

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: December 11, 2014
Time: **6:30 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

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

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

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

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (November 13, 2014)
5. Continued Public Hearings

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

NOTE MEETING TIME: 6:30 p.m.

Case 769-AT-13 Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance by amending the Champaign County Storm Water Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows:**

- I. **Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement)**
- II. **Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollutant Discharge System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement)**
- III. **Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement)**
- IV. **Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit including Minor and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan of**

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- Case 769-AT-13, Part IV. cont:** **development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements; add fees and time limits for each class of Permit; add requirements for administration and enforcement Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement)**
- V. Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion and water quality requirements that are required for all construction or land disturbance.**
 - VI. Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement)**
 - VII. Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R, S and W of the legal advertisement)**

Case 773-AT-14 Petitioner: Zoning Administrator

Request: Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding the following:

- A. Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.**
- B. Add fees for Grading and Demolition Permits.**
- C. Add required information to be provided in the application for a Grading and Demolition Permit.**
- D. Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General Storm Water Permit for Construction.**
- E. Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.**
- F. Add prohibitions against changing the flow of water and blocking the flow of water.**
- G. Add other requirements related to Grading and Demolition Permits**

- 6. New Public Hearings
- 7. Staff Report
- 8. Other Business
 - A. Review of Docket
- 9. Audience Participation with respect to matters other than cases pending before the Board
- 10. Adjournment

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

1 **MINUTES OF REGULAR MEETING**
2
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
4 **1776 E. Washington Street**
5 **Urbana, IL 61802**
6

7 **DATE:** November 13, 2014 **PLACE:** John Dimit Meeting Room
8 **TIME:** 6:30 p.m. **1776 East Washington Street**
9 **Urbana, IL 61802**

10 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol,
11

12
13 **MEMBERS ABSENT :** Roger Miller, Eric Thorsland
14

15 **STAFF PRESENT :** Connie Berry, Susan Chavarria, John Hall
16

17 **OTHERS PRESENT :** Alan Schweighart, Guy Hall, Steve Burdin, Don Wauthier, Ron Priest, Mel
18 Kocher, Ralph Cook, Carl Hill, Charlsie Tice, Cherri Gitz, Rita McCannon

19
20
21 **1. Call to Order**

DRAFT

22
23 The meeting was called to order at 6:30 p.m.
24

25 Mr. Hall informed the Board that due to the absence of Mr. Thorsland the Board needs to appoint an acting
26 Chair for tonight's meeting.
27

28 **Mr. Passalacqua moved, seconded by Mr. Randol to appoint Cathe Capel as acting Chair for tonight's**
29 **meeting. The motion carried by voice vote.**
30

31 **2. Roll Call and Declaration of Quorum**
32

33 The roll was called and a quorum declared present with two members absent.
34

35 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
36 witness register for that public hearing. She reminded the audience that when they sign the witness register
37 they are signing an oath.
38

39 **3. Correspondence**
40

41 None
42

43 **4. Approval of Minutes (October 16, 2014)**
44

45 **Ms. Griest moved, seconded by Ms. Lee to approve the October 16, 2014, minutes as submitted.**
46

47 Ms. Capel asked the Board if there were corrections or additions required for the October 16, 2014, minutes
48 and there were none.

The motion carried by voice vote.

5. Continued Public Hearing

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

Ms. Capel asked the petitioner if he would like to make a brief statement regarding the request.

Mr. Hall stated that no new information is available for the Board's review tonight. He requested that Case 685-AT-11 be continued to the tentative February 12, 2015, meeting.

Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 685-AT-11 to the tentative February 12, 2015, meeting. The motion carried by voice vote.

Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance by amending the Champaign County Storm Water Management Policy by changing the name to the Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water

1 pollution and fulfilling the applicable requirements of the National Pollutant Discharge System
 2 (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section
 3 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the
 4 National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of
 5 the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,
 6 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance
 7 activities including a including a requirement for a Land Disturbance Erosion Control Permit
 8 including Minor and Major classes of Permits that are required within the Champaign County MS4
 9 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan
 10 of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit
 11 requirements; add fees and time limits for each class of Permit; add requirements for administration
 12 and enforcement Permits; and add new Appendices with new standards and requirements for both
 13 Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.
 14 Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation
 15 onto adjacent properties and add minimum erosion and water quality requirements that are required
 16 for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add
 17 a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.
 18 Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.
 19 (Parts G, I, J, P, Q, R, S and W of the legal advertisement).

20
 21 Ms. Capel asked the petitioner if he would like to make a brief statement regarding the request.

22
 23 Mr. Hall stated that no new information is available for the Board's review tonight and requested that the
 24 case be continued to the December 11, 2014, meeting. He said that he does anticipate new information to be
 25 available for the Board's review in the December 11th meeting mailing packet and if the meeting is cancelled
 26 due to the lack of a quorum or inclement weather the case will be continued to the next available meeting.
 27

28 Ms. Lee asked Mr. Hall if he anticipates action on December 11th.

29
 30 Mr. Hall stated that the Board will have all the information required to take action. He said that if the Board
 31 is ready to take action at the December 11th meeting then the Board could certainly do so but it remains to be
 32 seen.
 33

34 Ms. Capel entertained a motion to continue Case 769-AT-13 to the December 11, 2014, meeting.

35
 36 Ms. Griest moved, seconded by Ms. Lee to continue Case 769-AT-11 to the December 11, 2014,
 37 meeting. The motion carried by voice vote.
 38

39 **Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm**
 40 **Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by**
 41 **adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
 42 **demolition that disturbs an acre or more of land or for any grading or demolition that is part of a**

1 larger common plan of development in which one acre or more of land disturbance will occur, and
2 that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;
3 and C. Add required information to be provided in the application for a Grading and Demolition
4 Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or
5 Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General
6 Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a
7 Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations
8 enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.
9 Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other
10 requirements related to Grading and Demolition Permits.

11
12 Ms. Capel asked the petitioner if he would like to make a brief statement regarding the request.

13
14 Mr. Hall stated that no new information is available for the case and requested that it be continued to the
15 December 11, 2014, meeting.

16
17 Ms. Capel entertained a motion to continue Case 773-AT-14 to the December 11, 2014, meeting.

18
19 **Ms. Griest moved, seconded by Ms. Lee to continue Case 773-AT-14 to the December 11, 2014,**
20 **meeting. The motion carried by voice vote.**

21
22 **6. New Public Hearings**

23
24 **Case 788-S-14 Petitioner: Eastern Illini Electric Cooperative Request to authorize an Electric**
25 **Substation in the I-1 Light Industry Zoning District. Location: A proposed 1.08 acre parcel located in**
26 **Tolono Township in the North Half of the Northeast Quarter of the Northeast Quarter of Section 34**
27 **of Township 18N, Range 8E of the Third Principal Meridian and commonly known as part of the**
28 **field located on the south side of CR 700N and located 1,000 feet west of the intersection with CR**
29 **1000E, on land that is currently part of the Premier Cooperative grain elevator at 949 CR 700N,**
30 **Tolono.**

31
32 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the
33 witness register for that public hearing. She reminded the audience that when they sign the witness register
34 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.

35
36 Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone
37 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
38 hands for those who would like to cross examine and each person will be called upon. She requested that
39 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
40 those who desire to cross examine are not required to sign the witness register but are requested to clearly
41 state their name before asking any questions. She noted that no new testimony is to be given during the
42 cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are

1 exempt from cross examination.
2

3 Ms. Capel asked the petitioners if they desired to make a statement outlining the nature of their request.
4

5 Mr. Alan Schweighart, Vice President of Operations and Engineering for Eastern Illini Electric Cooperative,
6 stated that he was contacted by Premier Cooperative regarding their facility located west of Tolono. He said
7 that Premier Cooperative is increasing their electrical load quite a bit and currently they are being serviced
8 by the Parkville substation which is approximately 13 miles away. He said what he means by indicating that
9 Premier Cooperative is increasing their electrical load is that they were using ½ a megawatt and currently
10 they require 2^{1/2} megawatts. He said that with such an increase in electrical load he cannot feed service to
11 Premier Cooperative from the Parkville substation anymore because it is a radio feed and there is no three-
12 phase backup system to feed Premier's Tolono facility. He said that if he puts a new substation at the
13 desired location the power supply will be close to the location requiring the large load of power. He said that
14 the new substation will feed Premier Cooperative and will also be available for backload to Parkville during
15 emergencies and other members in the area. He said that with the Parkville substation he does not have a
16 back feed going to Monticello therefore with this new substation he would also be able to have back feed
17 available for the Monticello members if necessary.
18

19 Ms. Capel asked the Board if there were any questions for Mr. Schweighart.
20

21 Mr. Passalacqua asked Mr. Schweighart if the new substation would make feed to the Tolono members more
22 reliable.
23

24 Mr. Schweighart stated that there are three or four residences on the west side of Tolono which are served by
25 Eastern Illini Electric Cooperative and everything else is west of Tolono.
26

27 Mr. Passalacqua asked Mr. Schweighart if all of the members are paying for the construction of the new
28 substation for Premier Cooperative's needs.
29

30 Mr. Schweighart stated that the cooperative as a whole is paying for it because the new substation will not
31 only be for Premier Cooperative but for all of the other circuits which will require back feed in the future.
32 He said that eventually with the growth coming out of Champaign the service up to the Monticello Road
33 (County Highway 18) will be available in case three-phase service is needed.
34

35 Mr. Randol asked Mr. Schweighart if new poles and lines will be required to connect to the station at
36 Parkville or will the existing poles and wires be utilized.
37

38 Mr. Schweighart stated that currently they have three-phase sitting on Premier's property. He said that they
39 may need to run three spans of wire 600-800 feet to connect to the existing three-phase from this substation.
40

41 Mr. Randol asked Mr. Schweighart if new poles will be required.
42

1 Mr. Schweighart stated that along that road the three-phase stops at Premier Cooperative and a single-phase
2 continues on into the west side of Tolono to pick up those three or four residences that they service and there
3 are already poles there.

4
5 Ms. Capel asked the Board if there were any further questions for Mr. Schweighart and there were none.

6
7 Ms. Capel asked staff if there were any questions for Mr. Schweighart and there were none.

8
9 Ms. Capel asked the audience if anyone desired to cross examine Mr. Schweighart.

10
11 Ms. Capel informed the audience that anyone cross examining Mr. Schweighart can only ask questions
12 regarding testimony that he has already presented.

13
14 Mr. Mel Kocher stated that he would like clarification regarding the substation.

15
16 Ms. Kocher informed Mr. Kocher that he should sign the witness register to present testimony.

17
18 Ms. Capel called Mel Kocher to testify.

19
20 Mr. Mel Kocher, who resides at 713 Austin St, Tolono, asked Mr. Schweighart if the pictures are accurate.
21 He said that the photograph on page 1, Attachment E, has confusing information in that the caption under
22 the
23 first photograph indicates that the substation would be located on the west side of the buildings. He asked
24 Mr. Schweighart if this information is accurate or if the information should actually indicate that the
25 substation would be located on the east side.

26
27 Ms. Chavarria apologized for the error and stated that the information should be corrected to indicate that
28 the substation would be located on the east side of the buildings.

29
30 Ms. Capel asked the audience if anyone desired to cross examine Mr. Kocher and there was no one.

31
32 Mr. Guy Hall, attorney for Eastern Illini Electric Cooperative, clarified that the caption under photograph #1
33 on page 1, Attachment E, incorrectly indicates that the substation would be located on the west side of the
34 buildings when in fact the substation will be located on the east side of the buildings. He said that there was
35 obviously a clerical error which should be corrected.

36
37 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony
38 regarding Case 788-S-14 and there was no one.

39
40 Ms. Capel closed the witness register.

41
42 Mr. John Hall, Zoning Administrator, stated that the petitioner submitted a letter from the Village Tolono

1 not add any more trips on the road.

2

3 **b. Emergency services availability is ADEQUATE.**

4

5 Ms. Griest stated that emergency services availability is ADEQUATE because it is within 1.5 miles of the
6 fire station.

7

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

9

10 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses because some
11 infrastructure already exists that can be tied in, so aside from the new substation construction, there will be
12 minimal disturbance.

13

14 **d. Surface and subsurface drainage will be ADEQUATE.**

15

16 Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE and should be unchanged.

17

18 **e. Public safety will be ADEQUATE.**

19

20 Ms. Griest stated that public safety will be ADEQUATE.

21

22 **f. The provisions for parking will be ADEQUATE.**

23

24 Ms. Griest stated that provision for parking will be ADEQUATE.

25

26 **g. The property is BEST PRIME FARMLAND and the property with the proposed
27 improvements IS WELL SUITED OVERALL.**

28

29 Mr. Randol stated that the property is BEST PRIME FARMLAND and the property with the proposed
30 improvements IS WELL SUITED OVERALL because it is connected to agriculture which is the main
31 reason that the substation is being constructed in the first place.

32

33 **h. The existing public services ARE available to support the proposed special use
34 effectively and safely without undue public expense.**

35

36 Ms. Griest stated that the existing public services ARE available to support the proposed special use
37 effectively and safely without undue public expense.

38

39 **i. The existing public infrastructure together with proposed improvements ARE
40 adequate to support the proposed development effectively and safely without undue
41 public expense.**

42

1 Ms. Griest stated that the existing public infrastructure together with proposed improvements ARE adequate
2 to support the proposed development effectively and safely without undue public expense.

3
4 Mr. Passalacqua stated that the requested Special Use Permit is so designed, located, and proposed to
5 be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise
6 detrimental to the public health, safety, and welfare.

7
8 **3a. The requested Special Use Permit DOES conform to the applicable regulations and**
9 **standards of the DISTRICT in which it is located.**

10
11 Ms. Griest stated that the requested Special Use Permit DOES conform to the applicable regulations and
12 standards of the DISTRICT in which it is located.

13
14 **3b. The requested Special Use Permit DOES preserve the essential character of the**
15 **DISTRICT in which it is located because:**

16
17 **a. The Special Use will be designed to CONFORM to all relevant County ordinances and**
18 **codes.**

19
20 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County ordinances and
21 codes.

22
23 **b. The Special Use WILL be compatible with adjacent uses.**

24
25 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

26
27 **c. Public safety will be ADEQUATE.**

28
29 Ms. Griest stated that public safety will be ADEQUATE.

30
31 Ms. Griest stated that the requested Special Use Permit DOES preserve the essential character of the
32 DISTRICT in which it is located.

33
34 **4. The requested Special Use Permit IS in harmony with the general intent of the Ordinance**
35 **because:**

36
37 **a. The Special Use IS authorized in the District.**

38
39 Ms. Capel stated that the Special Use IS authorized in the District.

40
41 **b. The requested Special Use Permit IS necessary for the public convenience at this**
42 **location.**

1
2 Mr. Passalacqua stated that the requested Special Use Permit IS necessary for the public convenience at this
3 location.

4
5 **c. The requested Special Use Permit is so designed, located, and proposed to be operated**
6 **so that it WILL NOT be injurious to the district in which it shall be located or**
7 **otherwise detrimental to the public health, safety and welfare.**

8
9 Mr. Passalacqua stated that the requested Special Use Permit is so designed, located, and proposed to be
10 operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise
11 detrimental to the public health, safety and welfare.

12
13 **d. The requested Special Use Permit DOES preserve the essential character of the**
14 **DISTRICT in which it is located.**

15
16 Mr. Passalacqua stated that the requested Special Use Permit DOES preserve the essential character of the
17 DISTRICT in which it is located.

18
19 Ms. Capel stated that the requested Special Use Permit IS in harmony with the general purpose and intent of
20 the Ordinance.

21
22 **5. The requested Special Use IS NOT a nonconforming use.**

23
24 Ms. Capel stated that the requested Special Use IS NOT a nonconforming use.

25
26 **6. No Special Conditions are hereby imposed.**

27
28 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of
29 Fact as amended.

30
31 **Ms. Griest moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record**
32 **and Findings of Fact as amended. The motion carried by voice vote.**

33
34 Ms. Capel entertained a motion to move to the Final Determination for Case 788-S-14.

35
36 **Mr. Passalacqua moved, seconded by Ms. Griest to move to the Final Determination for Case 788-S-**
37 **14. The motion carried by voice vote.**

38
39 Ms. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to
40 either continue Case 788-S-14 until a full Board is present or request that the present Board move to the
41 Final Determination. She informed the petitioner that four affirmative votes are required for approval.
42

Mr. Schweighart requested that the present Board move to the Final Determination.

Final Determination for Case 788-S-14:

Ms. Griest moved, seconded by Mr. Passalacqua that 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 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 788-S-14 is hereby GRANTED to the applicant Eastern Illini Electric Cooperative to authorize an Electric Substation in the I-1 Zoning District.

Ms. Capel requested a roll call vote:

The roll was called as follows:

Miller-absent	Passalacqua-yes	Randol-yes
Thorsland-absent	Griest-yes	Lee-yes
Capel-yes		

Mr. Hall informed the petitioner that he has received an approval for Case 788-S-14 and staff will mail out the appropriate paperwork as soon as possible. He noted that if the petitioner has any questions he should call the office.

Case 789-S-14 Petitioner: Eastern Illini Electric Cooperative Request to authorize an Electric Substation in the AG-1 Agriculture Zoning District. Location: A proposed 1.20 acre parcel located in St. Joseph Township in the East Half of the Southeast Quarter of Section 23 of Township 19N, Range 10E of the Third Principal Meridian, and commonly known as part of the field located on the north side of CH 14 and located 200 feet west of the intersection with CR 2300E.

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.

Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are

1 exempt from cross examination.
2

3 Ms. Lee asked staff if the property is zoned I-1, AG-1, or AG-2. She said that the agenda indicates I-1, the
4 Preliminary Memorandum indicates AG-2, and the Summary of Evidence indicates AG-1.
5

6 Mr. John Hall, Zoning Administrator, stated that the property is zoned AG-1, Agriculture.
7

8 Mr. Guy Hall, attorney for the petitioner, clarified that the property is zoned AG-1, Agriculture and it
9 appears that clerical errors indicated otherwise on separate documents.
10

11 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of the request.
12

13 Mr. Alan Schweighart, Vice President of Operations and Engineering for Eastern Illini Electric Cooperative,
14 stated that this substation is south of St. Joseph and south of the Wiltshire Subdivision. He said that the area
15 is being fed by the Sidney substation and the primary underground wire goes 13 miles into the Wiltshire
16 Subdivision and is one of the heaviest loaded residential circuits compared to the other 25 substations. He
17 said that over the last few years they have experienced that when the underground primary goes out you can't
18 go out and just put a splice on it and get the power back up. He said that when the primary underground
19 goes out he has to call J.U.L.I.E. and dig a hole and it could take four to five hours to get everything back on
20 line. He said that the back feed for this area is the West Ridge substation which is 28 to 30 miles away. He
21 said that the last few years when the underground has failed it was during the hottest or coldest day of the
22 year when the load is the heaviest and with the back feed having to come from the West Ridge or Longview
23 substations the line was having voltage problems and the load could not be carried to all of the members in
24 the area. He said that to help with the liability on the system and to help all of the members in the area and
25 to provide a back feed to the West Ridge and Longview substations he is proposing to drop a small
26 substation south of Wiltshire Subdivision. He said that the additional substation will help split the load quite
27 a bit in all directions and it will cut the underground in half because if the power goes out due to bad
28 underground it will only affect half of the members on that circuit and it can be isolated for maintenance
29 therefore not leaving anyone without power for a long period of time. He said that he has equipment that
30 serves the load in case there is a fault on the circuit and it is some of the biggest equipment that he has on
31 whole system and he can't go much bigger before it is maxed out. He said that the new substation will help
32 with liability, cut down on outage times if the underground goes bad, and will serve a lot of members in the
33 area.
34

35 Mr. Passalacqua asked Mr. Schweighart if this substation will tie in with the existing infrastructure.
36

37 Mr. Schweighart stated yes. He said that there is three phase underground service which runs to Wiltshire
38 therefore he will be able to tap into that underground and go different directions. He said three-phase would
39 go to West Ridge, Sidney and Longview.
40

41 Mr. Passalacqua asked Mr. Schweighart if the main construction will be underground.
42

1 Mr. Schweighart stated yes. He said that he plans to come out of new substation underground. He said that
2 this substation is located across from the transmission line which is across the road therefore he will only
3 need to set two poles and go 90 degrees into the substation. He said that the Tolono substation would
4 require one mile of transmission line to connect to Ameren on US Route 45. He said that this spot was
5 chosen due to the proximity to the transmission line so that he can run the power three different directions
6 from the substation and not a lot of transmission line will be involved.

7
8 Ms. Capel asked the Board if there were any questions for Mr. Schweighart.

9
10 Ms. Lee stated that if you are driving south from Wilshire Subdivision towards the location of the proposed
11 substation the road to the west is really angled and she believes that the new substation would be an
12 obstruction to traffic that is turning east. She said that she travels this road very often therefore she is very
13 familiar with the area and the southeast corner of the subject property has drainage to the southeast corner
14 and the road ditches are very shallow. She said that the drainage will flow to the southeast across the road
15 into the residential area. She asked Mr. Schweighart if the proposed substation could be located further to
16 the north beyond the first hill therefore eliminating the drainage concern and the visibility concern for traffic.

17
18 Mr. Schweighart clarified that the substation is not proposed on the corner.

19
20 Ms. Lee stated that she understands where the proposed substation will be located but there are still drainage
21 and visibility issues and moving the location further to the north would eliminate those concerns.

22
23 Mr. Schweighart stated that he understands Ms. Lee's concerns, which is why it is not proposed on the
24 corner of the subject property. He said that he too was concerned about any visibility issues that could occur
25 with placement of the substation on the corner therefore the substation was moved to the north.

