The vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

As applied to a BUILDING: The vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (7) “OPEN SPACE” is the unoccupied space open to the sky on the same LOT with a STRUCTURE.
- (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the

surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.

- (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
 - (13) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (14) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (15) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
 - (16) "YARD, REAR" is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (17) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.

- (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances 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.
 - (b) 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

- (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.

- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

- 7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“With proposed changes to build a modern grain handling facility in a rural setting we expect the following: to reduce traffic congestion in the Village and to minimize the noise and dust issues related to operating a grain elevator in town.”**

 - B. The subject property is zoned I-1 Light Industry.

 - C. Premiere Cooperative was created in 2009 when Grand Prairie Cooperative merged with Jamaica Farmers Elevator and Fisher Farmers Grain and Coal. Previous Zoning Use Permits for by right uses authorized or applied for on the subject property indicate the following tenants: (1) The Savoy Grain Company (this permit was never issued).
 - (2) Grand Prairie Cooperative.
 - (3) United Prairie.

 - D. The subject property is located adjacent to a railroad, the upgrades to the grain handling equipment will allow the petitioner to load rail cars on the subject property instead of trucking grain from the site to Tolono to load train cars. Loading rail cars on the subject property is currently something that the petitioner is not capable of doing at this time.

 - E. The existing and proposed uses are compatible with one another because the services and goods being provided are primarily directed toward the agricultural community and are uses that one would expect to be present on a property this large.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“Reduced truck traffic and rail shipments within city limits of Tolono and Sadorus for grain. The bulk fuel facility will be located approximately 1,000 feet from the Village.”**
 - B. Regarding surface drainage, the subject property appears to drain to the west.
 - C. The subject property is accessed from CR 700N on the north side of the property. Regarding the general traffic conditions on CR 700N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Annual Average Daily Traffic (AADT) for CR 700N in front of the subject property is 350 AADT.
 - (2) CR 700N is a Minor Street as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 22 feet.
 - (4) The Township Highway Commissioner has been notified of this case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts, an increase in truck traffic to the subject property is expected due to the proposed bulk fuel facility. The petitioner has indicated that the new grain storage facilities will reduce grain truck traffic because rail cars will be able to be loaded on the subject property.
 - D. Regarding fire protection of the subject property, the subject property is within the protection area of the Tolono Fire Protection District and is located approximately 1.5 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
 - E. No part of the subject property is located within the mapped floodplain.
 - F. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan, a special condition has been proposed to ensure compliance.
 - G. Regarding wastewater treatment and disposal on the subject property, none of the new construction will require wastewater treatment.
 - H. Regarding life safety considerations related to the proposed Special Use:

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- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of

compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.

- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and
 - iii.* International Property Maintenance Code
 - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
 - (c) A special condition has been proposed to ensure compliance.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: “Yes.”
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - (2) Regarding compliance with Subsection 4.2.1F.2.:
 - (a) The minimum required depth of the OPEN SPACE between the various uses on the subject property is 20 feet, and there is a minimum of 20 feet between the various uses.
 - (3) Regarding the standard condition that Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT conform to the standards of the Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics.:
 - (a) None of the proposed or existing grain elevators, grain legs, grain bins, and grain dryers are over 200 feet in HEIGHT, therefore not requiring approval from IDOT or the FAA.
 - (b) In an email dated May 30, 2013, from Robert Hahn, Airspace Specialist, IDOT, to Jeff Breen, Operations Manager Premier Cooperative Inc., Mr. Hahn indicated that based on the elevation and location of the subject property the proposed construction will not penetrate the 100:1 notification surface and filing with the FAA is not required.
 - (4) Regarding Standard Conditions for Gasoline and Volatile Oils Storage in the I-1 and I-2 Zoning DISTRICTS:
 - (a) Minimum lot size of 5 acres.
 - i. The subject property is a total of 57.98 acres
 - (b) A State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS 15/0.01 et. set.) shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.

- (d) The fertilizers sales and agrichemical storage buildings have been authorized by Zoning Use Permits and the provisions for adequate parking areas were addressed at the time of the issuance of those permits.
- (7) Regarding loading berths on the subject property:
 - (a) Paragraph 7.4.2 C.5. requires one 12' × 40' loading berths for industrial establishments establishing 1 – 9,999 square feet of floor area.
 - (b) One loading berth is required for the establishment of the bulk fuel storage facility. The site plan received June 3, 2013, indicates a 45' × 60' loading and unloading area inside of the bulk fuel storage facility.
- C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) The proposed Special Use must comply with the *Stormwater Management Policy* because more than 1 acre of impervious area will be added that is within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet, as required by Section 4.3 of the *Stormwater Management Policy*.
 - (2) Before a Zoning Use Permit Application can be approved the petitioner must submit a stormwater management plan that is in compliance with the *Stormwater Management Policy*. A special condition has been proposed to ensure compliance.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Tolono subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the I-1 Light Industry Zoning District:
 - (1) More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning DISTRICTS.
 - (2) Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate is authorized as a Special Use in the B-1, B-3, and I-1 Zoning DISTRICTS.
 - (3) Grain Storage Elevator and Bins are authorized by right in the B-1, I-1, and I-1 Zoning DISTRICTS.

- (4) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer is authorized by right in B-1, B-5, I-1, and I-2 Zoning DISTRICTS.
 - (5) Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized by Special Use Permit in all Zoning DISTRICTS.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- H. The proposed Bulk Fuel Storage Facility must comply with the regulations set forth in the Illinois Gasoline Storage Act and in the Illinois Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gas. The Office of the State Fire Marshal enforces these regulations and issues permits to authorize the storage and distribution of fuel and petroleum products. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until the petitioner has received the proper permit(s) from the Office of the State Fire Marshal. A special condition has been proposed to ensure compliance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- A. More than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT is authorized as a Special Use in the R-4, B-1, B-2, B-3, B-4, B-5, I-1, and I-2 Zoning Districts.
 - B. Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate is authorized as a Special Use in the B-1, B-3, and I-1 Zoning DISTRICTS.
 - C. Grain Storage Elevator and Bins are authorized by right in the B-1, I-1, and I-1 Zoning DISTRICTS.
 - D. Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer is authorized by right in B-1, B-5, I-1, and I-2 Zoning DISTRICTS.
 - E. Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized by Special Use Permit in all Zoning DISTRICTS.

- F. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.14 of the Ordinance states the general intent of the I-1 District and states as follows (capitalized words are defined in the Ordinance):

The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY LINES.
 - (2) The types of uses authorized in the I-1 District are in fact the types of uses that have been determined to be acceptable in the I-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- G. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - (a) The requested Special Use Permit should not decrease the value of nearby properties.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
 - (a) An increase in traffic is expected due to the proposed bulk fuel storage facility.
 - (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
 - (a) Stormwater runoff from the property onto adjacent properties should not be an issue and the proposed Special Use must comply with the *Stormwater Management Policy*.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing 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; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing 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.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The proposed use will take approximately 1.2 acres of agricultural land out of production.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed use will not require the development of public utilities or transportation facilities.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging 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 use will take approximately 1.2 acres of agricultural land out of production.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: “Yes.”
 - B. The existing grain elevator is an existing NONCONFORMING USE due to the height of the elevator because they were constructed prior to the adoption of zoning on October 10, 1973. The fertilizer sales and storage and the proposed bulk fuel storage and sales are not NONCONFORMING.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special condition stated above is required to ensure the following:

That the drainage improvements conform to the requirements of the Stormwater Management Policy.

- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed bulk fuel storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure the following:

That the proposed structure is safe and in conformance with Public Act 96-704.

- C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special conditions stated above are required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance .

- D. The Zoning Administrator shall not authorize a Zoning Use Permit for the construction and/or installation of the bulk fuel storage tanks and related building until the petitioner has provided documentation indicating compliance with the *Illinois Gasoline Storage Act* as regulated and enforced by the Office of the State Fire Marshal.**

The special conditions stated above are required to ensure the following:

That the proposed bulk fuel facility will comply with State of Illinois requirements.

DOCUMENTS OF RECORD

1. News-Gazette Article, *Premier Cooperative to Add Bulk Fuel Facility*, dated March 1, 2013
2. Letter from Ken Plackett, Mayor, Village of Tolono, received March 15, 2013
3. Special Use Permit Application signed by Jeff Breen, Operations Manager, premier Cooperative, Inc., received March 26, 2013, with attachments:
 - A Existing Conditions Site Plan
 - B Proposed Grain Elevator expansion Site Plans
 - C Proposed Bulk Fuel Storage Site Plans
 - D Legal Description
4. Revised Site Plan received May 15, 2013
5. Bulk Fuel Storage Facility Site Plan, Floor Plans, and Building Diagram received May 15, 2013
6. Revised Site Plan received May 30, 2013
7. Email from Robert Hahn, Airspace Specialist, IDOT, to Jeff Breen, Operations Manager, Premier Cooperative, Inc., dated May 30, 2013
8. List of Premier Cooperative, Inc., Board Members received May 30, 2013
9. Revised Site Plan received June 3, 2013
10. Preliminary Memorandum for Case 735-S-12 dated February 8, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 3, 2013
 - C Annotated Site Plan
 - D Bulk Fuel Storage Facility Site Plan, Floor Plans, and Building Diagram received May 15, 2013
 - E News-Gazette Article, *Premier Cooperative to Add Bulk Fuel Facility*, dated March 1, 2013
 - F Email from Robert Hahn, Airspace Specialist, IDOT, to Jeff Breen, Operations Manager, Premier Cooperative, Inc., dated May 30, 2013
 - G Site Visit Photos
 - H Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 752-S-13 held on **June 27, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because*}*:

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use ***{IS/ IS NOT}*** an existing nonconforming use and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because: *}***
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

*The Board may include additional justification if desired, but it is not required.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 752-S-13 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant to Premier Cooperative, Inc. to authorize the following:

- Part A. Authorize multiple principal uses and buildings on the same lot for bulk fuel storage and sales, fertilizer sales and storage, and grain elevator operations and grain storage.**
- Part B. Authorize bulk fuel storage with accessory sales, as “Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate” as a special use.**
- Part C. Authorize the replacement of an existing nonconforming grain elevator that is 120 feet in height.**
- Part D. Authorize the construction and use of four grain storage bins of the following heights 110 feet, 118 feet, 122 feet, and 127 feet.**
- Part E. Authorize the construction and use of two grain dryers that are 120 feet in height.**
- Part F. Authorize the construction and use of a grain elevator with two receiving legs that are 185 feet in height, a wet grain leg that is 185 feet in height and a dry grain leg that is 185 feet in height.**

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

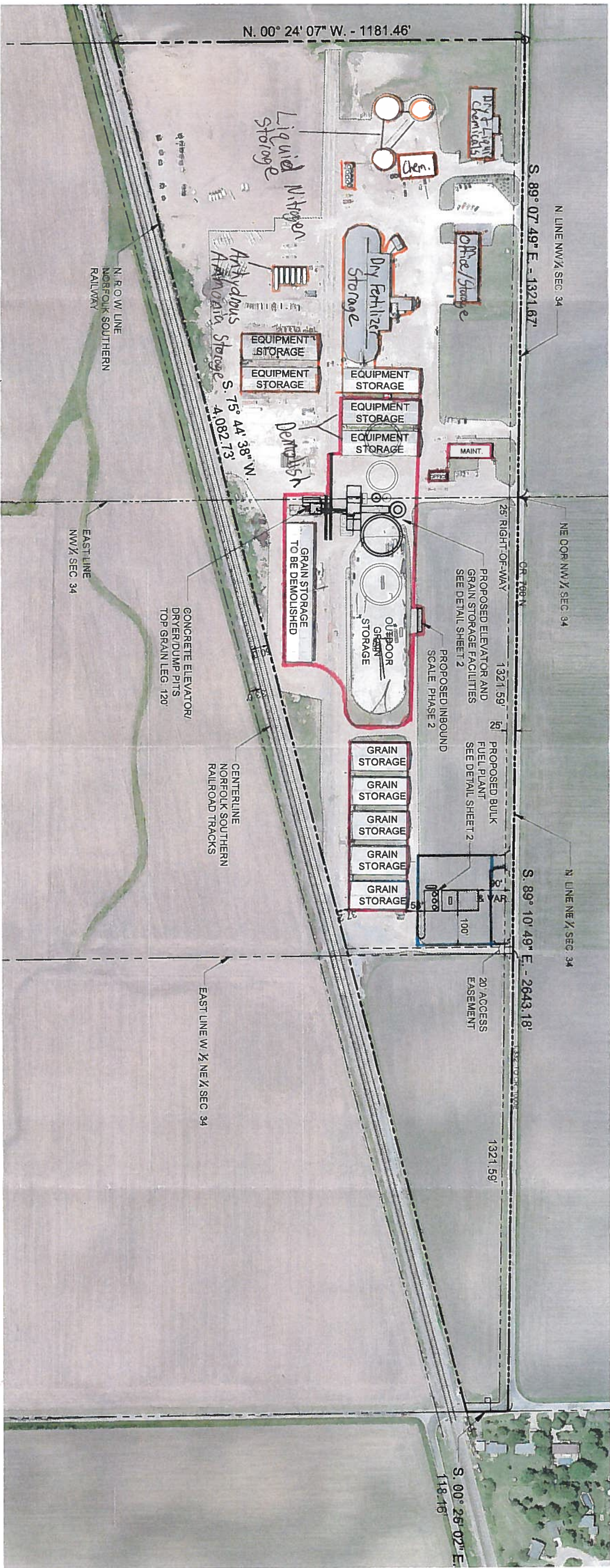


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Scale
feet

PROPOSED SITE PLAN

PREMIER COOPERATIVE
PART OF THE NORTH 1/2 OF SECTION 34,
TOWNSHIP 18 NORTH, RANGE 8 EAST OF THE
THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS

Annotated Site Plan



= Bulk Fuel Storage Facility

= Grain Elevator & Grain Storage

= Fertilizer Sales & Storage

LEGEND

- SECTION LINE
- SUBSECTION LINE
- R.O.W. LINE
- CENTERLINE

RECEIVED

JUN 03 2013

CHAMPAIGN CO. P & Z DEPARTMENT

6/20/2013 by AHK

Date of Preparation: May 31, 2013 PROJECT ID: 129290.00 SHEET NO. 1

Foth
Foth Infrastructure & Environment, LLC
21130 S. 11th St., Suite 100, Lincoln, IL 62556
Phone: 618.233.0088

REUSE OF DOCUMENTS
THIS DOCUMENT HAS BEEN REPRODUCED FOR INFORMATIONAL AND NOT FOR GENERAL USE. THEREFORE IT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.

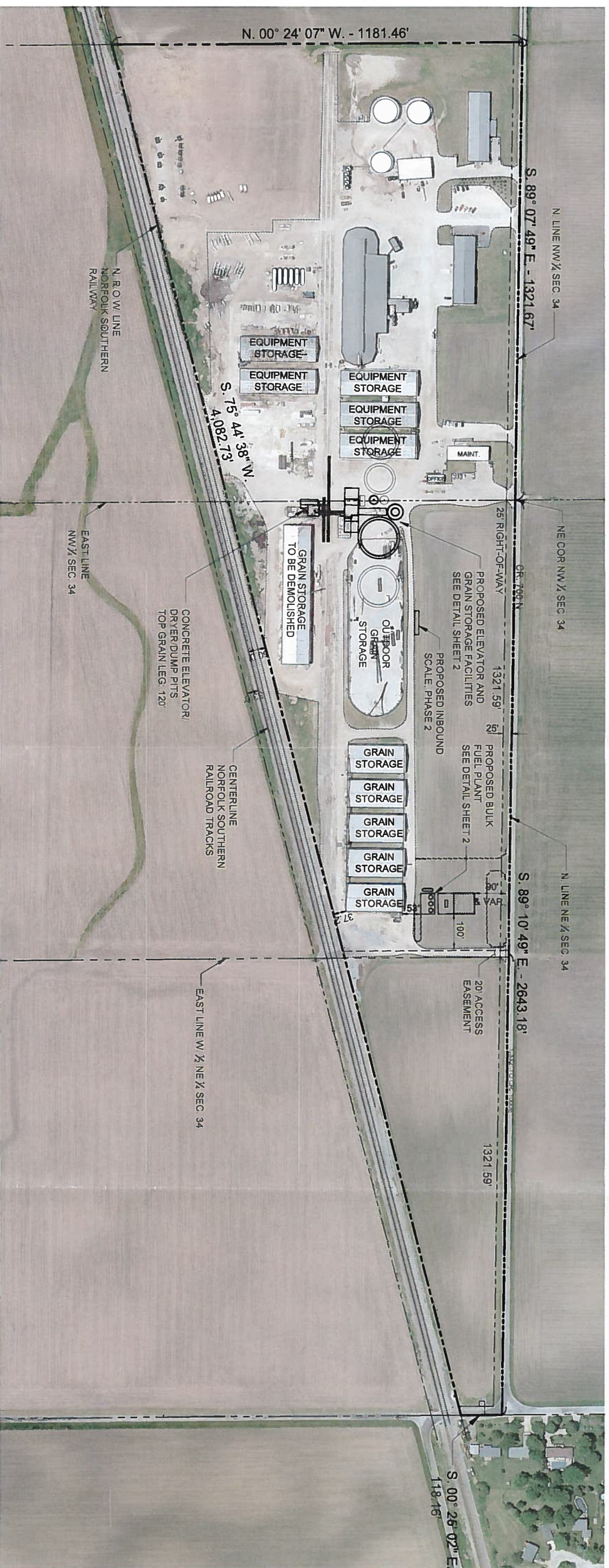
OF 2 SHEETS

Illinois Professional Design Firm No. 184.004913

PROPOSED SITE PLAN

PREMIER COOPERATIVE

PART OF THE NORTH 1/2 OF SECTION 34,
TOWNSHIP 18 NORTH, RANGE 8 EAST OF THE
THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS



- LEGEND**
- SECTION LINE
 - SUBSECTION LINE
 - R.O.W. LINE
 - CENTERLINE

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JUN 03 2013

CHAMPAIGN CO. P & Z DEPARTMENT

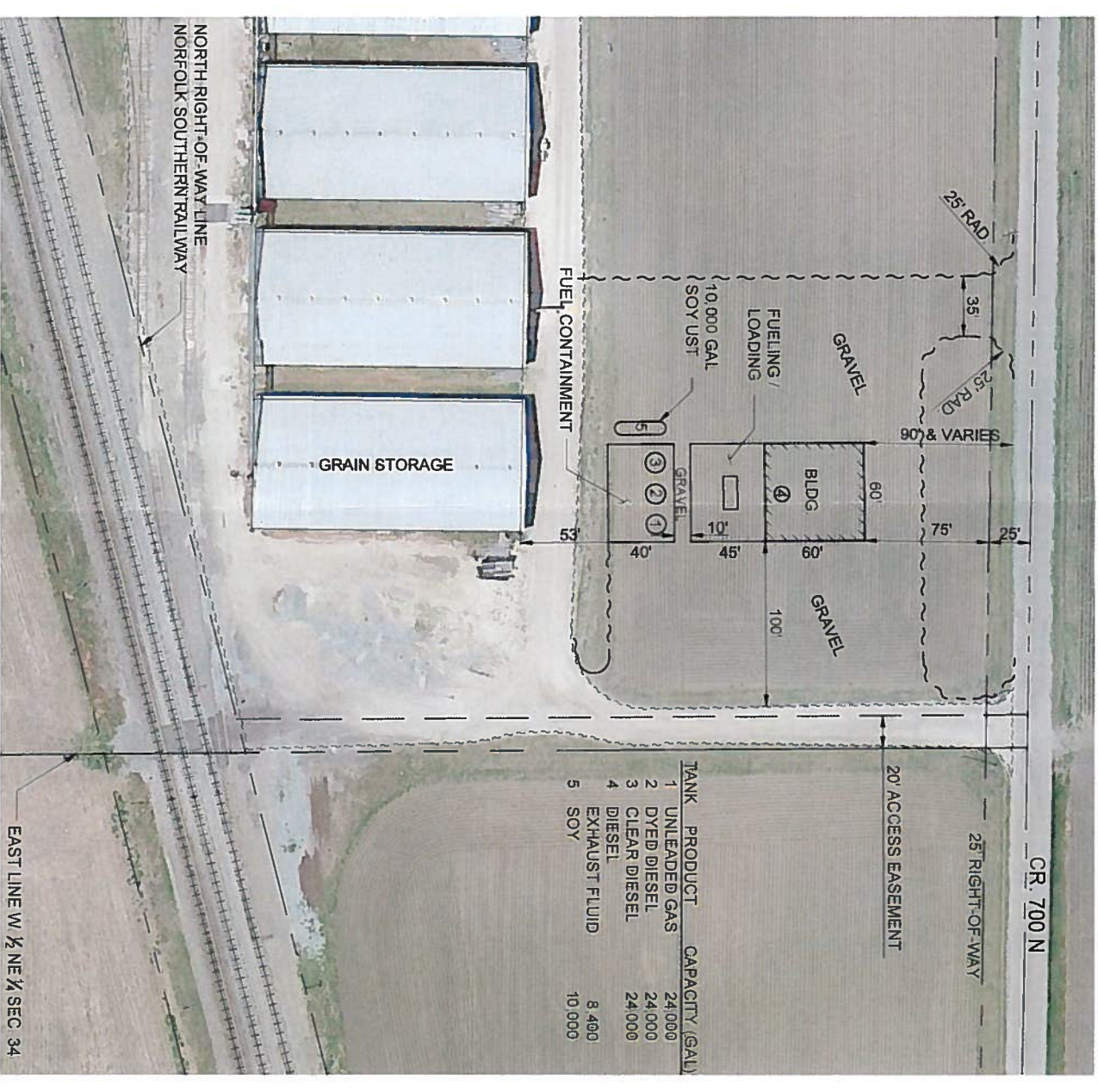
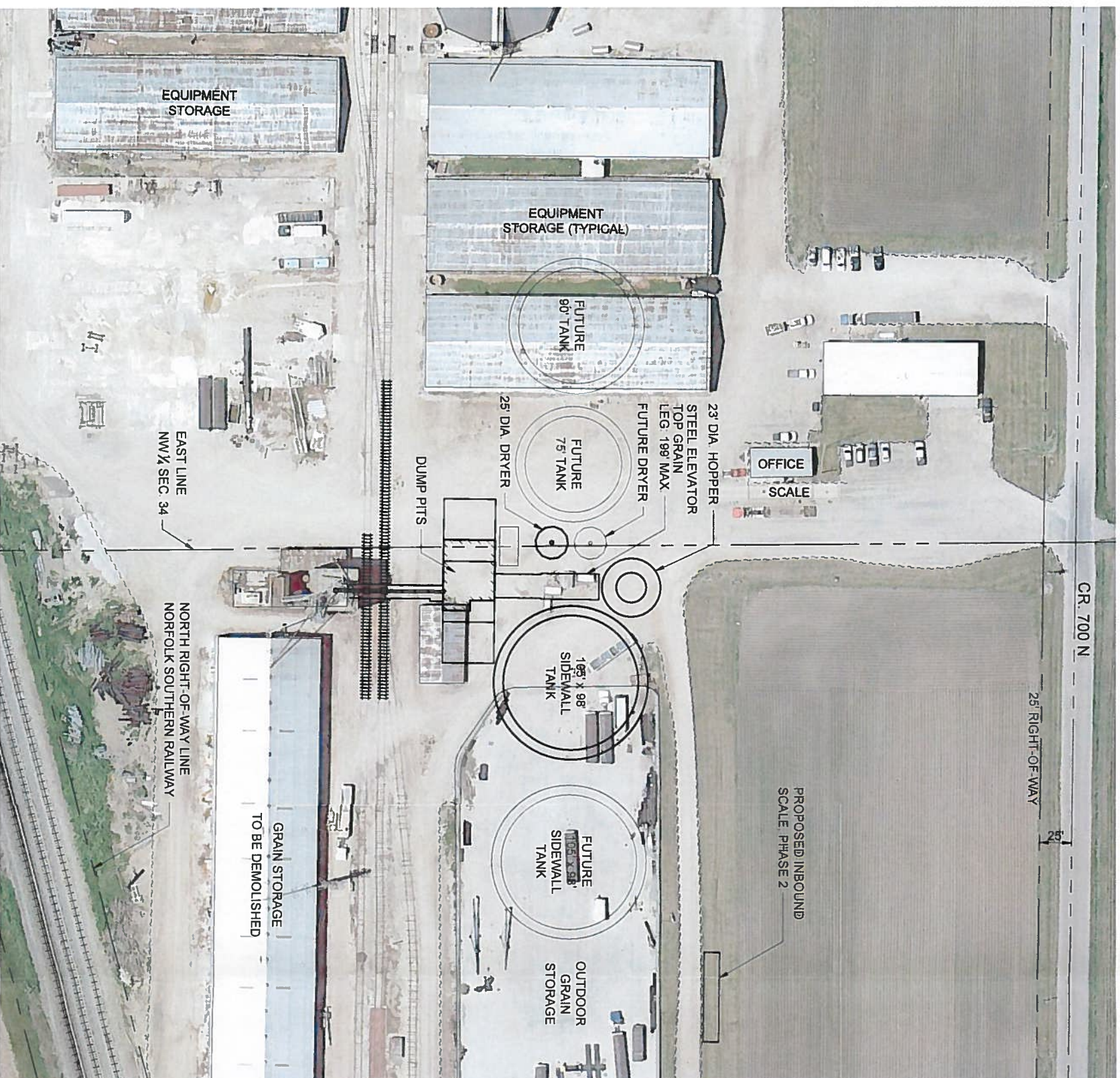
<p>Foth Foth Infrastructure & Environment, LLC Chicago, IL 60611 Phone: 312.584.1000 Fax: 312.584.2088</p>	Date of Preparation: May 31, 2013	PROJECT ID: 12P290.00
	<p>THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. THE USER ASSUMES ALL RESPONSIBILITY OF THE UNAUTHORIZED USER.</p> <p>REUSE OF DOCUMENTS FOR OTHER APPLICATIONS AND NOT FOR FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.</p>	<p>OF 2 SHEETS</p> <p>SHEET NO. 1</p>

PROPOSED SITE PLAN DETAILS

PREMIER COOPERATIVE
 PART OF THE NORTH 1/2 OF SECTION 34,
 TOWNSHIP 18 NORTH, RANGE 8 EAST OF THE
 THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS

RECEIVED
 JUN 03 2013

CHAMPAIGN CO. P & Z DEPARTMENT



TANK	PRODUCT	CAPACITY (GAL)
1	UNLEADED GAS	24,000
2	DYED DIESEL	24,000
3	CLEAR DIESEL	24,000
4	DIESEL EXHAUST FLUID	8,400
5	SOY	10,000

BULK FUEL PLANT

- LEGEND**
- _____ SECTION LINE
 - SUBSECTION LINE
 - - - - - R.O.W. LINE
 - _____ CENTERLINE

ELEVATOR AND GRAIN STORAGE FACILITY

Date of Preparation: May 31, 2013
 PROJECT ID: 12P280.00
 SHEET NO: 2
 OF 2 SHEETS

Foth
 Foth Infrastructure & Environment, LLC
 1100 N. 11th Street, Suite 200, Champaign, IL 61820
 Phone: 219.244.2400 Fax: 219.244.2408

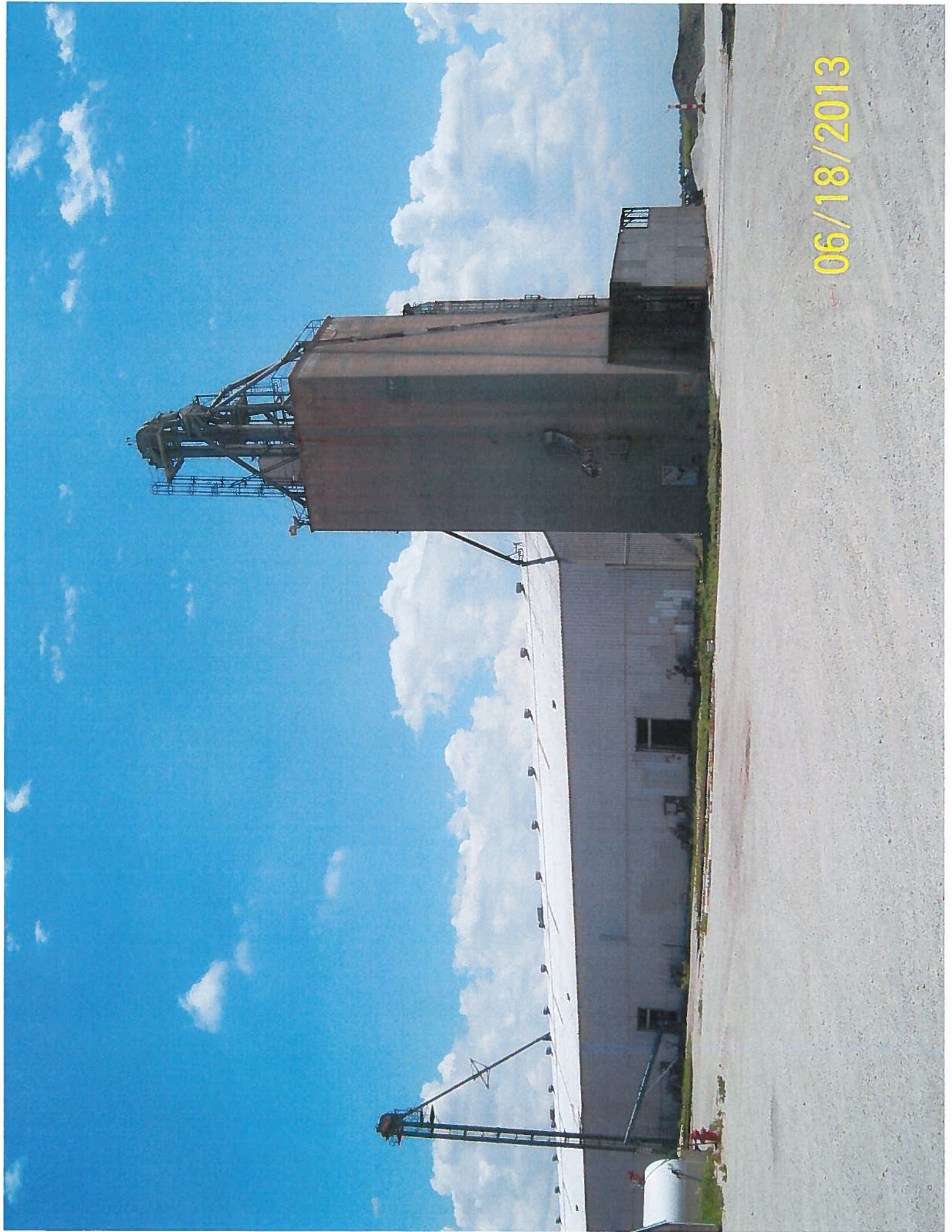
THIS DOCUMENT HAS BEEN PREPARED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. THEREFORE, THE USER OF THIS DOCUMENT ASSUMES ALL LIABILITY FOR ANY ERRORS, OMISSIONS, AND INADEQUACIES. THE USER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



06/18/2013



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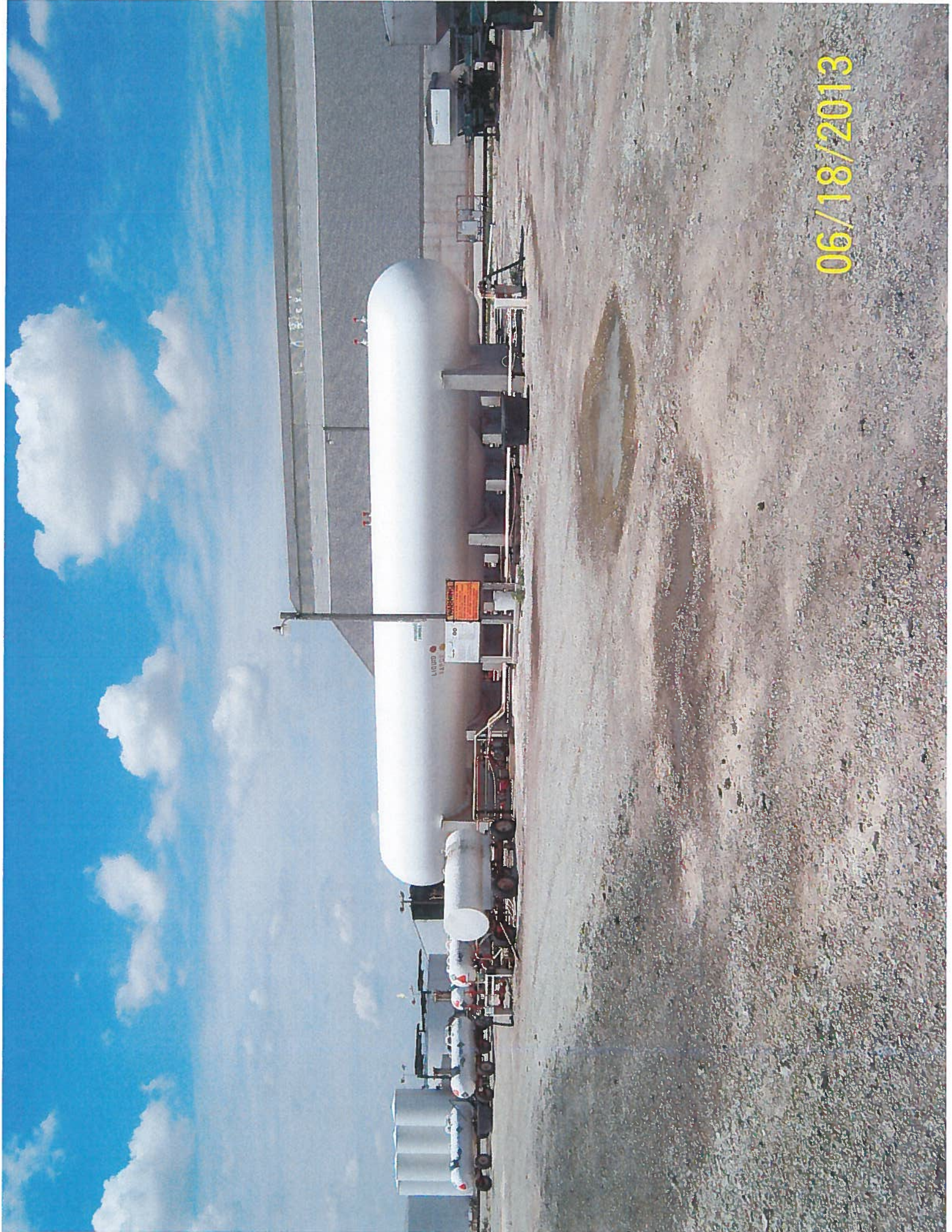




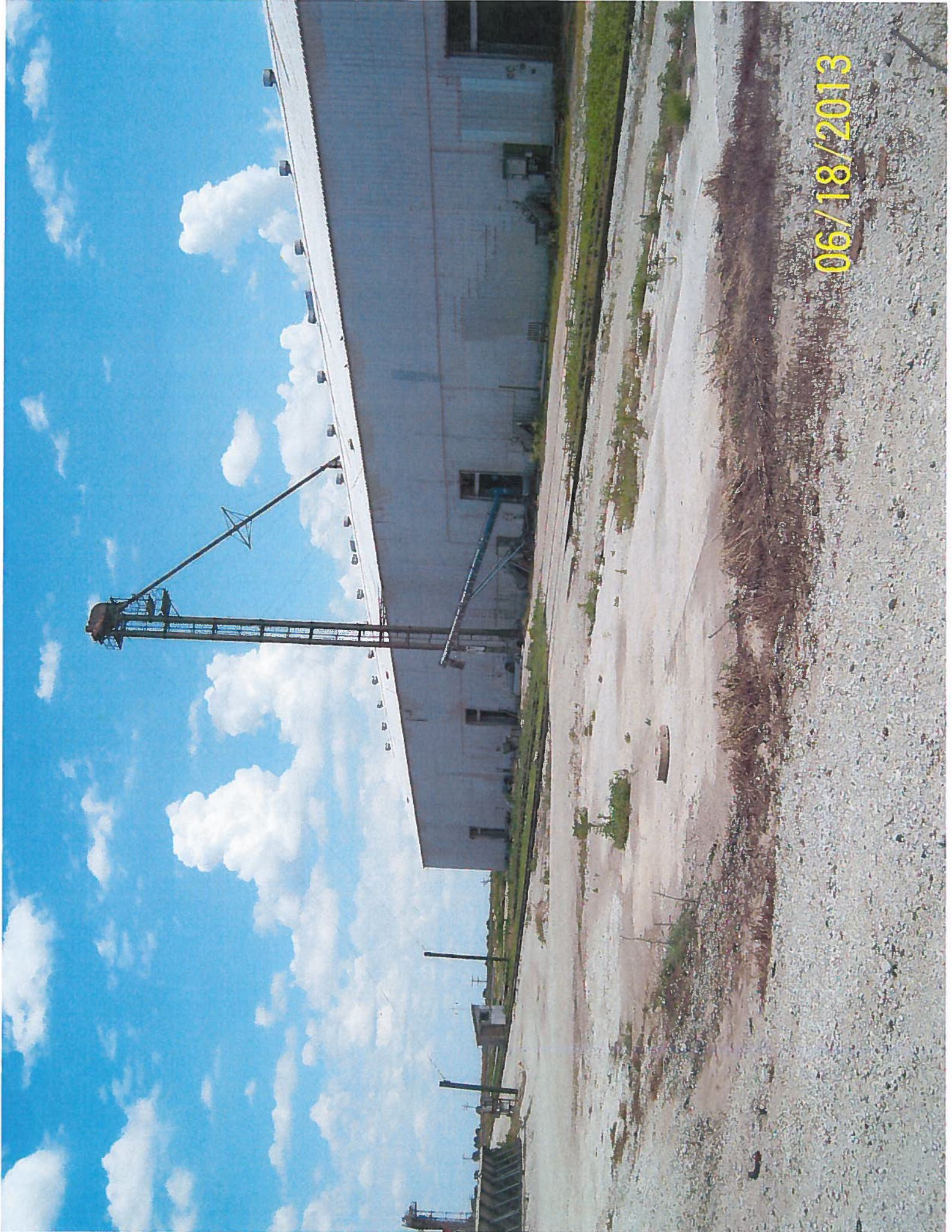
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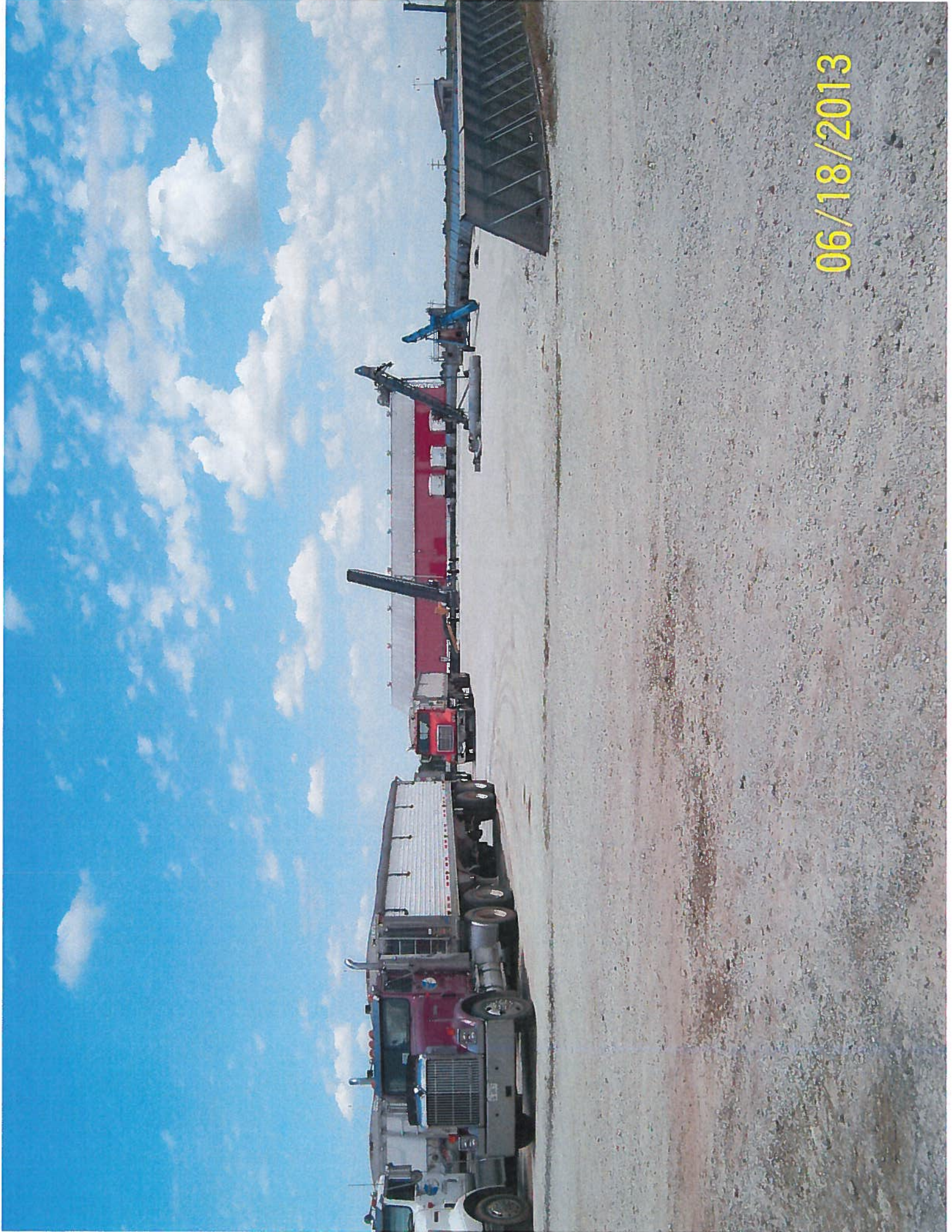
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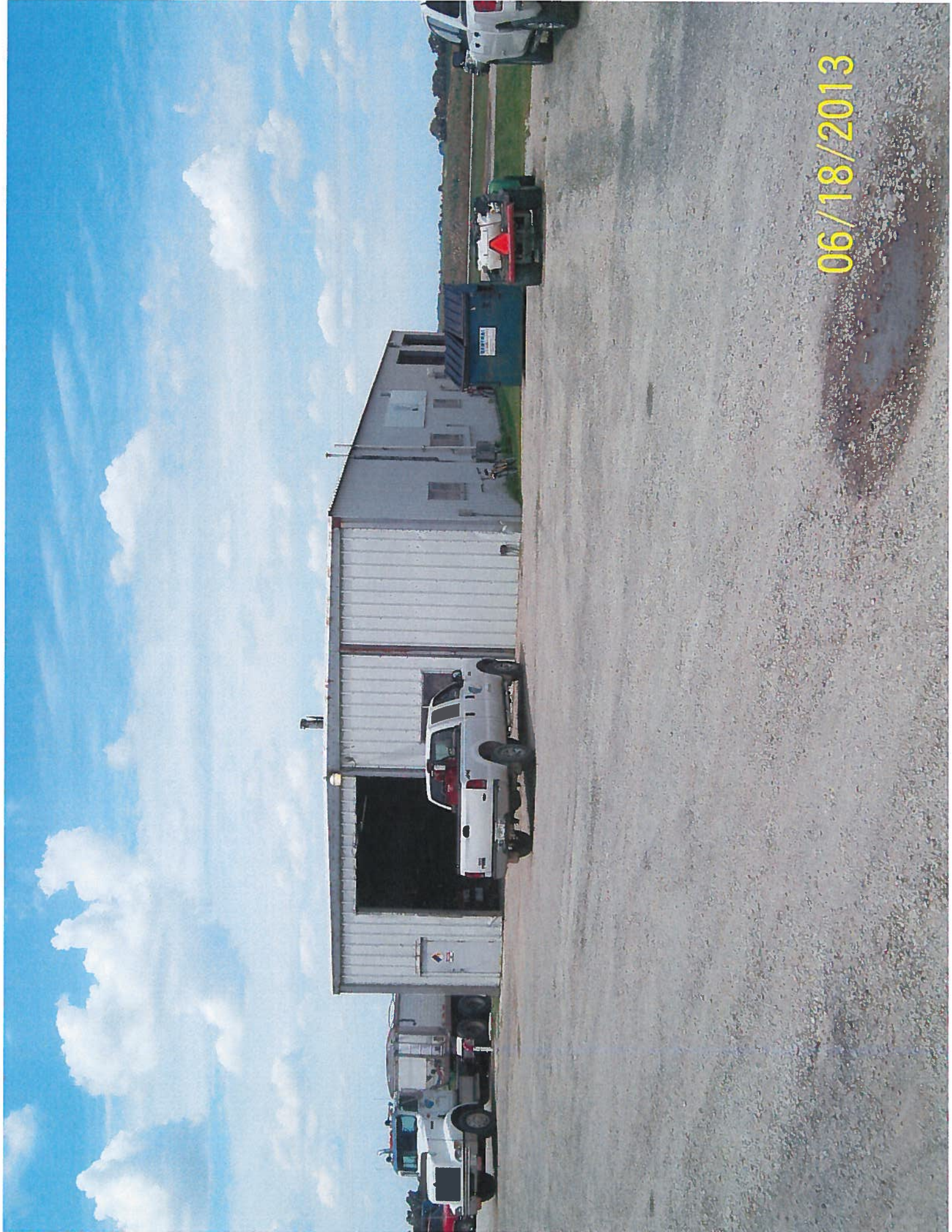
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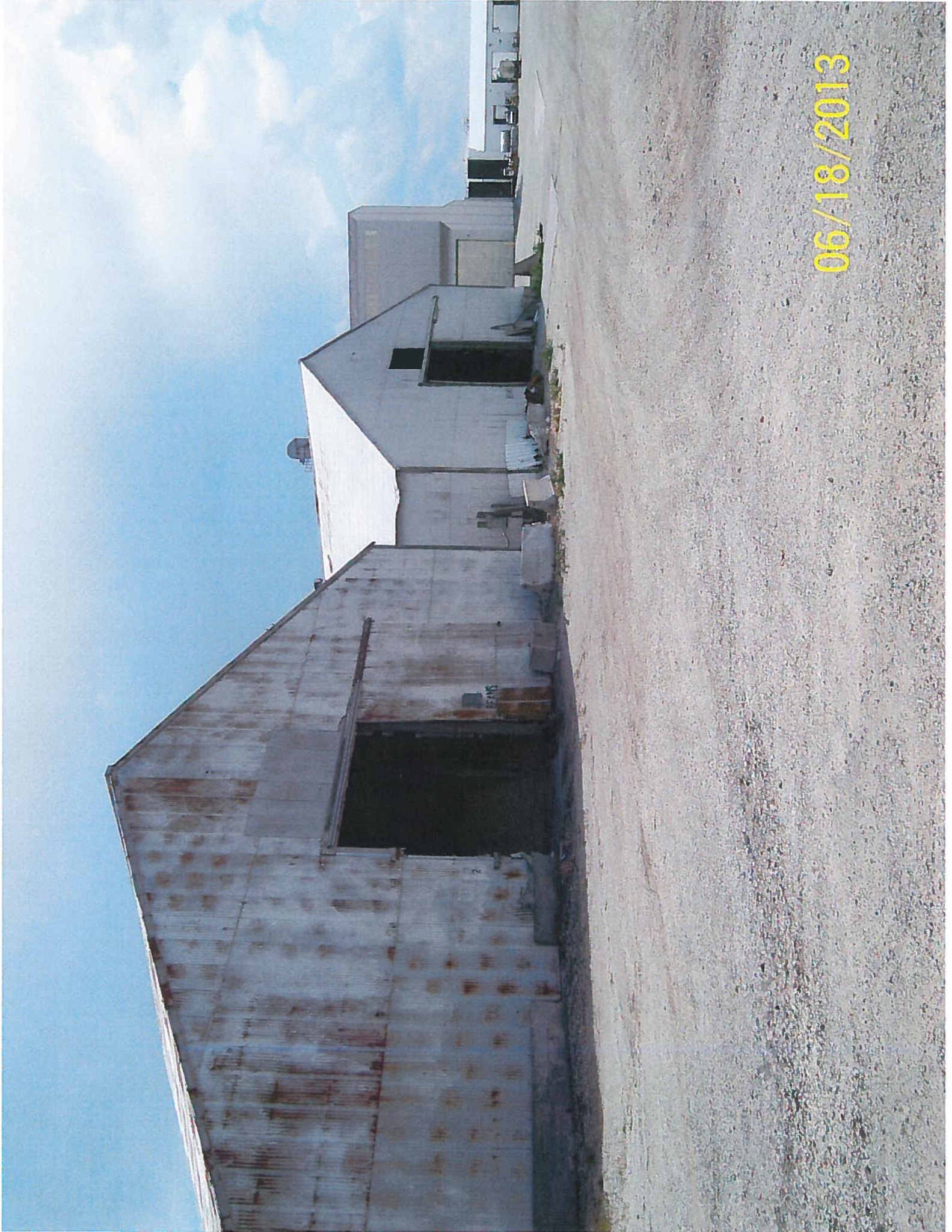
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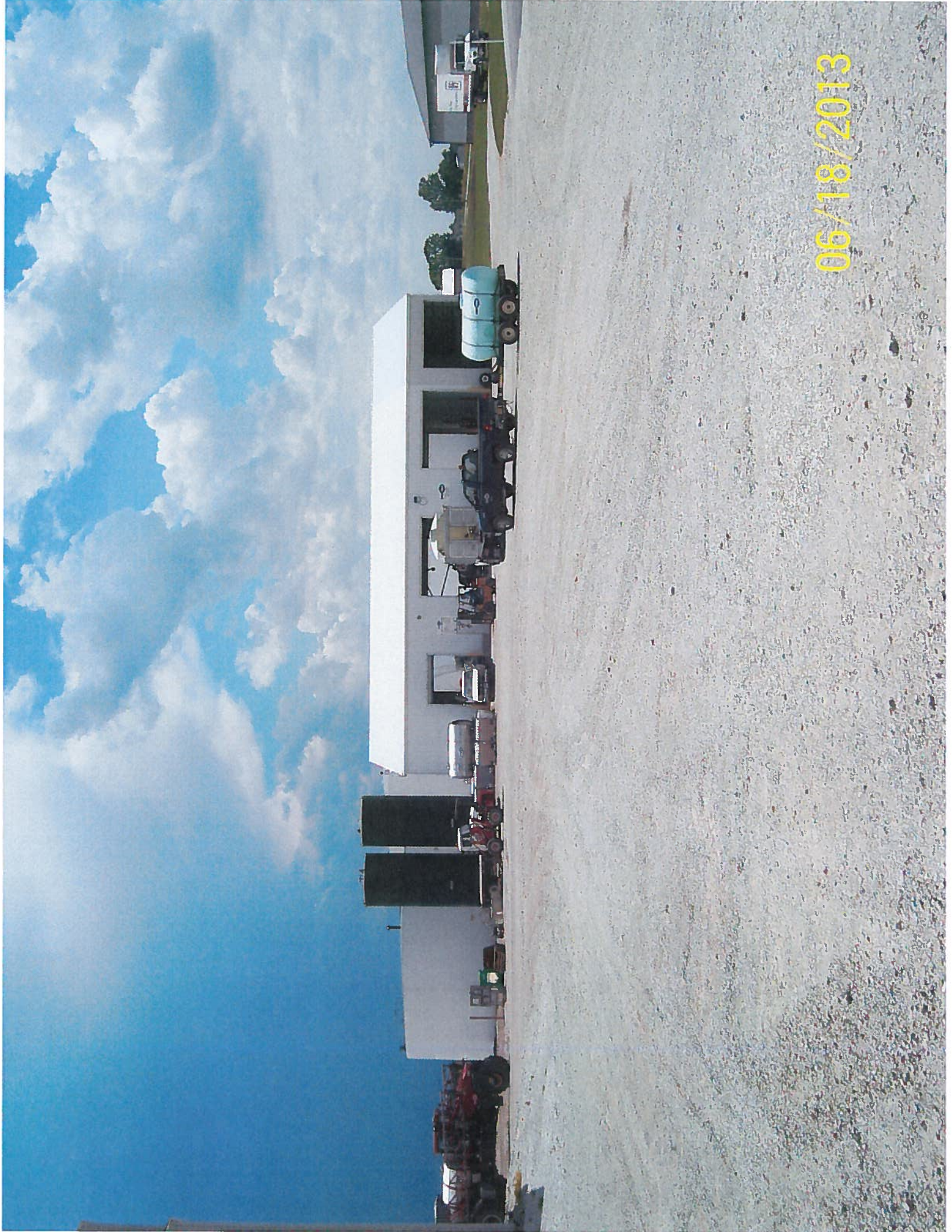
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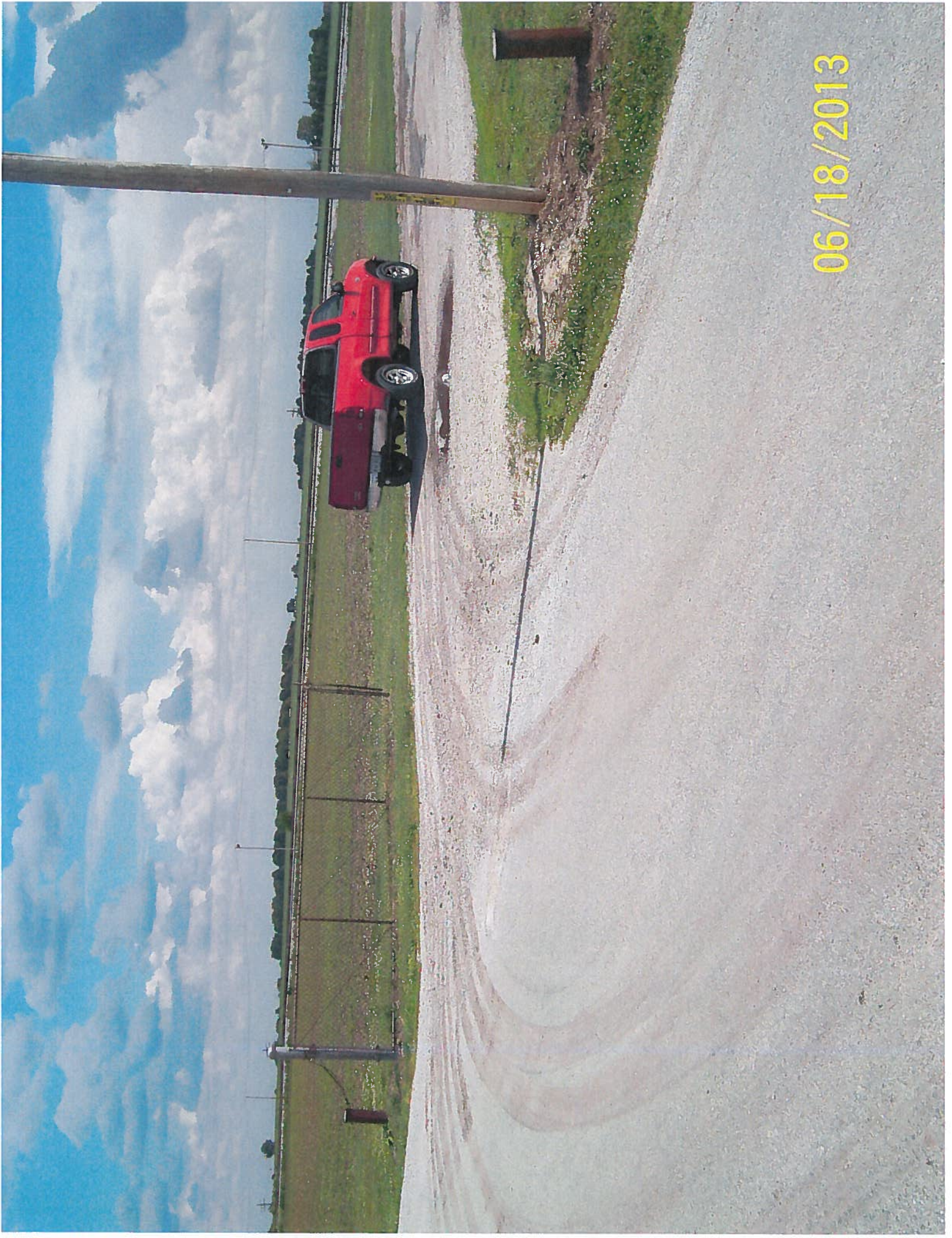
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CASE NO. 753-V-13

PRELIMINARY MEMORANDUM

June 20, 2013

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

Petitioners: Wachstetter Farms, Inc.

Request: Authorize the following in the I-1 Light Industry Zoning District:

Part A. Variance for a front setback from Second Street of 32 feet in lieu of the minimum required 75 feet for a proposed grain bin.

Part B. Variance for a front setback from Ferguson Street of 28 feet in lieu of the minimum required 55 feet for an existing nonconforming building.

Subject Property: Lots 1, 2, 3, 4, 5, 6 and B of Block 3 of the Original Town of Foosland in the Southeast Quarter of Section 17 of Brown Township and commonly known as the Wachstetter grain elevator at 200 Main Street, Foosland.

Site Area: 1.7 acres

Time Schedule for Development: Existing and Summer 2013

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioner owns a grain elevator in the Village of Foosland that is used for their own agricultural operations. This property was formerly occupied by the Foosland Grain Company. Under State law agriculture is exempt from zoning requirements except for front setback requirements. The petitioner proposes to construct a large grain bin that will be 32 feet from the centerline of Second Street. Because the County Highway Department maintains Second Street the minimum required setback is 75 feet. As it is currently proposed, the new grain bin would extend 1 to 2 feet into the right-of-way. The petitioner is currently working with the Village of Foosland and the County Highway Department to vacate a portion of the right-of-way along Second Street so that the proposed bin will not extend into the right-of-way, but a Variance will still be required.

There are existing structures on the property including a grain elevator, grain bins, and storage buildings. Three of the existing grain bins on the subject property have been authorized by ZUPA No. 114-76-03, 133-77-02, and 132-78-04. Part B of the Variance is for an existing storage building that was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.

A small portion in the southeast corner of the property is zoned B-5 Central Business, and the structures located within the B-5 District are not subject to this Variance because the B-5 District has no front setback requirement. This case was originally advertised with three parts. Part B. of the original advertisement was for a variance for an existing grain bin. That grain bin is located in the

B-5 District and does not have to meet the front setback. Therefore, the variance for that grain bin is no longer necessary.