26
27 Ms. Lee stated that even with the proposed placement there are still visibility concerns due to the severe
28 angle of the road to the west.

29
30 Mr. Schweighart stated that the proposed substation is 280 feet to the north of the corner.

31
32 Ms. Lee stated that she understands the location of the proposed substation but believes that placement of the
33 substation should be located further north over the first hill to eliminate the drainage and visibility issues.

34
35 Mr. Guy Hall, attorney for the petitioner, stated that the original drawing indicated that the substation would
36 be closer to the corner/intersection but since then the proposed substation has been moved further north. He
37 said that on October 21st the County received a revised drawing indicating the current proposed location of
38 the substation which is 280 feet north of the corner.

39
40 Ms. Lee stated that she has reviewed the revised drawing and she still believes that the proposed substation
41 should be more than 280 feet north of the corner. She said that a better location would be over the first hill
42 going north.

1

2 Mr. Guy Hall stated that he assumes that Ms. Lee is not an engineer therefore he asked her what distance she
3 would personally recommend.

4

5 Ms. Lee stated she has not gone out to personally measure the distance over the first hill but there are two
6 dips in the road.

7

8 Ms. Capel informed the audience that if anyone desires to testify they need to sign the witness register.

9

10 Mr. Passalacqua asked Mr. Schweighart if there will be gravel around the substation's equipment.

11

12 Mr. Schweighart stated that entire area will be gravel.

13

14 Mr. Passalacqua asked Mr. John Hall if the gravel is considered impervious.

15

16 Mr. John Hall stated that gravel is considered impervious but the project is below the level at which we need
17 to require stormwater detention.

18

19 Mr. Passalacqua stated that there is almost 100 yards between the road in question and farm ground which is
20 in production. He said that he does not believe that there will be water between there and the ditch.

21

22 Ms. Lee recommended that Mr. Passalacqua drive past the property and look at it. She said that there is
23 drainage going towards the southeast on that parcel. She said that drawing that was received on October 21st
24 indicates that all of the drainage goes to the southeast and the road ditches are very shallow on both roads,
25 especially the ditch on the southeast corner of the intersection.

26

27 Mr. John Hall stated that the fact that the road ditch is small is interesting but he does not know what impact
28 it has. He asked Ms. Lee if she believes that the substation is going to create a problem for other
29 landowners.

30

31 Ms. Lee stated that it could. She said that she is more concerned about the traffic issue than the drainage.
32 She said that putting the substation further north would help with the concern regarding road traffic.

33

34 Mr. Passalacqua asked Mr. John Hall to indicate the corner visibility triangle requirement.

35

36 Mr. John Hall stated that the corner visibility triangle is only 50 feet and this project far exceeds that
37 requirement. He said that is assuming there is a stop sign at CH 14, so that doesn't mean that there is no
38 traffic concern but it does mean that there is no apparent traffic concern, at least from a staff view point.

39

40 Mr. Passalacqua asked Mr. Schweighart to explain the darkened areas on the site plan around the substation.
41 He asked Mr. Schweighart if there would be a buffer strip of grass or would the entire area be gravel.

42

1 Mr. Schweighart stated that there will be a buffer strip of grass and the fenced in area and five feet beyond
2 will be gravel for the grounding grid that is in place.

3
4 Mr. John Hall stated that moving the substation farther to the north as recommended by Ms. Lee would place
5 it closer to the Wiltshire Subdivision.

6
7 Ms. Lee stated that moving the substation north of the first hill will place it south of the cemetery which is a
8 long way from the subdivision.

9
10 Mr. Schweighart stated that in the electric industry he has a concern about the substation being located on
11 low ground. He said that when his linemen are working at the site he does not want them standing in a pool
12 of water.

13
14 Ms. Lee stated that she did not mean that the substation should be located at the bottom of the hill.

15
16 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Schweighart and there
17 were none.

18
19 Ms. Capel asked the audience if anyone desired to cross examine Mr. Schweighart and there was no one.

20
21 Ms. Capel called Rita McCannon to testify.

22
23 Ms. Rita McCannon, who resides at 2267 Homer Lake Road, St. Joseph, stated that the substation will be
24 very close by her residence and she wanted to ask why this particular location was chosen. She said that
25 Ameren serves St. Joseph and not Eastern Illini Electric Cooperative therefore she does not understand why
26 this location is so important. She said that Homer Lake Road is a very, very busy road and a lot of people
27 use that road which has a terrible angle and vehicles travel very fast upon this road. She said that she
28 believes that prime farmland is taken out of production for this substation. She said that she understands that
29 there needs to be an upgrade because there are more homes being built in the area but she does not
30 understand why Eastern Illini Electric Cooperative is choosing this particular location. She said that EIEC
31 does not service much area to the west but to the east and to the south. She said that a lot of people ride their
32 bicycles on the Homer Lake Road traveling from Urbana to the lake and she does not believe that a
33 substation is the scenic attraction that they are wanting during their travel. She said that the her parents own
34 the farm ground along the railroad tracks and water does go back there and water does puddle on their farm
35 ground in the southeast corner. She said that her parents did install tile on their farm ground to alleviate
36 some of the drainage issues and she does not know if the construction of the substation will impact the
37 drainage on their farm ground or not. She requested that the Board consider whether or not the proposed
38 location, close to a very busy Homer Lake Road, is the best location for this substation.

39
40 Ms. Capel asked the audience if anyone desired to cross examine Ms. McCannon and there was no one.

41
42 Ms. Capel asked the Board and staff if there were any questions for Ms. McCannon.

1
2 Mr. Passalacqua asked Ms. McCannon if she realizes that the substation is approximately 100 yards from the
3 road.

4
5 Ms. McCannon stated yes, but right now she can see a long way out there. She noted that there is already a
6 telephone box located at the corner.

7
8 Mr. John Hall asked Ms. McCannon if she heard Mr. Schweighart’s testimony regarding the heavy load that
9 the Wiltshire Subdivision causes on this particular line.

10
11 Ms. McCannon stated that she did hear Mr. Schweighart’s testimony.

12
13 Mr. John Hall asked Ms. McCannon if Mr. Schweighart’s testimony did not answer her question regarding
14 the location.

15
16 Ms. McCannon stated that they have been getting service from the Sidney substation therefore why does the
17 new substation have to be so close to Wiltshire Subdivision. She said that she understands that there are a
18 lot of nice homes being built in the area but is this the best location for the substation and isn’t there a more
19 private area that the substation could be located. She asked if it is access from Paxton that EIEC is trying to
20 get. She said that there a lot of homes along Homer Lake Road and there is a lot of traffic on Homer Lake
21 Road and St. Joseph is growing but St. Joseph is serviced by Ameren not EIEC.

22
23 Mr. Hall asked Ms. McCannon if her property is indicated on any of the documents and if so could she give
24 the Board a better idea of its location.

25
26 Ms. McCannon stated that her property is on the south side of Homer Lake Road on approximately 40 acres
27 and her home is on the corner of CH 14 and 2375E. She said that the substation will be approximately ¼ of
28 a mile from her home.

29
30 Mr. Hall stated that Ms. McCannon mentioned during her testimony that prime farmland is being taken out
31 of production and the speed of cars on Homer Lake Road. He asked her what it is about the substation that
32 causes her so much concern.

33
34 Ms. McCannon stated that visibility at the corner is a concern. She said that the substation will be located at
35 a “T” road and only the traffic on CR 2300E stops. She said that there is a bend in the Homer Lake Road to
36 the south and there is also railroad track to the east. She said that vehicles come over the railroad tracks
37 quickly and if someone is coming down CR 2300E to turn on to Homer Lake Road she worries about the
38 visibility to the west due to the proposed substation. She said that the substation will be back from the
39 corner but if you could personally see the angle of the road the Board would understand better that someone
40 cannot see as well as you would think that could.

41
42 Mr. Passalacqua asked Ms. McCannon if she is aware of where Ms. Yeats farm is located.

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Ms. McCannon stated that Ms. Yeats is her aunt and her property is east of the proposed substation on the other side of the tracks.

Ms. Capel asked the audience if anyone desired to cross examine Ms. McCannon.

Mr. Guy Hall, attorney for the petitioner, stated that Ms. McCannon stated in her testimony that she was concerned about prime farmland being taken out of commission. He asked Ms. McCannon if it was the landowner's decision to remove the prime farmland, at a price, and not the Board's.

Ms. McCannon stated yes, but she is just asking the Board to consider whether or not this is the best location for this facility.

Mr. Guy Hall asked Ms. McCannon if the stop sign is just on the north/south road or "T" intersection to Homer Lake Road.

Ms. McCannon stated yes.

Mr. Guy Hall asked Ms. McCannon if she had a suggestion as to where the substation could be located so that it could supply reliable service to other EIEC members.

Ms. McCannon stated no, because she hasn't done all of the research that EIEC has done. She asked if the substation could be located one mile south of Homer Lake Road because it is not nearly as heavily traveled and it does not have as many homes located on it and it would also be on the Sidney line. She said that as far as she knows no one north of her other than Wiltshire Subdivision is connected to EIEC. She said she did not realize that Wiltshire Subdivision was on EIEC until tonight because when her residence loses power she does not see that Wiltshire Subdivision has lost power. She said that even one mile south of Homer Lake Road is less traveled and it is still on EIEC's line coming from Sidney to St. Joseph but she has not done the research to determine if it would be a good location.

Mr. Randol stated that the substation will be 280 feet from the stop sign and every alternating year there is probably a corn field on both sides of CR 2300E which would cause more of a visibility issue than this open structure would. He said that he is puzzled about the visibility issue when he, who also resides in the rural areas, knows that the corn would cause more of a visibility issue than this open structure would cause.

Ms. McCannon stated that the only thing that she can say is that as a landowner on Homer Lake Road she has concerns.

Ms. Capel asked the Board and staff if there were any additional questions for Ms. McCannon and there were none.

Ms. Capel asked the audience if anyone desired to cross examine Ms. McCannon and there was no one.

1

2 Ms. Capel called Cherri Gitz to testify.

3

4 Ms. Cherri Gitz, who resides at 2301 Homer Lake Road, St. Joseph, stated that her residence is located south
5 of the stop sign or "T" intersection of CR2300E and Homer Lake Road. She said that the substation will be
6 placed across from her home and as the Board can see there is a stop sign and every once in a while vehicles
7 do drive into her yard during inclement weather. She said that the railroad tracks, previously mentioned by
8 Ms. McCannon, are east of her home. She said that it is her understanding that she is second to the last stop
9 for EIEC and they turn the corner and go up to Becky Fisher's home on the west side of the road and she
10 ends the EIEC line and it does not go further into Wiltshire. She said that when she hears that the power has
11 gone out and she is on her way home she always looks towards Ms. Fisher's residence to see if her power is
12 out as well and if it is she knows that her power is out too. She said that she agrees with Ms. Lee in that there
13 must be a better place for the substation and she agrees with Ms. McCannon in that the Homer Lake Road
14 and CR 2300E are high traffic areas. She said that she is not sure where the Sidney substation is located but
15 there has to be a better location for the new substation than where it is proposed.

16

17 Ms. Capel asked the audience if anyone desired to cross examine Ms. Gitz.

18

19 Mr. Guy Hall, attorney for the petitioner, asked Ms. Gitz if she had any statistical data to tell us what it
20 means when you indicate that the roads are heavily traveled.

21

22 Ms. Gitz stated no, but she can tell everyone how many people have been killed on the railroad tracks
23 therefore that would be her statistics.

24

25 Mr. Guy Hall asked Ms. Gitz how the placement of the electrical substation which is 280 feet north of the
26 intersection would be related to the injuries or deaths on the railroad tracks on Homer Lake Road.

27

28 Ms. Gitz stated that she does not know.

29

30 Mr. Guy Hall stated that he can understand that someone may object for personal reasons, and that is fine,
31 but he is just trying to flush out some facts.

32

33 Ms. Gitz stated that she agrees with the corn issue but if you have ever traveled the road you would know
34 that the farmers always trim the corn so that there is no visibility issue at the corners of that road. She said
35 that Homer Lake Road does have a sharp curve and vehicles are allowed to travel 55 miles per hour on that
36 road. She said that the stop sign is a good thing but the corn is shaved and set back so that drivers can see
37 quite a ways and we pray for bean fields.

38

39 Mr. Guy Hall stated that the placement of the proposed substation will be set back at a greater distance than
40 the corn therefore it should not be a factor for traffic visibility at the intersection.

41

42 Ms. Gitz stated that there are a number of factors involved and no the corn would not be an issue.

1
2 Ms. Capel asked the audience if anyone else desired to cross examine Ms. Gitz and there was no one.
3
4 Ms. Capel asked the Board and staff if there were any questions for Ms. Gitz and there were none.
5
6 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
7 this case.
8
9 Ms. Capel called Steve Burdin to testify.
10
11 Mr. Steve Burdin, who resides at 2527N CR 450E, Mahomet, stated that the only thing that he wanted to
12 mention regarding this case is that presuming the substation will be permanent he has questions regarding
13 the type of lighting fixtures that will be used. He said that by using the definition of “full-cutoff” lighting, if
14 you are going to be a good neighbor to the people who are close to the substation the lighting should not be
15 allowed to leave the footprint of the facility and should be pointed down. He said that some people who live
16 in the country are very conscious of light pollution and they do not want to spoil their dark sky therefore if
17 the proposed lighting doesn’t stay within the footprint of the installation there will probably be issues. He
18 said that he does not know what the IES lighting distributions mean but if he lived near the substation he
19 would want some assurance that the lighting is directed down and does not cause light pollution. He said
20 that for security purposes he is fairly certain that the lighting will be on all of the time.
21
22 Ms. Capel asked the audience if anyone desired to cross examine Mr. Burdin.
23
24 Mr. Guy Hall, attorney for the petitioner, stated that if EIEC is in compliance with the ordinances of the
25 County it wouldn’t be the EIEC’s fault if it were just undertaking what is required for that compliance.
26
27 Mr. Burdin stated that it would not be a legal issue at all but it would be a matter of being a good neighbor
28 and not create light pollution onto the surrounding area. He said that EIEC would only want to have lighting
29 upon the footprint of the substation and would not want to spill light out onto the street or the surrounding
30 farm ground.
31
32 Mr. Guy Hall asked Mr. Burdin if he had any engineering knowledge indicating that the plan that has been
33 submitted regarding the lighting that EIEC plans to install, which is in compliance with the County’s
34 requirements, would in any way shape or form cause Mr. Burdin’s concern regarding light pollution.
35
36 Mr. Burdin stated that he does not have any engineering knowledge regarding the lighting but he does not
37 know what the standard means and whether the light can go horizontally out or down and constrained to the
38 footprint of the facility.
39
40 Mr. Guy Hall stated that EIEC will be bound by what the ZBA approves.
41
42 Mr. Passalacqua stated that the attachment is not very clear but the filament cannot be seen. He said that

1 when someone does pass by the facility that is within the Ordinance they might be able to see the white light
2 but they will not be able to see the hot spot of the light and it won't move across the horizon like a bare bulb
3 would. He said that in order for EIEC to be in compliance with the Ordinance the filament will be shaded so
4 that the light is pointed down. He said that the type of facility that is being proposed will not be a solid
5 structure with a roof so there is very little material to reflect light. He said that with a compliant hood he
6 does not believe that there will be light pollution to the surrounding area. He said that the handout does
7 highlight that the product used is very friendly to dark skies.

8
9 Mr. Burdin stated that as long as the emitter is shaded.

10
11 Ms. Capel asked the audience if anyone desired to cross examine Mr. Burdin and there was no one.

12
13 Ms. Capel asked the audience if anyone else desired to sign the witness register to present testimony
14 regarding this case and there was no one.

15
16 Ms. Capel called Mr. Schweighart to the witness microphone to address questions regarding lighting
17 alternatives and the height of the proposed poles and any other structures.

18
19 Mr. Alan Schweighart, stated that when EIEC goes across the road with two 60 foot transmission poles the
20 tallest structure will be 39 feet. He said that 15 foot lightning rods will be installed to protect the structure
21 from lightning. He said that EIEC does feed north to service Ms. Fisher's property and then they turn east
22 and jump the railroad tracks and head to the north to feed some homes in the new part of Wiltshire
23 Subdivision. He said that from the corner south of the proposed substation EIEC does feed service to the
24 east along Homer Lake Road past the bridge and then back to the north. He said that there will be one three-
25 phase feeder going to the north to serve Wiltshire Subdivision and what that will do is limit their exposure
26 on this underground in case it ever goes out and if it does Wiltshire Subdivision should still have power. He
27 said that any future developments that are constructed to the south of St. Joseph will have a dedicated feeder
28 and will tie in to the substation and go to the east so that if there was a fault south and west of Ms.
29 McCannon's property EIEC could still feed service to the residences east of the substation and fix the fault at
30 a different location. He said that the Sidney substation is not in the Village of Sidney but is located three
31 miles south of Frito-Lay on the north/south road. He said that service goes straight north from the Sidney
32 substation and zig-zags to the north to get to Ms. McCannon's area.

33
34 Mr. Schweighart stated that Ms. McCannon mentioned that there was a box on the corner and that box is a
35 three-phase underground cabinet with equipment in it and the line goes to the north and east so that if there is
36 a fault somewhere they can open up that cabinet and get everyone back with service as soon as possible. He
37 said that they serve the new portion of Wiltshire Subdivision and the placement of the substation is due to
38 the proximity of a 69,000 volt system and Ameren has a 69,000 volt sub-transmission line that runs north
39 and south of the road and it turns east from the intersection and goes out of his territory. He said that in the
40 Sidney and St. Joseph area this is the closest 69,000 volt line that he can get to and regarding the Sidney
41 substation the closest 69,000 volt line that he could connect to is south near Villa Grove therefore there are
42 no other 69,000 volt lines that he could connect to.

1
2 Ms. Capel requested that Ms. McCannon voice her questions to Mr. Schweighart at the cross examination
3 microphone.
4
5 Ms. McCannon stated that she knows the location of Frito-Lay and is familiar with the road to the north of
6 Frito-Lay and the 69,000 volt lines that Mr. Schweighart is discussing are along the road up to St. Joseph and
7 turn at Mrs. Yeats' residence and go across the tracks and turn back north to what she calls the cemetery road
8 yet the substation is located south of Frito-Lay. She asked Mr. Schweighart if between Frito-Lay and St.
9 Joseph the proposed site is the best location for the substation.
10
11 Mr. Schweighart stated yes.
12
13 Ms. McCannon stated that even though Frito-Lay is next to the road and EIEC services a big area to the
14 south of her residence.
15
16 Mr. Schweighart stated that there is an existing substation in the area south of Frito-Lay and installing a new
17 substation by Frito-Lay only gains EIEC three miles. He said that as the crow flies Homer Lake Road is four
18 miles north of Frito-Lay and the new substation has to be close to a 69,000 volt line.
19
20 Ms. McCannon stated that due to the river it is hard to count miles between the two areas.
21
22 Mr. Schweighart stated that he has to get close to a 69,000 volt line because EIEC will bring in the high
23 voltage to the substation and reduce the voltage down to distribution to the members. He said that if the
24 substation was built further away from the 69,000 volt line he would have to build a transmission line one-
25 quarter of a mile west and at least a mile south placing 60 foot poles along everyone's property to the
26 location where the substation was constructed. He said that every piece of property is probably considered
27 prime farm ground.
28
29 Ms. McCannon asked Mr. Schweighart what will happen when EIEC outgrows this substation and asked
30 where the next substation will be located.
31
32 Mr. Schweighart stated that he hopes that EIEC does not outgrow this substation. He said that the last
33 substation that was constructed was in the 1980's therefore they try to place the substations at the best
34 location that they can so that new substations are not continuously required and can serve the load in that
35 area and serve as back-up for the other locations. He said that no one can really determine where area
36 growth is going to be located.
37
38 Ms. Capel asked Ms. McCannon if there were any additional questions for Mr. Schweighart and Ms.
39 McCannon stated that she had none.
40
41 Ms. Capel asked the audience if anyone desired to cross examine Mr. Schweighart and there was no one.
42

- 1 Mr. Passalacqua stated that it would not be fair not to mention all of the hard work that Jonathon Manuel did
- 2 regarding the conflict that may occur with the Big Eye Chub but Mr. Passalacqua believes that we will be
- 3 okay.
- 4
- 5 Ms. Capel asked Mr. John Hall if there were any new Documents of Record.
- 6
- 7 Mr. John Hall stated that a new item #4 should be added to the Documents of Record as follows: Village of
- 8 St. Joseph Resolution 2014-1 received on October 1, 2014. He said that in Resolution 2014-1 the Village of
- 9 St. Joseph gives their subdivision approval of the lot and waives their subdivision requirements provided that
- 10 a Plat of Survey is recorded. Mr. Hall stated that he is not proposing that the recording of the Plat of Survey
- 11 be a Special Condition but he does assume that the petitioner will be agreeable.
- 12
- 13 Mr. Schweighart stated that he has no objection regarding the recording of the Plat of Survey.
- 14
- 15 Mr. Passalacqua asked Mr. Hall what he meant when he said that the site was below the level at which
- 16 stormwater detention was required.
- 17
- 18 Mr. Hall stated that it does not cross the threshold in the Stormwater Policy to require detention although the
- 19 Board can find that there is a drainage problem there and they need to go beyond what the Ordinance
- 20 requires and that is always possible.
- 21
- 22 Mr. Passalacqua asked Mr. Hall if what he was referring to was the size of the project.
- 23
- 24 Mr. Hall stated that he was referring to the amount of impervious area.
- 25
- 26 Ms. Capel asked the Board if anyone other than Ms. Lee had concerns regarding drainage and there were
- 27 none.
- 28
- 29 Ms. Lee stated that she still believes that a better location for the substation would be further north because
- 30 moving it would remedy her concerns regarding traffic safety and drainage.
- 31
- 32 Mr. Hall asked Ms. Lee what benefit moving the substation north would provide for traffic safety.
- 33
- 34 Ms. Lee stated that the substation would be a visibility issue for the traffic coming south on CR2300E.
- 35
- 36 Mr. Hall stated that for the traffic coming south there is a stop sign at the intersection of CR 2300E and
- 37 Homer Lake Road.
- 38
- 39 Ms. Lee stated that the proposed location of the substation would create a visibility obstacle for drivers
- 40 traveling south on CR 2300E.
- 41
- 42 Mr. Hall asked Ms. Lee if her argument is that there should be a 1,000 foot setback from all roads so that

- 1 there wouldn't be any obstruction.
- 2
- 3 Ms. Lee stated no, but Homer Lake Road is at such an angle that the north end of the substation will be equal
- 4 with the north line of the road one-quarter of a mile to the east.
- 5
- 6 Mr. Hall asked Ms. Lee which traffic she is concerned about.
- 7
- 8 Ms. Lee stated that she is concerned with the traffic coming from the north that stops at the stop sign.
- 9
- 10 Ms. Passalacqua stated that Ms. Gitz's homestead would fit in the entire area.
- 11
- 12 Mr. Randol stated that the substation will be one-quarter of a mile away from the intersection.
- 13
- 14 Ms. Lee stated that the vehicles travel very fast and it is a difficult intersection when you are driving down
- 15 CR 2300E and are turning to the east. He said that any driver has to almost pray that no one is coming from
- 16 the west.
- 17
- 18 Mr. Randol stated that he would agree with Ms. Lee on that aspect but the problem would be if you are
- 19 turning east but the substation will already be behind the cars traveling south and are stopping at the stop
- 20 sign.
- 21
- 22 Ms. Lee stated that she is discussing looking west when traveling south on CR 2300E.
- 23
- 24 Mr. Randol stated that if there was no stop sign and it was a straight through intersection he would say that
- 25 Ms. Lee's concern is a great possibility but when it is a "T" road intersection with a stop sign and the
- 26 substation is already behind the vehicle and the substation would have no impact on visibility.
- 27
- 28 Ms. Lee asked Mr. Randol if he only looks for oncoming vehicles when he gets to the stop sign or before he
- 29 gets to the stop sign.
- 30
- 31 Mr. Passalacqua stated that we have a bigger issue if a driver can't use 280 feet to avoid an accident.
- 32
- 33 Ms. Lee stated that she believes that it would be safer if the substation was moved further north.
- 34
- 35 Mr. Hall stated that the key thing that the Board must pay attention to is if there is an eminent danger to
- 36 safety at this location. He said that anything could be safer but is there an eminent danger in the substation
- 37 being located 280 feet from this intersection. He said that he did not bring his stopping charts with him but
- 38 he does know that 280 feet is adequate stopping distance for a vehicle traveling 45 miles per hour and the
- 39 high speed traffic that is on Homer Lake Road goes faster than 45 miles per hour. He said that there is a stop
- 40 sign at the intersection and there is 280 feet after the substation. He said that a lot of things could be safer
- 41 but is it an eminent safety problem.
- 42

1 Ms. Lee said that we should go back to the drainage concern because if they go on the other side of the hill
2 the drainage issue is resolved.

3
4 Mr. Passalacqua asked Mr. Hall if the metal poles are included in the drainage calculations.

5
6 Mr. Hall stated that there will be an increase in runoff from the area of this site which is why he asked if this
7 will cause any problem for any particular land use. He asked if there would be any ponding on the road
8 although no comments have been received from the township highway commissioner. He asked if it will
9 increase runoff significantly to Ms. Gitz's home and his impression is that there is enough farmland draining
10 that way already that this less than one acre site of gravel paving for the substation will not be noticed but
11 this is a question for an engineer.

12
13 Mr. Guy Hall, attorney for the petitioner, stated that with reference to the diagram, Drawing Z-101, the
14 distance from the road to the eastern edge of the substation is 55 feet away from the road which is four time
15 of the width of this room from the road and EIEC is clearly cognizant of the visibility issues which is why
16 they were in consultation with the Department of Planning and Zoning before they submitted the application
17 for the special use permit. He said that they addressed whether being right on the corner was appropriate for
18 the location of the substation and moved it back 280 feet, which is almost the length of a football field. He
19 said that it is their position that there is plenty of stopping distance for vehicles and visibility is adequate
20 when you look at the overall area. He said that the substation is compliant with all required setbacks in the
21 Zoning Ordinance.

22
23 Mr. Hall stated that he appreciates the dimensions that were indicated on the drawing because they were
24 helpful but he believes that the dimensions understate the stopping sight distance. He asked Mr. Guy Hall if
25 the dimensions are indicating the darkened area or the site itself.

26
27 Mr. Guy Hall stated that Mr. Schweighart could better answer the question posed by Mr. John Hall.

28
29 Mr. Schweighart stated that the 55 feet is from the centerline of the road to where the fence will be located.

30
31 Mr. Hall stated that he traced the scale, 0 to 100, and from the corner of the fencing it is 55 feet back from
32 the road and a line of sight to Homer Lake Road is 400 feet from the intersection.

33
34 Mr. Passalacqua stated that even if the substation was located on the corner the visibility triangle is still in
35 compliance.

36
37 Mr. Hall stated that the visibility triangle requirement does not take into account the geometry of the angle of
38 the road.

39
40 Mr. Passalacqua stated that it is in excess of 3^{1/2} times what is shown on the print.

41
42 Mr. Hall stated that the 280 feet understates the location of the substation.

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Mr. Passalacqua stated that the fence should be used because it will be a slatted fence for compatibility. He said that 400 feet is in the vicinity of 50 to 55 miles per hour which would be adequate stopping distance.

Mr. Randol stated that when you are driving on a highway and you are coming up to an intersection the yellow marked signs are 450 feet from the intersection. He said that if you are driving 65 miles per hour 450 feet is adequate stopping distance.

Ms. Capel asked the Board if there were any additional questions for Mr. Schweighart.

Ms. Capel asked the audience if there were any questions for Mr. Schweighart.

Mr. Guy Hall stated that Mr. Schweighart could address the lighting concerns that were previously mentioned.

Mr. Schweighart stated that the County has requested that any lighting be full-cutoff with no visible light into the night sky. He said that the whole industry in the United States is developing so much better security lights and everyone is trying to move toward that direction. He said that lighting is critical for the substation to prevent theft because the theft of copper is very enticing to some people. He said that they plan on only having only four lights operating on a normal evening and the substation structure itself will have four more lights with a total of eight lights and that would be for when the service workers are there during a storm event or power outage in the middle of the night they would have four more lights to turn on while completing their work and then shut them off when the work is complete. He said that there will only be four night lights covering the substation any other time. He said that the lights can be purchased in different patterns but EIEC only wants to illuminate the graveled area and the edge of their fence and not the entire area.

Ms. Capel asked the Board and staff if there were any additional questions for Mr. Schweighart and there were none.

Ms. Capel asked the audience if anyone desired to cross examine Mr. Schweighart and there was no one.

Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding this case and there was no one.

Ms. Capel asked Mr. Hall if there were any proposed special conditions.

Mr. Hall stated that no special conditions were proposed at this time.

Ms. Capel asked the Board desired to propose any special conditions for this case and there were none.

Findings of Fact for Case 789-S-14:

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From the documents of record and the testimony and exhibits received at the public hearing for zoning case 789-S-14 held on November 13, 2014, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Passalacqua stated that the requested Special Use Permit IS necessary for the public convenience at this location because testimony has been received that the existing infrastructure is overtaxed at the current level.

Ms. Capel stated that the location of the proposed substation is located near a 69,000 volt feed.

Ms. Griest stated that this location is the mid-point of the current underground line.

Ms. Capel stated that due to concerns voiced by the Board the Board should vote upon each finding.

Ms. Capel entertained a motion that the requested Special Use Permit IS necessary for the public convenience at this location.

Mr. Passalacqua moved, seconded by Ms. Griest that the requested Special Use Permit IS necessary for the public convenience at this location. The motion carried by voice vote with one opposing vote.

2. The requested Special Use Permit is so designed, located, and proposed 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 health, safety, and welfare.

a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

Mr. Passalacqua noted that the Finding is referring to CR2300E and not Homer Lake Road (CH 14).

b. Emergency services availability is ADEQUATE.

Ms. Griest stated that emergency services availability is ADEQUATE.

c. The Special Use WILL be compatible with adjacent uses.

Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

d. Surface and subsurface drainage will be ADEQUATE.

1
2 Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE.

3
4 e. **Public safety will be ADEQUATE.**

5
6 Ms. Griest stated that public safety will be ADEQUATE.

7
8 f. **The provisions for parking will be ADEQUATE.**

9
10 Mr. Passalacqua stated that provisions for parking will be ADEQUATE.

11
12 g. **The property is BEST PRIME FARMLAND and the property with the proposed**
13 **improvements IS WELL SUITED OVERALL.**

14
15 Mr. Passalacqua stated that the property is BEST PRIME FARMLAND and the property with the proposed
16 improvements IS WELL SUITED OVERALL.

17
18 h. **The existing public services ARE available to support the proposed special use**
19 **effectively and safely without undue public expense.**

20
21 Mr. Randol stated that existing public services ARE available to support the proposed special use effectively
22 and safely without undue public expense.

23
24 i. **The existing public infrastructure together with proposed improvements ARE adequate**
25 **to support the proposed development effectively and safely without undue public**
26 **expense.**

27 Mr. Randol stated that the existing public infrastructure together with proposed improvements
28 ARE adequate to support the proposed development effectively and safely without undue public expense.

29
30 Ms. Capel entertained a motion that the requested Special Use Permit is so designed, located, and proposed
31 to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise
32 detrimental to the public health, safety, and welfare.

33
34 Ms. Griest moved, seconded by Mr. Passalacqua that the requested Special Use Permit is so designed,
35 located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall
36 be located or otherwise detrimental to the public health, safety, and welfare. The motion carried by
37 voice vote with one opposing vote.

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

41
42 Ms. Griest stated that the requested Special Use Permit DOES conform to the applicable regulations and

1 standards of the DISTRICT in which it is located.

2
3 **3b. The requested Special Use Permit DOES preserve the essential character of the DISTRICT in**
4 **which it is located because:**

5
6 **a. The Special Use will be designed to CONFORM to all relevant County ordinances and**
7 **codes.**

8
9 Mr. Passalacqua stated that the Special Use will be designed to CONFORM to all relevant County
10 ordinances and codes.

11
12 **b. The Special Use WILL be compatible with adjacent uses.**

13
14 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

15
16 **c. Public safety will be ADEQUATE.**

17
18 Mr. Passalacqua stated that public safety will be ADEQUATE.

19
20 Ms. Capel stated that the Board did not vote on Finding 3a. therefore she entertained a motion that the
21 requested Special Use Permit DOES conform to the applicable regulations and standards of the DISTRICT
22 in which it is located and the requested Special Use Permit DOES preserve the essential character of the
23 DISTRICT in which it is located.

24
25 **Mr. Passalacqua moved, seconded by Mr. Griest that the requested Special Use Permit DOES**
26 **conform to the applicable regulations and standards of the DISTRICT in which it is located and the**
27 **requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is**
28 **located. The motion carried by voice vote with one opposing vote.**

29
30 **4. The requested Special Use Permit IS in harmony with the general purpose and intent of the**
31 **Ordinance because:**

32
33 **a. The Special Use IS authorized in the District.**

34
35 Ms. Griest stated that the Special Use IS authorized in the District.

36
37 **b. The requested Special Use Permit IS necessary for the public convenience at this**
38 **location.**

39
40 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
41 location.

42

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

4
 5 Ms. Griest stated that the requested Special Use Permit is so designed, located, and proposed to be operated
 6 so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the
 7 public health, safety, and welfare.

8
 9 d. **The requested Special Use Permit DOES preserve the essential character of the**
 10 **DISTRICT in which it is located.**

11
 12 Ms. Griest stated that the requested Special Use Permit DOES preserve the essential character of the
 13 DISTRICT in which it is located.

14
 15 Ms. Capel entertained a motion that the requested Special Use Permit IS in harmony with the general
 16 purpose and intent of the Ordinance.

17
 18 **Ms. Griest moved, seconded by Mr. Passalacqua that the requested Special Use Permit IS in harmony**
 19 **with the general purpose and intent of the Ordinance. The motion carried by voice vote with one**
 20 **opposing vote.**

21
 22 **5. The requested Special Use IS NOT an existing nonconforming use.**

23
 24 Ms. Griest stated that the Special Use IS NOT an existing nonconforming use.

25
 26 Ms. Capel entertained a motion that the requested Special Use IS NOT an existing nonconforming use.

27
 28 **Ms. Griest moved, seconded by Mr. Passalacqua that the requested Special Use IS NOT an existing**
 29 **nonconforming use. The motion carried by voice vote with one opposing vote.**

30
 31 **6. No special conditions are hereby imposed.**

32
 33 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of
 34 Fact as amended.

35
 36 **Ms. Griest moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
 37 **Record and Findings of Fact as amended. The motion carried by voice vote with one opposing vote.**

38
 39 Ms. Capel entertained a motion to move to the Final Determination for Case 789-S-14.

40
 41 **Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 789-S-14.**
 42 **The motion carried by voice vote.**

1
 2 Ms. Capel informed the petitioner that two Board members were absent therefore it is at his discretion to
 3 either continue Case 789-S-14 until a full Board is present or request that the present Board move to the
 4 Final Determination. She informed the petitioner that four affirmative votes are required for approval.

5
 6 Mr. Schweighart requested that the present Board move to the Final Determination.

7
 8 **Final Determination for Case 789-S-14:**

9
 10 **Ms. Griest moved, seconded by Mr. Passalacqua, that the Champaign County Zoning Board of**
 11 **Appeals finds that, based upon the application, testimony, and other evidence received in this case, the**
 12 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**
 13 **by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

14
 15 **The Special Use requested in Case 789-S-14 is hereby GRANTED to the applicant**
 16 **Eastern Illini Electric Cooperative to authorize an Electric Substation in the AG-1**
 17 **Agriculture Zoning District.**

18
 19 Ms. Capel requested a roll call vote:

20
 21 The roll was called as follows:

22
 23 **Lee-no Miller-absent Passalacqua-yes**
 24 **Randol-yes Thorsland-absent Griest-yes**
 25 **Capel-yes**

26
 27 Mr. John Hall informed the petitioner that he has received an approval for his request and staff will mail the
 28 appropriate paperwork as soon as possible. He noted that if Mr. Schweighart had any questions that he
 29 should call the office any time.

30
 31 **7. Staff Report**

32
 33 Mr. Hall informed the Board that he is happy to announce that as of January 1, 2015, Ms. Chavarria will be
 34 the Senior Planner for the Department of Planning and Zoning.

35
 36 **8. Other Business**
 37 **A. Review of Docket**

38
 39 Mr. Hall stated that he realizes that the docket appears very thin but notices have been mailed to people who
 40 will require zoning cases therefore the thin docket will not exist much longer. He said that in January text
 41 amendment 791-AT-14 is docketed. He said that Case 791-AT-14 is to make permanent Case 768-AT-13 to
 42 amend standard conditions for RLA and HRLA. He said that he does not believe that the case will be too

1 controversial but it does need to be recommended and adopted before the end of April.

2
3 Mr. Passalacqua asked Mr. Hall if there was a follow-up or new request for the Jones' RLA.

4
5 Mr. Hall stated no.

6
7 Mr. Passalacqua asked Mr. Hall if there has been any follow-up for the Anderson property.

8
9 Mr. Hall stated no. He noted that the State's Attorney has six cases in court and staff is finding that when
10 you have six cases in court it really cuts into your time for enforcement. He said that staff has never had six
11 cases in court at one time and he is not sure if he ever wants six cases in court at the same time again but
12 staff will take what it can get.

13
14 Ms. Capel informed the Board that to assure a quorum they should contact staff as soon as they are aware of
15 any meeting that they will be absent.

16
17 **9. Audience Participation with respect to matters other than cases pending before the Board**

18
19 None

20
21 **10. Adjournment**

22
23 Ms. Capel entertained a motion to adjourn the public hearing.

24
25 **Ms. Griest moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
26 **vote.**

27
28 The meeting adjourned at 8: 32 p.m.

29
30
31 Respectfully submitted

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36 Secretary of Zoning Board of Appeals
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CASE NO. 769-AT-13

SUPPLEMENTAL MEMORANDUM

December 5, 2014

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator
Susan Chavarria, RPC Planner

Request:

Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement (see attached) which can be summarized as follows:

- I. Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15015 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement)
- II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement)
- III. Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement)
- V. Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit including Minor and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements; add fees and time limits for each class of Permit; add requirements for administration and enforcement of Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement)
- IV. Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion control and water quality requirements that are required for all construction or land disturbance. (Part F of the legal advertisement)
- VI. Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement)
- VII. Revise and reformat existing Sections 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R, S and W of the legal advertisement)

STATUS

This case is continued from the October 30, 2014, public hearing. Minutes from the public hearings of June 12, 2014, and September 11, 2014, are included separately.

Several minor changes to the Draft ordinance are summarized below and included as Attachments. A revised Draft Ordinance is also included.

New evidence is also included as Attachments.

STATUS (continued)

A revised page 1 from the Draft Handout is also attached as are a proposed Land Disturbance and Zoning Use Permit Application Form and the current Zoning Use Permit Application form.

MINOR CHANGES TO DRAFT ORDINANCE

The most recent version of the Draft Ordinance in this public hearing was the 5/19/14 version that was handed out at the May 29, 2013, public hearing. Several minor changes are proposed to that Draft and are summarized below and included as Attachments.

These changes are included in the Draft Ordinance dated December 5, 2014, which is also attached.

Revise Section 4.1 Applicability

A revised Section 4.1A. is attached that attempts to provide a better explanation of the IEPA's ILR10 General Stormwater Permit. See Attachment PP.

The new format of 4.1A. and changes that were made to Sections 5.2 and 5.3 in the 5/19/14 version of the Draft Ordinance make it much simpler to limit the applicability of ILR10 compliance. As a result of these changes, the only paragraph in the Draft Ordinance that needs to be "coordinated" with the recommendation regarding ILR10 compliance is paragraph 4.1A.4.c.

Note that paragraph 4.1A.3. of the Draft Ordinance requires the Zoning Administrator to make all applicants for County permits aware of the need for an ILR10 permit when the ILR10 seems to be applicable, even if compliance is not required for County permitting. Either approach to ILR10 compliance will be consistent with the Land Resource Management Plan. Therefore, if the ZBA would prefer to recommend a Draft Ordinance that does not require broader compliance with ILR10 as a requirement for County permitting, the ZBA should not include paragraph 4.1A.4.c. in the recommendation.

Revised Section 5.2 Authorizations and Section 5.3 Project Termination

A Revised Section 5.2 Authorizations and Section 5.3 Project Termination are attached that eliminate redundancies included in the previous version. This is not a substantive change. See Attachment QQ.

Revised Section 6.1 General Requirement

Section 6.1 has been revised to simplify the coordination related to the Optional Minimum Requirements. See Attachment RR.

Revised Paragraphs 6.4A. and 6.4D. Minimum Erosion Control and Water Quality Requirements

Paragraphs 6.4A. and 6.4D. have been revised as follows:

- Paragraph 6.4A. has been revised to delete the requirement to minimize EROSION and SEDIMENTATION from occurring on SITE property. The intent of the Optional Minimum Requirements is to protect adjacent properties and this change restores that intent.
- Paragraph 6.4 D. has been revised to increase the threshold size stockpile from 100 cubic yards to 150 cubic yards and to increase the minimum separation to the top of bank of a drainage ditch or stream and to eliminate the requirement for E&S controls for the stockpile. Recall that E&S controls can still be required if erosion or sedimentation occurs offsite.

Note that Section 11.5 has been revised with similar minimum separations even though the threshold size for stockpiles in that instance remains 100 cubic yards. For convenience the revised Section 11.5 is included below in strike out:

11.5 Stockpiles

Stockpiles of soil and other erodible building material (such as sand) of 100 cubic yards or more shall be stabilized with temporary or permanent measures of EROSION and SEDIMENT control within 14 calendar days and shall be located as follows:

- A. Stockpiles shall be provided a minimum separation of not be located less than 50 feet from the top of the bank of a drainage ditch or stream and not less than 30 feet from the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map and not less than 30 feet from the top of the bank of a roadside ditch or and not in a drainage ditch easement and not less than 30 feet from the nearest property line; and
- B. Any additional separation distance required for stabilization and maintenance of the stockpile outside of the minimum separation required above.

DRAFT EVIDENCE FOR THE FINDING OF FACT

Draft evidence regarding achievement of LRMP Policy 8.4.5 (Attachment HH) and estimated cost impacts relevant to paragraph 2.0 (b) of the Ordinance regarding conserving the value of land (Attachment II) were included with the Supplemental Memorandum dated September 11, 2014. Additional Draft Evidence is attached. A Draft Finding of Fact incorporating all evidence to date will be available at the public hearing.

Note that Attachment VV includes many instances where **Board determinations** are proposed regarding the various options in the text amendment.

PUBLIC OUTREACH

Attachment WW is proposed evidence related to public outreach and refers to the Draft handout and a revised permit application form.

A revised first page of the Draft handout is also included (Attachment XX) and the proposed Land Disturbance and Zoning Use Permit Application Form is also included (Attachment ZZ). The current Zoning Use Permit Application form is also included for comparison (Attachment YY).