EXTRATERRITORIAL JURISDICTION

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Grain Elevator/Grain Storage	I-1 Light Industry and B-5 Central Business
North	Agriculture	AG-1 Agriculture and I-1 Light Industry
East	Residential/Commercial	B-5 Central Business and R-2 Single Family Residence
West	Agriculture	AG-1 Agriculture
South	Residential	B-5 Central Business and R-2 Single Family Residence

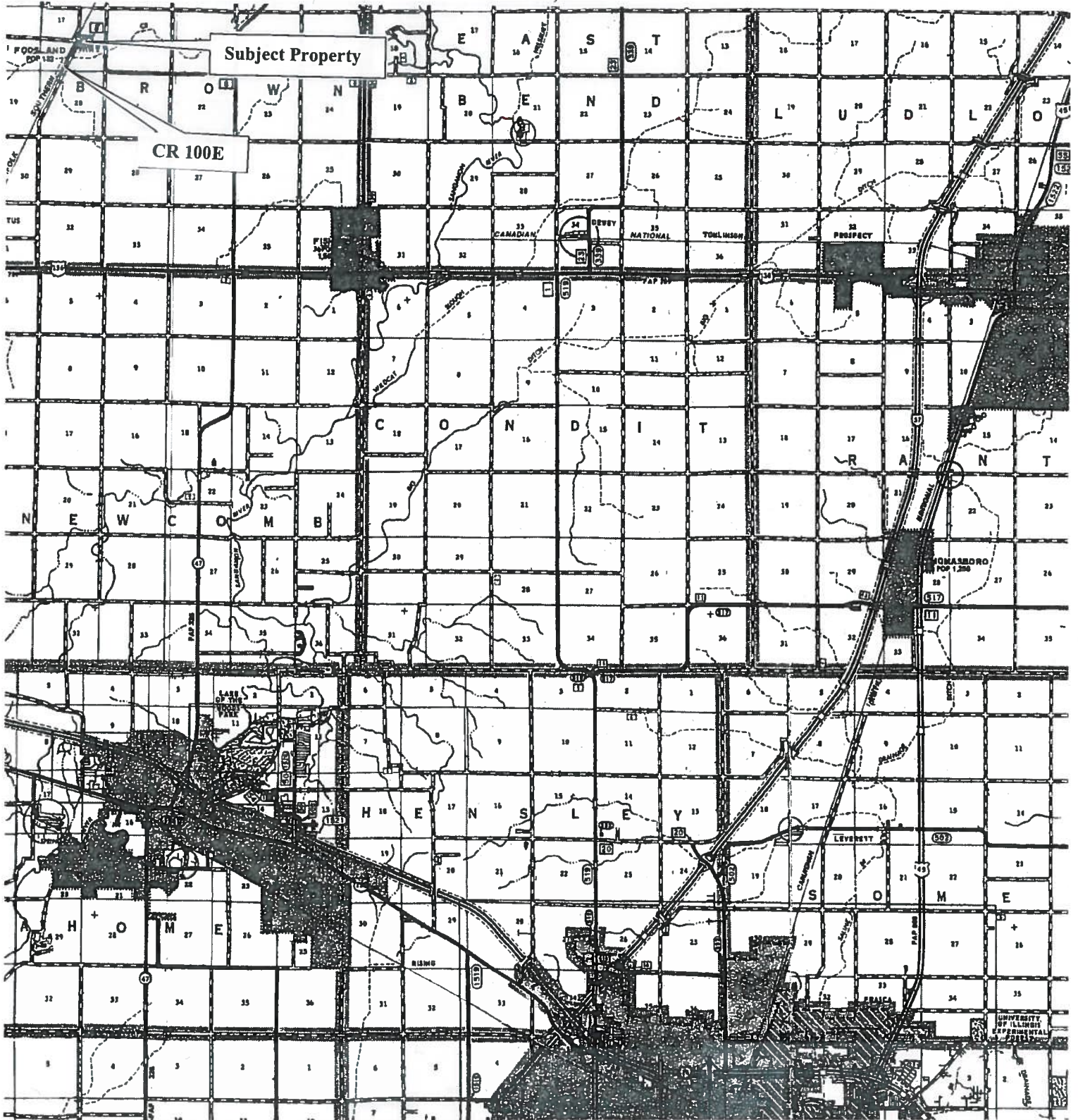
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received April 22, 2013
- C List of Structures and Distances to Street Centerline
- D Letter from Norman Wachstetter to Dale Sedberry, Village President, dated April 19, 2013
- E Site Visit Photos (included separately)
- F Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

Case 753-V-13

June 20, 2013

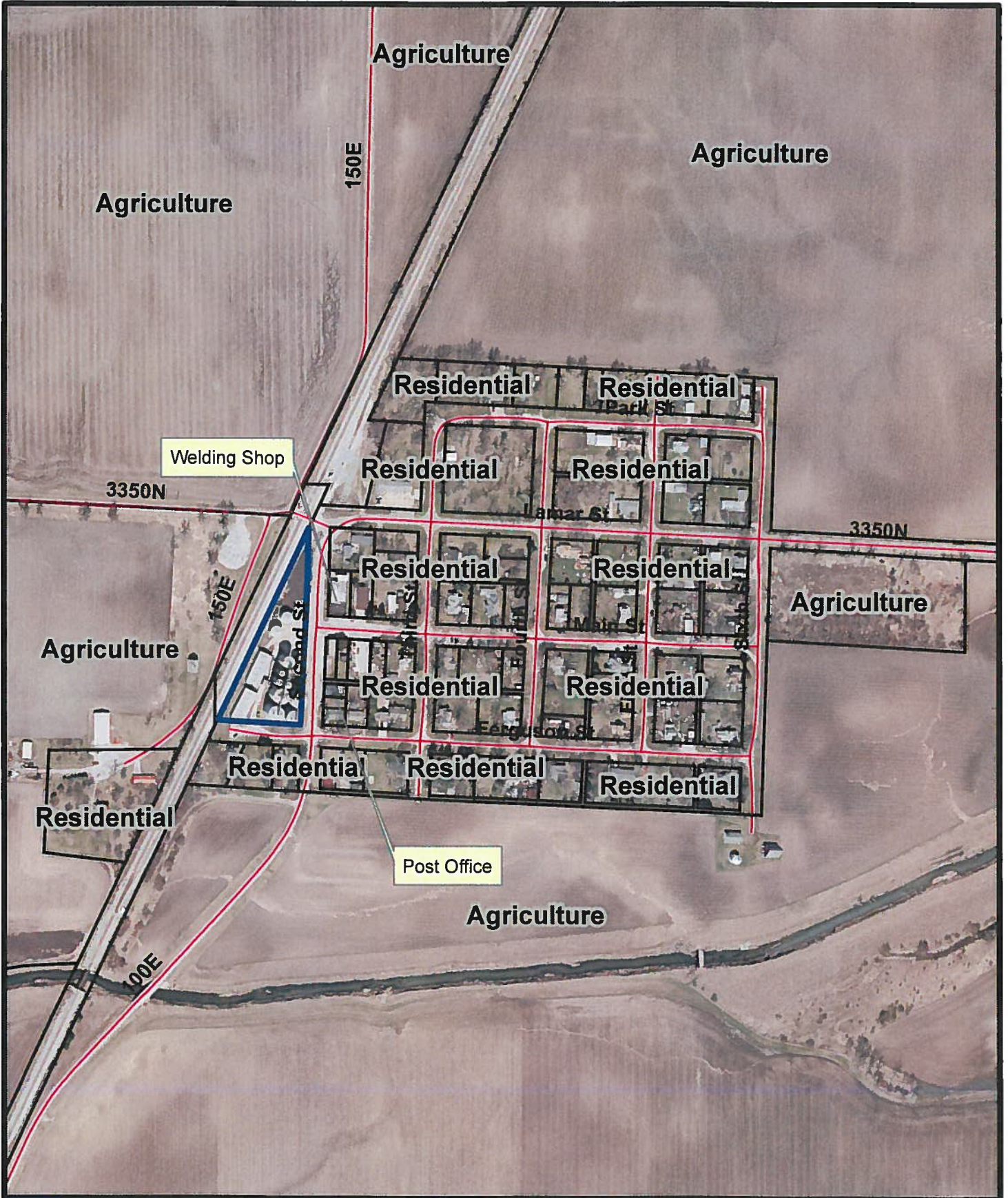


Champaign
County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map

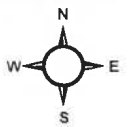
Case 753-V-13

June 20, 2013



 Subject Property

1 inch = 400 feet

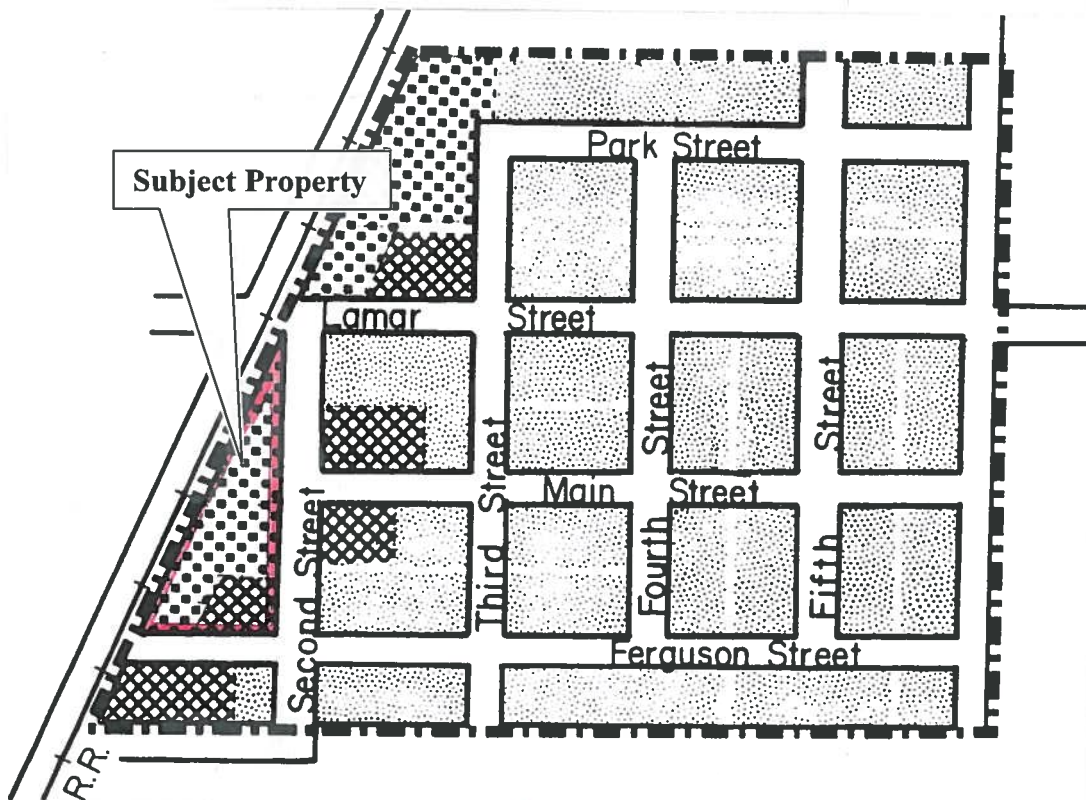


ATTACHMENT A. ZONING MAP

Case: 753-V-13

June 20, 2013

FOOSLAND



0 200 400 800 feet

----- Corporate Limits

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

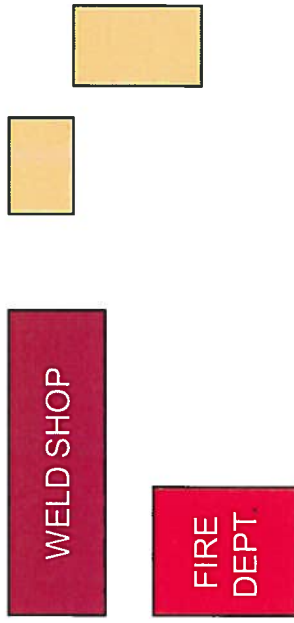
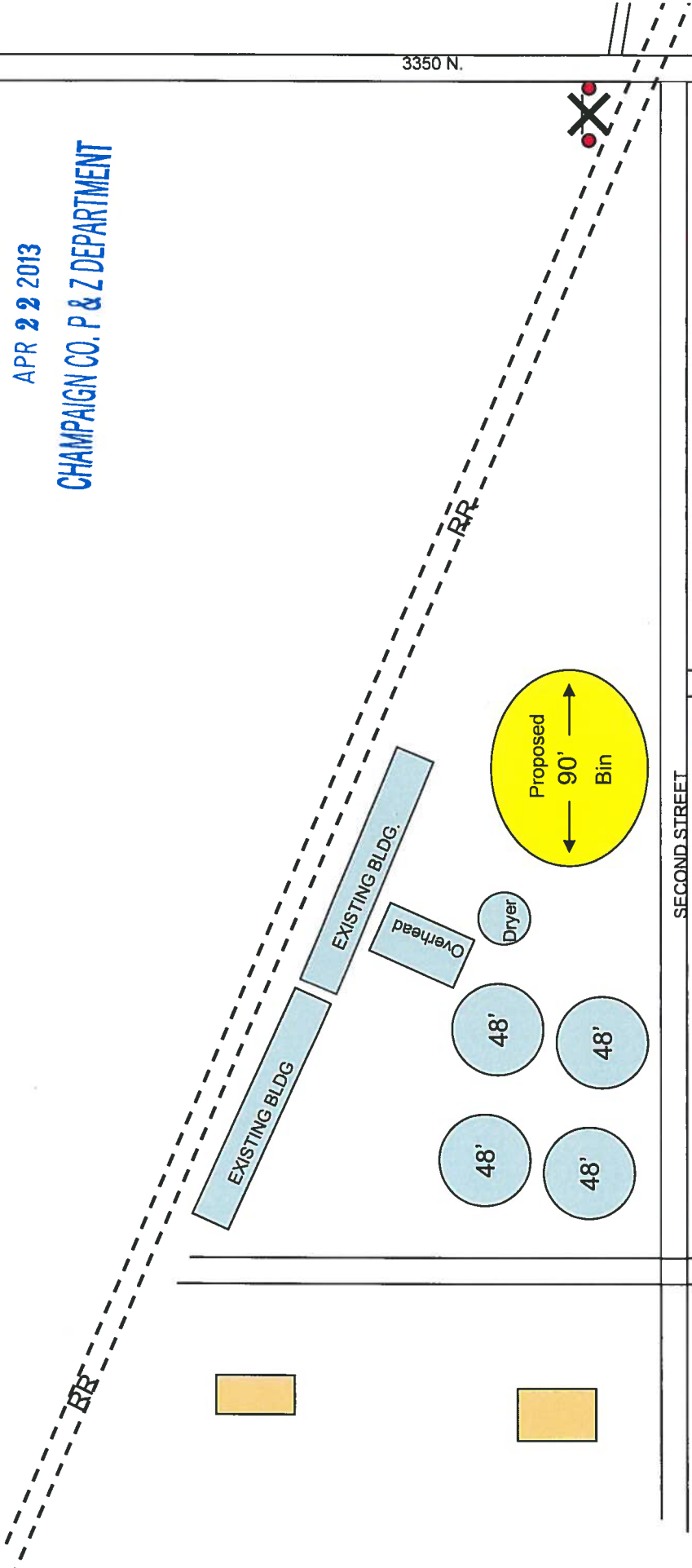
RECEIVED

APR 22 2013

CHAMPAIGN CO. P & Z DEPARTMENT

3350 N.

LAMAR STREET



Attachment (property line measurements)

- **New Grain Bin Addition- Center of Second Street to edge of Grain bin, 32Feet**

Approximately 1 foot into 66 feet street easement

- **Existing North East Bin- Center of Second Street to edge of Grain bin, 39 Feet**

Approximately 6 feet west of easement line

- **Existing South East Bin- Center of Second Street to edge of Grain bin, 50 Feet**

Approximately 17 feet west of easment line

- **Existing South East Bin- Center of Ferguson Street to edge of Grain bin, 37 Feet**

Approximately 4 feet north of easement line

- **Existing South West Bin- Center of Ferguson Street to edge of Grain bin, 46 Feet**

Approximately 13 feet north of easement line

- **Existing South Building- Center of Ferguson Street to edge of SE corner of building , 28 feet**

Approximately 5 feet into Ferguson Street easement line

- **Existing North Building- Center of Second Street to edge of NE corner of building, 135 feet 6 inches**

RECEIVED

APR 24 2013

CHAMPAIGN CO. P & Z DEPARTMENT

- **Existing Scale building (Face)- Center of Second Street to Face of building, 32 Feet 6 inches**

Existing Scale - Center of Second Street to West edge of scale, 11 Feet 6 inches



Wachstetter Farms

79 CR 3350 N

Phone: 217-846-3221

Foosland, IL 61845 Fax: 217-846-3221

April 19, 2013

Village of Foosland
Dale Fedberry-Mayor

Re: Wachstetter Farms Grain Bin Addition

Dear Dale,

This is a written request for your permission for Wachstetter Farms to build an additional grain bin at their facilities in Foosland. At your earliest convenience would you please sign a letter of approval.

Sincerely,

Norman Wachstetter

VILLAGE PRESIDENT

RECEIVED

APR 23 2013

CHAMPAIGN CO. P & Z DEPARTMENT

PRELIMINARY DRAFT

753-V-13

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

Final Determination: **{GRANTED / GRANTED WITH SPECIAL CONDITIONS/ DENIED}**

Date: **June 27, 2013**

Petitioners: **Wachstetter Farms, Inc.**

Request: Authorize the following in the I-1 Light Industry Zoning District:

Part A. Variance for a front setback from Second Street of 32 feet in lieu of the minimum required 75 feet for a proposed grain bin.

Part B. Variance for a front setback from Ferguson Street of 28 feet in lieu of the minimum required 55 feet for an existing nonconforming building.

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Case 753-V-13 Findings of Fact.....	13-14
Case 753-V-13 Final Determination	15

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 27, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Wachstetter Farms, Inc. owns the subject property.
2. The subject property is Lots 1, 2, 3, 4, 5, 6 and B of Block 3 of the Original Town of Foosland in the Southeast Quarter of Section 17 of Brown Township and commonly known as the Wachstetter grain elevator at 200 Main Street, Foosland.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is primarily zoned I-1 Light Industry, and a small portion is zoned B-5 Central Business, the entire property is in use for the operation of a grain elevator and grain storage for personal agricultural use.
 - B. Land to the north is zoned I-1 Light Industry, and AG-1 Agriculture, and is in agricultural use.
 - C. Land to the east is zoned R-2 Single Family Residence, and B-5 Central Business, and is in residential and commercial use.
 - D. Land to the west is zoned AG-1 Agriculture, and is in agricultural use.
 - E. Land to the south is zoned R-2 Single Family Residence, and B-5 Central Business, and is in residential use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is approximately 1.7 acres in area.
 - B. The Site Plan received April 22, 2013, indicates the following:
 - (1) The location of the proposed 90' diameter grain bin.
 - (2) Four 48' diameter grain bins. Three of these bins were authorized by ZUPA No. 114-76-04, 133-77-02, and 132-78-04.
 - (3) The location of two existing storage buildings.

- (4) A grain elevator with overhead bins and a grain dryer.
- C. A list of measurements received April 24, 2013, indicates the following:
- (1) The new grain bin will be 32 feet from the centerline of Second Street.
 - (2) The existing south storage building is 28 feet from the centerline of Ferguson Street.
 - (3) The existing northeast bin is 39 feet from the centerline of Second Street.
 - (4) The existing southeast bin is 50 feet from the centerline of Second Street.
 - (5) The existing southwest bin is 46 feet from the centerline of Ferguson Street.
 - (6) The existing north storage building is 135 feet from the centerline of Second Street.
- C. The requested variance is as follows:
- (1) Variance for a front setback from Second Street of 32 feet in lieu of the minimum required 75 feet for a proposed grain bin.
 - (2) Variance for a front setback from Ferguson Street of 28 feet in lieu of the minimum required 55 feet for an existing nonconforming building.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
- (1) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

PRELIMINARY DRAFT

Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (2) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, and chattels.
- (3) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (5) "NONCONFORMING LOT, STRUCTURE, OR USE" is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (6) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (7) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (8) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (9) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES including BUILDINGS, walls, fences, billboards, and SIGNS.

- (10) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (11) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- H. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- I. Section 5.3 of the *Zoning Ordinance* establishes the minimum front setback from the centerline of a COLLECTOR STREET as 75 feet.
- J. Section 5.3 of the *Zoning Ordinance* establishes the minimum front setback from the centerline of a MINOR STREET as 55 feet.

PRELIMINARY DRAFT

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“This property is an existing elevator and is used for Wachstetter Farms, it has been an elevator for many years. It is bounded by a railroad on the west side, streets on the south and east sides which limits usable area.”**
 - B. The size of the bin is necessary to accommodate the petitioner’s grain storage needs and there does not appear to be anywhere on the subject property that will accommodate the proposed bin without demolishing existing structures that are currently in use.
 - C. Second Street is maintained by the Champaign County Highway Department. Therefore, this is a COLLECTOR STREET which requires a greater setback than a MINOR STREET would.
 - D. A small portion in the southeast corner of the property is zoned B-5 Central Business, and the structures located within the B-5 District are not required to meet the front setback requirement because the B-5 District has no front setback requirement.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, **“If required setbacks are enforced this would render this property unbuildable. There is no other property available to service this elevator.”**
 - B. Without the proposed variance the petitioners would have to demolish existing buildings or bins that are still in use to meet the setback requirement. Demolishing these structures may not even provide adequate area to meet the setback.
 - C. The existing storage buildings were built prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on the placement of structures.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“No.”**

- B. The existing storage buildings were built prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on the placement of structures.
- C. The size of the bin is necessary to accommodate the petitioner's grain storage needs and there does not appear to be anywhere on the subject property that will accommodate the proposed bin without demolishing existing structures to meet the required setback.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **"We have removed four older bins to make room for one larger, safer structure. This will create a much safer, less congested and nicer appearance for the community."**
 - B. Regarding the requested Variance:
 - (1) The requested variance for a setback of 32 feet for a new grain bin is 43% of the minimum required 75 feet for a variance of 57%.
 - (2) The requested variance for a front setback of 28 feet for an existing storage building is 51% of the minimum required 55 feet for a variance of 49%.
 - C. The requested variance is not prohibited by the *Zoning Ordinance*

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **"As stated, this addition will make a safer and cleaner environment for the community. Many structures in Foosland do not have the setbacks that are required today"**
 - B. The Township Road Commissioner and the County Engineer have received notice of this variance but no comments have been received.
 - C. The Fire Protection District has been notified of this variance but no comments have been received.

PRELIMINARY DRAFT

- D. Dale Sedberry, Village President, Village of Foosland, signed a letter from Norman Wachstetter, petitioner, dated April 19, 2013, requesting permission to build a grain bin. The Village of Foosland has no authority to authorize construction. Presumably by signing the letter the Village has no issues with the construction of the proposed grain bin.
- E. There are two homes immediately south of the subject property and both homes are approximately 80 feet from the subject property. Both of these homes existed prior to 1973 as well as the grain elevator.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 12. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Site Plan received April 22, 2013
2. Variance Application received on April 23, 2013, with attachments:
 - A Letter from Norman Wachstetter to Dale Sedberry, Village President, dated April 19, 2013
 - B Site Plan with Attached List of Property Line Measurements
 - C Corporate Warranty Deed
3. Zoning Use Permit Application (number has not been assigned) received April 23, 2013, with attachments:
 - A Site Plan with Attached List of Property Line Measurements
4. Revised List of Property Line Measurements received April 24, 2013
5. Preliminary Memorandum dated June 20, 2013 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received April 22, 2013
 - C List of Structures and Distances to Street Centerline
 - D Letter from Norman Wachstetter to Dale Sedberry, Village President, dated April 19, 2013
 - E Site Visit Photos
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 753-V-13 held on **June 27, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** 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 because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

6. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 753-V-13 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Wachstetter Farms, Inc.** to authorize the following in the I-1 Light Industry Zoning District:

- Part A. Variance for a front setback from Second Street of 32 feet in lieu of the minimum required 75 feet for a proposed grain bin.**
- Part B. Variance for a front setback from Ferguson Street of 28 feet in lieu of the minimum required 55 feet for an existing nonconforming building.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

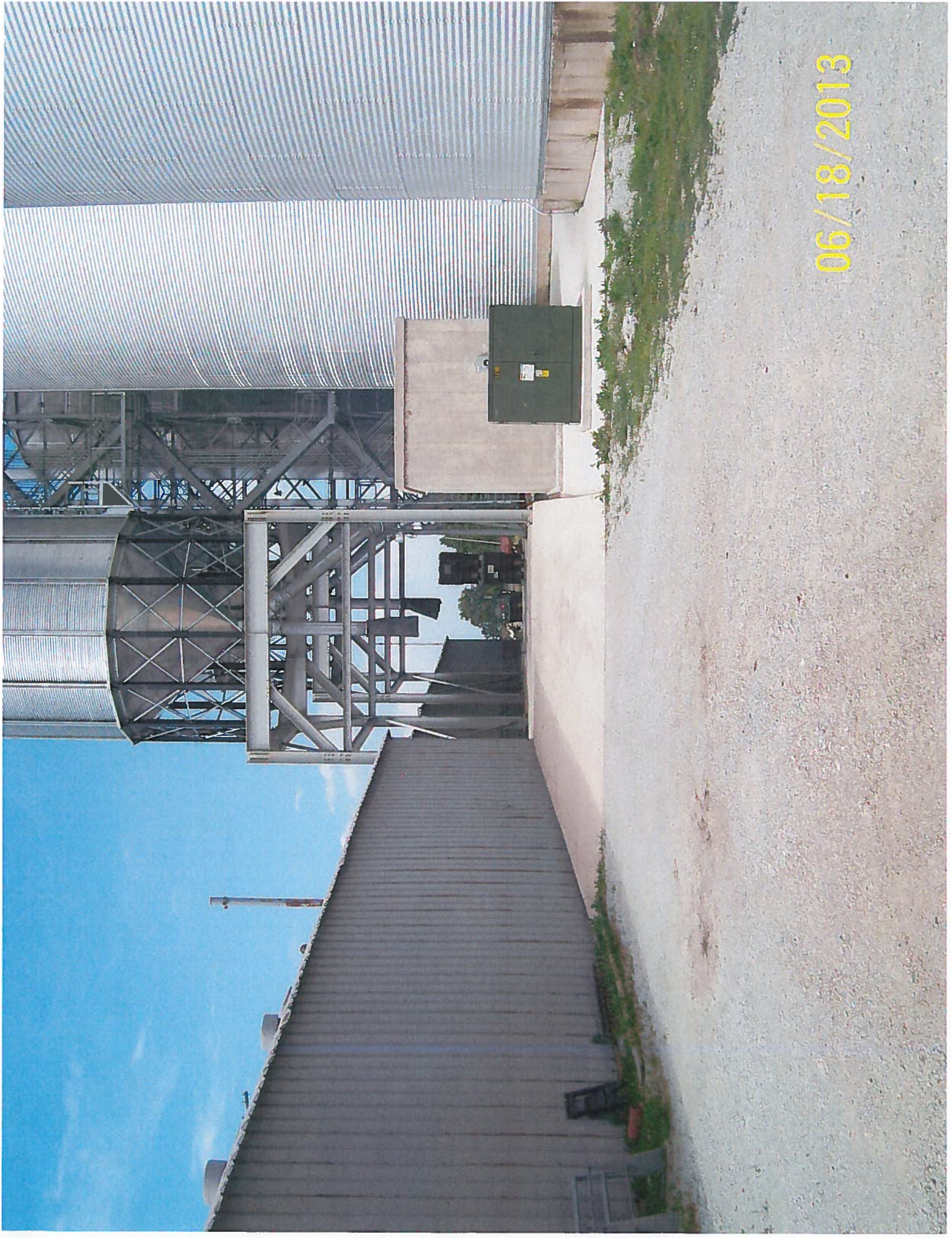
The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

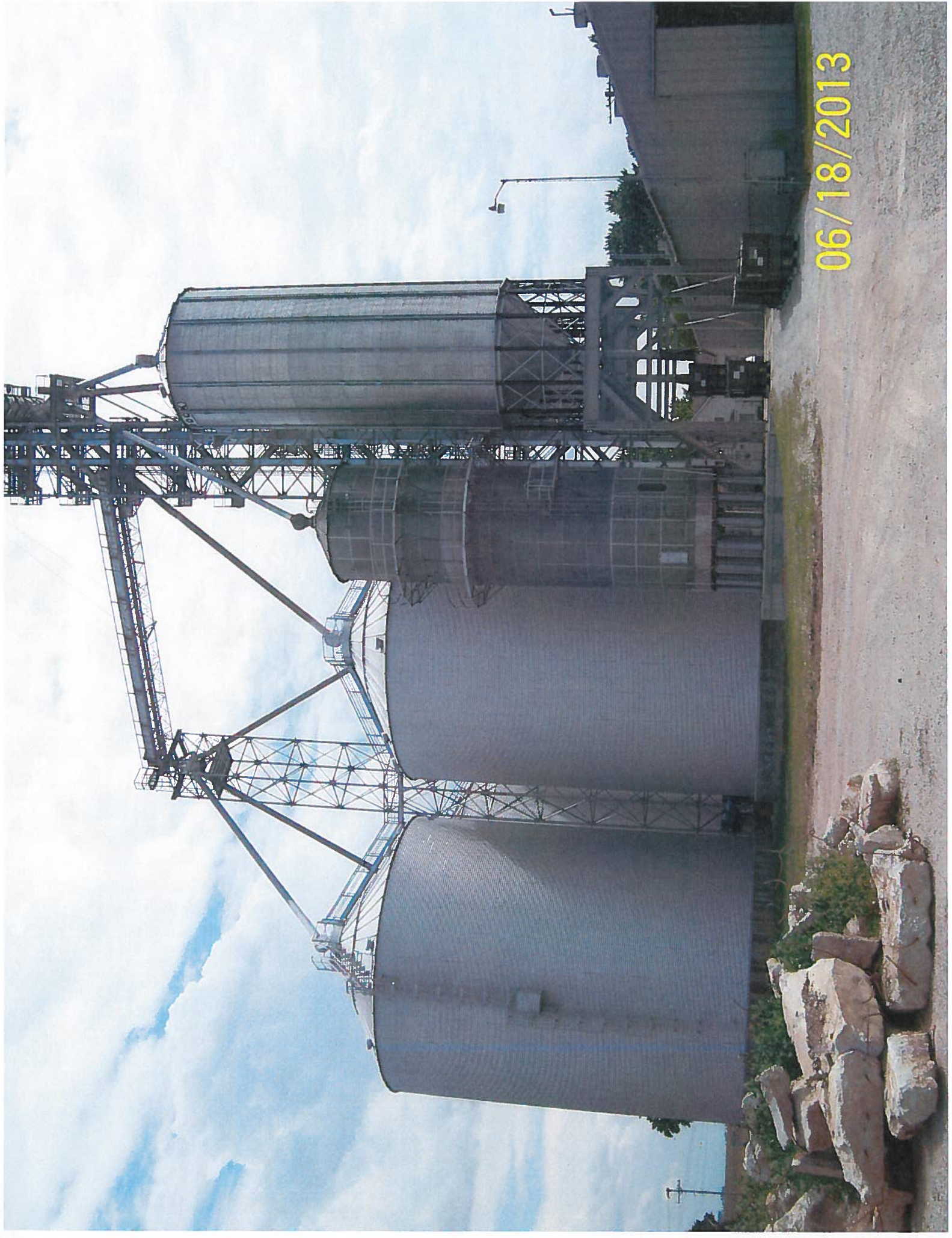
Secretary to the Zoning Board of Appeals
Date



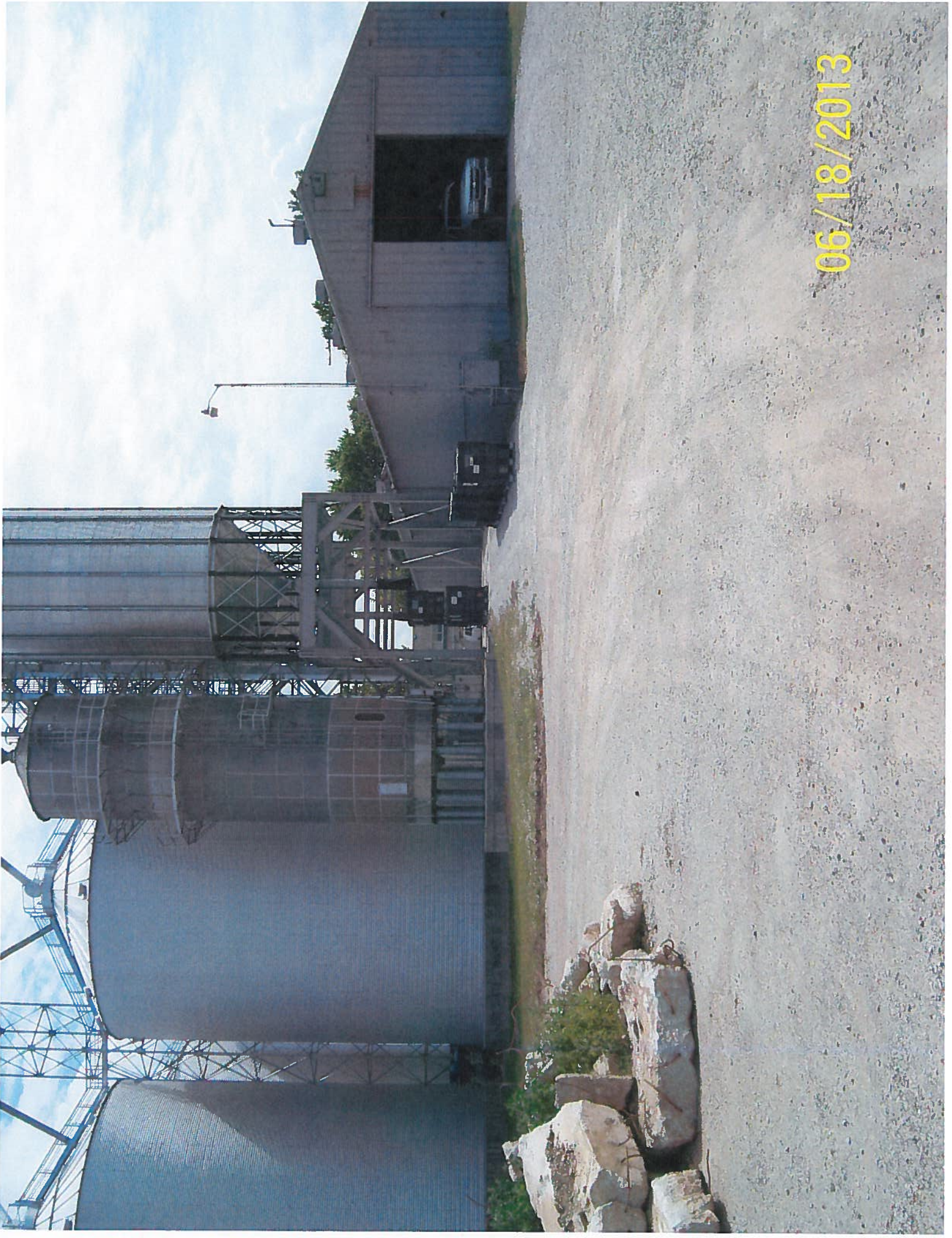
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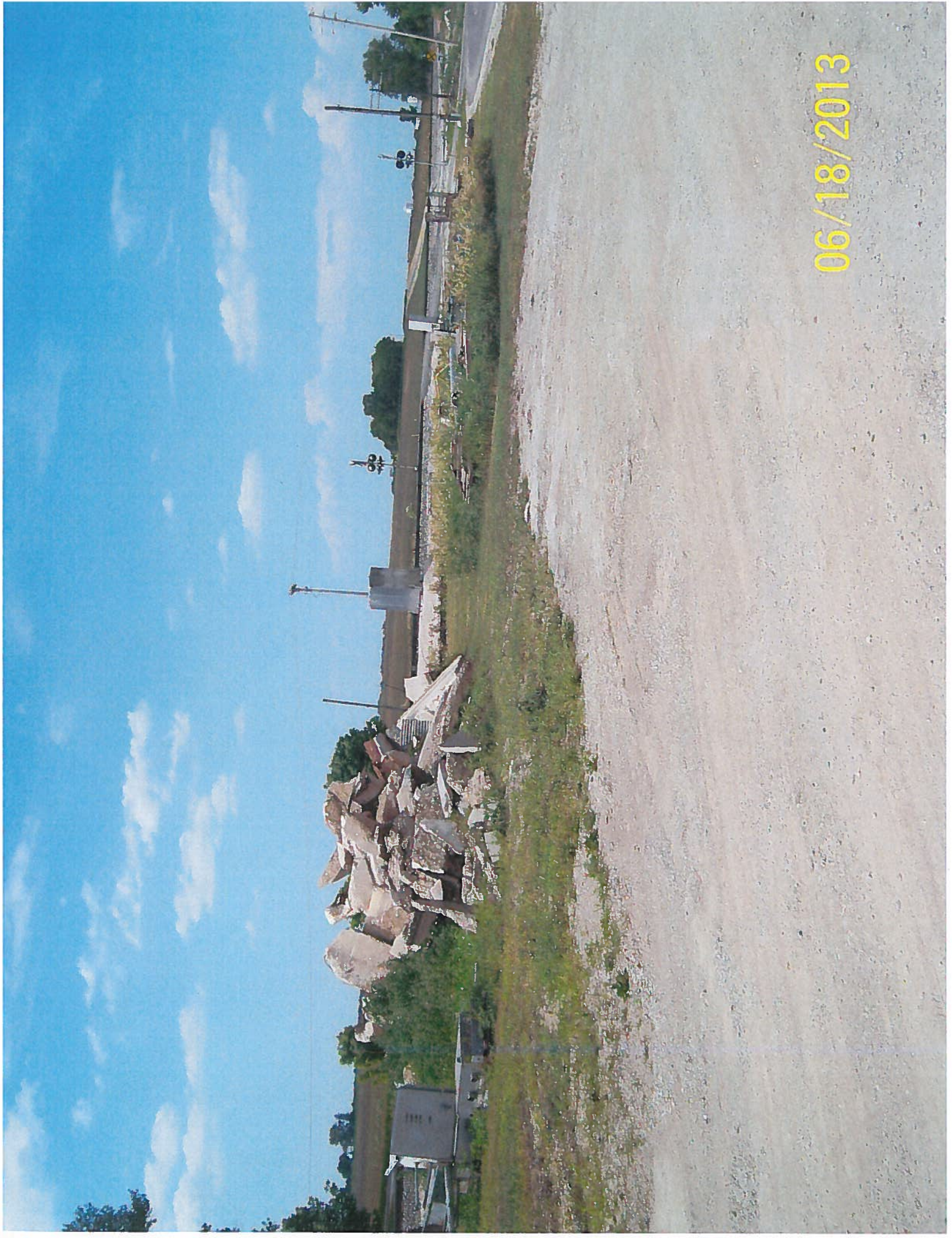
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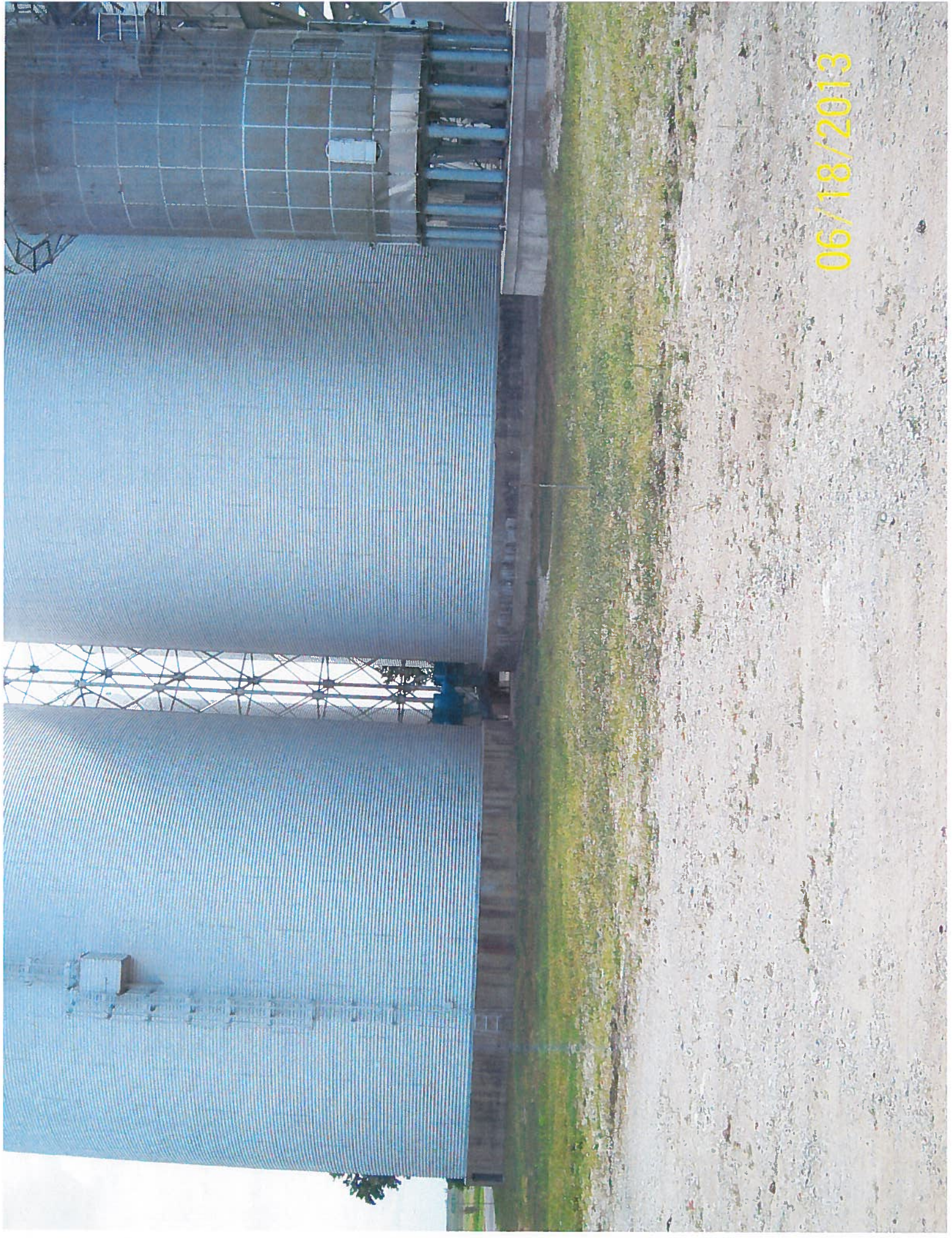
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06/18/2013

CASE NO. 757-AT-13

PRELIMINARY MEMORANDUM

June 20, 2012

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

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Adopt an updated Flood Insurance Study with an effective date of October 2, 2013.

Part B. Adopt updated Digital Flood Insurance Rate Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new maps can be viewed at: www.illinoisfloodmaps.org.

Part C. Adopt a new Special Flood Hazard Areas Ordinance based on the minimum requirements of the National Flood Insurance Program (NFIP) and the State of Illinois.

BACKGROUND

The Champaign County Board Environment and Land Use Committee authorized this text amendment at their June 6, 2013, meeting. See the attached memorandum.

APPROACH TO THIS ZONING CASE

The ELUC memorandum makes clear that the County Board has little discretion in this amendment if the Board wishes the County to remain in the National Flood Insurance Program (NFIP). This amendment must be adopted by the County Board no later than the September 19, 2013, meeting and therefore the ZBA must make a determination in this case no later than July 25, 2013.

The public has already had an opportunity to review the new DFIRMs and staff has previously reviewed all of the DFIRMs and provided comments to the Illinois State Water Survey staff who prepared the DFIRMs. In regards to both the DFIRMs and the Flood Insurance Study, the public hearing for this case is a necessary formality.

The amendment of the Special Flood Hazard Areas Ordinance is not merely a formality even though it will have to be expeditious. The public hearing must achieve the following:

- Identify any differences between the updated model flood ordinance and the existing Special Flood Hazard Areas Ordinance and distinguish between those differences that are necessary for the County to remain in the NFIP (the minimum requirements of FEMA and the State of Illinois) and those differences (if any) where the County may have discretion.

- Careful formatting and editing of the model flood ordinance so that the final document is free of ambiguity and contradiction. Any change to the text of the model flood ordinance must be reviewed by the state agency who promulgates the ordinance, the Illinois Department of Natural Resources/Office of Water Resources (IDNR/OWR).

This memorandum will highlight the differences between the updated model flood ordinance and the existing Special Flood Hazard Areas Ordinance and identify those parts of the updated model ordinance that need clarified.

A completely formatted Draft Special Flood Hazard Areas Ordinance and Draft Finding of Fact will be available at the meeting as will the full size DFIRM maps.

COMPARING THE UPDATED MODEL ORDINANCE TO THE EXISTING S.F.H.A. ORDINANCE

The formal notice of the new final flood hazard determination received from the Federal Emergency Management Agency (FEMA) on April 5, 2013, is included as Attachment B.

That notice makes clear that the existing Special Flood Hazard Areas Ordinance must be amended or replaced with a new ordinance that meets or exceeds the minimum requirements of the National Flood Insurance Program (NFIP). The minimum NFIP requirements are included in Attachment D.

The Illinois Department of Natural Resources/Office of Water Resources (IDNR/OWR) is the state agency that coordinates the statewide National Flood Insurance Program. IDNR/OWR has recommended that the County adopt a wholly new ordinance and has provided the current “model” ordinance. See Attachment B to the ELUC memorandum.

The existing Champaign County Special Flood Hazard Areas Ordinance was adopted on 02/06/03 and is included as Attachment E.

Attachment F is the “model” ordinance that has been annotated to indicate the following:

- Underlining indicates text not included in the existing Champaign County SFHA Ordinance but that does not add any new substantive requirement.
- **Highlighting and single underlining** indicates an additional requirement that is not required by the existing Champaign County SFHA Ordinance but is required by the National Flood Insurance Program (NFIP). There are two instances of this type of change in the updated model ordinance which are as follows:
 - The last paragraph in Section 5 that requires the Zoning Administrator to “...obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity.” This change seems consistent (and required by) paragraph 60.3(a)(2) of the NFIP regulations (included as Attachment D).
 - The first paragraph in Section 10 that requires “For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.” This change seems consistent

(and required by) paragraph 60.3(b)(7) of the NFIP regulations (included as Attachment D).

- **Highlighting and double underlining** indicates an additional requirement that is not required by the existing Champaign County SFHA Ordinance and is not required by the National Flood Insurance Program (NFIP). Three instances of this type of change appear in the updated model ordinance, which are as follows:
 - Paragraph 3.C. requires that “Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.” In some instances the cost to determine base flood elevations could be so expensive that it could be cost-prohibitive. It may be more equitable to only require the applicant to finance the study when there is no permit application.
 - The last paragraph in Section 8 that requires “Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.” While this is not a requirement of the existing Special Flood Hazard Area Ordinance, it is consistent with the requirements of Section 7 of the Stormwater Management Policy.
 - Paragraph 9.A.5. requires that “Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain.”; and that “Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available.”; and that “Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater.” Obviously, these changes would have very significant (potentially cost-prohibitive) cost impacts on any “critical facility”. Staff will check with the IDNR/OWR to determine if this is a State of Illinois requirement or if there is flexibility in regards to this change.
- **(highlighting and italics in parentheses)** indicates points where the County must select a specific date or time period related to changes in structures. At this time it is not clear how much discretion the County may have in these selections. The selection must be made at the following points in the updated model ordinance:
 - In Section 2 in the definition of both “substantial damage” and “substantial improvement”.
 - In paragraph 7.A.2. that establishes when an improvement(s) to an existing structure (that may be nonconforming) is or are considered to be a “substantial improvement” and thus when the existing nonconforming structure must be made to be in compliance.
 - In paragraph 7.A.3. that establishes when a repair(s) to an existing structure (that may be nonconforming) is or are considered significant enough that the structure

should be considered “substantially damaged” and thus when the repaired nonconforming structure must be made to be in compliance.

Note that text that is included in the existing Champaign County SFHA Ordinance but not included in the new model ordinance is not indicated but none of those changes seem to be problematic.

PORTIONS OF THE UPDATED MODEL ORDINANCE THAT NEED IMPROVED

The following parts of the updated model ordinance need to be improved:

- Paragraph 7.B.2. needs to be improved to clarify the following:
 1. May a building only be elevated on solid walls or are solid walls only one means of elevating a building? The use of the phrase “solid walls” is inconsistent in the first sentence and sub-paragraphs a. and c.
 2. In subparagraph c. are 2 openings to relieve hydrostatic pressure a minimum requirement for enclosed areas below the flood protection elevation? This requirement is not found in any FEMA document so it is not clear whether this is a requirement, a recommendation, or a typo.
 3. Are the paragraphs with small case Roman numerals subsidiary to paragraph 7.B.2.d. or are should these paragraphs be lettered consecutively with paragraphs a., b., c., and d.? The existing SFHA Ordinance shows these paragraphs to be lettered consecutively which seems logical.
 4. Sub-paragraphs b. and ii. seem to be contradictory to each other and need to be clarified.
- Paragraph 7.B.3. needs to be improved to clarify the following:
 1. Do both paragraph 7.B.2 and 7.B.3. apply to crawl spaces below the flood protection elevation?
 2. Are crawl spaces below the flood protection elevation not required to have a minimum of 2 openings to relieve hydrostatic pressure, as appears to be indicated in subparagraph 7.B.2.c.?
 3. In subparagraph 7.B.3.g. what does “utility systems” actually mean?
- Paragraph 7.B.F. needs to be improved to clarify the following (these same questions arise when reviewing the existing SFHA Ordinance):
 1. Does this paragraph apply to all minor accessory structures built in the mapped floodplain or only to those that are built below the flood protection elevation or only to those that are built below the base flood elevation?
 2. How does the dollar amount and building area in subparagraph 7.B.F.8. relate to the dollar amount and area in subparagraph 7.A.1. and to the limits on substantial improvement in 7.A.2. and substantial repair in 7.A.3.?
 3. Are floor drains part of the plumbing referred to in subparagraph 7.B.F.6?
 4. Is “flood protection elevation” the correct elevation to use in subparagraph 7.B.F.10.?

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) AREAS OF CHANGE

The colored portions of the DFIRM Areas of Change map (Attachment C) indicate the flood plain areas that are changed from the current FIRM due to best available information that has become available since 1984.

The maps titled Champaign County Changes Since Last FIRM (attachment to the ELUC memo) illustrate those changes by overlaying the new mapped flood plain with the existing mapped flood plain.

FLOOD INSURANCE STUDY AVAILABLE ON WEBSITE

The updated Preliminary Flood Insurance Study for Champaign County is available on the Department website under the "Flood Map Modernization" on the menu sidebar.

ATTACHMENTS (*= attachments available on the County website)

- A Champaign County Environment and Land Use Committee Memorandum dated May 29, 2013, with attachments:
 - a Champaign County Changes Since Last FIRM received 8/2/12
 - b Updated Model Special Flood Hazard Areas Ordinance (NOTE: NOT INCLUDED WITH ZBA MEMORANDUM)
 - c Sec. 11 Fees from the Champaign County Special Flood Hazard Areas Ordinance
 - *d Preliminary (Updated) Flood Insurance Study received June 28, 2012 (not included with the memorandum but available on the ELUC meeting website)
- B FEMA Formal Notice of Final Flood Hazard Determination received 4/5/13
- *C Draft Champaign County DFIRM Areas of Change received 8/2/12 (included separately for ZBA members and available to others on the ZBA web page)
- *D Paragraphs 59.24, 59.30, and 60.3 of the National Flood Insurance Program regulations (44CFR 59, etc.) (included separately for ZBA members and available to others on the ZBA web page)
- *E Champaign County Special Flood Hazard Areas Ordinance adopted 02/06/03 (included separately for ZBA members and available to others on the ZBA web page)
- F Updated Model Special Flood Hazard Areas Ordinance (Annotated to Indicate Changes From Current Ordinance)

Champaign County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

To: **Environment and Land Use Committee**

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

Date: **May 29, 2013**

RE: **Adoption of new Model Flood Hazard Ordinance and Updated
Flood Insurance Rate Maps**

Request: **Request approval to proceed with a public hearing for a text
amendment to the Zoning Ordinance for the adoption of a new
Model Flood Hazard Area Ordinance and Updated Flood
Insurance Rate Maps**

BACKGROUND

The Federal Emergency Management Agency (FEMA) has partnered with state governments to convert existing Flood Insurance Rate Maps (FIRMs) to a new countywide Geographic Information System (GIS) format in a project known as the Flood Map Modernization Program.

The Flood Map Modernization Program in Illinois has been staffed by the Illinois State Water Survey (ISWS). Flood Map Modernization for Champaign County has been underway for some time and there have been several meetings involving the staffs of the various affected local governments.

A Flood Risk Information Open House was held at the Champaign Public Library on August 2, 2012, at which the new GIS based flood maps were made available for the public to see. Attachment A summarizes the changes from the current FIRMs.

The Department of Planning and Zoning reviewed the updated Flood Insurance Study and all new DFIRMs for the unincorporated area in the month of August 2012 and provided written comments to the ISWS. Other local governments also provided comments.

The new DFIRMs will be effective on October 2, 2013, and prior to that date the County must adopt not only the new DFIRMs but also the new model flood hazard area ordinance (see Attachment B) and the updated Flood Insurance Study.

The County has no discretion in adopting anything less than what is required by FEMA and the State of Illinois. These updated documents must be adopted by October 2, 2013, if the County is to continue participating in the National Flood Insurance Program (NFIP).

Approval to proceed will allow the public hearing to begin possible as early as June 27, 2013, with a ZBA recommendation to ELUC at the August 8, 2013, ELUC meeting and with adoption by the County Board no later than September 19, 2013. The rest of this memorandum provides a brief overview of the new flood maps, the new model flood hazard ordinance, and the new Flood Insurance Study.

OVERVIEW OF NEW DIGITAL FLOOD INSURANCE RATE MAPS

The principal focus of the Flood Map Modernization program is the digital Flood Insurance Rate Maps (DFIRMs). The most important differences between the current FIRMs and the DFIRMs can be summarized as follows:

1. **The current FIRMs have no electronic data associated with them but the DFIRMs are based on GIS data that can be used in the County's GIS.**
2. **The DFIRMs incorporate the best available information regarding the area subject to the 1% annual chance flood.** The DFIRMs incorporate several improvements that have become available since the 1984 FIRMs were adopted such as the NRCS hydraulic model of the Salt Fork River; the ISWS's digital floodplain mapping of the Embarras River; relevant Letters of Map Revision; and where relevant, digital topography.
3. **The paper DFIRMs are generally easier to use than the current FIRMs.** Copies of the paper DFIRM maps will be at the ELUC meeting.

OVERVIEW OF MODEL ORDINANCE

The new model Special Flood Hazard Areas Ordinance is included as Attachment B. The only new requirements in the model Ordinance compared to the current Special Flood Hazard Area Ordinance appear to be the following:

1. **The requirement to both have and provide copies of all other required federal, state, and local permits if a Champaign County Flood Development Permit is required** (see par. 5.B). This is a FEMA requirement found at 44CFR60.3(a)(2).
2. **The requirement to maintain "the flood carrying capacity" of a watercourse** (see Sec. 10). This is a new requirement that is generally consistent with the existing program but does not appear to be a FEMA requirement. The source of this requirement must be determined in the public hearing to determine if the County Board has any discretion in adopting this requirement.

Note that the model Ordinance has no provision for Fees. Section 11 Fees from the current Special Flood Hazard Area Ordinance is proposed to be added (see Attachment C).

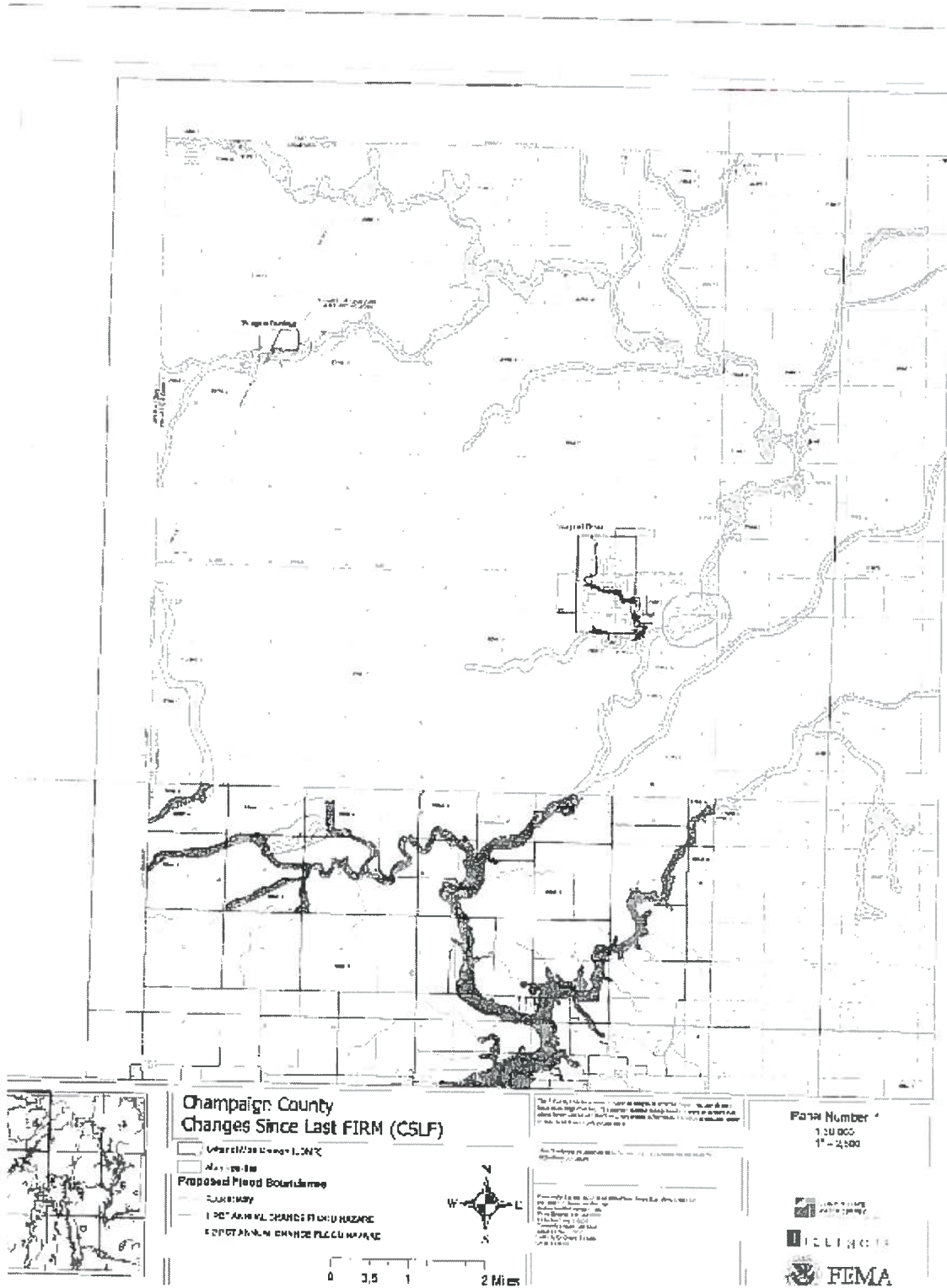
OVERVIEW OF NEW FLOOD INSURANCE STUDY

The Flood Insurance Study (FIS) is an inventory and analysis of relevant information regarding flood risk. The current adopted Champaign County FIS was dated 9/1/83. A Preliminary (Updated) Flood Insurance Study was received June 28, 2012. The FIS has not been included as an attachment but will be made available electronically as a handout under the ELUC Agenda.