Note that the Draft Public Outreach evidence includes two instances where **Board determinations** are proposed regarding the accuracy and utility of the proposed handout and application form.

A complete version of the Revised Draft handout will be available at the public hearing.

ATTACHMENTS (* = Attachments lettered consecutively from the Preliminary Memorandum)

A Case Description from Legal Advertisement

*NN Excerpt of Minutes for Cases 769-AT-14 and 773-AT-14 from the of the Approved Minutes of June 12, 2014

*OO Excerpt of Minutes for Cases 769-AT-14 and 773-AT-14 from the of the Approved Minutes of September 11, 2014

*PP. Revised Section 4.1 Applicability

*QQ. Revised Sections 5.2 Authorizations and 5.3 Project Termination

*RR. Revised Section 6.1 General Requirement

*SS. Revised Paragraphs 6.4A. and 6.4D. Minimum Erosion Control and Water Quality Requirements

*TT Draft Evidence Regarding Cost Impact Related to Staffing

*UU Draft Evidence Regarding Statutory Authority

*VV Draft Evidence Regarding County Board Options

*WW. Draft Evidence Regarding Public Outreach

*XX. Revised First Page of the Draft Handout *Erosion Control Requirements in Rural Champaign County*

*YY. Champaign County Zoning Use Permit Application Form (current version; included separately)

*ZZ. Draft Champaign County Land Disturbance and Zoning Use Permit Application

*AAA. Revised Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 (with annotations; included separately)

Attachment A. Case Description from Legal Advertisement

Case 769-AT-13

FEBRUARY 6, 2014

Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amending the Storm Water Management and Erosion Control Ordinance as follows:

Part A. Revise Section 1 Authority by adding a reference to 55 ILCS 5/5-15015 that authorizes the County Board to have authority to prevent pollution of any stream or body of water.

Part B. Revise Section 2 as follows:

1. Merge existing Intent and Requirements (Sections 3.1) and General Requirements (Section 3.2) with existing Purpose (Section 2).
2. Add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.

Part C. Add new Section 3 titled Definitions and add definitions related to fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.

Part D. Change the title of existing Section 4 to Scope and make the following changes:

1. Add a requirement that Land Disturbance have requirements identified in the Ordinance.
2. Add a requirement that all sections of the Ordinance are applicable to land disturbance activities in the Champaign County MS4 Jurisdictional Area.
3. Add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements.
4. Add a requirement that all Sections except those related to the Land Disturbance Erosion Control Permit (Sections 12, 13, 14, and 15) are only applicable when a land subdivision requires approval of the Champaign County Board and when construction occurs that requires a Zoning Use Permit.
5. Add a requirement that Protect Existing Drainage and Water Resource (Section 6) and Easement (Section 7) are applicable to all subdivisions, zoning use permits and land disturbances regardless of the amount of area involved or percent impervious surface.
6. Add a requirement that Land Disturbance and Erosion Control Requirements (Section 11) are applicable with any Storm Water Drainage Plan or necessary enforcement action.
7. Add a requirement for erosion and sedimentation controls when there is more than 10,000 square feet of land disturbance in total, after the Effective Date.
8. Add exemptions to Land Disturbance Erosion Control Permits.

Part E. Add a new Section 5 titled Authorizations and Project Termination and make the following changes:

1. Relocate existing Reviewing Authorities (existing Section 4.1) and remove Special Use Approvals
2. Relocate existing Authorization to Construct (existing Section 3.3) and add authorizations for Land Disturbance Erosion Control Permits.
3. Relocate existing Requirements for Final Approvals (existing Section 3.4) and rename to Project Termination, and add requirements for Land Disturbance Erosion Control Permits.

Attachment A. Case Description from Legal Advertisement

Case 769-AT-13

FEBRUARY 6, 2014

- Part F. Renumber existing Section 7 to new Section 6 titled Protect Existing Drainage and Water Resource and make the following changes:
1. Add new requirement to prohibit erosion or sedimentation onto adjacent properties.
 2. Add new requirements for discharges from sump pumps.
 3. Add new minimum erosion control and water quality requirements including a minimum requirement for proper disposal of construction waste; minimum requirement for location and control of soil stockpiles; and a requirement to cleanup sediment that enters onto public areas and adjacent properties.
- Part G. Renumber existing Section 9 to new Section 7.
- Part H. Change existing Section 5 to new Section 8 titled Storm Water Drainage System and add a Preferred Hierarchy of Best Management Practices.
- Part I. Change existing Section 6 to new Section 9 titled Storm Water Drainage Plan and merge with existing Section 12.
- Part J. Renumber existing Section 8 to new Section 10.
- Part K. Add new Section 11 titled Land Disturbance and Erosion Control and include the following:
1. Add general requirements for erosion and sediment control operations.
 2. Add list of practices that should be applied to minimize soil erosion.
 3. Add list of practices that should be applied to minimize sediment.
 4. Add requirements for filtering dewatering practices at construction sites.
 5. Add requirements for soil stockpiles.
 6. Add requirements for maintenance of erosion and sediment control measures.
- Part L. Add new Section 12 titled Land Disturbance and Erosion Control Permits and include the following:
1. Add a requirement for Land Disturbance Erosion Control Permits.
 2. Add a requirement that the class of permit Land Disturbance Erosion Control Permit – Minor is required for any land disturbance of less than one acre that is part of a common plan of development or sale of record that is not otherwise exempt.
 3. Add a requirement that the class of permit Land Disturbance Erosion Control Permit – Major is required for any land disturbance of one acre or more that is not otherwise exempt.
 4. Add required forms and procedure requirements for each permit class.
 5. Add that the class of permit Land Disturbance Erosion Control Permit – Major shall comply with current ILR10 requirements.
 6. Add a fee schedule with fees for each class of permit.
 7. Add a requirement that an issued permit authorizes only those activities shown on approved plans.
 8. Add time limitations for Land Disturbance Erosion Control Permits.
 9. Add responsibilities of the holder of the Land Disturbance Erosion Control Permit.
 10. Add requirements for maintenance of erosion control facilities and other drainage structures during and after construction.

Attachment A. Case Description from Legal Advertisement

Case 769-AT-13

FEBRUARY 6, 2014

Part M. Add new Section 13 titled Administration of Land Disturbance and Erosion Control Permits and include the following:

1. Add duties of the Zoning Administrator as established in the Champaign County Zoning Ordinance.
2. Add conditions of Land Disturbance and Erosion Control Permit approval to prevent the creation of a nuisance or unreasonable hazard to persons or to public or private property including specific erosion and sediment controls, safety structures, grading improvements, adequate dust controls, and acceptance of discharges on others property.
3. Add conditions to which a Land Disturbance Erosion Control Permit might be denied if the Erosion and Sediment Control Plan does not meet the requirements of the ordinance and restrictions if the permit is denied.
4. Add conditions to Land Disturbance Erosion Control Permit and plans to ensure that no work occurs without prior written approval, that any changes to plans must be submitted prior to work being conducted, and methods for changing an approved document.
5. Add requirement of site inspections during specific phases of the work to ensure compliance with the conditions of the Ordinance.

Part N. Add new Section 14 titled Liability Related to Land Disturbance and Erosion Control Permits and include a requirement that all responsibilities and liabilities are held by the permit holder and no liability is held by Champaign County.

Part O. Add new Section 15 titled Enforcement of Land Disturbance and Erosion Control Permits and include the following:

1. Add a requirement that work shall be done in accordance with the approved plans, the approved permit, and the Ordinance.
2. Add a classification of deficient sites and the related enforcement activities.
3. Add a classification of Non-Compliance on a sites-and the related enforcement activities.
4. Add a classification of Notice of Violation on a sites and the related enforcement activities.
5. Add that the Zoning Administrator may require activities that shall be undertaken in order to prevent imminent hazards, dangers and adverse effects.
6. Add conditions and procedures that allow the Zoning Administrator to issue a stop-work order and that all work must stop immediately.
7. Add conditions and procedures for initiating legal proceedings.
8. Add penalties for violation of the ordinance at not less than one hundred dollars (\$100.00) per day and not more than five hundred dollars (\$500.00) per day.

Part P. Renumber existing Section 10 to new Section 16.

Part Q. Change existing Section 11 Waivers to new Section 17 titled Appeal, Waiver or Variance and include the following:

1. Add designation that the reviewing authority may issue a waiver or variance to the ordinance except for ILR10 requirements.
2. Add procedure for appealing a decision made by a reviewing authority.

Part R. Add new Effective Date (Section 18).

Attachment A. Case Description from Legal Advertisement

Case 769-AT-13

FEBRUARY 6, 2014

- Part S. Re-letter existing Appendix B to be new Appendix A and re-letter existing Appendix A to be new Appendix B.
- Part T. Add new Appendix C titled Champaign County MS4 Jurisdictional Area to include a map of the Champaign County MS4 Jurisdictional Area.
- Part U. Add new Appendix D titled Technical Manual Minor Land Disturbance Erosion Control Permit Standards and Standard Details and include application templates, erosion control plan examples, and standard construction drawings.
- Part V. Add new Appendix E titled Technical Manual Major Land Disturbance Erosion Control Permit Standards and Standard Details and include application templates, erosion control plan examples, and standard construction drawings.
- Part W. Revise and reformat the text, and update all references to new and renumbered Sections.

1 accommodate Mr. Sebens.

2
3 Mr. Thorsland asked Mr. Sebens if a continuance date to July 17th would be acceptable.

4
5 Mr. Sebens stated yes.

6
7 Mr. Thorsland recommended that Mr. Sebens visit the office regarding review of the Irongate Self-Storage
8 approved site plans.

9
10 Mr. Thorsland entertained a motion to continue Cases 766-AM-13 and 767-S-13 to the July 17th meeting.

11
12 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Cases 766-AM-13 and 767-S-13 to the**
13 **July 17th meeting. The motion carried by voice vote.**

14
15 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
16 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
17 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
18 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
19 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
20 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
21 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
22 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
23 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
24 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
25 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
26 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
27 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
28 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
29 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
30 **activities including a including a requirement for a Land Disturbance Erosion Control Permit**
31 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
32 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
33 **of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit**
34 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
35 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
36 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**
37 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**
38 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
39 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**
40 **a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.**
41 **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.**

1 (Parts G, I, J, P, Q, R, S and W of the legal advertisement).
2

3 Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm
4 Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by
5 adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or
6 demolition that disturbs on acre or more of land or for any grading or demolition that is part of a
7 larger common plan of development in which one acre or more of land disturbance will occur, and
8 that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;
9 and C. Add required information to be provided in the application for a Grading and Demolition
10 Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or
11 Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General
12 Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a
13 Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations
14 enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.
15 Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other
16 requirements related to Grading and Demolition Permits.
17

18 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.
19

20 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
21 the witness register for that public hearing. He reminded the audience that when they sign the witness
22 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
23 time.
24

25 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the requests.
26

27 Mr. John Hall, Zoning Administrator, distributed a new handout which is a table which responded to
28 comments received on the Draft Ordinance. He said that in some instances the table includes a staff reply
29 and in areas where the comment resulted in a change staff has tried to actually include the specific language
30 which was changed. He said that the fourth cell at the top of page 4 of the table indicates the following:
31 Regarding 4.2.E., could drainage districts be exempt as there is a statewide permit and conditions. Mr. Hall
32 said that the following will be inserted in Section 4.2, LAND DISTURBANCE activities by or for a
33 recognized Drainage District. He said that this may not be the exact language but staff does intend to add the
34 exemption for drainage district activities.
35

36 Mr. Hall stated that at the previous meeting regarding these cases there was a question regarding driveway
37 maintenance, which was a wonderful question because there are large areas of Champaign County where
38 there are no streets to many homes and there is only a shared driveway. He said that while making the
39 maintenance of those shared driveways require a permit would give them some incentive of making the
40 shared driveways a public road it is easier to exempt them which is consistent with what we do elsewhere.
41 He reminded the Board that in some portions of the County this will be pretty important.

1
2 Ms. Griest asked Mr. Hall if this exemption will only include shared driveways or will it include all
3 driveways.
4

5 Mr. Hall stated that it will include all driveways.
6

7 Mr. Hall stated that he had hoped to have a written document regarding the overall approach as to why we
8 are proposing so many options for the County Board but he was unsuccessful therefore tonight he would like
9 to provide a brief synopsis of that approach. He said that staff is only proposing the Grading and Demolition
10 Permit in the very slight chance that the County Board chooses to require compliance with ILR10 and if they
11 do then they should add the Grading and Demolition Permit. He said that if the County Board decides not to
12 require compliance with ILR10 outside of the MS4 area then he does not believe that adding a Grading and
13 Demolition Permit will provide any benefit. He said that most of the benefit for people who have neighbors
14 who are changing grades and regrading and doing things like that, most of the benefits will come in with
15 those minimum standards. He said that the minimum standards make it clear that you are not supposed to
16 cause erosion or sedimentation on to your neighbor and you are supposed to minimize it. He said that you
17 are not supposed to be changing drainage drastically or tracking mud on to the roads or if you do you are
18 supposed to clean it off. He said that these minimum standards are the kinds of things that are supposed to
19 help people. He said that there are no standards related to Grading and Demolition Permits and the only
20 reason why they were proposed was if the County Board wants to require ILR10 compliance.
21

22 Mr. Thorsland clarified that the Board will also take testimony at this time for Case 773-AT-14.
23

24 Mr. Hall stated that he could envision a table that could be added in as a Document of Record to help County
25 Board members in the future.
26

27 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
28

29 Mr. Thorsland stated that the one thing that stood out was addressing the issue of the long private drives. He
30 said that roughly a standard drive has to be one-half mile before it is one acre. He said that there are not a lot
31 of these drives but there are some located in the County and some of those drives are shared drives with
32 other homes rather than one private home. He said that he believes that it is a good call to have something
33 addressing that because that is not the intent of the proposed permit to affect those things but has a lot more
34 to do with what the Board spoke about at the last meeting.
35

36 Mr. Hall stated that another thing that he did not hear any discussion about at the last public hearing was the
37 primary way to defuse the impact this regulation might be to change the minimum lot size in the AG and CR
38 Districts. He said that he does not know if Board members thought much about this proposal and if the
39 Board does not see this change as a benefit then that is fine but he just wanted to remind the Board that we
40 had mentioned it.
41

1 Mr. Passalacqua stated that the change to minimum lot size was .9 acre instead of 1 acre so that the lot would
2 fall under the wire.

3
4 Mr. Hall stated that Mr. Passalacqua was correct. He said that the .9 acre, by definition, would not be
5 disturbing one acre.

6
7 Mr. Thorsland stated that a lot of times there is a one acre lot and if you take away the road right-of-way,
8 which is hopefully not going to be disturbed either, the lot would fall into less than one acre of disturbance.
9 He said that his Board has had variances because a one acre lot was not a true one acre lot minus the right-
10 of-way. He asked if the density would be increased if the minimum lot size is reduced to .9 acre and what is
11 used as a definer because a corner lot in CR or AG would have two right-of-ways. He asked if having two
12 road right-of-ways would consider the minimum lot size and what standard frontage would be used.

13
14 Mr. Hall stated that he would also recommend reducing the frontage as well but most of the lots that we see
15 are 200 foot wide lots. He said that the statutory right-of-way width is 60 feet therefore it the center of the
16 right-of-way would be 30 feet on either side. He said that we do not consider the road right-of-way as part of
17 the minimum lot area so the minimum lot is not nearly one acre but 1.15 acres to make up for the right-of-
18 way. He said that the change that he was talking about was what is currently required, which is one acre, and
19 reduce it to something like .9 and there is still that .15 acre that is still right-of-way on the minimum size lot.
20 He said that there really are not that many minimum size lots in the County because most people want more
21 than one acre.

22
23 Mr. Thorsland asked Mr. Hall if the future impact of reducing the minimum lot size is very small but would
24 be big when it relates to this Ordinance and who requires a permit. He said that we could save the County
25 and staff a lot of time and people a lot of money if we consider changing the minimum lot size.

26
27 Ms. Griest stated that she disagrees. She said that Mr. Hall stated that there are so few lots coming in at the
28 one acre minimum that changing it from one acre to .9 acres is probably going to have a negative impact and
29 it seems not the best practice to change it just for the sake of changing it when the impact is not going to be
30 significant. She said that where we are seeing impacts requiring variances are on older lots that were
31 previously platted many years ago when the right-of-way was not taken out of the one acre minimum area.
32 She said that there are some lots out in the County that are platted that are not built upon that included the
33 right-of-way at one acre and now when they go to build the lot is already under the one acre of disturbed are
34 by counting it without the right-of-way.

35
36 Mr. Thorsland stated that if they strip the whole lot.

37
38 Ms. Griest stated that even if they strip all of the buildable area, when you take the right-of-way out of play
39 they have less than one acre to begin with.

40
41 Mr. Hall stated that he hates to be the bearer of bad news to the County Board unless he has a little bit of

1 good news to throw along with it because then it is not the County that is causing someone to have to put up
2 erosion controls on their lot. He said that the County would have done all it could to have reduced that
3 requirement but if those people still want their two acres graded to within an inch of its life then they have
4 the right to do that but we are not going to make them. He said that the County is going to make them have
5 .9 acre.
6

7 Mr. Thorsland stated that when we talk about the development of a five acre lot and someone wants to
8 construct a home many people want to claim a portion of the lot as agriculture so that they pay less in
9 property taxes. He asked Mr. Hall if the County has the less than one acre aspect then hopefully they will be
10 careful to not disturb less than one acre so that they do not trip the need for a permit.
11

12 Mr. Hall stated that if the County Board is not going to require compliance with ILR10 it is primarily a moot
13 point but there is still a state law that can be enforced by the IEPA and he would hope that we would at least
14 make people aware of the state law even though we do not require compliance. He said that the worst
15 situation would be not telling people that there is a law. He said that reducing the minimum lot size is
16 probably much less critical if the County Board is not going to require ILR10 compliance outside of the MS4
17 area.
18

19 Mr. Thorsland suggested that if a table is provided indicating if the County Board does or does not adopt
20 ILR10 compliance outside of the MS4 area and the impact of proposing or not proposing the .9 acre
21 requirement, such a table would be easier for the Zoning Board of Appeals, especially those members who
22 are absent tonight, and the County Board to see what has been considered and discussed.
23

24 Mr. Hall stated that he is not attempting to obtain a decision tonight but just wanted the Board to discuss the
25 option. He said a minimum lot size reduction would require a separate text amendment and legal
26 advertisement.
27

28 Mr. Thorsland stated that the Board may want to see just a little more about the driveways although the
29 direction that it is going appears to be perfectly acceptable to the Board. He said that staff previously
30 indicated that any enforcement regarding driveways would be complaint based anyway.
31

32 Mr. Hall stated that at this point it isn't even a question therefore any complaint received will not be valid.
33

34 Mr. Thorsland asked the Board if there were additional questions for Mr. Hall and there were none.
35

36 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony for
37 Cases 769-AT-13 and 773-AT-14 and there was no one.
38

39 Mr. Thorsland requested a continuance date for Cases 768-AT-13 and 773-AT-14.
40

41 Mr. Hall stated that July is a very busy month for staff but the two cases could be continued to the July 31st

1 meeting.

2
3 Mr. Thorsland entertained a motion to continue Cases 769-AT-13 and 773-AT-14 to the July 31, 2014,
4 meeting.

5
6 **Ms. Griest moved, seconded by Ms. Lee to continue Cases 769-AT-13 and 773-AT-14 to the July 31,**
7 **2014, meeting. The motion carried by voice vote.**
8

9 **6. New Public Hearings**

10
11 None

12
13 **7. Staff Report**

14
15 None

16
17 **8. Other Business**

18 **A. Review of Docket**
19

20 Mr. Hall stated that a case has been scheduled for the August 14th meeting although staff has not received the
21 application to date. He said that if we are very luck the case will not materialize but at this point, based
22 the State's Attorney's Office determination it has been added to the docket. He said that he does not believe
23 that it will be a controversial case and he resents that we even have to have it as a case but it is our
24 jurisdiction therefore it is our case. He said that the case involves the solar farm located on the University of
25 Illinois' property for the University of Illinois.
26

27 Mr. Hall stated that he was asked if the ZBA is always this busy and he responded by indicating that the
28 ZBA this year is nowhere as busy as it was last year at this time.
29

30 Mr. Thorsland requested that the Board notify staff of any vacations or anticipated absences from meetings.
31 He said that this information will assure that a quorum will be in attendance.
32

33 Ms. Griest stated that it is possible that she will not be in attendance for the July 17th meeting. She said that
34 she will confirm her attendance as soon as possible.
35

36 Mr. Passalacqua asked Mr. Hall if staff had any received any information regarding the contracting business
37 located on Market Street with the assumed residences inside of the building.
38

39 Mr. Hall stated that staff processed the Change of Use Permit and there was no reason to not approve it. He
40 said that the next step will be to complete the inspection.
41

1 Mr. Sebens requested that Case 767-S-13 be continued to a later date when a full Board may be present.

2
3 Mr. Thorsland entertained a motion to continue Cases 766-AM-13 and 767-S-13 to the September 25, 2014,
4 meeting.

5
6 **Ms. Griest moved, seconded by Ms. Capel to continue Cases 766-AM-13 and 767-S-13 to the**
7 **September 25, 2014, meeting. The motion carried by voice vote.**

8
9 Mr. Randol asked if the only thing that will happen at the September 25th meeting is final action and not
10 testimony will be heard.

11
12 Mr. Hall stated that based on the testimony tonight he would not anticipate any testimony to debate the
13 request although it is a public hearing and the Board has to accept any testimony that a witness wants to give.

14
15 Mr. Thorsland stated that the Board will take a five minute recess.

16
17 **The Board recessed at 8:25 p.m.**

18 **The Board resumed at 8:32 p.m.**

19
20 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
21 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
22 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
23 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
24 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
25 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
26 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
27 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
28 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
29 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
30 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
31 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
32 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
33 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
34 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
35 **activities including a including a requirement for a Land Disturbance Erosion Control Permit**
36 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
37 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
38 **of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit**
39 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
40 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
41 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**
42 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**

1 onto adjacent properties and add minimum erosion and water quality requirements that are required
2 for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add
3 a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.
4 Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.
5 (Parts G, I, J, P, Q, R, S and W of the legal advertisement).
6

7 Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm
8 Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by
9 adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or
10 demolition that disturbs an acre or more of land or for any grading or demolition that is part of a
11 larger common plan of development in which one acre or more of land disturbance will occur, and
12 that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;
13 and C. Add required information to be provided in the application for a Grading and Demolition
14 Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or
15 Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General
16 Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a
17 Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations
18 enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.
19 Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other
20 requirements related to Grading and Demolition Permits.
21

22 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.
23

24 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
25 the witness register for that public hearing. He reminded the audience that when they sign the witness
26 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
27 time.
28

29 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the requests.
30

31 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case 769-AT-13,
32 dated September 11, 2014, and an excerpt of the approved minutes from May 29, 2014 and June 12, 2014.
33 He said that the first draft evidence for Case 769-AT-13 has been included as attachments. He said that draft
34 evidence related to Policy 8.4.5 begins on Attachment HH. He said that Policy 8.4.5 states, "The County
35 will ensure that non-point discharges from new development meet or exceed state and federal water quality
36 standards." He said that this is drafted for the Board's review and acceptance and the Board will find that
37 this evidence for this policy to be really burdensome but the standard is not simply what the IEPA says it is
38 but is also what the NPDES program sets up therefore he needed to review both. He said that even after
39 reviewing both this is not some short little description that is easy to review therefore it is rather lengthy and
40 he apologizes to the Board for that and anything that the Board would like stricken could probably be
41 honored.
42

1 Mr. Hall stated that the second evidence is included in Attachment II and is related to the purpose of the
2 Ordinance. He said that Paragraph 2.0(b) states that one purpose of the zoning regulations and standards that
3 have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES
4 throughout the COUNTY. He said that we can't really evaluate this proposed amendment very thoroughly
5 but it is relevant to review what the USEPA did in the beginning, which is what helped get this rule adopted
6 in the first place and the USEPA found that the costs will, in their words, not likely exceed the benefits. He
7 said that Attachment II is his attempt to review this information as easily and concisely as he could so that
8 the information is not ignored. He said that there were comments received at the beginning when this was
9 circulated at ELUC asking about costs and benefits and in fact the USEPA did this in the beginning and
10 there is a lot to disagree about but at least it is summarized. He said that the only thing that the Board can do
11 regarding costs is to try to estimate the costs for a typical lot, and again this information was presented to
12 ELUC originally, and now it has been summarized into a Finding of Fact.
13

14 Mr. Hall stated that staff has been trying to prepare a handout and Susan Chavarria, Interim Associate
15 Planner, recently had time to make exquisite illustrations which will be handy in both the technical manuals
16 and in a handout. He said that a draft handout with illustrations has been distributed to the Board for review.
17 He said that one of the illustrations is titled, "Example Zoning Use Permit Site Plan for a New Home on a
18 Typical Rural Lot." He said that the illustration indicates a stockpile with silt fence which is part of the
19 proposed minimum requirements and this information will be expected to be included on any future Zoning
20 Use Permit site plan, provided that the County Board approves those minimum requirements. He said that
21 all of the other information on this site plan is what is required for any other Zoning Use Permit received
22 today, except for the proposed sump pump discharge location which is also a new requirement that is part of
23 the minimums also. He said that everything on a site plan for a Zoning Use Permit should probably be on a
24 site plan for an Erosion and Sediment Control Plan (ESCP). He said that the Board may recall that the
25 Technical Appendices for the Minor Land Disturbance Erosion Control Permit only had the site plans that
26 are also in the Urbana and Champaign Technical Appendices and they will not be real useful for the County.
27 He stated that the other illustrations are titled, "Example Erosion and Sediment Control Plan (ESCP) for a
28 New Home on a Typical Rural Lot in MS4 Area, Example 2: All soil disturbed on property;" and "Example
29 Erosion and Sediment Control Plan (ESCP) for a New Home on a Typical Rural Lot in MS4 Area, Example
30 1: Grass already established-limited soil disturbance area." He said that this site plan is for a rural lot with a
31 septic field which will be part of the disturbed area and it shows the soil stockpile, stabilized construction
32 entrance, a silt fence and the area that will be disturbed. He said Example 1 indicates that the disturbed area
33 is kept as small as possible. He said that any comments that anyone may have regarding the site plans would
34 be appreciated because he has never done erosion control on a rural site plan. He said that Example 2
35 indicates that the whole lot is being disturbed. He said that the site plans look really good in color but we are
36 not going to ask applicants to submit color therefore we prepared these in black and white. He said that this
37 is what we want people to put on site plans if they are building a new home in the MS4 Area.
38

39 Mr. Hall stated that the handout includes some information that has not been discussed yet during the public
40 hearing and that is because there will be changes in the future. He said that we are going to be required to
41 have Erosion and Sediment Controls on any lot located in the Special Flood Hazard Area (100-year
42 floodplain) on which there is one acre or more of land disturbance. He said that this will be required because

1 our Special Flood Hazard Ordinance requires any state or federal permits that are also necessary therefore
2 ILR10 is necessary if you are disturbing more than one acre of land when a home is being built in the
3 floodplain. He said that this information is a new thing that he just realized within the past few weeks and
4 this requirement will need to be added to the draft ordinance. He said that of all of the requirements for
5 building in the floodplain he believes that this will be the easiest but since this did occur to staff previously it
6 will need to be included in the draft. He said that the same inspections will not be completed in the Special
7 Flood Hazard Area that are completed in the MS4 area, unless it is in within the MS4 area, but the point is
8 that they are going to have to comply with ILR10 therefore they are going to have to meet all of the Erosion
9 and Sedimentation Control measures.

10
11 Mr. Hall stated that the handout attempts to summarize all of the requirements on one page in a simple, easy
12 to read format and it is not meant to replace the ordinance. He said that he realized after the handout was
13 copied that there is no mention of exemptions and that information needs to be added; otherwise he believes
14 that this handout could work.

15
16 Mr. Hall noted that the new Champaign County MS4 Jurisdiction Map, which Mr. Levy updated before
17 leaving the County, is included on the back of the handout. He said that all of the major streets have been
18 labeled at the perimeter of the MS4 area; therefore, this map would work for the final ordinance. He said
19 that any comments that anyone has regarding this updated map are welcome.

20
21 Mr. Hall stated that he does not expect the Board to do a lot with this information tonight but the Board does
22 have evidence to review and critique and hopefully the handout including the site plans will give the Board
23 better sense of what the ordinance actually means. He said that these cases should not be continued to the
24 September 25th meeting but should return to the Board on October 16th.

25
26 Ms. Lee asked Mr. Hall if there is any way that the Board could come to the office to make sure that their
27 notebooks are in the correct order as intended by staff. She said that she has no idea if she has inserted the
28 handouts in the correct order or if she has all of the required documents for review.

29
30 Mr. Hall stated that the Board can always come to the office on any day of the week. He said that mainly the
31 notebook is intended to be usable by the Board but if anyone would like to come to the office to assure that
32 they have all of the documents then staff would be happy to assist them.

33
34 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

35
36 Mr. Hall noted that the handout indicates that any stockpile or multiple stockpiles with a total volume of 150
37 cubic yards or more must also have appropriate erosion and sedimentation controls. He said that previously
38 100 cubic yards was indicated and when asked why 100 cubic yards was used he would reply that it was the
39 information found in most ordinances. He said that the more he reviewed the 100 cubic yards he found that
40 it would not be a stockpile big enough for a small house that didn't have a basement, which would be more
41 in the order of 120 yards. He said that he decided that since there is no real requirement for this to be at 100
42 cubic yards he bumped it up to 150 cubic yards which would mean that a small house built without a

1 basement would not result in a stockpile big enough to worry about. He said that anytime we can match real
2 world occurrences it always helps improve the ordinance.
3

4 Mr. Hall stated that the 150 cubic yard threshold for soil stockpiles and the requirement for an ILR10 permit
5 in the Special Flood Hazard Area are the only changes that he can really think of that are on the handout that
6 the Board has not been given a copy of the draft ordinance that has those items included.
7

8 Mr. Thorsland asked Mr. Hall to indicate the purpose of the asterisks on the handout.
9

10 Mr. Hall stated that the asterisks are meant to flag those things that are part of the minimum requirements.
11 He said that the handout will only be useful if the County Board adopts the minimum requirements. He said
12 that if the County Board does not adopt the minimum requirements then the handout may get shorter.
13

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

16 Ms. Lee asked Mr. Hall if when he talks about the minimum requirements if he means that it has to be done
17 within the MS4 area.
18

19 Mr. Hall stated that he is referring to Section 6 which would usually refer to the optional minimum
20 requirements. He said that in the version of the draft ordinance that the Board received in May there are
21 notes after each of those paragraphs that are part of the optional requirements so that it is made real clear.
22

23 Mr. Thorsland asked if it would be fair to say that the typical new home will not require an ILR10 permit.
24

25 Mr. Hall stated that the typical could be anything because we always require a Zoning Use Permit and the
26 Erosion and Sediment Control Plan (ESCP) could be an ILR10 or could be a minor Land Disturbance
27 Erosion Control (LDEC) permit, which would be theoretically under some ILR10.
28

29 Mr. Thorsland stated that it could be indicated that this is what we want to see for any site plan and it may
30 fall under the requirements.
31

32 Mr. Thorsland stated that staff has requested that these cases not be continued to the September 25th meeting.
33

34 Mr. Hall stated that these cases could be continued to the September 25th meeting if the Board would like the
35 opportunity to come back with questions.
36

37 Mr. Thorsland stated that the Board needs time to review the distributed information.
38

39 He noted that he will not be in attendance at the October 16th meeting.
40

41 Mr. Hall stated that the Board does need to receive more evidence before making a final recommendation
42 and it is possible that by October 16th the Board will have received this evidence but he cannot guarantee that

1 the Board will have it before the meeting or very long before the meeting. He said that expecting final act
2 on October 16th is not realistic.

3
4 Mr. Thorsland entertained a motion to continue Cases 769-AT-13 and 773-AT-14 to the October 16, 2014,
5 meeting.

6
7 **Ms. Griest moved, seconded by Ms. Lee to continue Cases 769-AT-13 and 773-AT-14 to the October**
8 **16, 2014, meeting. The motion carried by voice vote.**

9
10 **6. New Public Hearings**

11
12 None

13
14 **7. Staff Report**

15
16 Mr. Hall stated that the Committee of the Whole tentatively recommended the upgrading of the Associate
17 Planner position and the recommendation will be on the County Board agenda for September 18th. He said
18 that we could be recruiting for an associate planner by the end of this month.

19
20 Mr. Hall stated that the docket indicates that there is not a big backlog of cases, which is good, but he can
21 think of a handful of cases that he is expecting to come in therefore we could get very busy very quickly. He
22 said that he is expecting to move forward recruiting an associate planner this fall.

23
24 **8. Other Business**

25 **A. Review of Docket**

26
27 Mr. Thorsland asked the Board if anyone anticipates being absent from any of the future meetings. He noted
28 that he will be absent from the October 16th meeting.

29
30 Ms. Griest stated that she will be absent from the October 30th meeting.

31
32 Mr. Thorsland requested that the Board notify staff immediately if they are unable to attend any ZBA
33 meeting.

34
35 Mr. Hall informed the Board that the Environment and Land Use Committee recommended approval of
36 Case 771-AM-14 and it has been placed on the September 18, 2014, County Board Consent Agenda.

37
38 Ms. Lee asked how the Board is to notify staff after hours if they are unable to attend that night's meeting.

39
40 Mr. Hall stated that the Board can always leave a message at the office because staff always checks the
41 phone and e-mail for messages prior to the meeting.

Attachment PP. Revised Section 4.1 Applicability

Case 769-AT-13

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STRIKE OUT VERSION:

4.1 Applicability

The IEPA ILR10 and/or this Ordinance apply to LAND DISTURBANCE, SUBDIVISION and/or CONSTRUCTION as indicated below:

A. All requirements of the IEPA ILR10 permit apply ~~regardless of this Ordinance~~ as follows:

1. ~~ILR10 requirements apply when LAND DISTURBANCE activities disturb one acre or greater or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater. ILR10 requirements apply to individual LOTS when those LOTS are created as part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD and LAND DISTURBANCE occurs on one acre or more. When a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD is under FINAL STABILIZATION, subsequent LAND DISTURBANCE of individual lots are required to obtain an ILR10, if the combination of LAND DISTURBANCE on individual lots could result in one acre or more LAND DISTURBANCE at one time.~~ ~~and~~
2. ~~When a LOT is converted from agricultural use to other land use, the land shall be vegetated with an appropriate protective land cover prior to any application for a Zoning Use Permit or Subdivision Approval or else the land shall be considered to be in a state of land disturbance and subject to ILR10 requirements appropriate erosion and sedimentation controls provided as necessary unless documentation from the Illinois Environmental Protection Agency or the US Environmental Protection Agency indicates otherwise.~~
3. ~~The ZONING ADMINISTRATOR shall notify all Applicants when ILR10 requirements appear to be applicable.~~
4. ~~Copies of the ILR10 NOTICE OF INTENT and ILR10 NOTICE OF TERMINATION must be submitted to the ZONING ADMINISTRATOR to demonstrate compliance with ILR10 requirements when LAND DISTURBANCE activities disturb one acre or greater, or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF~~

Attachment PP. Revised Section 4.1 Applicability

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RECORD that ultimately disturbs one acre or greater, pursuant to the following:

a. Any Major LDEC Permit as authorized under Section 12.3.

b. Any Floodplain Development Permit as authorized by the Champaign County Special Flood Hazard Area Ordinance.

c. Any other LAND DISTURBANCE not exempted by Section 4.2 or Section 4.4.

(Note: Paragraph 4.1 A.4.c. above, is optional and will be removed if the County Board chooses to not require compliance with ILR10 outside of the MS4 Jurisdictional Area.)

B. Within the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply when LAND DISTURBANCE activities disturb one acre or greater or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater, within the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C) except those activities listed in General Exemptions (Section 4.2), Storm Water Drainage Plan Exemptions (Section 4.3), and LDEC PERMIT Exemptions (Section 4.4); and

C. Outside of the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply unrelated except those sections relevant only to Land Disturbance Erosion Control Permits (Section 12, 13, 14, and 15) apply to that part of the County falling outside of the Champaign County MS4 JURISDICTIONAL AREA except those activities listed in General Exemptions (Section 4.2) and Storm Water Drainage Plan Exemptions (Section 4.3).

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NON- STRIKE OUT VERSION:

4.1 Applicability

The IEPA ILR10 and/or this Ordinance apply to LAND DISTURBANCE, SUBDIVISION and/or CONSTRUCTION as indicated below:

A. All requirements of the IEPA ILR10 permit apply as-follows:

1. ILR10 requirements apply when LAND DISTURBANCE activities disturb one acre or greater or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater, ILR10 requirements apply to individual LOTS when those LOTS are created as part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD and LAND DISTURBANCE occurs on one acre or more. When a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD is under FINAL STABILIZATION, subsequent LAND DISTURBANCE of individual lots are required to obtain an ILR10, if the combination of LAND DISTURBANCE on individual lots could result in one acre or more LAND DISTURBANCE at one time.
2. When a LOT is converted from agricultural use to other land use, the land shall be vegetated with an appropriate protective land cover prior to any application for a Zoning Use Permit or Subdivision Approval or else the land shall be considered to be in a state of land disturbance and subject to ILR10 requirements unless documentation from the Illinois Environmental Protection Agency or the US Environmental Protection Agency indicates otherwise.
3. The ZONING ADMINISTRATOR shall notify all Applicants when ILR10 requirements appear to be applicable.
4. Copies of the ILR10 NOTICE OF INTENT and ILR10 NOTICE OF TERMINATION must be submitted to the ZONING ADMINISTRATOR to demonstrate compliance with ILR10 requirements when LAND DISTURBANCE activities disturb one acre or greater, or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater, pursuant to the following:
 - a. Any Major LDEC Permit as authorized under Section 12.3.
 - b. Any Floodplain Development Permit as authorized by the Champaign County Special Flood Hazard Area Ordinance.
 - c. Any other LAND DISTURBANCE not exempted by Section 4.2 or Section 4.4.

Attachment PP. Revised Section 4.1 Applicability

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(Note: Paragraph 4.1 A.4.c.above, is optional and will be removed if the County Board chooses to not require compliance with ILR10 outside of the MS4 Jurisdictional Area.)

- B. Within the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply when LAND DISTURBANCE activities disturb one acre or greater or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater, except those activities listed in General Exemptions (Section 4.2), Storm Water Drainage Plan Exemptions (Section 4.3), and LDEC PERMIT Exemptions (Section 4.4); and

- C. Outside of the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply except those sections relevant only to Land Disturbance Erosion Control Permits (Section 12, 13, 14, and 15).

Attachment QQ. Revised Sections 5.2 Authorizations and 5.3 Project Termination

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DECEMBER 5, 2014

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STRIKE OUT VERSION:

In Section 3 revise the definition of "PROJECT TERMINATION" to read as follows:

Specific activities required to occur to release the requirements of the Land Disturbance Erosion Control Permit or to complete the requirements for a Zoning Compliance Certificate or to complete the construction of improvements pursuant to approval of a Final Plat of Subdivision.

5.2 Authorizations

~~This Ordinance provides for the following:~~

- A. ~~Authorization for any LAND DISTURBANCE activity when a STORM WATER DRAINAGE PLAN is not required by this Ordinance shall include the following acts in order:~~
- ~~1. Approval of Engineering Drawings required for any Plat of SUBDIVISION if applicable including the extent and nature of all proposed LAND DISTURBANCE; and~~
 - ~~2. For LAND DISTURBANCES in the MS4 JURISDICTIONAL AREA, approval of a LDEC PERMIT if required in LDEC Permits (Section 12), and approval of the pre-CONSTRUCTION meeting identified in Required Inspection (Section 13.5); or~~
 - ~~3. For LAND DISTURBANCES outside of the MS4 JURISDICTIONAL AREA that total an acre or more of LAND DISTURBANCE or less than an acre when part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that will result in an acre or more of LAND DISTURBANCE, a copy of any required NOTICE OF INTENT pursuant to Section 4.1A of this Ordinance or a copy of a statement from IEPA that there is no ILRI0 requirement; and~~
 - ~~4. Approval of a Zoning Use Permit, if required by the Zoning Ordinance, including the extent and nature of all proposed LAND DISTURBANCE.~~
- B. Authorization for any LAND DISTURBANCE activity ~~when a STORM WATER DRAINAGE PLAN is required by this Ordinance~~ shall include the following acts in order:
1. Approval of the STORM WATER DRAINAGE PLAN as if required by STORM WATER DRAINAGE PLAN (Section 9) in this Ordinance; and
 2. The APPLICANT or other necessary party files with the Champaign County Recorder of Deeds any required easement or other legal instrument that is needed to implement or maintain the STORM WATER DRAINAGE PLAN, except for a Final Plat of SUBDIVISION, Owner's Certificate, or private SUBDIVISION covenants, and except as provided for in Easements (Section 7); and
 3. Approval of Engineering Drawings required for any Plat of Subdivision, if applicable including the extent and nature of all proposed LAND DISTURBANCE; and
 4. For LAND DISTURBANCES in the MS4 JURISDICTIONAL AREA, approval of a LDEC PERMIT if required in LDEC Permits (Section 12) and written approval of the inspection required in Required Inspections (Section 13.5); or

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5. For LAND DISTURBANCES outside of the MS4 JURISDICTIONAL AREA that total an acre or more of LAND DISTURBANCE or less than an acre when part of a larger COMMON PLAN OF DEVELOPEMMENT OR SALE OF RECORD that will result in an acre or more of LAND DISTURBANCE, a copy of any required NOTICE OF INTENT pursuant to Section 4.1A. of this Ordinance or a copy of a statement from IEPA that there is no ILR10 requirement; and
6. Approval of a Zoning Use Permit, if required by the Zoning Ordinance, including the extent and nature of all proposed LAND DISTURBANCE.