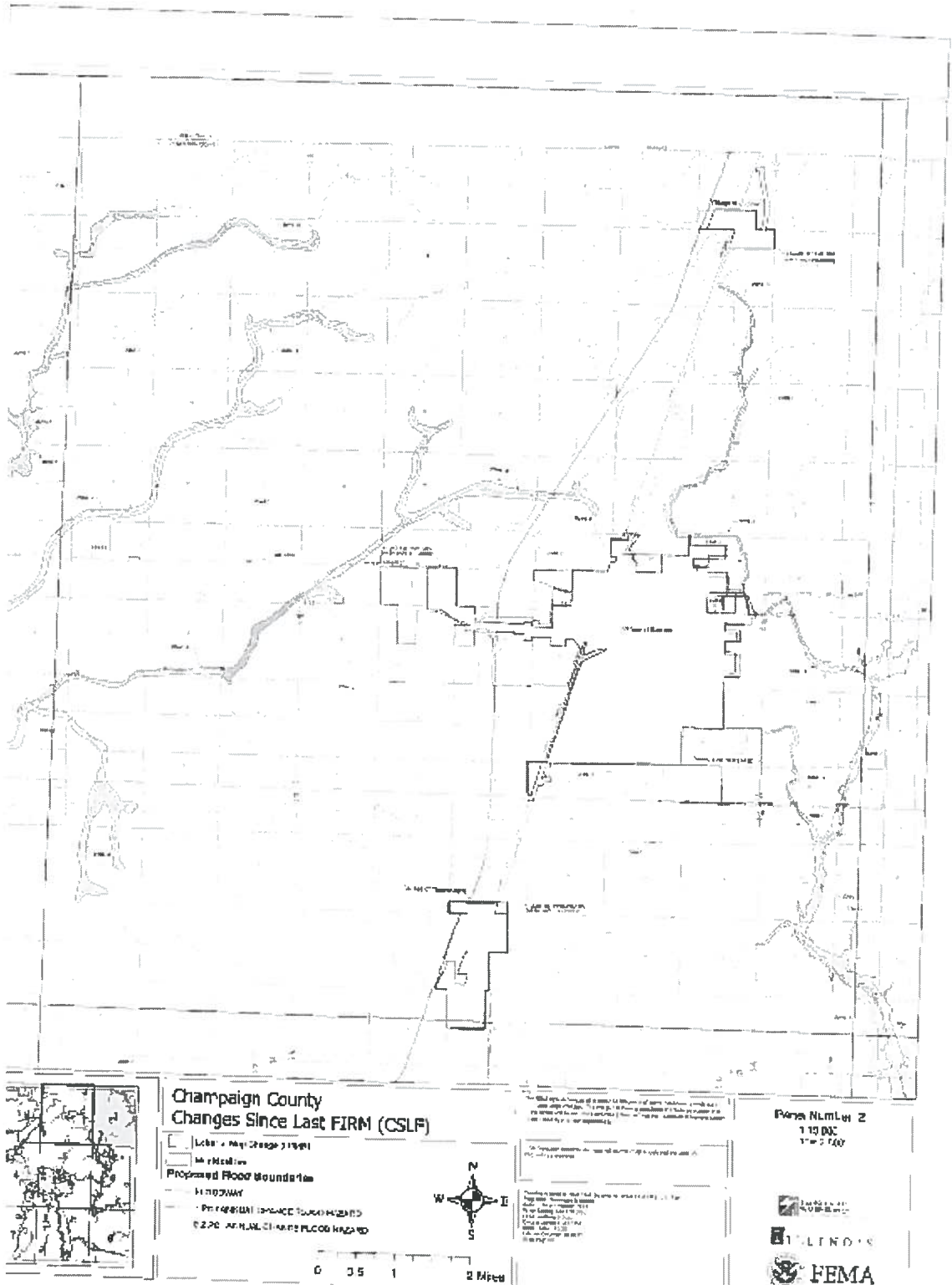
ATTACHMENT

- A Champaign County Changes Since Last FIRM received 8/2/12**
- B Updated Model Special Flood Hazard Areas Ordinance**
- C Sec. 11 Fees from the Champaign County Special Flood Hazard Areas Ordinance**
- D Preliminary (Updated) Flood Insurance Study received June 28, 2012** (not included with the memorandum but available on the ELUC meeting website)

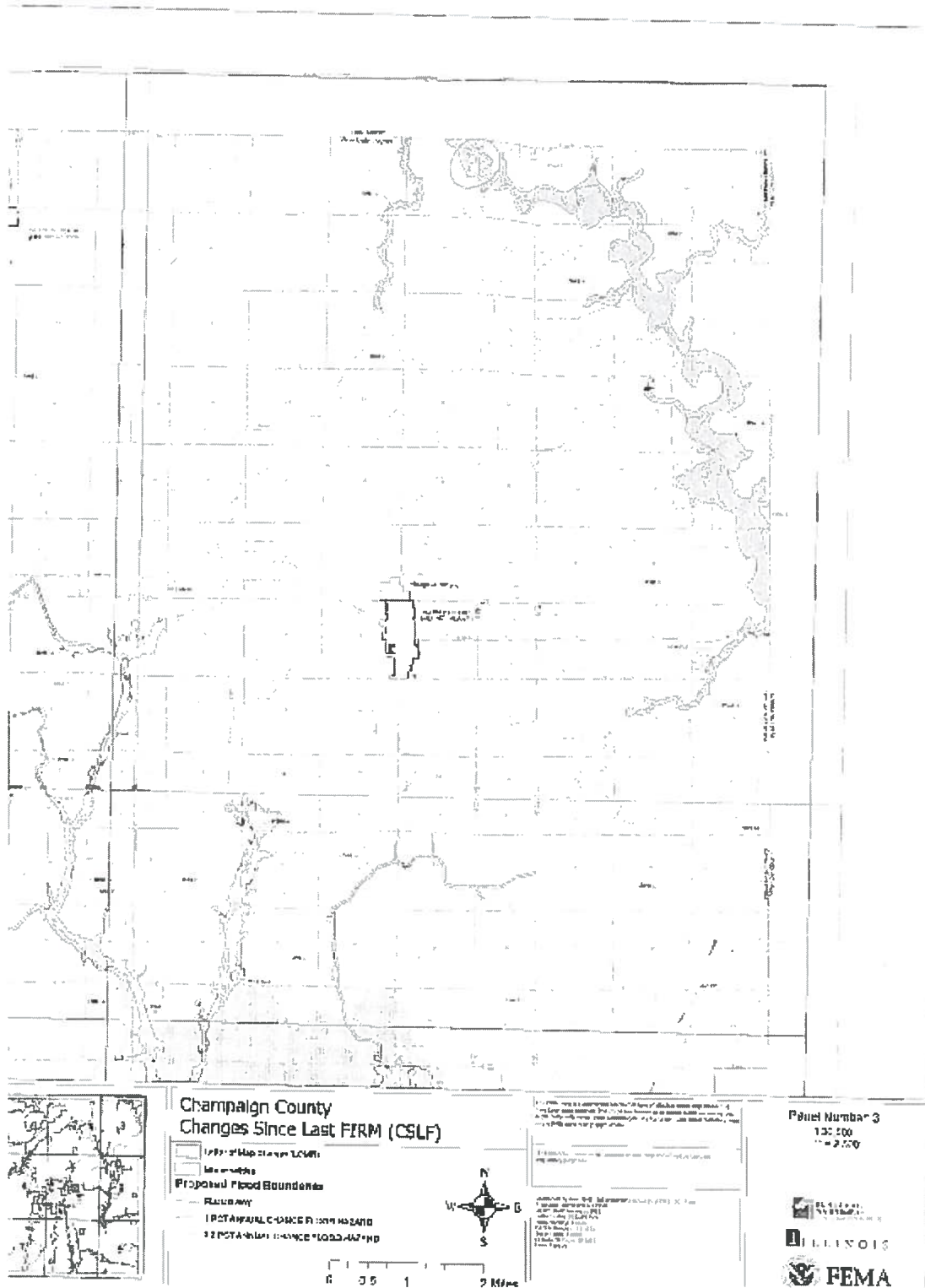
**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



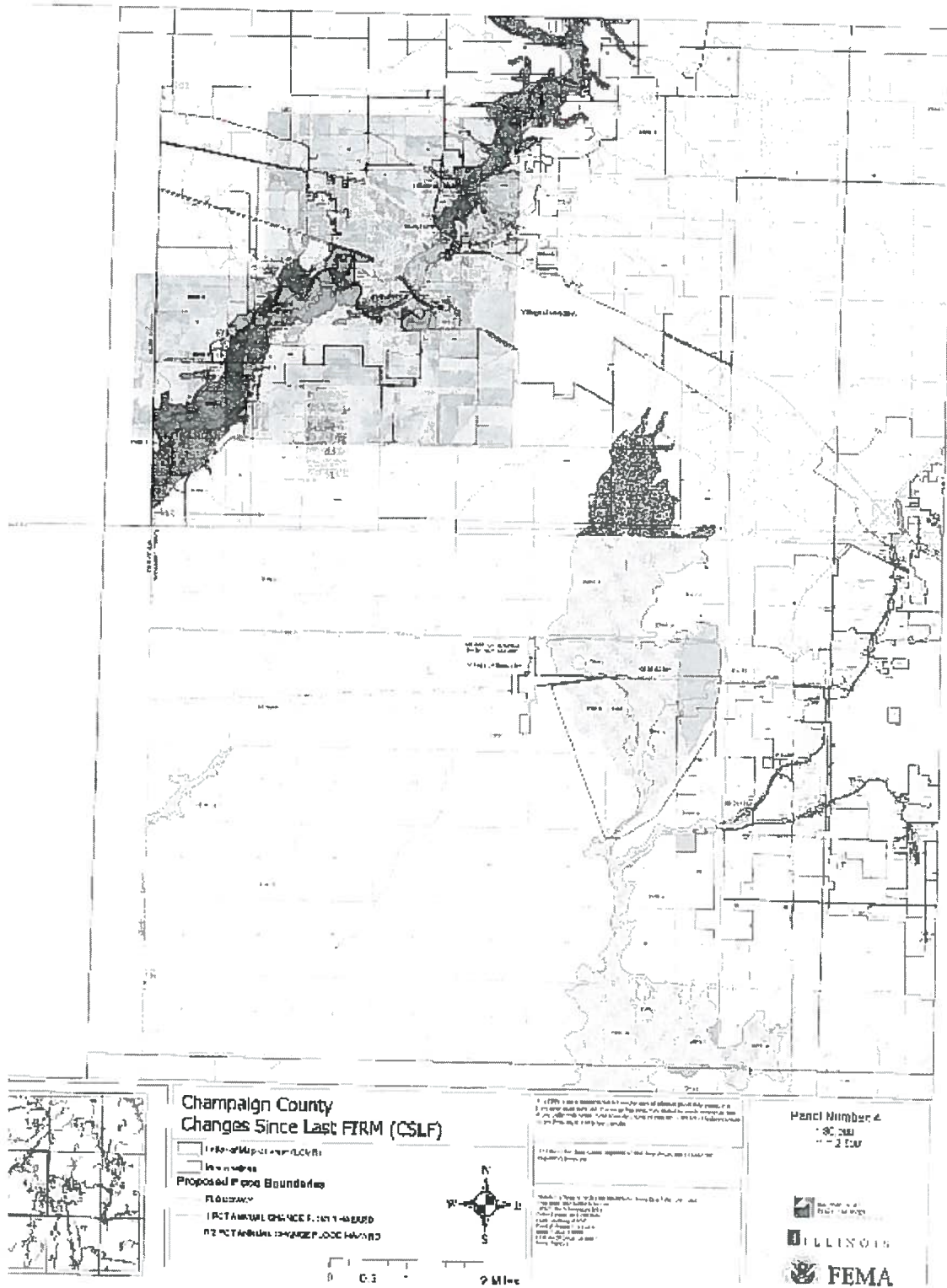
**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



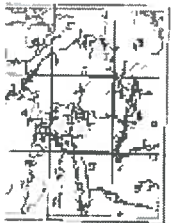
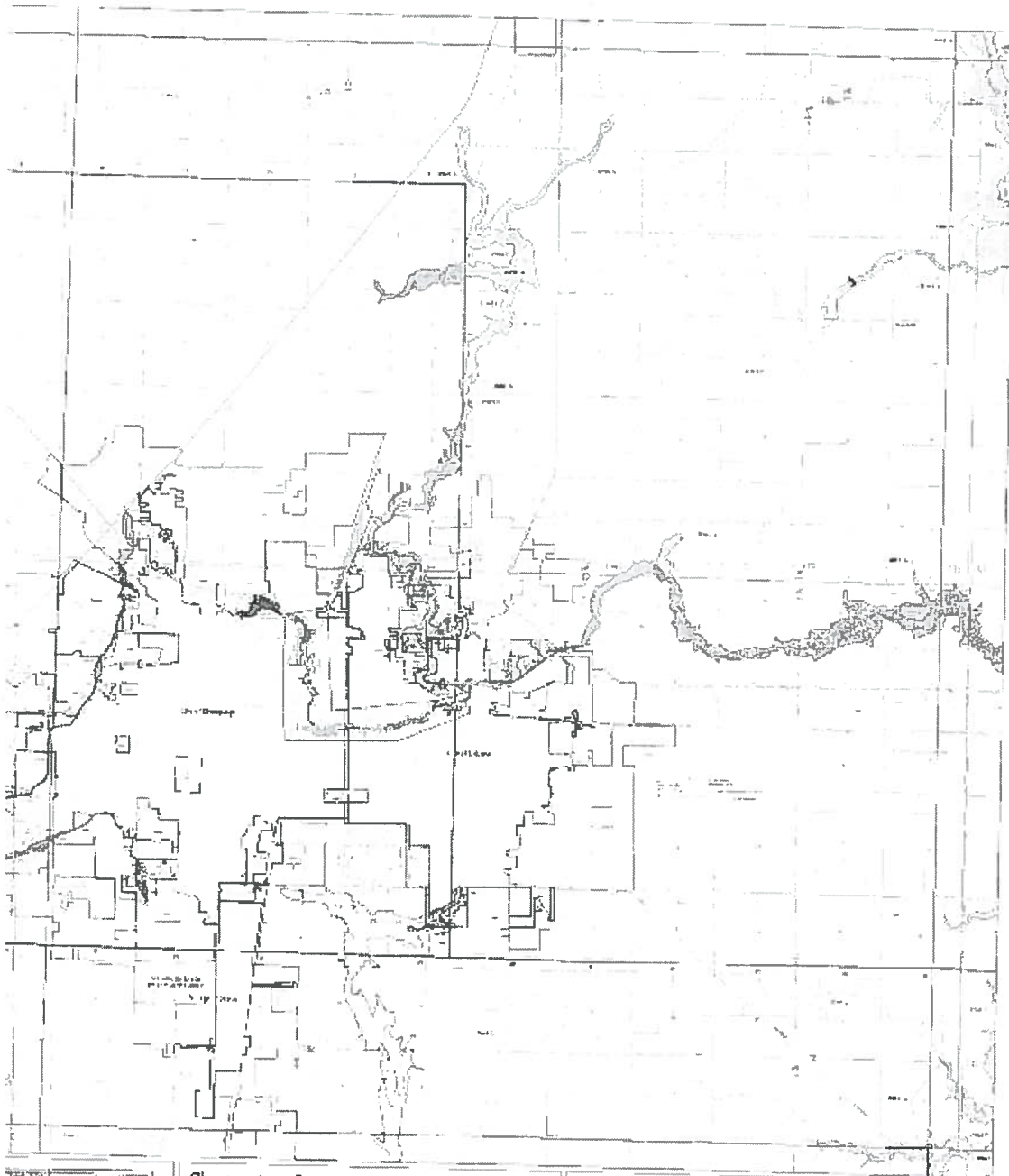
**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



**Champaign County
Changes Since Last FIRM (CSLF)**

- City of Champaign (2004)
- Municipalities
- Proposed Flood Boundaries**
- 100-YEAR FLOOD HAZARD**
- 200-YEAR FLOOD HAZARD**



0 0.5 1 2 Miles

This map has been prepared by the Illinois Department of Transportation (IDOT) and is not to be used for any other purpose without the express written consent of IDOT. The user assumes all liability for any use of this map.

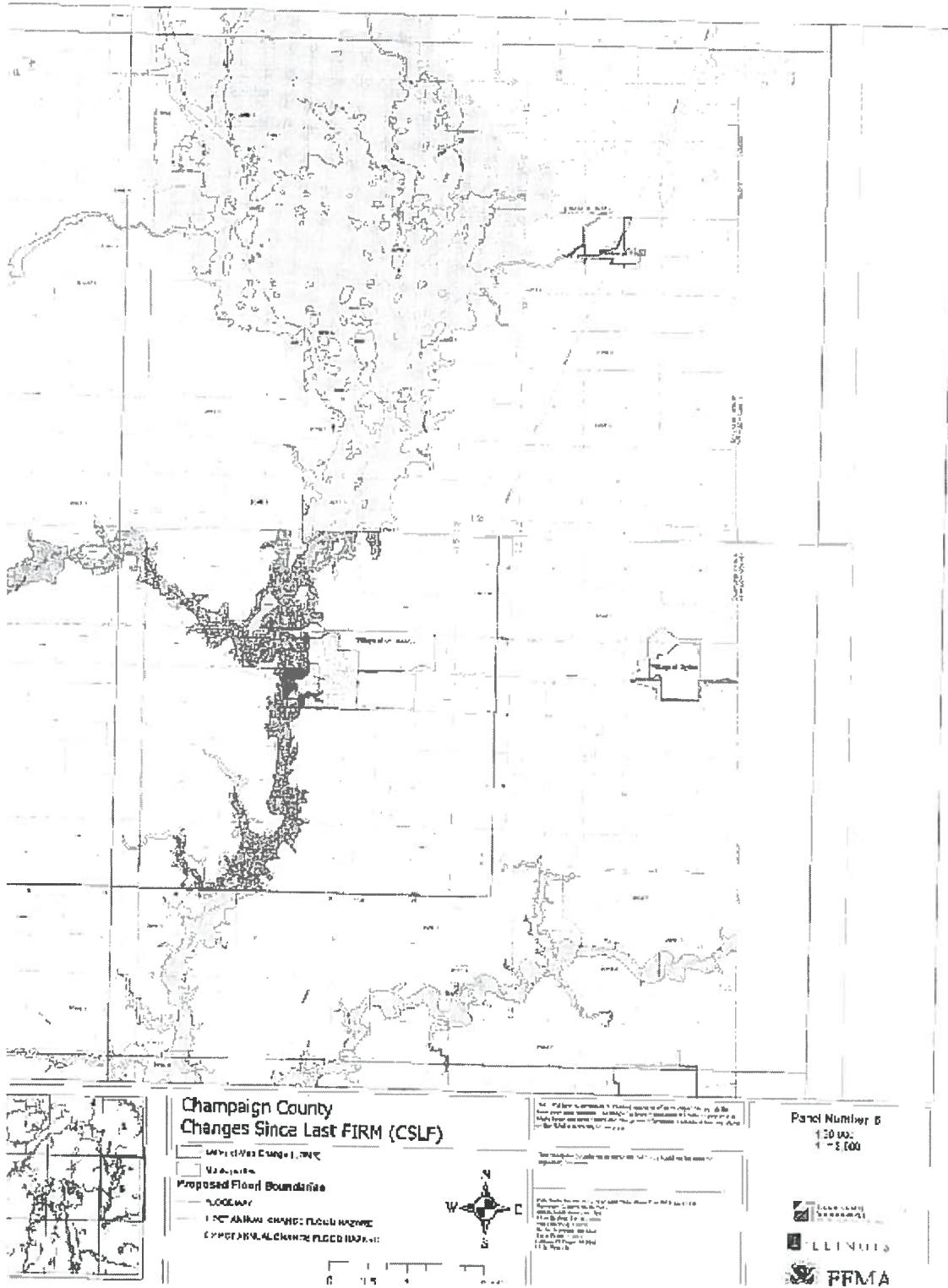
This map is not to be used for any other purpose without the express written consent of IDOT. The user assumes all liability for any use of this map.

Proposed flood boundaries are shown for informational purposes only. They do not represent a guarantee of accuracy. The user assumes all liability for any use of this map.

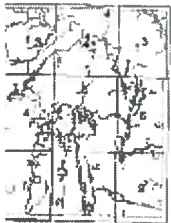
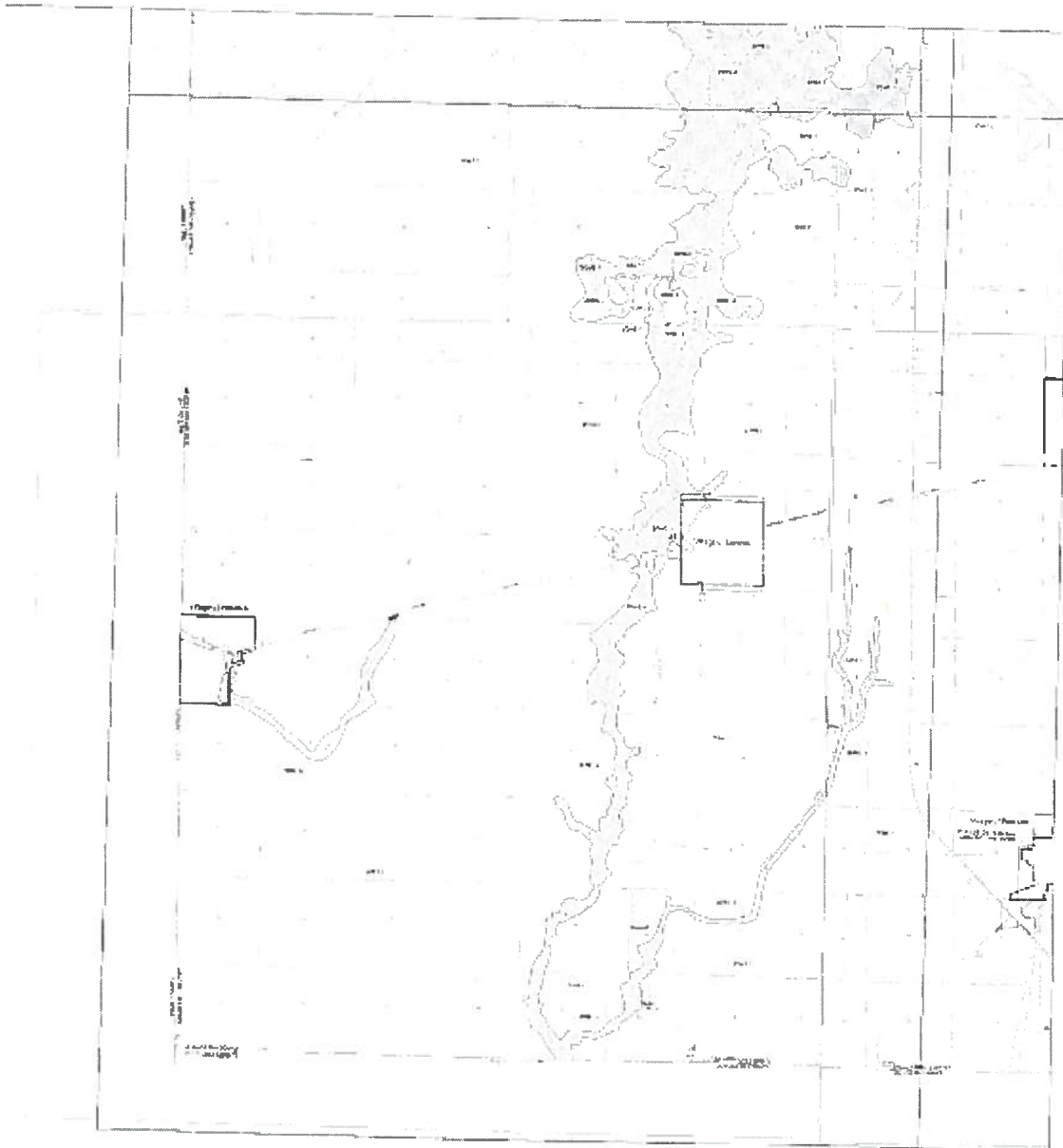
Parcel Number 5
110 003
1 = 4.500



**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



**Champaign County
Changes Since Last FIRM (CSLF)**

- Map of Water Charge Jurisdiction
- Municipalities
- Proposed Flood Boundaries
- FLOODING:
 - 1" 10" ANNUAL CHANGES FLOOD HAZARD
 - 1" 50" ANNUAL CHANGES FLOOD HAZARD



This map is a derivative of flood data compiled by FEMA and is not the official FEMA Flood Insurance Rate Map (FIRM). It is not intended to be used for flood insurance purposes. The design of this map is for informational purposes only. The user assumes all liability for any use of this map.

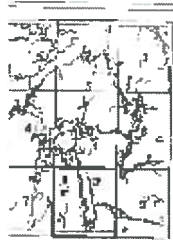
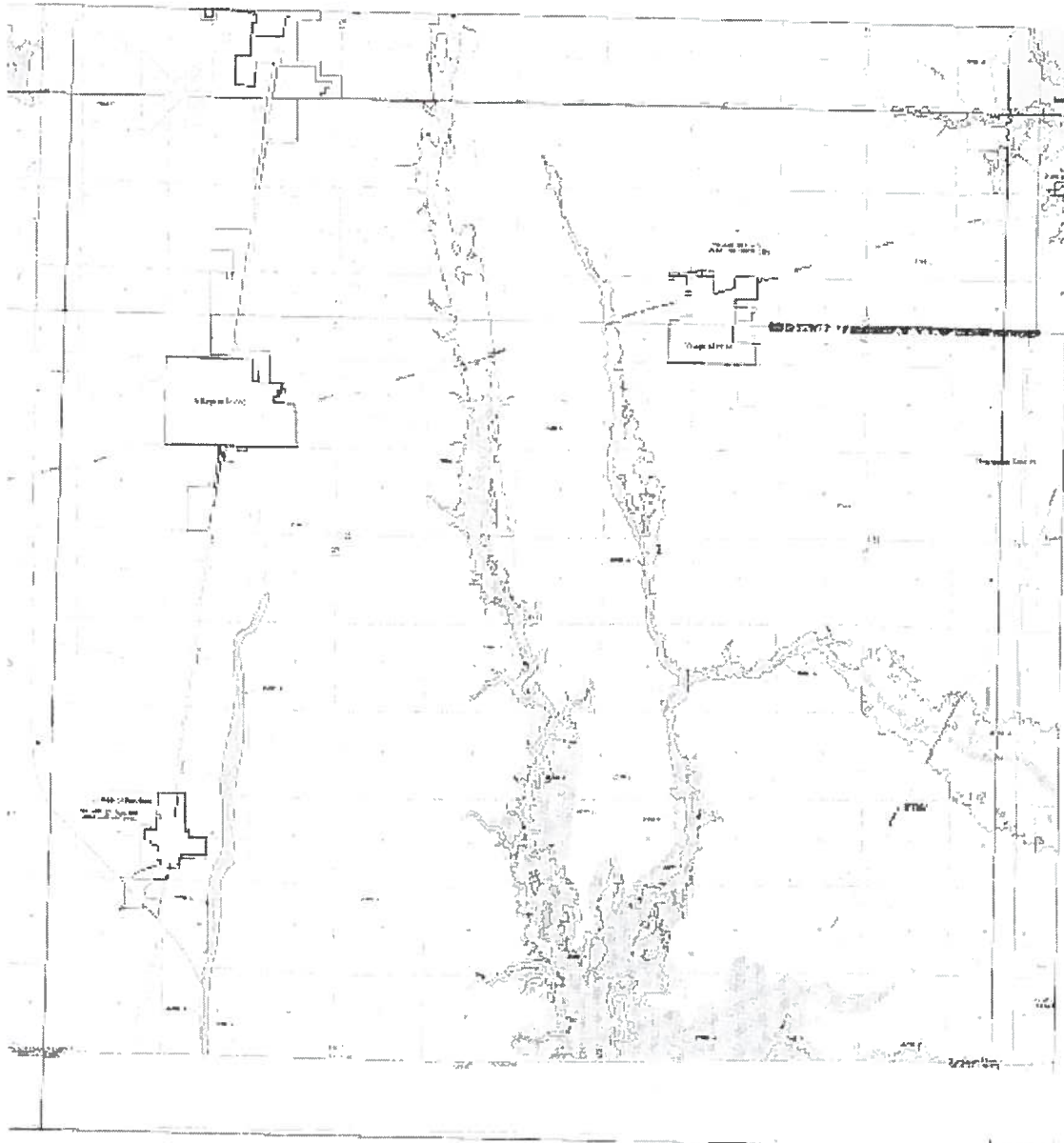
This map was prepared by the Champaign County Planning Board.

Map made by...
 Date of...
 Scale of...
 Projection of...
 Contour interval of...
 Elevation datum of...
 Source of...
 Date of...
 Author of...
 Title of...
 1:1 Scale

Parcel Number 7
 170 000
 17 2 000



**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



**Champaign County
Changes Since Last FIRM (CSLF)**

- Federal Major Disaster (FEMA)
- National Flood Insurance Program (NFIP)
- Proposed Flood Boundary
- Subdivided
- 1 FOOT ANNUAL CHANGES FLOOD HAZARD
- 2 FOOT ANNUAL CHANGES FLOOD HAZARD



0 0.5 1 2 Miles

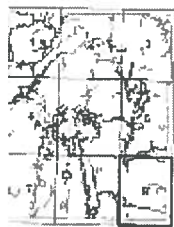
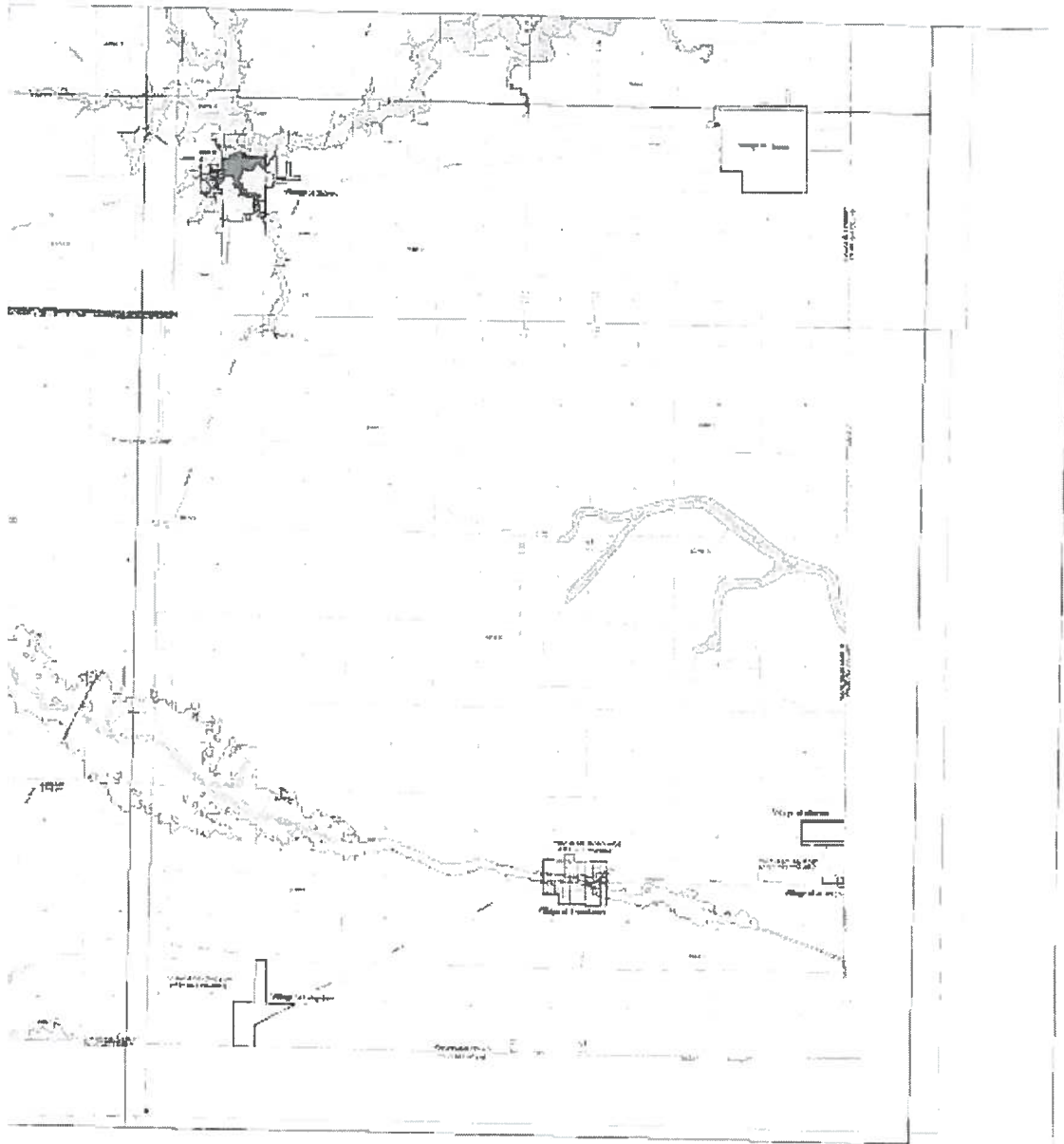
This FIRM was prepared by the U.S. Army Corps of Engineers, Vicksburg District, in cooperation with the Illinois Department of Transportation, Bureau of Engineering and Construction, and the Illinois Department of Transportation, Bureau of Planning and Development.

This FIRM was prepared by the U.S. Army Corps of Engineers, Vicksburg District, in cooperation with the Illinois Department of Transportation, Bureau of Engineering and Construction, and the Illinois Department of Transportation, Bureau of Planning and Development.

Fund Number 8
133.000
1 = 2,500



**Attachment A. Champaign County Changes Since Last FIRM
MAY 29, 2013**



**Champaign County
Changes Since Last FIRM (CSLF)**

- Waterway Changes (LAWP)
- Water Features
- Proposed Flood Boundaries
- FLOODWAY
- 1 FOOT ANNUAL FLOOD HAZARD
- 5 YEAR ANNUAL FLOOD HAZARD



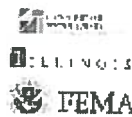
0 0.5 1 2 Miles

This map is a reproduction of a map prepared by the Federal Emergency Management Agency (FEMA) and is not to be used for any purpose other than that for which it was prepared.

The boundary conditions for this map are based on the following information:

- 1. The boundary conditions for this map are based on the following information:
- 2. The boundary conditions for this map are based on the following information:

Panel Number 9
1:50,000
1" = 1,500'



Attachment B. Updated Model Special Flood Hazard Areas Ordinance
MAY 29, 2013

(NOTE: NOT INCLUDED WITH ZBA MEMORANDUM. SEE ANNOTATED MODEL ORDINANCE)

**Attachment C. Sec. 11 Fees from the Champaign County Special Flood Hazard Areas
Ordinance
MAY 29, 2013**

Section 11 Fees

- A. No development permit nor variance application shall be accepted without the specified fee having been received by the Department, except when the Zoning Administrator determines that the application of the permit or variance was due solely to staff error.
- B. No filing fee for a variance shall be refunded after the required legal notice has been made by mail or publication unless the Zoning Administrator determines that such filing was due solely to staff error. In no event shall refunds be given for amounts less than \$50 dollars.
- C. No floodplain determination or Base Flood Elevation estimates shall be provided until payment of the specified fee has been received by the Department.

D. Fee Schedule:

- 1. Floodplain Development Permits\$100
- 2. Special Flood Hazard Area Variance.....\$200
- 3. Flood Determinations, except as made in conjunction with applications for Floodplain Development Permits, Special Flood Hazard Area Variance or other applications made pursuant to the Champaign County Zoning Ordinance or Subdivision Regulations..... \$25
- 4. Base Flood Elevation Estimate, except as made in conjunction with applications for Floodplain Development Permits, Special Flood Hazard Area Variance or other applications made pursuant to the Champaign County Zoning Ordinance or Subdivision Regulations:
 - a. BFE established by publication or previous estimates.....\$25
 - b. BFE established by estimate pursuant to Section 3, Paragraph C.\$250

Attachment B. FEMA Formal Notice of Final Flood Hazard Determination received

4/5/13

JUNE 20, 2013



Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED

APR 05 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

CHAMPAIGN CO. P & Z DEPARTMENT

April 2, 2013

Alan Kurtz
Chairperson, County Board
Brookens Administrative Center
1776 East Washington Street
Urbana, Illinois 61802

Community: Champaign County, Illinois
(Unincorporated Areas)
Community No.: 170894
Map Panels Affected: See FIRM Index

Dear Mr. Kurtz:

This is to formally notify you of the final flood hazard determination (FHD) for the Unincorporated Areas of Champaign County, Illinois, in compliance with Title 44, Chapter I, Part 67, Section 57.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On January 2, 2013, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On June 27, 2012, FEMA provided you with Preliminary copies of the FIRM and Flood Insurance Study (FIS) report that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed FHDs for your community were published in *The News-Gazette*, *The County Star*, *Mahomet Citizen* and *The Leader* on October 18, 2012 and October 25, 2012, and in the *Federal Register*, at Part 67, Volume 77, No. 184, Pages 58562 - 58564, on September 21, 2012.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed FHDs during that time. Accordingly, the FHDs for your community are considered final. The final notices for FHDs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on October 2, 2013. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS report establishing the FHDs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to October 2, 2013, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph (d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Attachment B. FEMA Formal Notice of Final Flood Hazard Determination received

4/5/13

JUNE 20, 2013

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIRM and FIS report to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(u) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above becomes effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Champaign County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

Attachment B. FEMA Formal Notice of Final Flood Hazard Determination received

4/5/13

JUNE 20, 2013

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois, at (312) 408-5500, for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/fid>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:
Final Summary of Map Actions

cc: Community Map Repository
John Hall, Director of Planning and Zoning, Champaign County

Attachment F. Updated Model Special Flood Hazard Areas Ordinance
(Annotated to Indicate Changes From Current Ordinance)
JUNE 20, 2013

(MODEL) FLOOD DAMAGE PREVENTION ORDINANCE

(Note to Champaign County reviewers:

- Dashed underlining indicates items that are underlined in the model ordinance such as headings, definitions, and certain words in the text;
- underlining indicates text not included in the existing Champaign County SFHA Ordinance but that does not add any new substantive requirement;
- highlighting and underlining indicates an additional requirement that is not required by the existing Champaign County SFHA Ordinance but is required by the National Flood Insurance Program (NFIP);
- highlighting and double underlining indicates an additional requirement that is not required by the existing Champaign County SFHA Ordinance and is not required by the National Flood Insurance Program (NFIP);
- (highlighting and italics in parentheses) indicates points where the County must select a specific date or time period related to changes in structures. At this time it is not clear how much discretion the County may have in these selections;
- text included in the existing Champaign County SFHA Ordinance but not included here is not indicated.)

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<u>Section 3.</u>	Base Flood Elevation
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60.3(d) for counties with approximate mapping

ORDINANCE # _____

AN ORDINANCE REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

Be it ordained by the County Board of (*insert County name), Illinois as follows:

Section 1. Purpose.

This ordinance is enacted pursuant to the police powers granted to (*insert County name) by County Statutory Authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. protect new buildings and major improvements to buildings from flood damage;
- C. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. make federally subsidized flood insurance available, and
- G. to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 2. Definitions.

For the purposes of this ordinance, the following definitions are adopted:

Base Flood- The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

Base Flood Elevation (BFE) - The elevation in relation to mean sea level of the crest of the base flood.

Basement- That portion of a building having its floor sub-grade (below ground level) on all sides.

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Building- A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

Critical Facility- Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development- Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
2. substantial improvement of an existing building;
3. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
4. installation of utilities, construction of roads, bridges, culverts or similar projects;
5. construction or erection of levees, dams walls or fences;
6. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

Existing Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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Expansion to an Existing Manufactured Home Park or Subdivision- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA- Federal Emergency Management Agency

Flood- A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe- That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map- A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood Insurance Study- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain and Special Flood Hazard Area (SFHA) - These two terms are synonymous. Those lands within the jurisdiction of the County that is subject to inundation by the base flood. The floodplains of the County are generally identified on the countywide Flood Insurance Rate Map of (**insert the name of the county*) prepared by the Federal Emergency Management Agency and dated (**insert countywide floodplain map effective date*). Floodplain also includes those areas of known flooding as identified by the community.

Floodproofing- Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate- A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE) - The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway- That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of (**insert any rivers or streams with identified floodways*) shall be as delineated on the countywide Flood Insurance Rate Map of (**insert the name of the county*) prepared by FEMA and dated (**insert the date of the Floodplain Map*). The floodways for each of the remaining floodplains of the (**insert the name of the County*) shall be according to the best data available from the Federal, State, or other sources.

Freeboard- An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure- Any structure that is:

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1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR- Illinois Department of Natural Resources/Office of Water Resources.

IDNR /OWR Jurisdictional Stream- Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 6 of this ordinance.

Lowest Floor- the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

Manufactured Home- A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured Home Park or Subdivision- A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New Construction- Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP- National Flood Insurance Program.

Recreational Vehicle or Travel Trailer- A vehicle which is:
1. built on a single chassis;

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2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive Loss- Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SFHA- See definition of floodplain.

Start of Construction- Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure (see "Building")

Substantial Damage- Damage of any origin sustained by a structure whereby the cumulative percentage of damage *(*pick either: "subsequent to the adoption of this ordinance", "during the life of the building" or "during a ten (10) year period")* equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

Substantial Improvement- Any reconstruction, rehabilitation, addition or improvement of a structure taking place *(*pick either: "subsequent to the adoption of this ordinance", "during the life of the building" or "during a ten (10) year period")* in which the cumulative percentage of improvements:

equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

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Violation- The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

Section 3. Base Flood Elevation.

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for the floodplains of *(*insert name of all studied rivers, creeks and streams)* shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of *(*insert name of county)* prepared by the Federal Emergency Management Agency and *(*insert date of Flood Insurance Study)*.
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of *(*insert name of county)*.
- C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of *(*insert the name of the county)* shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed **by the applicant** to determine base flood elevations.

Section 4. Duties of the (*insert title of local official responsible for this ordinance).

The *(*insert title of local official responsible for this ordinance)* shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the *(*insert the name of the County)* meet the requirements of this ordinance. Specifically, the *(*insert title of local official responsible for this ordinance)* shall:

- A. Process development permits in accordance with Section 5;
- B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- C. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. assure that all subdivisions and annexations meet the requirements of Section 8;
- E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;

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- F. if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- G. inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- H. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- N. maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

Section 5. Development Permit.

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the *(*insert title of local official responsible for this ordinance)*. The *(*insert title of local official responsible for this ordinance)* shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
 - 1. drawings of the site, drawn to scale showing property line dimensions;
 - 2. existing grade elevations and all changes in grade resulting from excavation or filling;
 - 3. the location and dimensions of all buildings and additions to buildings;
 - 4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and

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5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the *(*insert title of local official responsible for this ordinance)* shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this ordinance.

The *(*insert title of local official responsible for this ordinance)* shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The *(*insert title of local official responsible for this ordinance)* shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The *(*insert title of local official responsible for this ordinance)* shall not issue a permit unless all other federal, state, and local permits have been obtained.

Section 6. Preventing Increased Flood Heights and Resulting Damages.

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement*:
1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
 2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3:
 3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
 4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:

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5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
 6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
 7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
 8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
 10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
 11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
 12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
 13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- B. Other development activities not listed in 6(A) may be permitted only if:
1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
 2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

Section 7. Protecting Buildings.

- A. In addition to the state permit and damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

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1. Construction or placement of a new building ~~or alteration or addition to an existing building~~ valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
 2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively **pick either: "subsequent to the adoption of this ordinance", "during the life of the building" or "during a 10-year period"*. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively **pick either: "subsequent to the adoption of this ordinance", "during the life of the building" or "during a 10-year period"*. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
 4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
 5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
 6. Repetitive loss to an existing building as defined in Section 2.
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporate debris or refuse material, and

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- e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following:
 - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
 - d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
 - iv. in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

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3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
 - c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
 - d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
 - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
 - g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

- C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
 1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

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- D. Manufactured homes or travel trailers to be permanently installed on site shall be:
1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
 2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.
- E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:
1. The vehicle must be either self-propelled or towable by a light duty truck.
 2. The hitch must remain on the vehicle at all times.
 3. The vehicle must not be attached to external structures such as decks and porches
 4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
 6. The vehicle's wheels must remain on axles and inflated.
 7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
 8. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
 9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
 10. must either:
 - a. entirely be supported by jacks, or
 - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
1. The garage of shed must be non-habitable.

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2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
8. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24'x24').
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

Section 8. Subdivision Requirements

The *(*insert name of the County governing board)* shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
2. the boundary of the floodway when applicable, and
3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

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Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

Section 9. Public Health and Other Standards

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:
1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.
 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
 5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

**Attachment F. Updated Model Special Flood Hazard Areas Ordinance
(Annotated to Indicate Changes From Current Ordinance)**

JUNE 20, 2013

Section 10. Carrying Capacity and Notification.

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the (**insert name of County*) shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

Section 11. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the (**insert name of the elected or appointed board of appeals*) for a variance. The (**insert the name of the elected or appointed board of appeals*) shall review the applicant's request for a variance and shall submit its recommendation to the (**insert the name of the County governing board*). The (**insert the name of the County governing board*) may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
1. The development activity cannot be located outside the floodplain.
 2. An exceptional hardship would result if the variance were not granted.
 3. The relief requested is the minimum necessary.
 4. There will be no additional threat to public health, safety or creation of a nuisance.
 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
 7. all other state and federal permits have been obtained.
- B. The (**insert the name of the elected or appointed board of appeals*) shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
 2. increase the risk to life and property, and

**Attachment F. Updated Model Special Flood Hazard Areas Ordinance
(Annotated to Indicate Changes From Current Ordinance)**

JUNE 20, 2013

3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Historic Structures

- a. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:
 1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

D. Agriculture

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances.

Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 7 of this ordinance.

Attachment F. Updated Model Special Flood Hazard Areas Ordinance
(Annotated to Indicate Changes From Current Ordinance)
JUNE 20, 2013

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.
6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7(B) this ordinance.
7. The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.
8. Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section 12. Disclaimer of Liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the *(*insert the name of the County)* or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 13. Penalty.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the *(*insert the title of the Official, Office or Agency, or Municipal Attorney)* may determine that a violation of the minimum standards of this ordinance exists. The *(*insert the title of the Official, Office or Agency, or Municipal Attorney)* shall notify the owner in writing of such violation.

**Attachment F. Updated Model Special Flood Hazard Areas Ordinance
(Annotated to Indicate Changes From Current Ordinance)
JUNE 20, 2013**

- A. If such owner fails after ten (10) days notice to correct the violation:
1. The *(*insert County name)* shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
 2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
 4. the *(*insert County name)* shall record a notice of violation on the title of the property.
- B. The *(*insert the title of the Official, Office or Agency, or Municipal Attorney)* shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The *(*insert the title of the Official, Office or Agency, or Municipal Attorney)* is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit. No site development permit shall be permanently suspended or revoked until a hearing is held by the *(*Board of Appeals)*. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the *(*Board of Appeals)* shall determine whether the permit shall be suspended or revoked.

- C. Nothing herein shall prevent the *(*insert County name)* from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 14. Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the *(*insert the name of the County governing board)* to fulfill the requirements of the National Flood Insurance Program including: *(*insert date of prior floodplain ordinance)*. However, this ordinance does not repeal

Attachment F. Updated Model Special Flood Hazard Areas Ordinance
(Annotated to Indicate Changes From Current Ordinance)
JUNE 20, 2013

the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 15. Severability.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 16. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

Passed by the *(*insert the name of the County governing board)* of the *(*insert County name)*, Illinois, this *(*insert date)* day of *(*insert month)*, 20*(*insert year)*.

(Clerk)

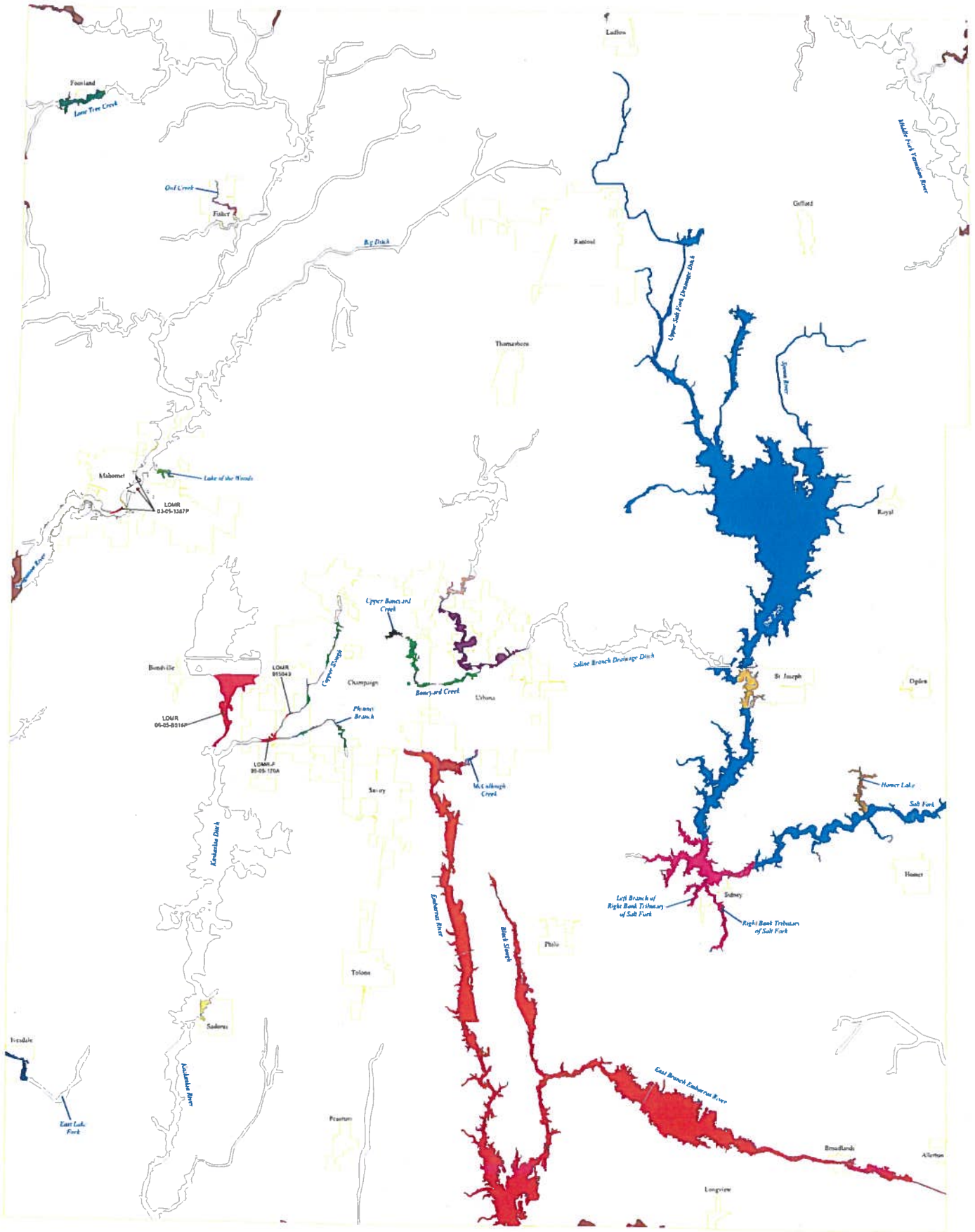
Approved by me this *(*insert date)* day of *(*insert month)*, 20*(*insert year)*.

(County CEO)

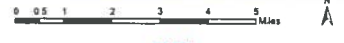
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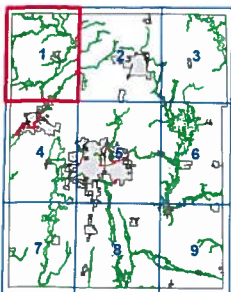
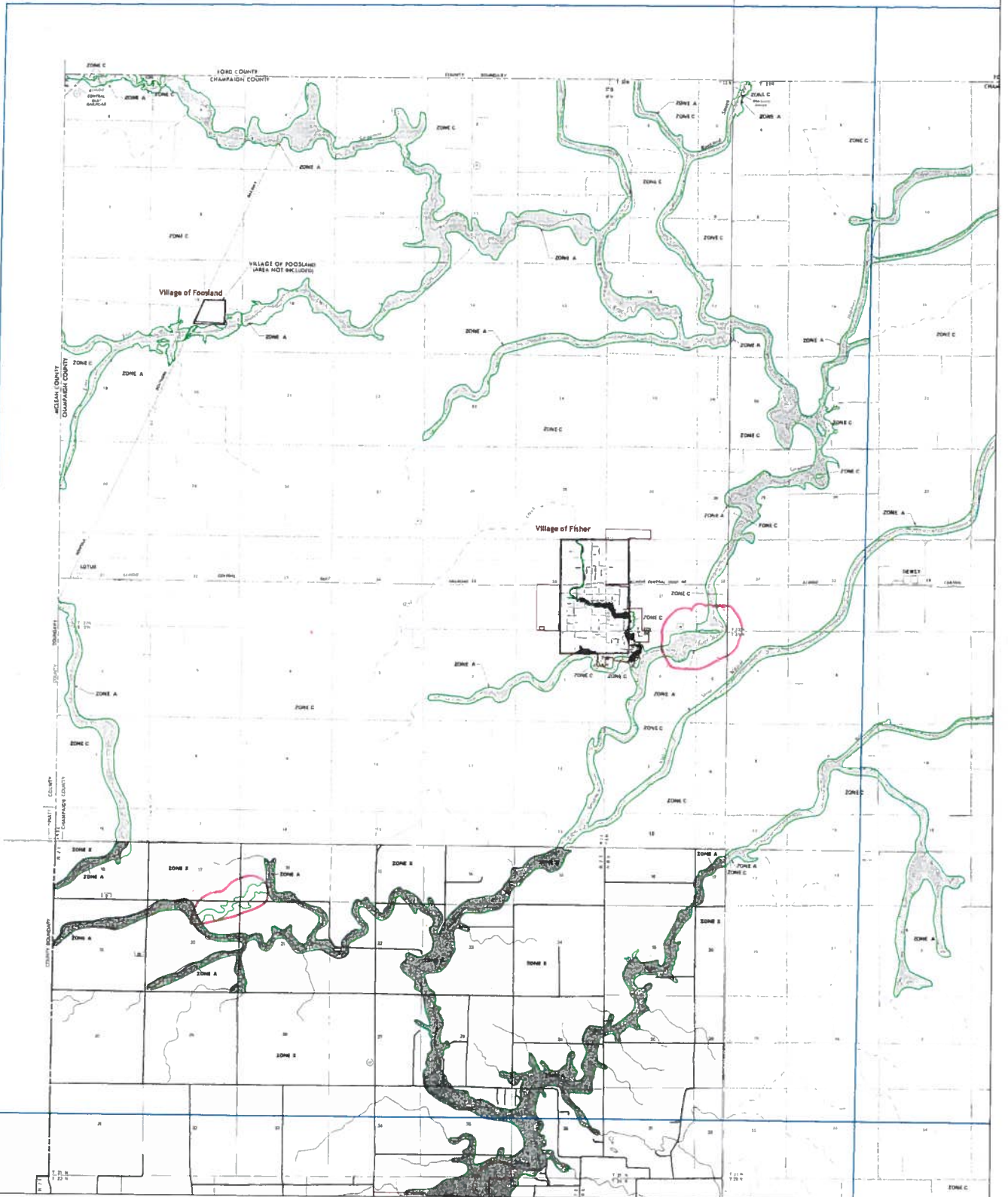
(Clerk)

DRAFT Champaign County DFIRM Areas of Change



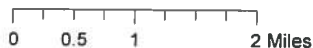
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- Effective City of Champaign data
- Effective Champaign County (Incorporated Areas) data & City of Urbana data
- Effective City of Urbana data
- Effective Village of St. Joseph data & USACE Source Study, Aug 1980
- Effective Village of Fisher data
- Effective Village of Sidney data & USACE Source Study, Nov 1983
- USGB Bayland Creek Study MT-2 Submittal September 2007
- Daily and Associates, Engineers, Inc., Homer Lake Design Report, Jan 1947
- USACE Inspection Report, Lake of the Woods, Aug 1948
- ISWS Embarras River Watershed Digital Floodplain Mapping, Aug 2002
- NRCS, Salt Fork Hydraulic Model, Oct 2002, (Karl K. Vasser)
- USACE Inventory and Analysis, Village of Foeland, Oct 1999
- ISWS estimated Zone A using 2008 topo East Lake Park Inwoodale
- ISWS interpolation using 2008 topo McCullough Creek ds of Race St.
- ISWS interpolation using 2008 topo Saline Branch Drainage Ditch, North Lincoln Ave. area
- ISWS interpolation using 1948 topo Village of Sadorus
- County Boundary Edgeline using 2008 topo (multiple locations)
- No Change





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on the map should not be used for regulatory purposes.