5.3 Project Termination

~~This Ordinance provides for the following:~~

- A. ~~When a STORM WATER DRAINAGE PLAN is not required by this Ordinance, PROJECT TERMINATION shall include the following acts in order:~~
 - ~~1. Any required as-built drawings or other documentation has been accepted by the Approval Authority as evidence that requirements in Certifications (Section 9.6) have been met; and;~~
 - ~~2. The APPLICANT or other necessary party files any required easement or other legal instrument with the Champaign County Recorder of Deeds that is needed to implement the requirements in Easements (Section 7), except for a Final Plat of Subdivision, Owners Certificate, or private subdivision covenants; and~~
 - ~~3. The following acts related to CONSTRUCTION related to any Final Plat of Subdivision, if applicable:
 - a. Approval of a Final Plat of Subdivision after the CONSTRUCTION of all physical improvements required by the Subdivision Regulations; and
 - b. Full and complete release of any Performance Guarantee related to any Final Plat of Subdivision; and~~
 - ~~4. Full approval and unconditional issuance of a Zoning Compliance Certificate, if required by the Zoning Ordinance; or~~
 - ~~5. For projects within the MS4 JURISDICTIONAL AREA, if a LDEC PERMIT is required in LDEC Permits (Section 12), a NOTICE OF TERMINATION shall be submitted to the IEPA and/ or the ZONING ADMINISTRATOR, whichever is applicable; or~~
 - ~~6. For projects outside of the MS4 JURISDICTIONAL AREA, a copy of any required Notice of Termination pursuant to paragraph 4.1A.1. of this Ordinance.~~
- B. ~~When a STORM WATER DRAINAGE PLAN is required by this Ordinance, PROJECT TERMINATION shall include the following acts:~~
 1. Any required as-built drawings or other documentation has been accepted by the Approval Authority as evidence that the requirements in Certifications (Section 9.6) have been met; and;
 2. The APPLICANT or other necessary party files any required easement or other legal instrument with the Champaign County Recorder of Deeds, needed to implement the requirements in Easements (Section 7), except for a Final Plat of Subdivision, Owner's Certificate, or private subdivision covenants; and
 3. The following acts related to CONSTRUCTION related to any Final Plat of Subdivision, if applicable:
 - a. Approval of a Final Plat of SUBDIVISION after the CONSTRUCTION of all required physical improvements required by the SUBDIVISION Regulations, and
 - b. Full and complete release of any Performance Guarantee related to any Final Plat of SUBDIVISION; and

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4. Acceptance by the ZONING ADMINISTRATOR of the certifications required in Certifications (Section 9.6) if applicable; and
5. Full approval and unconditional issuance of a Zoning Compliance Certificate, if required by the Zoning Ordinance; and
6. For projects within the MS4 JURISDICTIONAL AREA, if a LDEC PERMIT is required in LDEC Permits (Section 12), a NOTICE OF TERMINATION shall be submitted to the IEPA and/ or the ZONING ADMINISTRATOR, whichever is applicable; or
7. For projects outside of the MS4 JURISDICTIONAL AREA, a copy of any required Notice of Termination if required in ILR10 pursuant to paragraph 4.1A.4. of this Ordinance.

NON- STRIKE OUT VERSION:

5.2 Authorizations

Authorization for any LAND DISTURBANCE activity shall include the following acts in order:

- A. Approval of the STORM WATER DRAINAGE PLAN as if required by STORM WATER DRAINAGE PLAN (Section 9) in this Ordinance; and
- B. The APPLICANT or other necessary party files with the Champaign County Recorder of Deeds any required easement or other legal instrument that is needed to implement or maintain the STORM WATER DRAINAGE PLAN, except for a Final Plat of SUBDIVISION, Owner's Certificate, or private SUBDIVISION covenants, and except as provided for in Easements (Section 7); and
- C. Approval of Engineering Drawings required for any Plat of Subdivision, if applicable including the extent and nature of all proposed LAND DISTURBANCE; and
- D. For LAND DISTURBANCES in the MS4 JURISDICTIONAL AREA, approval of a LDEC PERMIT if required in LDEC Permits (Section 12) and written approval of the inspection required in Required Inspections (Section 13.5); or
- E. For LAND DISTURBANCES outside of the MS4 JURISDICTIONAL AREA that total an acre or more of LAND DISTURBANCE or less than an acre when part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that will result in an acre or more of LAND DISTURBANCE, a copy of any required ILR10 NOTICE OF INTENT pursuant to paragraph 4.1A.4. of this Ordinance or a copy of a statement from IEPA that there is no ILR10 requirement; and
- F. Approval of a Zoning Use Permit, if required by the Zoning Ordinance, including the extent and nature of all proposed LAND DISTURBANCE.

5.4 Project Termination

PROJECT TERMINATION shall include the following acts:

- A. Any required as-built drawings or other documentation has been accepted by the Approval Authority as evidence that the requirements in Certifications (Section 9.6) have been met if applicable; and;
- B. The APPLICANT or other necessary party files any required easement or other legal instrument with the Champaign County Recorder of Deeds, needed to implement the requirements in Easements (Section 7), except for a Final Plat of Subdivision, Owner's Certificate, or private subdivision covenants; and
- C. The following acts related to CONSTRUCTION related to any Final Plat of Subdivision, if applicable:

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1. Approval of a Final Plat of SUBDIVISION after the CONSTRUCTION of all required physical improvements required by the SUBDIVISION Regulations, and
 2. Full and complete release of any Performance Guarantee related to any Final Plat of SUBDIVISION; and
- D. Acceptance by the ZONING ADMINISTRATOR of the certifications required in Certifications (Section 9.6) if applicable; and
- E. Full approval and unconditional issuance of a Zoning Compliance Certificate, if required by the Zoning Ordinance; and
- F. For projects within the MS4 JURISDICTIONAL AREA, if a LDEC PERMIT is required in LDEC Permits (Section 12), a NOTICE OF TERMINATION shall be submitted to the IEPA and/ or the ZONING ADMINISTRATOR, whichever is applicable; or
- G. For projects outside of the MS4 JURISDICTIONAL AREA, a copy of any required ILR10 Notice of Termination pursuant to paragraph 4.1A.4. of this Ordinance.

Attachment RR. Revised Section 6.1 General Requirement

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STRIKE OUT VERSION:

6.1 General Requirement

~~The requirements in Land Disturbance Erosion Control (Section 11) in this Ordinance notwithstanding CONSTRUCTION or LAND DISTURBANCE shall minimize EROSION on any property and minimize SEDIMENT deposited on any adjacent property or any adjacent street or adjacent drainage ditch, roadside ditch, or stream.~~

- A. No FILL shall be placed nor GRADE altered in such a manner that it will cause SURFACE WATER upstream of the DEVELOPMENT to pond or direct surface flows in such a way as to create a nuisance.
- B. All STORM WATER shall exit the DEVELOPMENT at non-erosive velocities. All subsurface flows shall exit the DEVELOPMENT at such a velocity so as to prevent an increase in scouring or structural damage to off-site tile drains.
- C. Sizing of CULVERT crossings shall consider entrance and exit losses as well as tail water conditions on the CULVERT.
- D. No sump pump discharge or discharge from any private wastewater treatment system from a principal use established after {effective date} shall discharge directly into or within 25 feet of a roadside ditch, off-site drainage swale, stream, property line, or in such a way that it creates a nuisance condition at any time of year or contributes to erosion.
- E. No sump pump discharge or STORM WATER shall be directed to any sanitary sewer.
- F. The requirements in Land Disturbance Erosion Control (Section 11) in this Ordinance notwithstanding, CONSTRUCTION or LAND DISTURBANCE shall minimize EROSION on any property and minimize SEDIMENT deposited on any adjacent property or any adjacent street or adjacent drainage ditch, roadside ditch, or stream.

NON- STRIKE OUT VERSION:

6.1 General Requirement

- A. No FILL shall be placed nor GRADE altered in such a manner that it will cause SURFACE WATER upstream of the DEVELOPMENT to pond or direct surface flows in such a way as to create a nuisance.
- B. All STORM WATER shall exit the DEVELOPMENT at non-erosive velocities. All subsurface flows shall exit the DEVELOPMENT at such a velocity so as to prevent an increase in scouring or structural damage to off-site tile drains.
- C. Sizing of CULVERT crossings shall consider entrance and exit losses as well as tail water conditions on the CULVERT.
- D. No sump pump discharge or discharge from any private wastewater treatment system from a principal use established after {effective date} shall discharge directly into or within 25 feet of a roadside ditch, off-site drainage swale, stream, property line, or in such a way that it creates a nuisance condition at any time of year or contributes to erosion.
- E. No sump pump discharge or STORM WATER shall be directed to any sanitary sewer.

Attachment RR. Revised Section 6.1 General Requirement

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- F. The requirements in Land Disturbance Erosion Control (Section 11) in this Ordinance notwithstanding, CONSTRUCTION or LAND DISTURBANCE shall minimize EROSION on any property and minimize SEDIMENT deposited on any adjacent property or any adjacent street or adjacent drainage ditch, roadside ditch, or stream.

Attachment SS. Revised Paragraphs 6.4A. and 6.4D. Minimum Erosion Control and Water Quality Requirements

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Note: Shaded text is new text that was not included in the Draft Ordinance dated 5/19/14. Shaded strikethrough is text that was previously included in the Draft Ordinance dated 5/19/14 but that is now proposed to be deleted. Not all deleted text may be included below. Text with single underline is new text that is not included in the existing Stormwater Management Policy and that was included in the 10/29/13 Draft reviewed by ELUC. Text with double underline is new text that has been added in the public hearing.

STRIKE OUT VERSION:

6.4A. All CONSTRUCTION or LAND DISTURBANCE shall be provided with EROSION and SEDIMENT controls as necessary to minimize EROSION and SEDIMENTATION on any adjacent property, street, drainage ditch, roadside ditch, or stream. ~~All CONSTRUCTION or LAND DISTURBANCE shall be provided with EROSION and SEDIMENT controls as necessary to minimize EROSION and SEDIMENTATION from occurring on SITE property.~~ However, the lack of EROSION and SEDIMENT controls shall not itself be a violation of this Ordinance unless such controls are required pursuant to either the requirements of Section 6.4 D, or a LAND DISTURBANCE EROSION CONTROL PERMIT, or a STORM WATER DRAINAGE PLAN, or as such controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action.

(Note: Paragraph 6.4 A. above, is optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

6.4D. The following practices shall be applied to LAND DISTURBANCE activities to minimize impacts from stockpiles of soil and other erodible building material (such as sand) containing more than 150 cubic yards of material;

1. Stockpiles shall be provided a minimum separation of not be located less than 50 feet from the top of the bank of a drainage ditch or stream and not less than 30 feet from the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map and not less than 30 feet from the top of the bank of a roadside ditch or and not in a drainage ditch easement and not less than 30 feet from the nearest property line; and
2. Any additional separation distance required for stabilization and maintenance of the stockpile outside of the minimum separation required above.

~~2. A stockpile with 100 cubic yards or more of material shall be provided with appropriate EROSION and SEDIMENT controls consistent with Land Disturbance Erosion Control (Section 11) in this Ordinance except that the EROSION and SEDIMENT controls shall be in place prior to beginning the stockpile.~~

(Note: Paragraph 6.4 D. and its subparagraphs above, are optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

Attachment SS. Revised Paragraphs 6.4A. and 6.4D. Minimum Erosion Control and Water Quality Requirements

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NON- STRIKE OUT VERSION:

6.4A. All CONSTRUCTION or LAND DISTURBANCE shall be provided with EROSION and SEDIMENT controls as necessary to minimize EROSION and SEDIMENTATION on any adjacent property, street, drainage ditch, roadside ditch, or stream. However, the lack of EROSION and SEDIMENT controls shall not itself be a violation of this Ordinance unless such controls are required pursuant to either the requirements of Section 6.4 D, or a LAND DISTURBANCE EROSION CONTROL PERMIT, or a STORM WATER DRAINAGE PLAN, or as such controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action.

(Note: Paragraph 6.4 A. above, is optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

6.4D. The following practices shall be applied to LAND DISTURBANCE activities to minimize impacts from stockpiles of soil and other erodible building material (such as sand) containing more than 150 cubic yards of material;

1. Stockpiles shall be provided a minimum separation of not ~~be located~~ less than 50 feet from the top of the bank of a drainage ditch or stream and not less than 30 feet from the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map and not less than 30 feet from the top of the bank of a roadside ditch ~~or~~ and not in a drainage ditch easement and not less than 30 feet from the nearest property line; and
2. Any additional separation distance required for stabilization and maintenance of the stockpile outside of the minimum separation required above.

(Note: Paragraph 6.4 D. and its subparagraphs above, are optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

Attachment TT. Draft Evidence Regarding Cost Impact Related to Staffing
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The following is proposed to be added to item 16.B.:

- (6) Regarding the added costs to Champaign County government and taxpayers that the proposed amendment is likely to cause for adequate staffing in the Department of Planning and Zoning:
 - a. The proposed amendment will add the following new tasks for the Department of Planning and Zoning:
 - (a) The new Land Disturbance Erosion Control (LDEC) Permit requirement will add LDEC permit intake, review, approval, inspection, enforcement, and answering related inquiries. The additional staff time required for intake, review, approval, and inquiry activities related to the LDEC Permit may be comparable to the same amount of time required for a Zoning Use Permit. The additional staff time required for enforcement related to the LDEC Permit is likely to be much greater than the time required for a Zoning Use Permit due to the greater number of inspections and resultant enforcement issues that are likely to arise. The required inspections will add the most tasks because each LDEC Permit will require the following additional inspections with associated written reports:
 - i. A pre-CONSTRUCTION meeting on each SITE which has an approved ESCP (see Sec. 13.5. B.).
 - ii. Before GRADING or land disturbing activities begin, there shall be a written inspection approval of the installation of perimeter EROSION and SEDIMENT controls (see Sec. 13.5. C. 1.).
 - iii. Upon completion of stripping and stockpiling of TOPSOIL (see Sec. 13.5. C. 2.);
 - iv. Upon the CONSTRUCTION of temporary EROSION and SEDIMENT control facilities (see Sec. 13.5. C. 2.);
 - v. Upon disposal of all waste material (see Sec. 13.5. C. 2.);
 - vi. At the completion of rough GRADING, but prior to placing TOPSOIL, permanent drainage or other SITE DEVELOPMENT improvements and ground covers (Sec. 13.5. C. 2.).
 - vii. On a weekly basis or after any rainfall event one-half (1/2) inch or greater in twenty-four (24) hours, as recorded on-site, at the nearest United States Geologic

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Survey or Illinois State Water Survey rain gauge nearest the SITE. Zoning Use Permits are good for one year. Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions except that an inspection is required if there is one-half (1/2) inch or greater rain event, or snowmelt occurs (Sec. 12.5. G.). .

viii. Upon completion of FINAL STABILIZATION, including GRADING, permanent drainage and EROSION control facilities, including established ground covers and plantings, and all other work of the LDEC PERMIT (Sec. 13.5. C. 3.).

ix. Overall, each LDEC Permit will require at least one inspection per week until the Final Stabilization is achieved with an additional inspection after each ½ inch rainfall.

- (b) If the Optional Minimum Requirements in Section 6 are approved by the County Board, there will be additional permit intake, review, approval, enforcement, and inquiry activities related to those Minimum Requirements. However, in most instances, the additional staff time required for intake, review, approval, and inquiry activities will only be a small increase over the time that is currently required for the Zoning Use Permit. Any significant increase in time will probably only occur due to any required enforcement and in general, there should be no significant impact on overall staffing.
- (c) If ILR10 compliance outside of the MS4 Jurisdictional Area is approved by the County Board, there will be additional permit intake, review, approval, and inquiry activities but no additional inspection or enforcement activities.

b. Regarding the anticipated volume of the new Land Disturbance Erosion Control (LDEC) Permits:

- (a) The volume of Zoning Use Permits for the period of 12/1/12 through 8/31/14 was as follows:
 - i. As reported in the Departmental Monthly Reports which are submitted to the Environment and Land Use Committee monthly, for the entire unincorporated area there were 304 Zoning Use Permits for 245 structures in that 21 month period.

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Note that during that time period the Department issued 14 permits for reconstruction of storm damaged principal structures and if those permits are excluded from this analysis the net result is 290 permits for 231 structures which is more or less equivalent to 166 Permits for 132 structures within a 12 month period.

- ii. Of the 231 structures there were 41 structures located in the MS4 Jurisdictional Area and 190 structures located outside of the MS4 Jurisdictional Area.
- iii. Note that land disturbance is not currently reported on any Zoning Use Permit nor is it reported in the Monthly Report. For the purposes of this analysis the following assumptions were made regarding the amount of land disturbance that should be assumed for each Zoning Use Permit:
 - Typical land disturbance likely to result from construction of an entirely new principal structure (ex. a dwelling) was assumed to be one acre or more except for when the total lot area was less than an acre and then it was classified based on lot area.
 - Typical land disturbance likely to result from a relatively small addition to an existing structure or from construction of relatively small accessory structures was assumed to be less than 10,000 square feet.
 - Typical land disturbance likely to result from larger additions and additions in combination with other permitted construction was assumed to be more than 10,000 square feet but less than one acre.
- iv. Of the 41 structures located in the MS4 Jurisdictional Area, 34 of the structures involved less than 10,000 square feet of land disturbance and 2 structures involved more than 10,000 square feet but less than an acre of land disturbance and 5 structures involved an acre or more of land disturbance, based on the assumptions regarding land disturbance. Thus, in the MS4 Jurisdictional

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- Area, 7 structures (or about 3.0% of the total 231 structures) would have required an LDEC Permit in that 21 month period which is more or less equivalent to 4 structures within a 12 month period.
- v. Of the 190 structures located outside of the MS4 Jurisdictional Area, 137 of the structures involved less than 10,000 square feet of land disturbance and 16 structures involved more than 10,000 square feet but less than an acre of land disturbance and 42 structures involved an acre or more of land disturbance, based on the assumptions regarding land disturbance. Thus, if the LDEC Permit were proposed to be required outside of the MS4 Jurisdictional Area (not part of the proposed amendment), 58 structures (or about 25.1% of the total 231 structures) would have required an LDEC Permit in that 21 month period which is more or less equivalent to 33 structures within a 12 month period.
- c. Regarding the magnitude of new tasks associated with the new Land Disturbance Erosion Control (LDEC) Permits and the likely impact on staffing requirements in the Department of Planning and Zoning:
- (a) Within the MS4 Jurisdictional Area:
 - i. The proposed amendment is anticipated to result in an additional 4 permits to be approved in a typical year and an additional 4 inspections per week on average and at least 208 additional inspections per year. If enforcement issues arise the number of required inspections will increase.
 - ii. Provided that the number of LDEC Permits within the MS4 Jurisdictional Area does not greatly exceed the amount in recent years, the staffing impact for the Department should be manageable and no additional staffing is likely to be required.
 - iii. Any significant increase in the size of the MS4 Jurisdictional Area (as may occur in 2020 after the decennial Census) will have a significant impact on Department operations and additional staffing will be required.

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- (b) If LDEC Permits were required throughout the entire unincorporated area (and this is not part of the proposed amendment):
 - i. The proposed amendment would be anticipated to result in an additional 33 permits to be approved in a typical year and an additional 33 inspections per week on average and at least 1,716 additional inspections per year. If enforcement issues arise the number of required inspections will increase.
 - ii. The staffing impact for the Department under this scenario would be tremendous with additional staffing being needed for both the intake and review of the additional 33 permits each year and additional staffing needed to conduct the 33 inspections each week on average. The annual average number of permits is about 200 permits per year and those permits are processed by the two Zoning Technicians. An additional 33 permits would equate to an additional staff time of about 1/3 full time equivalent. The additional 33 inspections each week would require at least one additional full time equivalent position.

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17. Regarding statutory (legal) authority for the proposed amendment:
- A. Paragraph B.4.a.i. of Part IV of ILR40 requires that a permittee (Champaign County in this instance) must develop, implement, and enforce “...an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state or local law” (emphasis added).
 - B. Champaign County is not a home rule county and therefore Champaign County only has the statutory powers granted to non-home rule counties.
 - C. The Champaign County State’s Attorney Office has reviewed Champaign County’s statutory authority to adopt an erosion control ordinance. The power to enact an erosion control ordinance derives from a number of enumerated powers, including the authority to adopt zoning (55 ILCS 5/5-12001); the authority to require plats of subdivision (55 ILCS 5/5-1041 and 765 ILCS 205); the authority to adopt a building code (55 ILCS 5/5-1063); the authority to adopt and enforce floodplain regulations (55 ILCS 5/5-40001); the authority to adopt a water supply, drainage, and flood control ordinance (55 ILCS 5/5-15001); and the authority to establish and implement a comprehensive and coordinated erosion and sediment control plan in cooperation with other units of government (70 ILCS 405/3.12).
 - D. The Champaign County State’s Attorney Office has recommended that the authority granted to the County Board to control water pollution as provided in 55 ILCS 5/5-15015 would provide appropriate authority to amend the Stormwater Management Policy as needed. Regarding the use of authority provided in 55 ILCS 5/5-15015:
 - (1) 55 ILCS 5/5-15015 was included as Attachment E to the 10/29/13 ELUC Memorandum which introduced the Draft Storm Water Management and Erosion Control Ordinance which is the subject of Case 769-AT-13.
 - (2) 55 ILCS 5/5-15001 authorizes a county board to adopt many different authorities related to provision of water and sewer services, waste management, water and flood control, and water pollution control, but 55 ILCS 5-15015 specifically only relates to water pollution control.
 - (3) In Section 1 of the Draft Storm Water Management and Erosion Control Ordinance, the Champaign County State’s Attorney Office recommends changes subsection 1.2 as follows:

This Ordinance has been adopted pursuant to Champaign County’s authority to zone land (55 ILCS 5/5-12001); Champaign County’s authority to adopt rules and regulations for subdivisions (55 ILCS 5/5-1041); Champaign County’s authority to adopt and enforce floodplain regulations (55 ILCS 5/5-40001); and Champaign

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County's authority to adopt a water supply, drainage, and flood control ordinance (55 ILCS 5/5-15015); Champaign County's authority to establish and implement a comprehensive and coordinated erosion and sediment control plan in cooperation with other units of government (70 ILCS 405/3.12); and other applicable authority, all as amended from time to time.

- (4) 55 ILCS 5/5-15001 requires a county board to adopt the specific authority (water pollution control in this instance) in a Resolution approved by a two-thirds vote of that county board. Thus, the adoption of such a Resolution by the 22 member Champaign County Board will have to be approved by an affirmative vote of 15 members of the County Board before the Draft Ordinance can be adopted.
 - (5) The Resolution to adopt the water pollution control authority under 55 ILCS 5/5-15015 is not required to have a public hearing. The Draft Resolution should proceed in parallel with the text amendment after the ZBA makes a recommendation regarding the text amendment.
- D. The Champaign County State's Attorney Office has also determined that the best alternative to the use of authority provided in 55 ILCS 5/5-15015 is to enter into an intergovernmental agreement with the Illinois Environmental Protection Agency. Approval of such an agreement would only require a simple majority approval (12 of 22 elected members).

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18. Regarding the alternative versions of the text amendment that the County Board may adopt:
- A. As described in the ELUC Memorandum dated 10/29/13, the Draft Ordinance includes certain “minimum erosion control and water quality requirements” in Sections 6.1, 6.4 and 6.5 that are proposed to be required in the entire unincorporated area for any land disturbance and/or construction. These minimum erosion control requirements are not required for compliance with the NPDES requirements outside of the MS4 Jurisdictional Area and that is why the County Board has the option of not requiring these minimums outside of the MS4 Jurisdictional Area. The Zoning Board of Appeals *{HAS / HAS NOT}* included paragraph 6.4A. in their recommendation to the County Board. The minimum erosion control requirements consist of the following:
- (1) Paragraph 6.1F in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 requires that all construction or land disturbance anywhere in the unincorporated area minimize EROSION on any property and minimize SEDIMENT deposited on any adjacent property. Regarding paragraph 6.1F:
- a. Paragraph 6.1F. in the Draft ordinance dated 12/5/14 was essentially unchanged from Section 6.1 (except for numbering) that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13.
 - b. Paragraph 6.1 F. will apply to all construction sites in the unincorporated area but the County Board has the option of not adopting paragraph 6.1 F.
 - c. The intent of paragraph 6.1F. is that in conjunction with Subsections 6.4 and 6.5 it authorizes the Zoning Administrator to require actions to be taken for land disturbance pursuant to a Zoning Use Permit if that land disturbance causes erosion or sedimentation on adjacent land. Note that the Zoning Administrator is most likely to become aware of such erosion or sedimentation on adjacent land as a result of a complaint from a neighboring landowner.
 - d. The requirements of paragraph 6.1F. are not required for compliance with the MS4 requirements in the MS4 Jurisdictional Area. Sections 13 and 15 of the Draft ordinance dated 12/5/14 established a similar but more restrictive requirement for all LDEC Permits within the MS4 Jurisdictional Area and therefore no other change is required to the Draft ordinance if the County Board chooses to not approve paragraph 6.1F..
 - e. Paragraph 6.1 F. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.

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- (1) Paragraph 6.4A. in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 requires all construction or land disturbance anywhere in the unincorporated area to be provided with erosion and sedimentation controls as needed to minimize erosion and sedimentation. Regarding paragraph 6.4A:
- a. Paragraph 6.4A. in the Draft ordinance dated 12/5/14 was essentially unchanged from paragraph 6.4A. that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13.
 - b. Paragraph 6.4A. will apply to all construction sites in the unincorporated area but the County Board has the option of not adopting paragraph 6.4 A.
 - c. The intent of paragraph 6.4A. is that in conjunction with paragraph 6.5, it authorizes the Zoning Administrator to require erosion and sedimentation controls for land disturbance pursuant to a Zoning Use Permit if that land disturbance causes erosion or sedimentation on adjacent land. Note that the Zoning Administrator is most likely to become aware of such erosion or sedimentation on adjacent land as a result of a complaint from a neighboring landowner.
 - d. The requirements of paragraph 6.4A. are required for compliance with the MS4 requirements in the MS4 Jurisdictional Area. Paragraph 11.2A. in the Draft ordinance dated 12/5/14 established a similar but more restrictive requirement for all LDEC Permits (within the MS4 Jurisdictional Area) and all STORM WATER DRAINAGE PLANS and thus, no other change is required to the Draft ordinance if the County Board chooses to not approve paragraph 6.4A.
 - e. Paragraph 6.4A. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- (2) Paragraph 6.4 B. in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 requires an EROSION AND SEDIMENT CONTROL PLAN only pursuant to either a LAND DISTURBANCE EROSION CONTROL PERMIT (within the MS4 Jurisdictional Area) or a STORM WATER DRAINAGE PLAN or as such controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action. Regarding paragraph 6.4B:
- a. Paragraph 6.4B. in the Draft ordinance dated 12/5/14 was essentially unchanged from paragraph 6.4B. that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13.

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- b. Paragraph 6.4B. will apply to all construction sites in the unincorporated area but the County Board has the option of not adopting paragraph 6.4 B.
 - c. The intent of paragraph 6.4B. is that in conjunction with paragraph 6.5 it authorizes the Zoning Administrator to require an EROSION AND SEDIMENT CONTROL PLAN if land disturbance pursuant to a Zoning Use Permit causes erosion or sedimentation on adjacent land. Note that the Zoning Administrator is most likely to become aware of such erosion or sedimentation on adjacent land as a result of a complaint from a neighboring landowner.
 - d. The requirements of paragraph 6.4B. are not required for compliance with the MS4 requirements in the MS4 Jurisdictional Area because paragraphs 9.5G. and 11.2A. in the Draft ordinance dated 12/5/14 established a similar requirement for all STORM WATER DRAINAGE PLANS and paragraph 12.1L. establishes a similar requirement for any LDEC Permit within the MS4 Jurisdictional Area and thus, no other change is required to the Draft ordinance if the County Board chooses not to approve paragraph 6.4B.
 - e. Paragraph 6.4B. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- (3) Paragraph 6.4C. in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 requires all construction site operators to control waste at the construction site that may cause adverse impacts to water quality. Regarding paragraph 6.4C:
- a. Paragraph 6.4C. in the Draft ordinance dated 12/5/14 was essentially unchanged from paragraph 6.4C. that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13.
 - b. Paragraph 6.4C. will apply to all construction sites in the unincorporated area.
 - c. The intent of paragraph 6.4C. is that in conjunction with paragraph 6.5 it authorizes the Zoning Administrator to require appropriate control of construction site waste pursuant to a Zoning Use Permit if construction site waste blows or is carried onto adjacent property. Note that the Zoning Administrator is most likely to become aware of blowing or carrying of construction site waste onto adjacent land as a result of a complaint from a neighboring landowner.

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- d. The requirements of paragraph 6.4C. are required for compliance with the MS4 requirements in the MS4 Jurisdictional Area.
 - e. No other paragraph in the Draft ordinance dated 12/5/14 established a similar requirement in the MS4 Jurisdictional Area and therefore, if the County Board chooses not to approve paragraph 6.4C. this paragraph should be relocated and renumbered to become paragraph 11.1C. so that it will be a requirement only in the MS4 Jurisdictional Area.
 - f. Paragraph 6.4C. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- (4) Paragraph 6.4D. in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 establishes minimum requirements for locations of stockpiles of soil and other erodible building materials. Regarding paragraph 6.4D:
- a. Paragraph 6.4D. in the Draft ordinance dated 12/5/14 was revised from paragraph 6.4D. that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13 as follows:
 - (a) The threshold size of stockpile was increased from 100 cubic yards of material in the 10/29/13 attachment to 150 cubic yards of material in the Draft ordinance dated 12/5/14. This increase in the threshold size may exempt stockpiles of soil for smaller homes with no basement and thereby reduce the cost impacts of the proposed minimum requirements.
 - (b) The required minimum separation of 30 feet from all relevant objects (drainage ditch, roadside ditch, drainage swale, or stream or a drainage ditch easement) in the 10/29/13 attachment was increased in the Draft ordinance dated 12/5/14 to 50 feet from the top of the bank of a drainage ditch or stream and the separation of 30 feet to a property line was added. These changes were made for consistency with other requirements of the Draft Ordinance.
 - (c) The attachment to the ELUC Memorandum dated 10/29/13 required any stockpile with 100 cubic yards of material to be provided with appropriate EROSION and SEDIMENT control consistent with Section 11 of this Ordinance except that the EROSION and SEDIMENT controls shall be in place prior to beginning the stockpile. The Draft ordinance dated 12/5/14 did not require EROSION and SEDIMENT controls but paragraph 6.4A. provides that controls may be

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required by the ZONING ADMINISTRATOR pursuant to an enforcement action.

- b. Paragraph 6.4D. will apply to all construction sites in the unincorporated area.
 - c. The intent of paragraph 6.4D. is that in conjunction with paragraph 6.5 it authorizes the Zoning Administrator to require appropriate control of construction site waste pursuant to a Zoning Use Permit if construction site waste blows or is carried onto adjacent property. Note that the Zoning Administrator is most likely to become aware of blowing or carrying of construction site waste onto adjacent land as a result of a complaint from a neighboring landowner.
 - d. The requirements of paragraph 6.4D. are not required for compliance with the MS4 requirements in the MS4 Jurisdictional Area because similar requirements are already included in Section 11.5.
 - e. Paragraph 6.4D. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- (4) Paragraph 6.4E. in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 establishes minimum separations of land disturbance from streams, drainage ditches, and major drainage swales and as proposed, will apply to all construction sites in the unincorporated area. Regarding paragraph 6.4 E.:
- a. Paragraph 6.4E. in the Draft ordinance dated 12/5/14 was revised from paragraph 6.4E. that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13 by changing the required minimum separation of 30 feet from all relevant objects (drainage ditch, roadside ditch, drainage swale, or stream or a drainage ditch easement) in the 10/29/13 attachment to 50 feet from the top of the bank of a drainage ditch or stream and the separation of 30 feet to a property line in the Draft ordinance dated 12/5/14. These changes were made for consistency with other requirements of the Draft Ordinance.
 - b. Paragraph 6.4E. will apply to all construction sites in the unincorporated area.
 - c. The requirements of paragraph 6.4E. may not be a clear requirement for compliance with the MS4 requirements in the MS4 Jurisdictional Area but are consistent with the MS4 requirements and are generally considered to be a best practice to reduce water pollution from soil erosion and sedimentation.

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- d. The minimum separations required by paragraph 6.4E. also make sense on similarly situated properties outside the MS4 Jurisdictional Area where erosion and sedimentation controls are only required pursuant to an enforcement action.
 - e. No other paragraph in the Draft ordinance dated 12/5/14 established a similar requirement in the MS4 Jurisdictional Area and therefore, if the County Board chooses not to approve paragraph 6.4E. this paragraph should be relocated and renumbered to become paragraph 11.1D. so that it will be a requirement only in the MS4 Jurisdictional Area.
 - f. Paragraph 6.4E. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- (5) Paragraph 6.4F. in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 requires that adjacent streets, sidewalks, and public areas be kept free of sediment and that any soil or SEDIMENT tracked onto a street, sidewalk or public area shall be removed before the end of each workday or sooner if directed by the relevant Authority. Regarding paragraph 6.4 F.:
- a. Paragraph 6.4F. in the Draft ordinance dated 12/5/14 was essentially unchanged from paragraph 6.4F. that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13.
 - b. Paragraph 6.4F. will apply to all construction sites in the unincorporated area but the County Board has the option of not adopting paragraph 6.4 F.
 - c. The intent of paragraph 6.4F. is that in conjunction with paragraph 6.5, it authorizes the Zoning Administrator to require sediment to be removed from any street, sidewalk or public area pursuant to a Zoning Use Permit if that land disturbance caused sedimentation on the street, sidewalk or public area. Note that the Zoning Administrator is most likely to become aware of such sedimentation as a result of a complaint from a neighboring landowner or relevant highway authority.
 - d. The requirements of paragraph 6.4F. are not required for compliance with the MS4 requirements in the MS4 Jurisdictional Area because Section 11.3 in the Draft ordinance dated 12/5/14 established a similar requirement for all STORM WATER DRAINAGE PLANS and any LDEC Permit within the MS4 Jurisdictional Area and thus, no other change is required to the Draft ordinance if the County Board chooses not to approve paragraph 6.4F.

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- e. Paragraph 6.4F. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- (5) Subsection 6.5 in the Draft *Storm Water Management and Erosion Control Ordinance* dated 12/5/14 provides for site inspection and enforcement of erosion and sedimentation controls in limited circumstances for any CONSTRUCTION or LAND DISTURBANCE that is not subject to the requirement for a LAND DISTURBANCE EROSION CONTROL PERMIT. Regarding subsection 6.5:
- a. Subsection 6.5 in the Draft ordinance dated 12/5/14 was essentially unchanged from subsection 6.5 that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13.
 - b. Subsection 6.5 will apply to all construction sites in the unincorporated area but the County Board has the option of not adopting subsection 6.5.
 - c. The intent of subsection 6.5 is that in conjunction with paragraphs 6.4 A. through 6.4 F. it authorizes the Zoning Administrator to require actions to be taken for land disturbance pursuant to a Zoning Use Permit if that land disturbance causes erosion or sedimentation on adjacent land. Note that the Zoning Administrator is most likely to become aware of such erosion or sedimentation on adjacent land as a result of a complaint from a neighboring landowner.
 - d. The requirements of subsection 6.5 are not required for compliance with the MS4 requirements in the MS4 Jurisdictional Area. Sections 13 and 15 of the Draft ordinance dated 12/5/14 established a similar but more restrictive requirement for all LDEC Permits within the MS4 Jurisdictional Area and therefore no other change is required to the Draft ordinance if the County Board chooses to not approve subsection 6.5.
 - e. Subsection 6.5 *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- B. The ELUC Memorandum dated 10/29/13 and the Draft Ordinance that was attached did not adequately address compliance with the Illinois EPA's ILR10 General Stormwater Permit but compliance with the ILR10 Permit was included in the legal advertisement for this text amendment. The County Board has the option of not requiring compliance with the ILR10 outside of the MS4 Jurisdictional Area except for Floodplain Development Permits and the Zoning Board of Appeals *{HAS / HAS NOT}* recommended requiring compliance with the ILR10 outside of the MS4 Jurisdictional Area. Regarding the option of requiring ILR10 compliance outside of the MS4 Jurisdictional Area:

Attachment VV. Draft Evidence Regarding County Board Options
Case 769-AT-14
DECEMBER 5, 2014

- (1) Paragraph 4.1A. in the Draft ordinance dated 12/5/14 was not included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13. The only information provided in the 10/29/13 Attachment regarding the ILR10 General Stormwater Permit was the definition.
- (2) Paragraph 4.1A. in the Draft ordinance dated 12/5/14 was added during the public hearing for the following purposes:
 - a. To clarify in general what the ILR10 requirements are and when the ILR10 requirements are triggered. This is provided in subparagraphs 4.1A.1. and 2.
 - b. To require the Zoning Administrator to advise any Applicant when the ILR10 requirements seem to be applicable in general. This is required in subparagraph 4.1A.3.
 - c. To identify when it is necessary to document ILR10 compliance for the purposes of any required County permit. This is accomplished in subparagraphs 4.1 A.4.a., b., and c. as follows:
 - (a) Subparagraph 4.1A.4.a. requires ILR10 compliance for any Major LDEC Permit as authorized under Section 12.3. This is required for the County to meet the MS4 requirements.
 - (b) Subparagraph 4.1A.4.b. requires ILR10 compliance for any Floodplain Development Permit as authorized by the Champaign County *Special Flood Hazard Area Ordinance*. Paragraph 5.G. of the *Special Flood Hazard Area Ordinance* requires the Zoning Administrator to obtain a copy of all other state permits that may be required for floodplain development and the ILR10 is such a permit.
 - (c) Subparagraph 4.1A.4.c. requires ILR10 compliance for any any other LAND DISTURBANCE not exempted by Section 4.2 or Section 4.4.
- (3) The requirements of sub paragraphs 4.1A.4.a. and b. are required for compliance with the MS4 requirements in the MS4 Jurisdictional Area and required throughout the unincorporated area for compliance with the Champaign County *Special Flood Hazard Areas Ordinance* and therefore subparagraphs 4.1A.4.a. and b. in the 12/5/14 Draft are not optional.
- (4) The requirement of subparagraph 4.1A.4.c. is not required for compliance with the MS4 requirements and therefore subparagraph 4.1A.4.c. in the 12/5/14 Draft is optional for the County Board to adopt. If the County Board chooses to not require compliance with ILR10 outside of the MS4 Jurisdictional Area, subparagraph 4.1A.4.c. should not be approved.

Attachment VV. Draft Evidence Regarding County Board Options
Case 769-AT-14
DECEMBER 5, 2014

- (5) ILR10 compliance is already a requirement throughout the State of Illinois and the County Board could choose not to require ILR10 compliance as a requirement for County permitting other than in the MS4 Jurisdictional Area and as required throughout the unincorporated area for compliance with the Champaign County *Special Flood Hazard Areas Ordinance*.
 - (6) Paragraph 4.1A.3. of the Draft Ordinance requires the Zoning Administrator to make all applicants for County permits aware of the need for an ILR10 permit when the ILR10 seems to be applicable, even if compliance is not required for County permitting.
 - (7) If the County Board chooses to require ILR10 compliance for all County permitting it would ensure greater consistency with state law and would assist the IEPA in prevention of water pollution.
 - (8) Either approach to ILR10 compliance will be consistent with the Land Resource Management Plan.
 - (9) Subparagraph 4.1A.4.c. in the 12/5/14 Draft *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.
- C. The ELUC Memorandum dated 10/29/13 and the Draft Ordinance that was attached included an optional \$50 fee for the proposed Minor Land Disturbance Erosion Control (LDEC) Permit. The Zoning Board of Appeals *{HAS / HAS NOT}* recommended requiring a fee for the Minor LDEC Permit. Regarding the option of requiring a fee for the Minor LDEC Permit:
- (1) Paragraph 12.4B. in the Draft ordinance dated 12/5/14 requires a \$50 fee for the proposed Minor Land Disturbance Erosion Control (LDEC) Permit and was essentially identical to paragraph 12.4A. that was included in the Draft Ordinance attachment to the ELUC Memorandum dated 10/29/13.
 - a. Paragraph 12.4B. will apply only to Minor LDEC Permits in the MS4 Jurisdictional Area.
 - b. The intent of paragraph 12.4B. is only a partial recapture of the extra costs related to the processing and review of the Minor LDEC Permit. The proposed fee is not intended to capture any of the additional costs related to the extra inspections required for the Minor LDEC Permit.
 - e. Paragraph 12.4B. *{IS / IS NOT}* included in the recommendation by the Zoning Board of Appeals.

Attachment WW. Draft Evidence Regarding Public Outreach
Case 769-AT-14
DECEMBER 5, 2014

19. Regarding the actions necessary to communicate to the public the additional information that will be required for all Zoning Use Permits and Floodplain Development Permits and the proposed Land Disturbance Erosion Control Permits:
- A. The Zoning Board of Appeals has reviewed the following new or revised documents:
- (1) A proposed Draft handout titled “Erosion Control Requirements in Rural Champaign County”. Regarding this Draft handout:
 - (a) The Draft *Erosion Control Requirements in Rural Champaign County* handout summarizes the proposed amendment including the optional minimum erosion control requirements proposed in Section 6 of the Draft amendment but does not include the optional ILR10 requirement. If the County Board chooses not to adopt the optional minimum erosion control requirements in Section 6 the Draft handout will need to be modified accordingly and if the County Board chooses to require ILR10 compliance outside of the MS4 Jurisdictional Area for more than floodplain development, the Draft handout will also need to be modified accordingly.
 - (b) The Draft *Erosion Control Requirements in Rural Champaign County* handout also includes a brief explanation of the Illinois Environmental Protection Agency’s ILR10 General Stormwater Permit and refers readers to the url for the IEPA website.
 - (c) The Draft *Erosion Control Requirements in Rural Champaign County* handout includes an example residential site plan such as is required for any Zoning Use Permit Application and includes an example erosion and sediment control plan (ESCP) such as will be required for the proposed LDEC Permit.
 - (d) The Draft *Erosion Control Requirements in Rural Champaign County* handout also includes a map of the Champaign County MS4 Jurisdictional Area.
 - (e) The Zoning Board of Appeals has reviewed the Draft handout and found it to be *{ACCURATE / INACCURATE}* in summarizing the proposed amendment and anticipate that the proposed Draft handout will be *{HELPFUL/ UNHELPFUL}* in communicating the erosion and sediment control requirements.
 - (2) A Revised Zoning Use Permit Application Form proposed to be titled “Land Disturbance and Zoning Use Permit Application”. Regarding this revised application form:
 - (a) The revised application form is based on the current Zoning Use Permit Application form.
 - (b) The revised application form has been modified so that it can also be used for the proposed Land Disturbance Erosion Control

Attachment WW. Draft Evidence Regarding Public Outreach
Case 769-AT-14
DECEMBER 5, 2014

(LDEC) Permit and also for the Grading and Demolition permits that are proposed in related Case 773-AT-14. Note that if Case 773-AT-14 is not adopted by the County Board the revised application form will need to be further revised to remove the mention of the Grading and Demolition permit.

- (c) The Zoning Board of Appeals has reviewed the revised application form and determined that the revised application form should be *{ADEQUATE / INADEQUATE}* for use upon adoption of the proposed amendment.

EROSION CONTROL REQUIREMENTS IN RURAL CHAMPAIGN COUNTY

REVISED DRAFT Dec. 5, 2014

Soil erosion and sedimentation (E&S) can damage property and pollute streams. Disturbance of one acre or more of land by construction and earth moving activities (or less than an acre if it is part of a “common plan of development or sale of record” that ultimately disturbs one acre or greater) is regulated in the State of Illinois by the Illinois Environmental Protection Agency (IEPA) through the “ILR10” Permit.