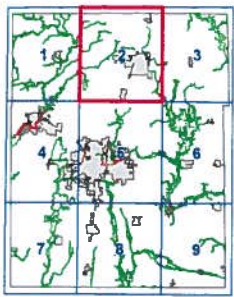
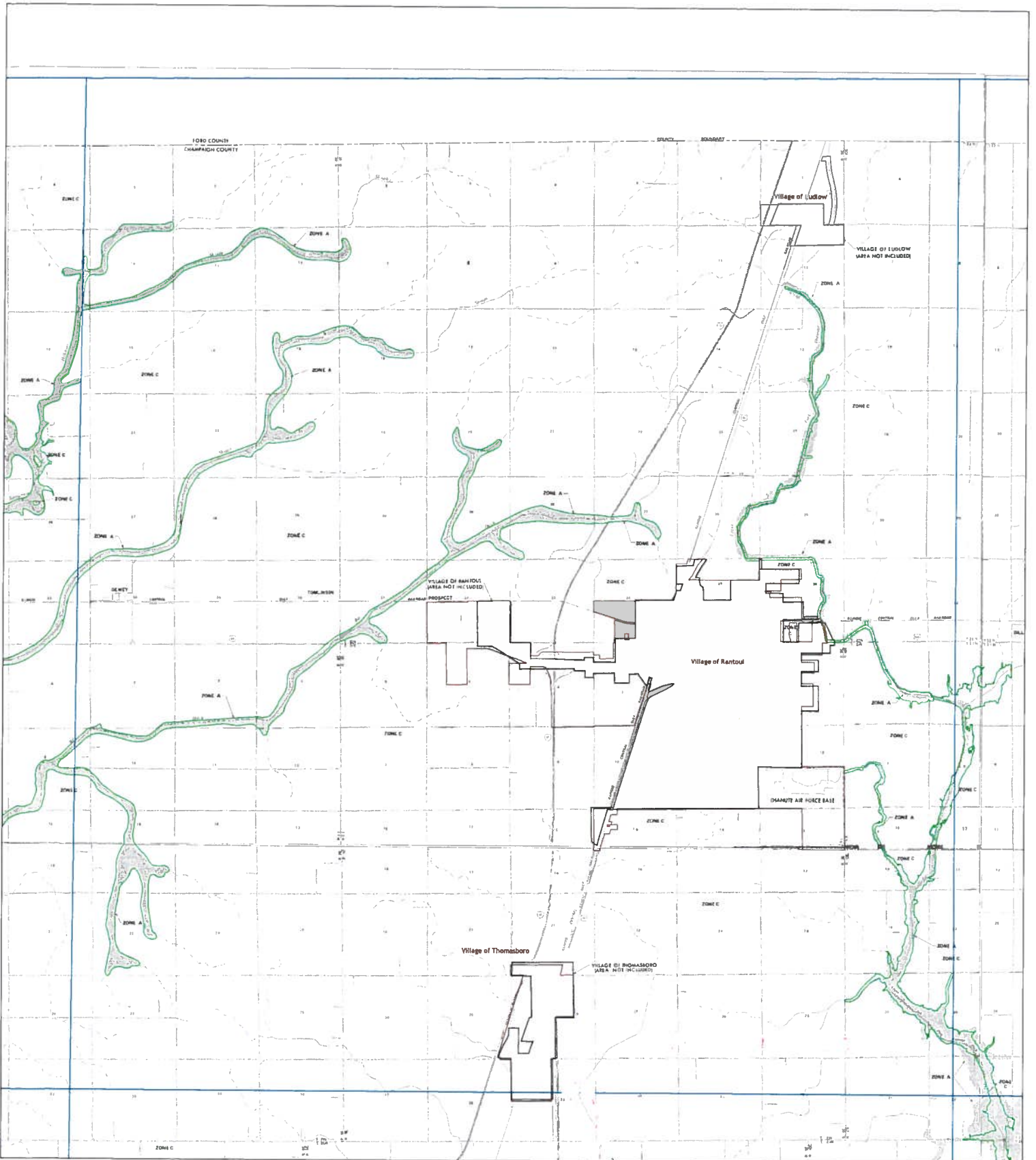
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 Central Meridian: -88 3333
 Scale Factor: 1 0000
 Latitude Of Origin: 36 6667
 Units: Feet US

Panel Number: 1
 1:30,000
 1" = 2,500'



ILLINOIS





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



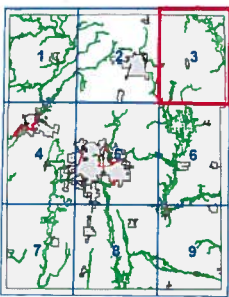
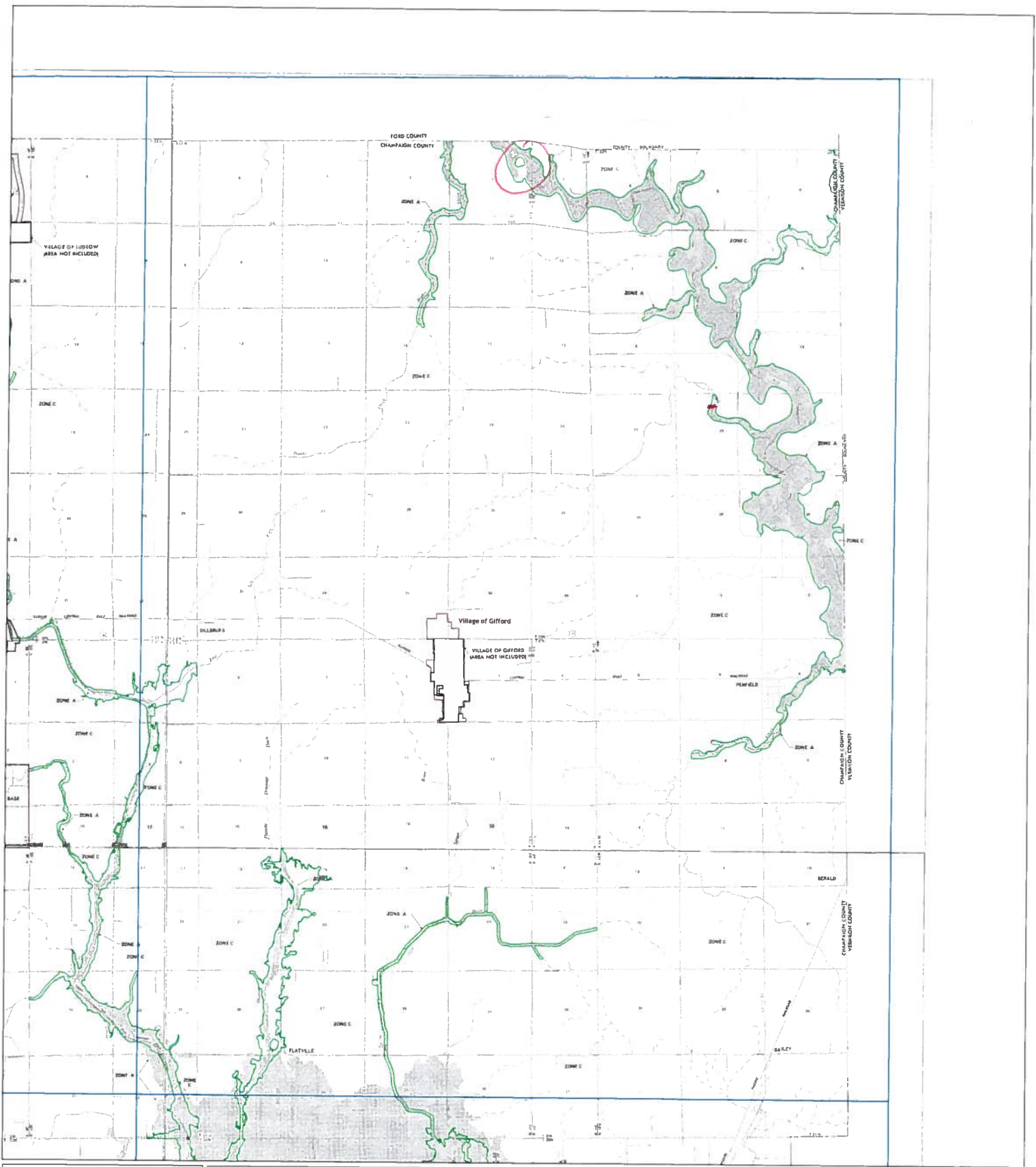
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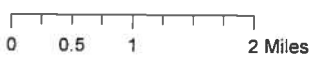
Panel Number: 2
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



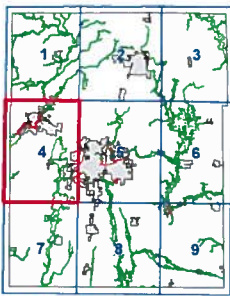
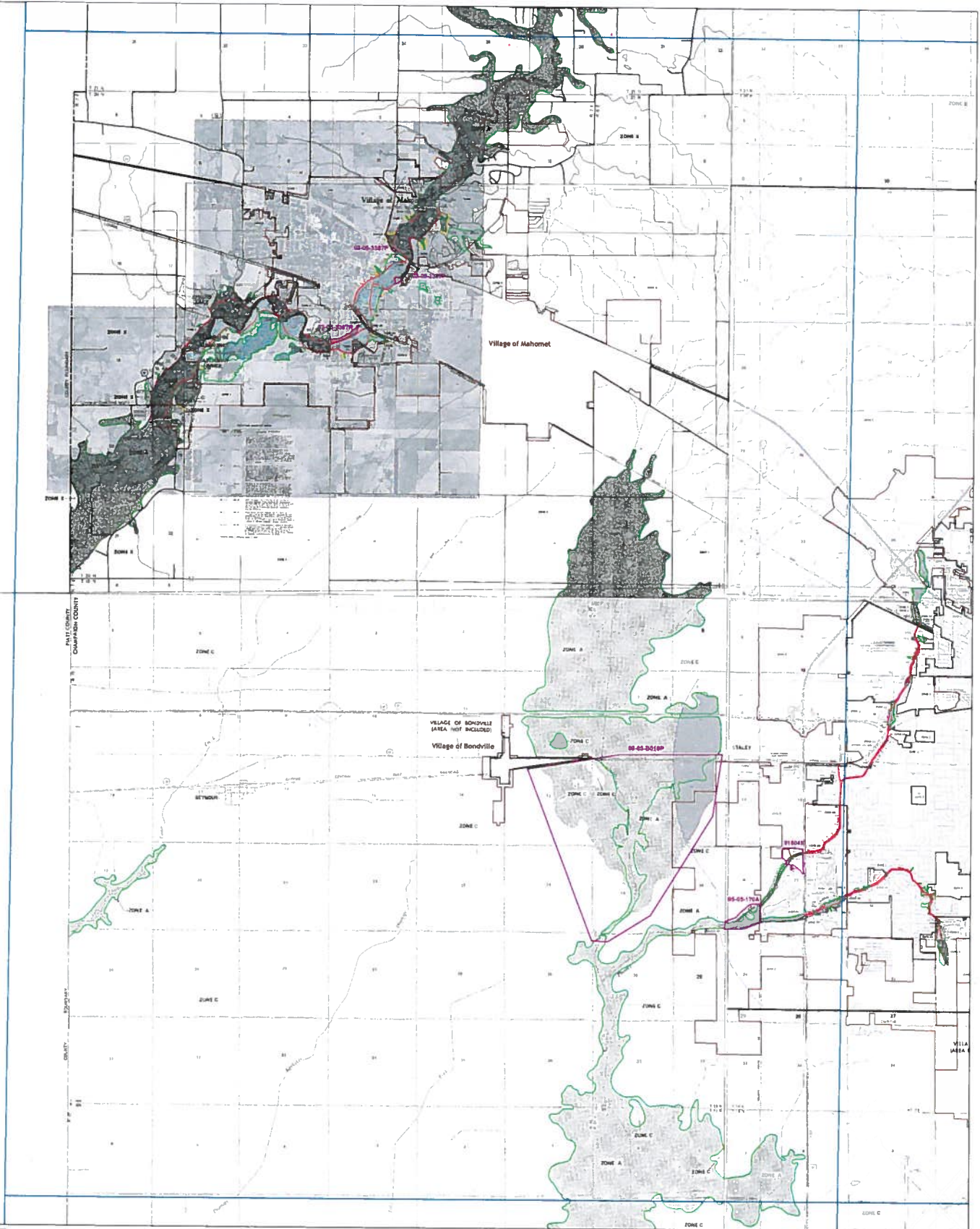
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The Floodplain boundaries depicted on this map should not be used for regulatory purposes.

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 Units: Feet US

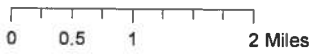
Panel Number: 3
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



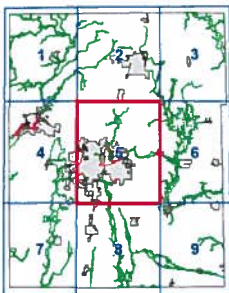
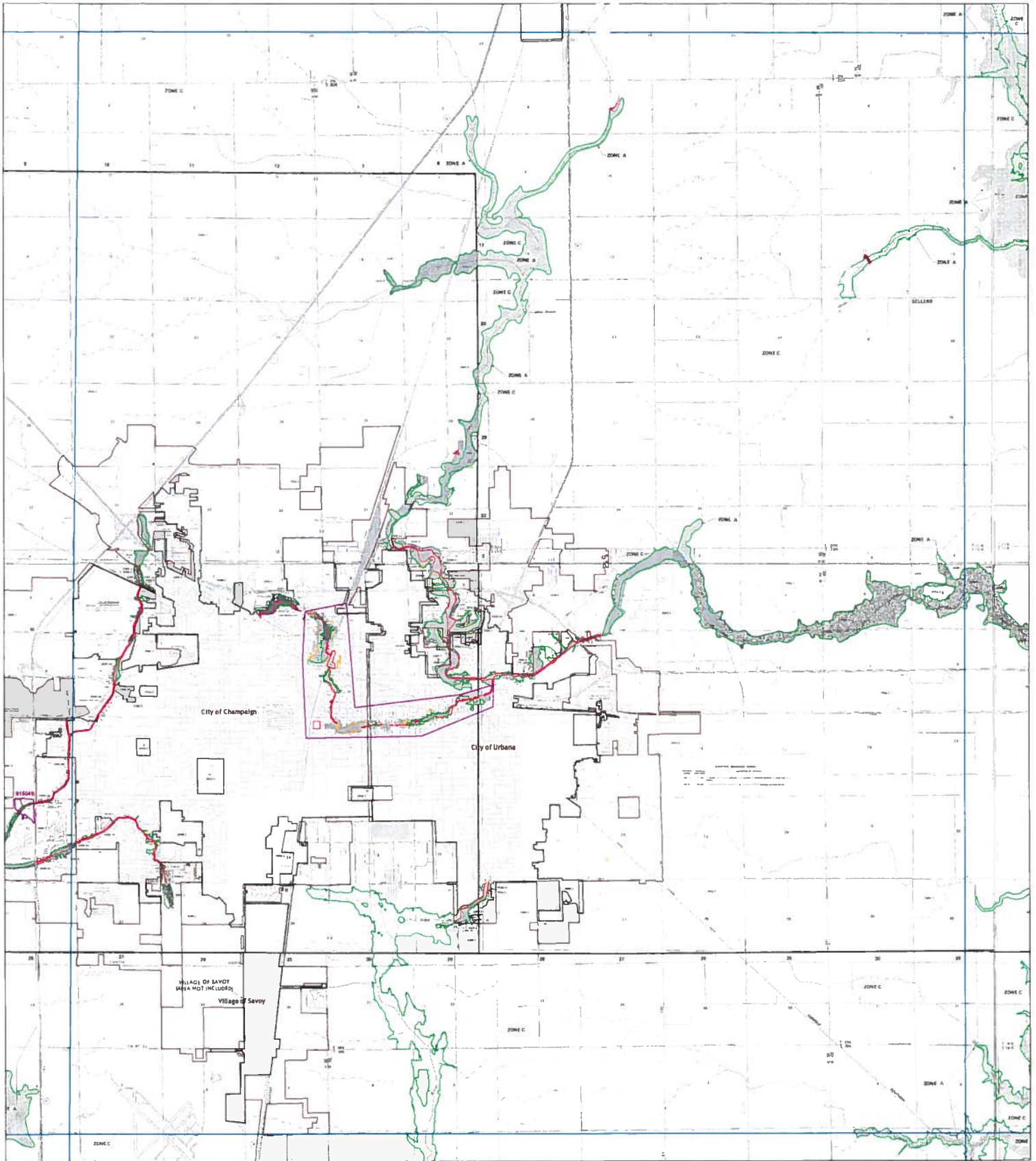
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 Central Meridian: -85 3333
 Scale Factor: 1 0000
 Latitude Of Origin: 36 6667
 Units: Feet US

Panel Number: 4
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



0 0.5 1 2 Miles

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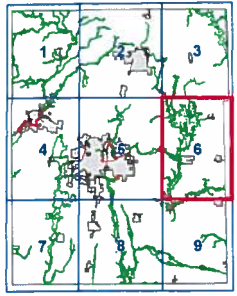
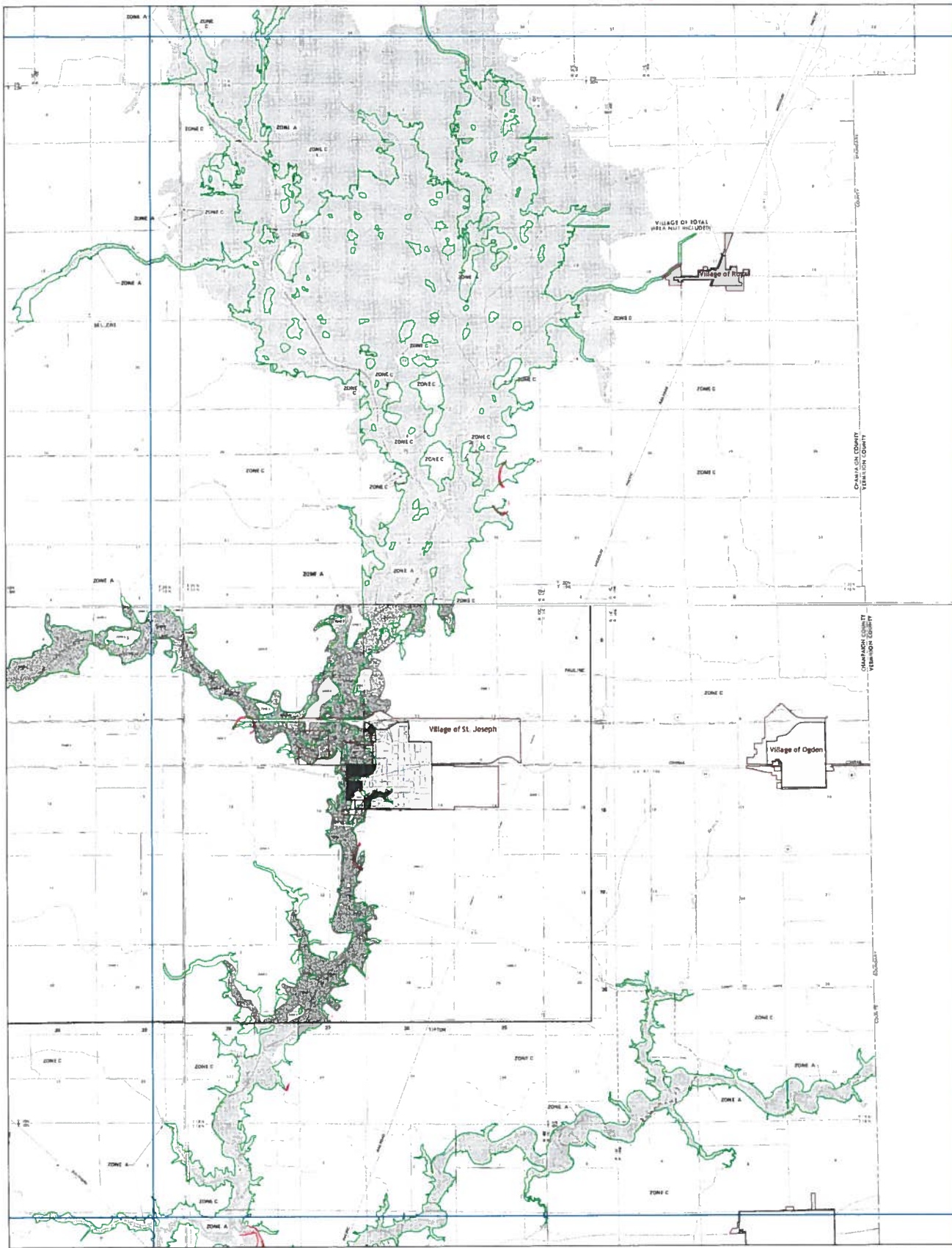
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 Units: Feet US

Panel Number: 5
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 1" = 2,500'



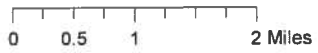
ILLINOIS





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



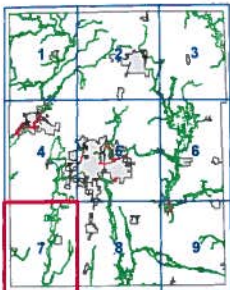
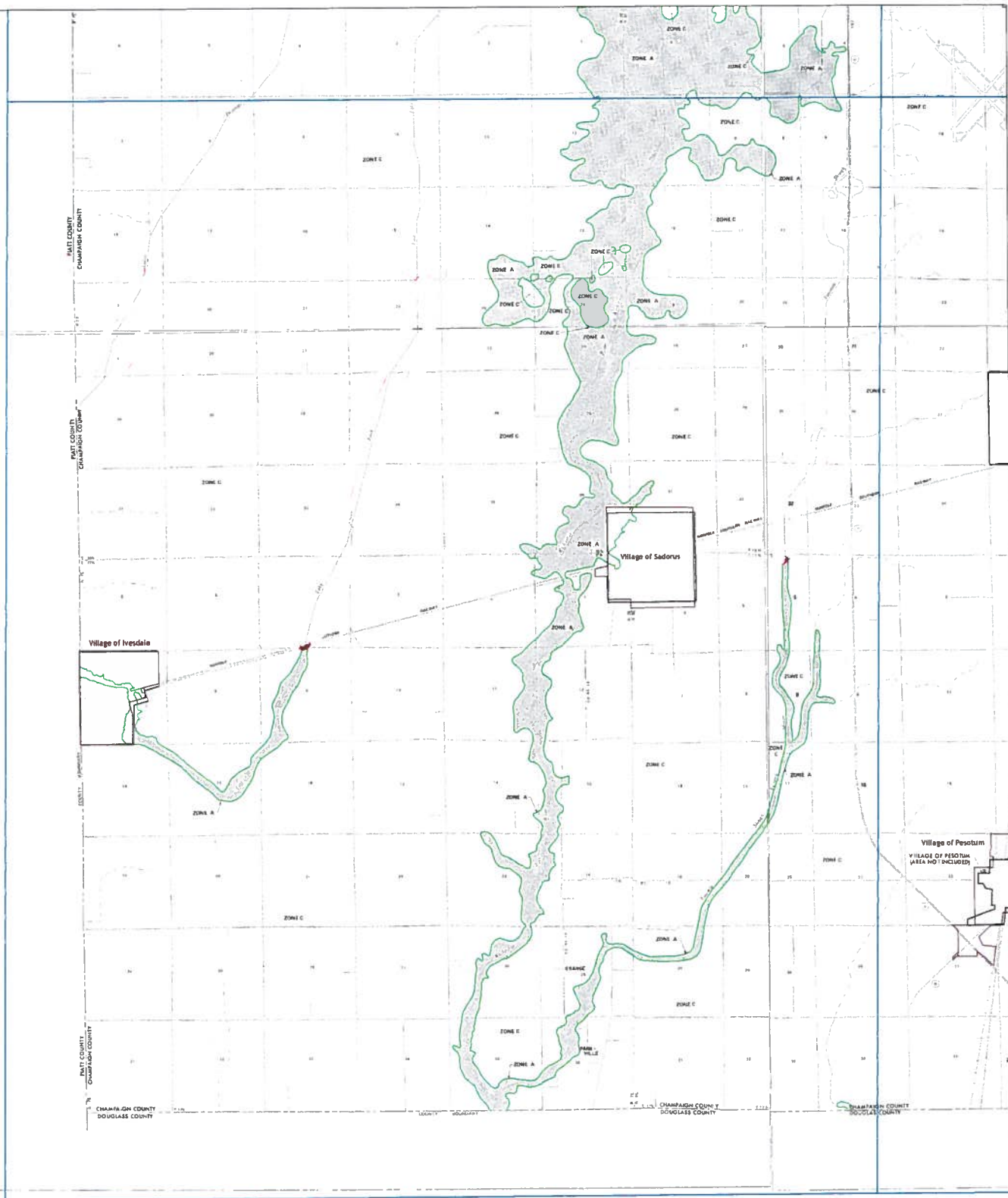
The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on this map should not be used for regulatory purposes.

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 Units: Feet US

Panel Number: 6
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



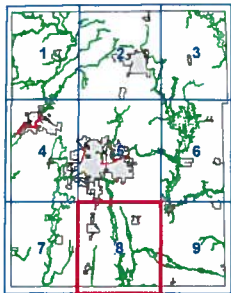
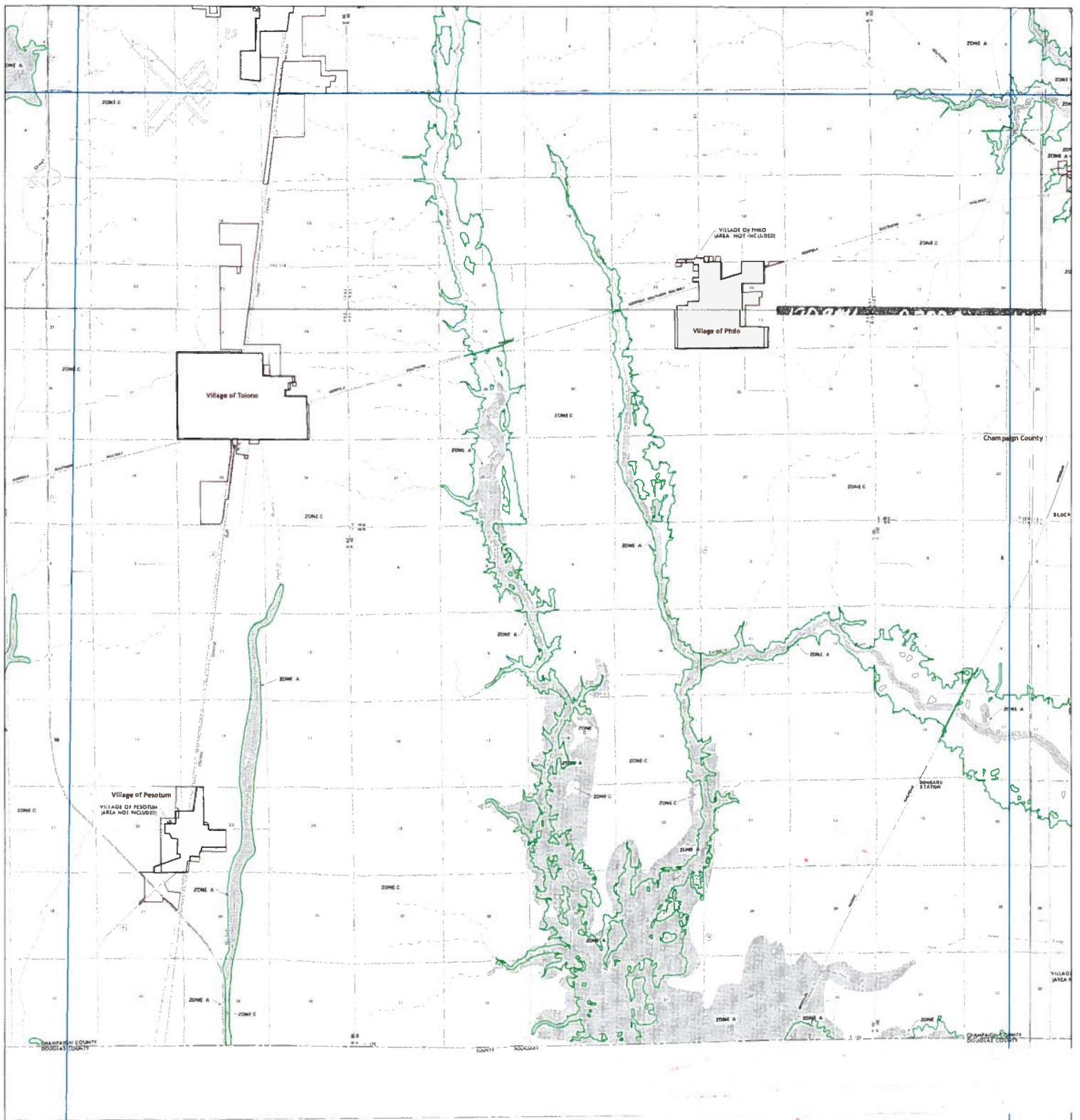
The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

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Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
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 Central Meridian: -88 3333
 Scale Factor: 1 0000
 Latitude Of Origin: 36 6667
 Units: Feet US

Panel Number: 7
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



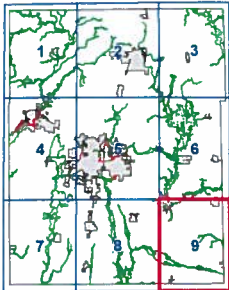
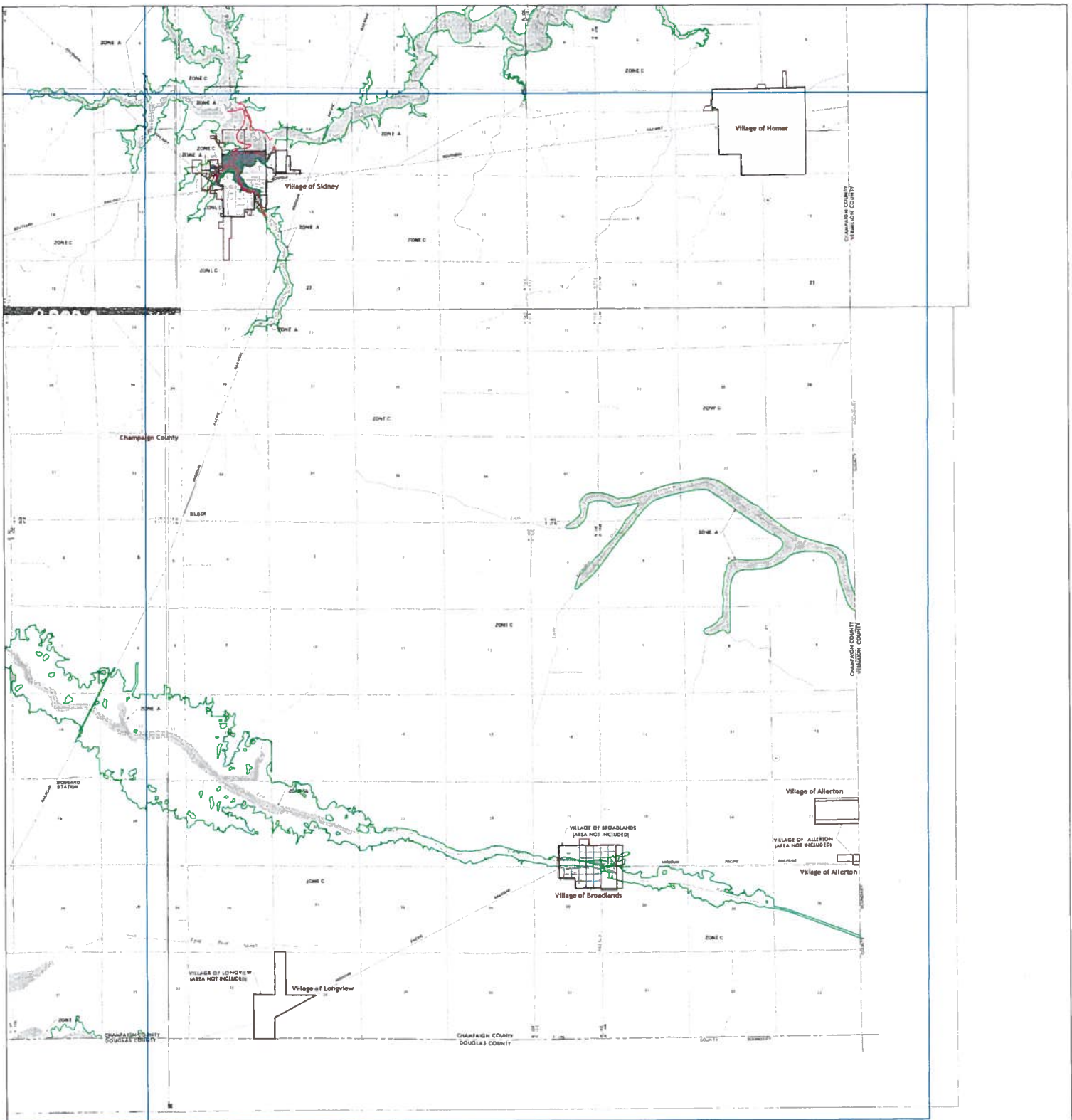
The FIRM layer is composed of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on the map should not be used for regulatory purposes.

Coordinate System: NAD 1983 StatePlane (Illines East FIPS 1201 Feet)
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 Scale Factor: 1.0000
 Latitude Of Origin: 36.6667
 Units: Feet US

Panel Number: 8
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



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The floodplain boundaries depicted on this map should not be used for regulatory purposes.

Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
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 Central Meridian: -88 3333
 Scale Factor: 1 0000
 Latitude Of Origin: 36 6667
 Units: Feet US

Panel Number: 9
 1:30,000
 1" = 2,500'



RECEIVED

APR 05 2013

CHAMPAIGN CO. P & Z DEPARTMENT

Federal Emergency Management Agency, DHS

§ 59.24

(a) Recommendations of State officials;

(b) Location of community and urgency of need for flood insurance;

(c) Population of community and intensity of existing or proposed development of the flood plain, the mudslide (i.e., mudflow) and the flood-related erosion area;

(d) Availability of information on the community with respect to its flood, mudslide (i.e., mudflow) and flood-related erosion characteristics and previous losses;

(e) Extent of State and local progress in flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management, including adoption of flood plain management regulations consistent with related ongoing programs in the area.

[41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979]

§ 59.24 Suspension of community eligibility.

(a) A community eligible for the sale of flood insurance shall be subject to suspension from the Program for failing to submit copies of adequate flood plain management regulations meeting the minimum requirements of paragraphs (b), (c), (d), (e) or (f) of § 60.3 or paragraph (b) of §§ 60.4 or 60.5, within six months from the date the Administrator provides the data upon which the flood plain regulations for the applicable paragraph shall be based. Where there has not been any submission by the community, the Administrator shall notify the community that 90 days remain in the six month period in order to submit adequate flood plain management regulations. Where there has been an inadequate submission, the Administrator shall notify the community of the specific deficiencies in its submitted flood plain management regulations and inform the community of the amount of time remaining within the six month period. If, subsequently, copies of adequate flood plain management regulations are not received by the Administrator, no later than 30 days before the expiration of the original six month period the Administrator shall provide written notice to the community and to the state and assure publication in the FEDERAL REGISTER

under part 64 of this subchapter of the community's loss of eligibility for the sale of flood insurance, such suspension to become effective upon the expiration of the six month period. Should the community remedy the defect and the Administrator receive copies of adequate flood plain management regulations within the notice period, the suspension notice shall be rescinded by the Administrator. If the Administrator receives notice from the State that it has enacted adequate flood plain management regulations for the community within the notice period, the suspension notice shall be rescinded by the Administrator. The community's eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Administrator.

(b) A community eligible for the sale of flood insurance which fails to adequately enforce flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be subject to probation. Probation shall represent formal notification to the community that the Administrator regards the community's flood plain management program as not compliant with NFIP criteria. Prior to imposing probation, the Administrator (1) shall inform the community upon 90 days prior written notice of the impending probation and of the specific program deficiencies and violations relative to the failure to enforce, (2) shall, at least 60 days before probation is to begin, issue a press release to local media explaining the reasons for and the effects of probation, and (3) shall, at least 90 days before probation is to begin, advise all policyholders in the community of the impending probation and the additional premium that will be charged, as provided in this paragraph, on policies sold or renewed during the period of probation. During this 90-day period the community shall have the opportunity to avoid probation by demonstrating compliance with Program requirements, or by correcting Program deficiencies and remedying all violations to the maximum extent possible. If, at the end of the 90-day period, the Administrator determines that the

community has failed to do so, the probation shall go into effect. Probation may be continued for up to one year after the community corrects all Program deficiencies and remedies all violations to the maximum extent possible. Flood insurance may be sold or renewed in the community while it is on probation. Where a policy covers property located in a community placed on probation on or after October 1, 1986, but prior to October 1, 1992, an additional premium of \$25.00 shall be charged on each such policy newly issued or renewed during the one-year period beginning on the date the community is placed on probation and during any successive one-year periods that begin prior to October 1, 1992. Where a community's probation begins on or after October 1, 1992, the additional premium described in the preceding sentence shall be \$50.00, which shall also be charged during any successive one-year periods during which the community remains on probation for any part thereof. This \$50.00 additional premium shall further be charged during any successive one-year periods that begin on or after October 1, 1992, where the preceding one-year probation period began prior to October 1, 1992.

(c) A community eligible for the sale of flood insurance which fails to adequately enforce its flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 and does not correct its Program deficiencies and remedy all violations to the maximum extent possible in accordance with compliance deadlines established during a period of probation shall be subject to suspension of its Program eligibility. Under such circumstances, the Administrator shall grant the community 30 days in which to show cause why it should not be suspended. The Administrator may conduct a hearing, written or oral, before commencing suspensive action. If a community is to be suspended, the Administrator shall inform it upon 30 days prior written notice and upon publication in the FEDERAL REGISTER under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. In the event of impending suspension, the Administrator shall

issue a press release to the local media explaining the reasons and effects of the suspension. The community's eligibility shall only be reinstated by the Administrator upon his receipt of a local legislative or executive measure reaffirming the community's formal intent to adequately enforce the flood plain management requirements of this subpart, together with evidence of action taken by the community to correct Program deficiencies and remedy to the maximum extent possible those violations which caused the suspension. In certain cases, the Administrator, in order to evaluate the community's performance under the terms of its submission, may withhold reinstatement for a period not to exceed one year from the date of his receipt of the satisfactory submission or place the community on probation as provided for in paragraph (b) of this section.

(d) A community eligible for the sale of flood insurance which repeals its flood plain management regulations, allows its regulations to lapse, or amends its regulations so that they no longer meet the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be suspended from the Program. If a community is to be suspended, the Administrator shall inform it upon 30 days prior written notice and upon publication in the FEDERAL REGISTER under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. The community eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Administrator.

(e) A community eligible for the sale of flood insurance may withdraw from the Program by submitting to the Administrator a copy of a legislative action that explicitly states its desire to withdraw from the National Flood Insurance Program. Upon receipt of a certified copy of a final legislative action, the Administrator shall withdraw the community from the Program and publish in the FEDERAL REGISTER under part 64 of this subchapter its loss of eligibility for the sale of flood insurance. A community that has withdrawn from the Program may be reinstated if its

submits the application materials specified in § 59.22(a).

(f) If during a period of ineligibility under paragraphs (a), (d), or (e) of this section, a community has permitted actions to take place that have aggravated existing flood plain, mudslide (i.e., mudflow) and/or flood related erosion hazards, the Administrator may withhold reinstatement until the community submits evidence that it has taken action to remedy to the maximum extent possible the increased hazards. The Administrator may also place the reinstated community on probation as provided for in paragraph (b) of this section.

(g) The Administrator shall promptly notify the servicing company and any insurers issuing flood insurance pursuant to an arrangement with the Administrator of those communities whose eligibility has been suspended or which have withdrawn from the program. Flood insurance shall not be sold or renewed in those communities. Policies sold or renewed within a community during a period of ineligibility are deemed to be voidable by the Administrator whether or not the parties to sale or renewal had actual notice of the ineligibility.

[41 FR 46968, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, and amended at 48 FR 44543 and 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36023, Sept. 4, 1985; 57 FR 19540, May 7, 1992; 59 FR 53598, Oct. 25, 1994; 62 FR 55715, Oct. 27, 1997]

Subpart C—Pilot Inspection Program

§ 59.30 A pilot inspection procedure.

(a) *Purpose.* This section sets forth the criteria for implementing a pilot inspection procedure in Monroe County and the Village of Islamorada, Florida. Areas within Monroe County that become communities by incorporating on or after January 1, 1999, are required to implement the pilot inspection procedure as a condition of participating in the NIP. The criteria will also be used to implement the pilot inspection procedure in these communities. The purpose of this inspection procedure is to provide the communities participating in the pilot inspection procedure with an additional means to identify whether

structures built in Special Flood Hazard Areas (SFHAs) after the effective date of the initial Flood Insurance Rate Map (FIRM) comply with the community's floodplain management regulations. The pilot inspection procedure will also assist FEMA in verifying that structures insured under the National Flood Insurance Program's Standard Flood Insurance Policy are properly rated. FEMA will publish notices in the FEDERAL REGISTER when communities in Monroe County incorporate, agree to implement the pilot inspection procedure, and become eligible for the sale of flood insurance.

(b) *Procedures and requirements for implementation.* Each community must establish procedures and requirements for implementing the pilot inspection procedure consistent with the criteria established in this section.

(c) *Inspection procedure—(1) Starting and termination dates.* The Associate Director for Mitigation and the Federal Insurance Administrator will establish the starting date and the termination date for implementing the pilot inspection procedure upon the recommendation of the Regional Director. The Regional Director will consult with each community.

(2) *Extension.* The Associate Director for Mitigation and the Federal Insurance Administrator may extend the implementation of the inspection procedure with a new termination date upon the recommendation of the Regional Director. The Regional Director will consult with the community. An extension will be granted based on good cause.

(3) *Notices.* Before the starting date of the inspection procedure, each community must publish a notice in a prominent local newspaper and publish other notices as appropriate. The Associate Director for Mitigation and the Federal Insurance Administrator will publish a notice in the FEDERAL REGISTER that the community will undertake an inspection procedure. Published notices will include the purpose for implementing the inspection procedure and the effective period of time that the inspection procedure will cover.

(4) *Community reviews.* The communities participating in the pilot inspection procedure must review a list of all

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§ 60.3 (b), (c), (d), (e) or (f), in which to meet the requirements of the applicable paragraph. If a community has received a FHBM, but has not yet applied for Program eligibility, the community shall apply for eligibility directly under the standards set forth in § 60.3(b). Thereafter, the community will be given a period of six months from the date the Administrator provides the data set forth in § 60.3 (c), (d), (e) or (f) in which to meet the requirements of the applicable paragraph.

(b) A mudslide (i.e., mudflow)-prone community applying for flood insurance eligibility shall meet the standards of § 60.4(a) to become eligible. Thereafter, the community will be given a period of six months from the date the mudslide (i.e., mudflow) areas having special mudslide hazards are delineated in which to meet the requirements of § 60.4(b).

(c) A flood-related erosion-prone community applying for flood insurance eligibility shall meet the standards of § 60.5(a) to become eligible. Thereafter, the community will be given a period of six months from the date the flood-related erosion areas having special erosion hazards are delineated in which to meet the requirements of § 60.5(b).

(d) Communities identified in part 65 of this subchapter as containing more than one type of hazard (e.g., any combination of special flood, mudslide (i.e., mudflow), and flood-related erosion hazard areas) shall adopt flood plain management regulations for each type of hazard consistent with the requirements of §§ 60.3, 60.4 and 60.5.

(e) Local flood plain management regulations may be submitted to the State Coordinating Agency designated pursuant to § 60.25 for its advice and concurrence. The submission to the State shall clearly describe proposed enforcement procedures.

(f) The community official responsible for submitting annual or biennial reports to the Administrator pursuant to § 59.22(b)(2) of this subchapter shall also submit copies of each annual or biennial report to any State Coordinating Agency

(g) A community shall assure that its comprehensive plan is consistent with

the flood plain management objectives of this part.

(h) The community shall adopt and enforce flood plain management regulations based on data provided by the Administrator. Without prior approval of the Administrator, the community shall not adopt and enforce flood plain management regulations based upon modified data reflecting natural or man-made physical changes.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 29318, June 24, 1983; 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984; 50 FR 36024, Sept. 4, 1985; 59 FR 53598, Oct. 25, 1994; 62 FR 55716, Oct. 27, 1997]

§ 60.3 Flood plain management criteria for flood-prone areas.

The Administrator will provide the data upon which flood plain management regulations shall be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in

the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level)

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to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under § 59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(i) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-

30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in §60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that

the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

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A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Administrator.

(e) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified

on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-

work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a

manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in §59.1 in accordance with the eligibility procedures under §65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

[41 FR 46975, Oct. 26, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on CPO Access.

§ 60.4 Flood plain management criteria for mudslide (i.e., mudflow)-prone areas.

The Administrator will provide the data upon which flood plain management regulations shall be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community,

the community shall obtain, review, and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Administrator. However, when special mudslide (i.e., mudflow) hazard area designations have been furnished by the Administrator, they shall apply. The symbols defining such special mudslide (i.e., mudflow) hazard designations are set forth in § 64.3 of this subchapter. In all cases, the minimum requirements for mudslide (i.e., mudflow)-prone areas adopted by a particular community depend on the amount of technical data provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not yet identified any area within the community as an area having special mudslide (i.e., mudflow) hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall

(1) Require permits for all proposed construction or other development in the community so that it may determine whether development is proposed within mudslide (i.e., mudflow)-prone areas;

(2) Require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides (i.e., mudflows). Factors to be considered in making such a determination should include but not be limited to (i) the type and quality of soils, (ii) any evidence of ground water or surface water problems, (iii) the depth and quality of any fill, (iv) the overall slope of the site, and (v) the weight that any proposed structure will impose on the slope;

(3) Require, if a proposed site and improvements are in a location that may have mudslide (i.e., mudflow) hazards, that (i) a site investigation and further review be made by persons qualified in geology and soils engineering, (ii) the proposed grading, excavations, new construction, and substantial improvements are adequately designed and protected against mudslide (i.e., mudflow)



Champaign County, Illinois

CHAMPAIGN COUNTY
SPECIAL FLOOD HAZARD AREAS
ORDINANCE

AS AMENDED THROUGH JUNE 23, 2005

Champaign County Special Flood Hazard Areas Ordinance

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Section 1 Purpose

This ordinance is enacted pursuant to the police powers granted to this Champaign County by County Statutory Authority in 55 Illinois Compiled Statutes 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- A. to prevent unwise developments from increasing flood or drainage hazards to others;
- B. to protect new buildings and major improvements to buildings from flood damage;
- C. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. to maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. to make federally subsidized flood insurance available; and
- G. to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 2 Definitions

For the purposes of this ordinance, the following definitions are adopted:

- A. **Base Flood:** The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
- B. **Base Flood Elevation (BFE):** The elevation in relation to mean sea level of the crest of the base flood.
- C. **Building:** A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.
- D. **Critical Facility:** Any public or private facility which, if flooded would create an added dimension to the disaster or would increase the hazard of life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools and toxic waste treatment, handling and storage facilities.

2 Definitions - Continued

- E. **Development:** Any man-made change to real estate including, but not necessarily limited to:
- i. demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building,
 - ii. substantial improvement of an existing building;
 - iii. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
 - iv. installation of utilities, construction of roads, bridges, culverts or similar projects;
 - v. construction or erection of levees, dams, walls, or fences;
 - vi. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
 - vii. storage of materials including the placement of gas and liquid storage tanks; and
 - viii. channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

- F. **FEMA:** Federal Emergency Management Agency.
- G. **Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- H. **Flood Fringe:** That portion of the floodplain outside of the regulatory floodway.
- I. **Flood Insurance Rate Map:** A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.
- J. **'Floodplain' and 'Special Flood Hazard Area (SFHA)'** are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Copper Slough, McCullough Creek, Saline Branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch are generally identified as such on the Flood Insurance Rate Map of Champaign County prepared by the Federal Emergency Management Agency and dated January 2, 2003 also includes those areas of known flooding as identified by the community.
- K. **Floodproofing:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.
- L. **Floodproofing Certificate:** A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

2 Definitions - Continued

- M. Flood Protection Elevation (FPE): The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
- N. Floodway: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Copper Slough, McCullough Creek, Saline branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch shall be as delineated on the Flood Boundary and Floodway Map prepared by FEMA and dated January 2, 2003. The floodways for each of the remaining floodplains of Champaign County shall be according to the best data available from Federal, State, or other sources.
- O. IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.
- P. Manufactured Home: A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.
- Q. NFIP: National Flood Insurance Program.
- R. Repetitive Loss: Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- S. SFHA: See definition of floodplain.
- T. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. Damage of less than 50 percent of the fair market value will be applied to the repetitive loss calculations.
- U. Substantial Improvement: Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

2 Definitions - Continued

- V. Travel Trailer (or Recreational Vehicle): A vehicle which is:
- i. built on a single chassis;
 - ii. 400 square feet or less in size;
 - iii. designed to be self-propelled or permanently towable by a light duty truck; and
 - iv. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Section 3 Base Flood Elevation

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior any development of the site.

- A. The base flood elevation for the floodplains of Copper Slough, McCullough Creek, Saline branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Champaign County prepared by the Federal Emergency Management Agency and dated January 2, 2003.
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of Champaign County.
- C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Flood Insurance Rate Map of Champaign County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

Section 4 Duties of the Zoning Administrator

The Zoning Administrator shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Champaign County meet the requirements of this ordinance. Specifically, the Zoning Administrator shall:

- A. Process development permits in accordance with Section 5;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- C. Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

4 Duties of Zoning Administrator - Continued

- D. Assure that all subdivisions and annexations meet the requirements of Section 8;
- E. Ensure that water supply and waste disposal systems meet the public health standards of Section 9;
- F. If a variance is requested, ensure that the requirements of Section 10 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all actions outlined in Section 13 as necessary to ensure compliance with this ordinance;
- H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. Perform site inspections and make substantial damage determinations for structures within the floodplain; and
- N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

Section 5 Development Permit

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a Development Permit from the Zoning Administrator. The Zoning Administrator shall not issue a Development Permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for Development Permit shall be accompanied by:
 - i. drawings of the site, drawn to scale showing property line dimensions;
 - ii. existing grade elevations and all changes in grade resulting from excavation or filling;

5 Development Permit - Continued

- iii. the location and dimensions of all buildings and additions to buildings; and
 - iv. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance.
 - v. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a Development Permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance. The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

Section 6 Preventing Increased Flood Heights and Resulting Damages

Within the floodway identified on the Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Paragraph 6(B), no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
- i. barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
 - ii. aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
 - iii. minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
 - iv. minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No 6;
 - v. outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
 - vi. underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
 - vii. bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
 - viii. accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
 - ix. minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;
 - x. bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;
 - xi. temporary construction activities meeting the conditions of IDNR/OWR Statewide

6 Preventing Increased Flood Heights and Resulting Damages - Continued

- Permit No. 13; and
- xii. any development determined by IDNR/OWR to be located entirely within a flood fringe area.
- B. Other development activities not listed in Paragraph 6(A) may be permitted only if:
- i. a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
 - ii. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

Section 7 Protecting Buildings

- A. In addition to the damage prevention requirements of Section 6, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
- i. construction or placement of a new building valued at more than \$1,000 or 70 square feet;
 - ii. substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this ordinance;
 - iii. repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this ordinance.
 - iv. structural alterations made to an existing building that increase the floor area by more than 20 percent;
 - v. installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);
 - vi. installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and
 - vii. repetitive loss to an existing building as defined in Paragraph 2(R).
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
- i. the building may be constructed on permanent landfill in accordance with the following:
 - 1) the lowest floor (including basement) shall be at or above the flood protection elevation;
 - 2) the fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;
 - 3) the fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

7 Protecting Buildings - Continued

- 4) the fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
 - 5) the fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or
 - ii. the building may be elevated in accordance with the following:
 - 1) the building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
 - 2) the lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - 3) if walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent openings on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;
 - 4) the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
 - 5) the finished interior grade shall not be less than the finished exterior grade;
 - 6) all structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
 - 7) water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and
 - 8) the area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
- C. Manufactured homes to be permanently installed on site shall be:
- i. elevated to or above the flood protection elevation; and
 - ii. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.
- D. Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of Paragraph 7(C) unless the following conditions are met:
- i. the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times;
 - ii. the vehicle must not be attached to external structures such as decks and porches;
 - iii. the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;
 - iv. the vehicle's largest horizontal projections must be no larger than 400 square feet; and
 - v. the vehicle's wheels must remain on axles and inflated;

7 Protecting Buildings - Continued

- vi. air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain;
 - vii. propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation;
 - viii. the vehicle must be licensed and titled as a recreational vehicle or park model; and
 - iv. the vehicle must be:
 - 1) either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted;
 - 2) have the tires touching the ground, and
 - 3) be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.
- E. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:
- i. below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
 - ii. the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
 - iii. floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this paragraph.
- F. Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:
- i. the garage or shed must be non-habitable;
 - ii. the garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;
 - iii. the garage or shed must be located outside of the floodway;
 - iv. the garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot;
 - v. below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage;
 - vi. all utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation;
 - vii. the garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area;
 - viii. the garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet;
 - iv. the structure shall be anchored to resist floatation and overturning;
 - v. all flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
 - vi. the lowest floor elevation should be documented and the owner advised of the flood insurance implications.

7 Protecting Buildings - Continued

- G. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
- i. the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - ii. any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade;
 - iii. the interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade;
 - iv. the interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point;
 - v. an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;
 - vi. portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
 - vii. utility systems within the crawlspace must be elevated above the flood protection elevation.

Section 8 Subdivision Requirements

The Champaign County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

- A. New Subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:
- i. the base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation.);
 - ii. the boundary of the floodway when applicable; and
 - iii. a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

Section 9 Public Health and Other Standards

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7, the following standards apply:
- i. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.
 - ii. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
 - iii. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - iv. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
 - v. Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.
- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

Section 10 Variances

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Champaign County Board. The Champaign County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
- i. the development activity cannot be located outside the floodplain;
 - ii. an exceptional hardship would result if the variance were not granted;
 - iii. the relief requested is the minimum necessary;
 - iv. there will be no additional threat to public health or safety, or creation of a nuisance;
 - v. there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
 - vi. the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

10 Variances - Continued

- vii. all other required state and federal permits have been obtained.
- B. The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 7 that would lessen the degree of protection to a building will:
 - i. result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
 - ii. increase the risks to life and property; and
 - iii. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Variances to the building protection requirements of Section 7 of this ordinance requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Subsection 10(a)(i-v).

Section 11 Fees

- A. No development permit nor variance application shall be accepted without the specified fee having been received by the Department, except when the Zoning Administrator determines that the application of the permit or variance was due solely to staff error.
- B. No filing fee for a variance shall be refunded after the required legal notice has been made by mail or publication unless the Zoning Administrator determines that such filing was due solely to staff error. In no event shall refunds be given for amounts less than \$50 dollars.
- C. No floodplain determination or Base Flood Elevation estimates shall be provided until payment of the specified fee has been received by the Department.

D. Fee Schedule:

- 1. Floodplain Development Permits \$100
- 2. Special Flood Hazard Area Variance \$200
- 3. Flood Determinations, except as made in conjunction with applications for Floodplain Development Permits, Special Flood Hazard Area Variance or other applications made pursuant to the Champaign County Zoning Ordinance or Subdivision Regulations \$25
- 4. Base Flood Elevation Estimate, except as made in conjunction with applications for Floodplain Development Permits, Special Flood Hazard Area Variance or other applications made pursuant

11 Fees - Continued

to the Champaign County Zoning Ordinance or Subdivision Regulations:

- a. BFE established by publication or previous estimates \$25
- b. BFE established by estimate pursuant to Section 3, Paragraph C \$250

Section 12 Disclaimer of Liability

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of Champaign County or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 13 Penalty

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Zoning Administrator may determine that a violation of the minimum standards of this ordinance exists. The Zoning Administrator shall notify the owner in writing of such violation.

- A. If such owner fails after ten days notice to correct the violation:
 - i. Champaign County shall make application to the Circuit Court for an injunction requiring conformance with this ordinance or make such other order as the Court deems necessary to secure compliance with the ordinance;
 - ii. any person who violates this ordinance shall upon conviction thereof be fined not less than \$50 nor more than \$500 for each offense;
 - iii. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and
 - iv. Champaign County shall record a notice of violation on the title to the property.
- B. The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- C. Nothing herein shall prevent the from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 14 Abrogation and Greater Restrictions

This ordinance repeals and replaces other ordinances adopted by the Champaign County Board to fulfill the requirements of the National Flood Insurance Program including: Ordinance 209 adopted January 17, 1984 as amended by Ordinance 294 adopted August 18, 1987; Ordinance 350 adopted December 19, 1989; Ordinance 425 adopted March 16, 1993; and Ordinance 541 adopted October 21, 1997.

However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 15 Separability

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 16 Effective Date

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

APPENDIX A

ADOPTING ORDINANCE AND AMENDMENTS

Adopting Ordinance: Ordinance No. 678 adopted February 6, 2003 by the Champaign County Board established the 'Champaign County Special Flood Hazard Areas Ordinance'.

Ordinance No. 678 repeals and replaces other previous ordinances adopted by the Champaign County Board to fulfill the requirements of the National Flood Insurance Program including:

- ▶ Ordinance 209 adopted January 17, 1984 as amended by Ordinance No. 294 adopted August 18, 1987;
- ▶ Ordinance No. 350 adopted December 19, 1989;
- ▶ Ordinance No. 425 adopted March 16, 1993; and
- ▶ Ordinance No. 541 adopted October 21, 1997.

Amendments:

1. Ordinance No. 736 adopted February 24, 2005
 - Renumbers [and changes content of] existing Sections 9 and 10
 - Section 10, Fees
 - Entire section amended to add required fees.

2. Ordinance No. ____ adopted _____ 2005
 - Table of Contents
 - Add new Section 8 and renumber remaining sections.
 - Section 4, Duties of Zoning Administrator
 - Amend Paragraph G.
 - Section 8, Subdivision Requirements
 - Add this section and renumber remaining Sections 9 through 16



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.

APPENDIX 10

DEFINED TERMS ¹

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

Note 1: These defined terms are additionally provided as an Appendix in Volume 2: Champaign County Land Resource Management Plan

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.