An ILR10 Permit with the IEPA is required if there is disturbance of one acre or more of land or less than an acre if it is part of a “common plan of development or sale of record” that ultimately disturbs one acre or greater. Application is made by filing a Notice of Intent with the IEPA. Appropriate E&S controls are required and IEPA fees apply. See www.epa.state.il.us/water/permits/storm-water/construction.html.

Champaign County also regulates erosion and sedimentation (E&S) caused by non-agricultural activities. E &S requirements are in the *Champaign County Storm Water Management and Erosion Control Ordinance* enforced by the Department of Planning and Zoning (zoningdept@co.champaign.il.us or 384-3708). E&S requirements may be summarized as follows:

- **In most of rural (unincorporated) Champaign County, E&S controls must only be provided as necessary to minimize erosion and sedimentation*.** Consult with your contractor or builder. A Zoning Use Permit is required and other permits, approvals, and fees may also be required.
- **The following E&S related requirements apply throughout the rural (unincorporated) area:**
 - **New sump pump or private wastewater system discharges shall not discharge in such a way to create a nuisance condition or cause erosion or discharge directly into or within 25 feet of a roadside ditch, off-site drainage swale, stream, or property line.***
 - **Construction waste must be properly disposed of and prevented from being carried off-site by wind or water.***
 - **Permits are required for Grading and/ or Demolition that disturbs one acre or more of land.**
 - **Stockpiles of soil and other erodible material (such as sand) with a total volume of 150 cubic yards or more shall not be located in a drainage ditch easement or less than 50 feet from the top of bank of a drainage ditch or stream or 30 feet from the centerline of a swale or roadside ditch or property line.*** See the attached example Zoning Use Permit Site Plan.
 - **Any soil or sediment tracked onto a street, sidewalk or public area shall be removed before the end of each workday or sooner if directed by the relevant Authority.***
 - **If erosion or sedimentation does occur on adjacent land then E&S controls may be required.***
- **Additional Erosion Control Requirements in the 100-year Floodplain:**
 - **If there is one acre or more of land disturbance in the 100-year floodplain, a Notice of Intent to comply with the ILR10 Permit must be filed with the IEPA and a copy of the NOI must be provided as part of the required Champaign County Floodplain Development Permit and Zoning Use Permit. The ILR10 Permit requires appropriate E&S controls and ILR10 fees apply.**
- **Additional Erosion Control Requirements in the Champaign County MS4 Area:**

“Land Disturbance Erosion Control” (LDEC) permits are required in the Champaign County MS4 Jurisdictional Area in addition to a Zoning Use Permit. See the attached map of the Champaign County MS4 Jurisdictional Area. The LDEC Permit requirements may be summarized as follows:
- **Any Land Disturbance in the MS4 Jurisdictional Area requires a LDEC Permit but certain exemptions apply.** Contact the Department of Planning and Zoning (zoningdept@co.champaign.il.us or 384-3708). A Zoning Use Permit and other approvals and fees may also be required.
 - **If there is disturbance of one acre or more of land (or less if part of a “common plan of development or sale of record” that ultimately disturbs one acre or greater), a Notice of Intent (NOI) to comply with the ILR10 permit must be filed with the IEPA and copies of the NOI and all other ILR10 documents must be provided to Champaign County. ILR10 fees also apply.**
 - **An Erosion and Sedimentation Control Plan is required.** See the Example Erosion and Sediment Control Plan (ESCP) for a New Home on a Typical Rural Lot in the MS4 Area.
 - **E & S controls (such as a silt fence or stabilized construction entrance) must be in place before construction is authorized and extra inspections are required and additional fees apply.***

* indicates proposed “optional minimum requirements” in Section 6 of the Draft Ordinance

Champaign County
 Department of
PLANNING & ZONING
 1776 E. Washington Street
 Urbana, Illinois 61802
 Telephone: (217) 384-3708
 FAX: (217) 819-4021
 zoningdept@co.champaign.il.us
 Hours: 8:00 a.m. - 4:30 p.m.

For Office Use Only	
Township	_____
Section	_____ T _____ R _____
PIN	_____
Permit Application No.	_____
Receipt No.	_____ Fee _____
Date	_____ Zoning District _____
Lot Area	_____

LAND DISTURBANCE and ZONING USE PERMIT APPLICATION FORM

1. INSTRUCTIONS TO APPLICANTS:

All information requested must be completed on this application. Applicants are encouraged to visit this office and assistance will be given in filling out this form. If possible, please call (217) 384-3708 for an appointment to avoid delays.

Application is hereby made for the following (check all that apply):

- Grading and/or Demolition Permit not related to any construction (located outside of the MS4 Jurisdictional Area)
- LAND DISTURBANCE EROSION CONTROL PERMIT (required in the MS4 Jurisdictional Area in addition to any required ZONING USE PERMIT and ZONING COMPLIANCE CERTIFICATE)
- ZONING USE (or CHANGE OF USE) PERMIT and ZONING COMPLIANCE CERTIFICATE

In making this application, the applicant represents that all the following statements and any attached maps and drawings are a true description of the proposed land disturbance and any new or altered uses and/or structures. The applicant agrees that the permit(s) applied for, if granted, is issued based on the content of this application and that any permit issued may be revoked if any information contained in this application is found to be false or inaccurate.

A permit issued pursuant to this application grants only the right to disturb land, erect structures or to use any premises as described in this application and to disturb no other land or erect no other structures or conduct any other use nor relieve the applicant from obtaining any other permit required by the Zoning Ordinance, or by other ordinances, codes or regulations of the County of Champaign, Illinois.

The applicant further agrees to notify the Zoning Administrator at the completion of the activities stated on any permit. The Zoning Administrator shall, upon completion of construction, inspect the premises and issue or refuse a ZONING COMPLIANCE CERTIFICATE. It is further understood that unless construction is started within 180 days and unless it is substantially completed within 365 days, this permit shall become null and void according to Section 9.1.2(D) of the Zoning Ordinance.

2. IDENTIFICATION - To be completed by all applicants:

	NAME	MAILING ADDRESS	ZIP CODE	PHONE NO.
Owner/Lessee				
Contractor				
Engineer				
Architect				

3. LOCATION OF PROPOSED CONSTRUCTION OR GRADING OR DEMOLITION:

Address of Proposed Construction: _____

Legal Description of Property: _____

(description by metes and bounds or lot number, block number and name of subdivision - attach additional sheets if necessary)

4. PERMANENT IDENTIFICATION NUMBER: _____

5. LOT AREA (Acres or Square Feet): _____

6. ZONING DISTRICT:

Property is located in the _____ Zoning District.

7. SPECIAL FLOOD HAZARD AREA:

_____ Yes _____ No Panel No. 170894 _____ B/C

8. USE OF EXISTING PROPERTY AND STRUCTURES:

Existing Use: _____
(Commercial, industrial, residential, agricultural, vacant lot, etc.)

9. PROPOSED USE and CONSTRUCTION or LAND DISTURBANCE:

- A. () Land Disturbance* only (including grading and/ or demolition; specify which)
- B. () New Building with Land Disturbance* (indicate use below)
- C. () Alterations or additions to buildings with Land Disturbance* (indicate use below)
- D. () Other: _____

* Land Disturbance that is not exempted by *Champaign County Land Disturbance Erosion Control and Storm Water Management Ordinance*

Proposed Use (check all that apply):

RESIDENTIAL		NONRESIDENTIAL	
<input type="checkbox"/>	One family	<input type="checkbox"/>	Amusement, recreational
<input type="checkbox"/>	Two family or more - number of units _____	<input type="checkbox"/>	Church, other religious
<input type="checkbox"/>	Transient Motel, Motel, or dormitory - number of units _____	<input type="checkbox"/>	Parking garage
<input type="checkbox"/>	Garage - attached	<input type="checkbox"/>	Service station, repair garage
<input type="checkbox"/>	Garage - detached	<input type="checkbox"/>	Hospital, institutional
<input type="checkbox"/>	Carport	<input type="checkbox"/>	Office, bank, professional
<input type="checkbox"/>	Other - specify _____	<input type="checkbox"/>	Public utility
<input type="checkbox"/>	Basement	<input type="checkbox"/>	School, library, other educational
<input type="checkbox"/>		<input type="checkbox"/>	Stores, mercantile
<input type="checkbox"/>		<input type="checkbox"/>	Towers, tanks
<input type="checkbox"/>		<input type="checkbox"/>	Other - specify _____

10. ESTIMATED COST OF CONSTRUCTION: _____

11. SITE PLAN:

A. SPECIFICATIONS: For each building, structure, or use (existing and proposed) identify on the plat (see below) the following information, if applicable:

Structure	Height in Feet	No. of Stories	No. of Dwelling Units	Area in Square Feet*	No. of Parking Spaces	Source of Water Supply	Means of Wastewater Disposal
Existing							
Proposed							

* Include all interior areas (including basement & attached garage) and all exterior covered porches.

*Include floor plans for all public use buildings pursuant to IEBA/ADA

Total Proposed Area of Land Disturbance (including construction access)	
---	--

B. SITE OR PLOT PLAN – To Be Submitted By Applicant

A plat (map) drawn to approximate scale is attached and shows the following:

- 1) Actual shape and size of lot or property (including overall dimensions)
- 2) Label adjacent streets and roads (by number or name)
- 3) Location and dimensions of any known easements and near-by water body or drainage ditch
- 4) Location, ground area, dimensions, and identification of use of all (existing and proposed) buildings, structure, driveways, parking areas
- 5) Dimensions of front, side, and rear yards
- 6) Location of well and septic system (if any) including the location of any discharge (outlet) from any private wastewater treatment system from a principal use established after {effective date}
- 7) The location of any sump pump outlet from a principal use established after {effective date}
- 8) Signed and sealed construction plans indicating compliance with IEBA/ADA when relevant
- 9) Total proposed area of land disturbance (including construction access)

- NOTES: * **Dimensions of buildings & yards should total the overall dimensions of the lot.**
 ** **Residential Accessory buildings that are more than 1,000 sq.ft. in area must have floor plans or indicate interior walls on the site plan.**
 *** Include a copy of any permits from other agencies (e.g., Illinois Environmental Protection Agency) which may be required to approve these facilities.

12. EROSION and SEDIMENT CONTROL PLAN – To Be Submitted By Applicant

(When required by *Champaign County Land Disturbance Erosion Control and Storm Water Management Ordinance*)

NOTE: If one acre of land (or more) is to be disturbed in the MS4 Jurisdictional Area, attach the Supplemental Land Disturbance Erosion Control Application Form from Technical Appendix B of the *Champaign County Land Disturbance Erosion Control and Storm Water Management Ordinance*, and also include copies of the Notice of Intent (NOI) and the Storm Water Pollution Prevention Plan (SWPPP) submitted to the IEPA for ILR10 compliance.

SITE PLAN MAY BE DRAWN ON THE FOLLOWING PAGE OR ATTACHED AS A SEPARATE DOCUMENT– NO LARGER THAN 11" x 17"

13. The signature below shall evidence the agreement of the owner to abide by all requirements of the Champaign County Zoning Ordinance and, if applicable, the Champaign County Storm Water Management and Erosion Control Ordinance.

If signed by the owner's agent, or officer of the legal ownership, the signature shall also be a representation by the applicant that he or she is authorized to act on behalf of the owner and oblige the owner to all responsibilities imposed by this Ordinance.

The signature shall also evidence the agreement of the owner to expressly grant permission to the representatives of the Champaign County Planning and Zoning Department to enter the premises under development at reasonable times, for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance and, if applicable, the Champaign County Storm Water Management and Erosion Control Ordinance.

Date _____

Signature _____

Owner

Officer

Agent

NOTE: Neither a Zoning Use Permit Application nor a Receipt authorize construction and construction without a valid Zoning Use Permit is a violation of the *Champaign County Zoning Ordinance* punishable by a fine of up to \$500 per day.

NOTE: Land disturbance or construction without an Inspected and Approved Erosion and Sediment Control Plan (when required by the *Champaign County Storm Water Management and Erosion Control Ordinance*) or an approved Land Disturbance Erosion Control Permit (also when required by the *Champaign County Storm Water Management and Erosion Control Ordinance*) is a violation of the *Champaign County Storm Water Management and Erosion Control Ordinance* punishable by a fine of up to \$500 per day.

BELOW THIS LINE FOR OFFICE USE ONLY

A. Floodplain : () Yes () No Panel No. 170894 _____ B/C

NOTE: See Floodplain Development Permit Application (if applicable) for relevant floodplain information.

B. LAND DISTURBANCE EROSION CONTROL PERMIT AUTHORIZATION (if applicable):

() Land Disturbance Erosion Control Permit Not Required

() Erosion and Sediment Control Plan Inspected and Approved (if applicable) Date _____

Signature of Inspector/Enforcing Officer

() Land Disturbance Erosion Control Permit Approved (if applicable). Permit # _____ Date _____

() Land Disturbance Erosion Control Permit Denied Cause (if applicable): _____

Signature of Enforcing Officer

C. Land Disturbance Erosion Control Permit Comments (if applicable):

D. Use per Section 5.2 of Zoning Ordinance: Single Family Home _____
Other _____

E. () Zoning Use Permit issued (if applicable). Permit # _____ Date _____
() Zoning Use Permit denied (if applicable). Cause: _____

Signature of Enforcing Officer

F. Additional Zoning Use Permit comments:

G. ZONING COMPLIANCE (if applicable):
() NOTICE OF COMPLETION OF CONSTRUCTION. Date: _____
() Zoning Compliance Certificate Issued. Certificate #. _____ Date: _____
() Zoning Compliance Certificate Denied. Cause: _____

Signature of Enforcing Officer

H. Additional Comments:

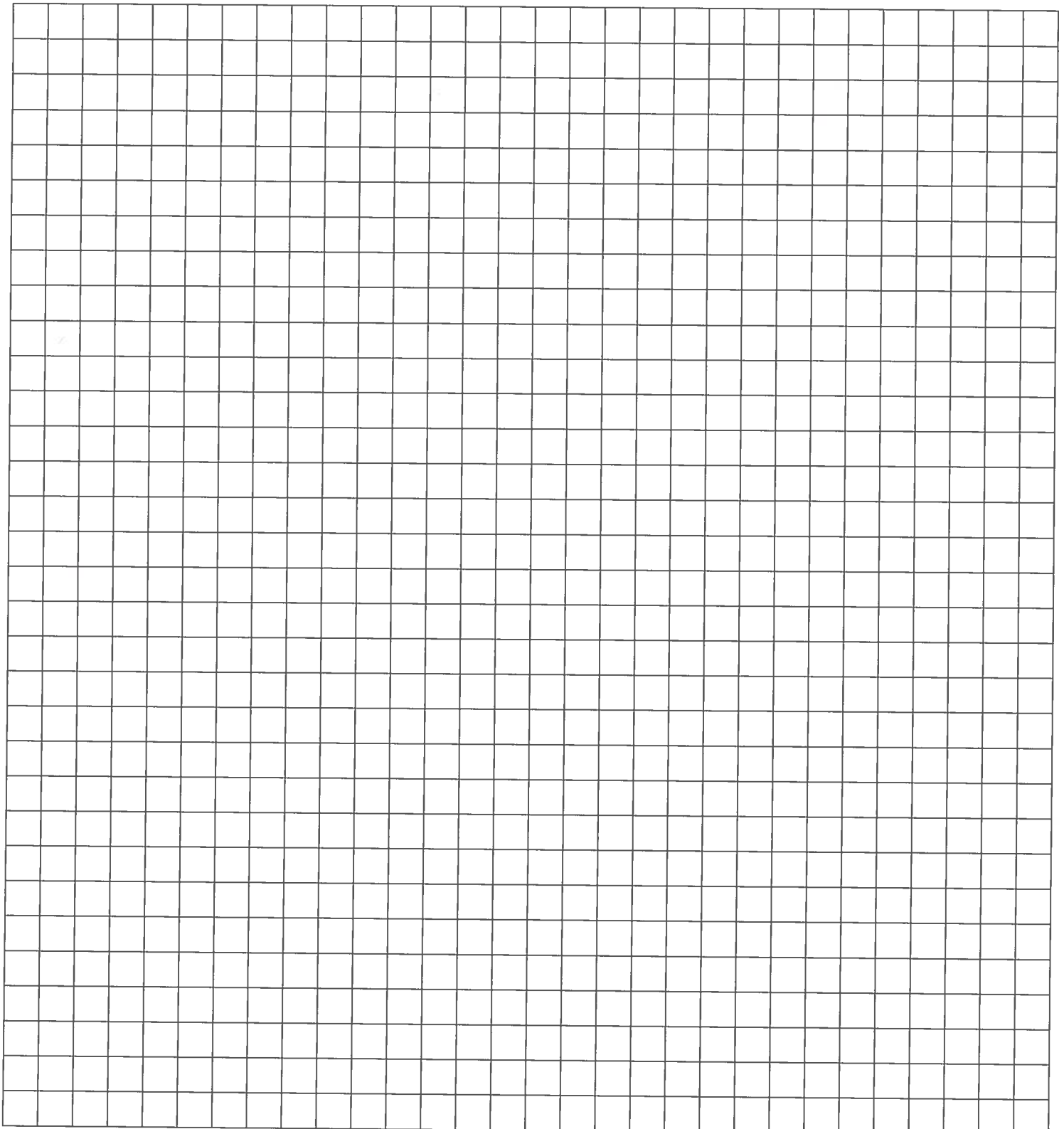
I. LAND DISTURBANCE EROSION CONTROL PERMIT TERMINATION (if applicable):

Minor: () LETTER OF TERMINATION. Date: _____

Major: () NOTICE OF TERMINATION. Date: _____

Signature of Enforcing Officer

J. Additional Comments:



Check which applies:

- Site Plan
- Erosion & Sediment. Control Plan
- Other: _____

Date Received: _____

North Arrow:



Approval (Office Use Only):

Permit Application No. _____

Applicant Name: _____

Champaign County
 Department of
PLANNING & ZONING
 1776 E. Washington Street
 Urbana, Illinois 61802
 Telephone: (217) 384-3708
 FAX: (217) 819-4021
 Hours: 8:00 a.m. - 4:30 p.m.

FOR OFFICE USE ONLY	
Township	_____
Section	T _____ R _____
Tax Parcel No.	_____
Permit Application No.	_____
Receipt No.	_____ Fee _____
Date	_____ Zoning District _____
Lot Area	_____

**ZONING USE PERMIT APPLICATION
 and APPLICATION FOR ZONING COMPLIANCE CERTIFICATE**

1. INSTRUCTIONS TO APPLICANTS:

All information requested must be completed on this application. Applicants are encouraged to visit this office and assistance will be given in filling out this form. If possible, please call (217) 384-3708 for an appointment to avoid delays.

Application is hereby made for a ZONING USE PERMIT and a ZONING COMPLIANCE CERTIFICATE, if required under the Zoning Ordinance. In making this application the applicant represents that all the following statements and any attached maps and drawings are a true description of the proposed new or altered uses and/or structures. The applicant agrees that the permit applied for, if granted, is issued based on the content of this application and that any permit issued may be revoked if any information contained in this application is found to be false or inaccurate.

A permit issued pursuant to this application grants only the right to erect structures or to use any premises described in the application and to erect no other structures or conduct any other use nor relieve the applicant from obtaining any other permit required by the Zoning Ordinance, or by other ordinances, codes or regulations of the County of Champaign, Illinois.

The applicant further agrees to notify the Zoning Administrator at the completion of the construction stated on any permit. The Zoning Administrator shall, upon completion of construction, inspect the premises and issue or refuse a ZONING COMPLIANCE CERTIFICATE. It is further understood that unless construction is started within 180 days and unless it is substantially completed within 365 days, this permit shall become null and void according to Section 9.1.2(D) of the Zoning Regulations.

2. IDENTIFICATION - To be completed by all applicants:

	NAME	MAILING ADDRESS	ZIP CODE	PHONE NO.
Owner/Lessee	_____	_____	_____	_____
	_____	_____	_____	_____
Contractor	_____	_____	_____	_____
	_____	_____	_____	_____
Architect/Engineer	_____	_____	_____	_____
	_____	_____	_____	_____

3. LOCATION OF PROPOSED CONSTRUCTION:

Address of Proposed Construction: _____

Legal Description of Property: _____

(description by metes and bounds or lot number, block number and name of subdivision - attach additional sheets if necessary)

4. TAX PARCEL NUMBER: _____

Construction is located in the _____ Zoning District.

Lot Area (Acres or Square Feet): _____

Estimated cost of construction: _____

5. PROPOSED CONSTRUCTION:

- A. () New Building B. () Alterations or additions to existing buildings
 C. () Other: _____

6. USE OF EXISTING AND PROPOSED STRUCTURES:

Existing Use: _____
 (Commercial, industrial, residential, agricultural, vacant lot, etc.)

Proposed Use (check all that apply):

RESIDENTIAL

NONRESIDENTIAL

- One family
- Two or more family -
enter number of units _____
- Transient Motel, Motel, or dormitory -
enter number of units _____
- Garage - attached
- Garage - detached
- Carport
- Other - specify _____
- Basement _____

- Amusement, recreational
- Church, other religious
- Parking garage
- Service station, repair garage
- Hospital, institutional
- Office, bank, professional
- Public utility
- School, library, other educational
- Stores, mercantile
- Towers, tanks
- Other - specify _____

7. SPECIFICATIONS AND PLANS: READ CAREFULLY BEFORE FILLING IN

A. SPECIFICATIONS:

For each building, structure, or use (existing and proposed) identify on the plat (see below) the following information, if applicable:

Structure	Height in Feet	No. of Stories	No. of Dwelling Units	Area in Square Feet*	No. of Parking Spaces	Source of Water Supply	Means of Disposal
Existing							
Proposed							

* Include all interior areas (including basement & attached garage) and all exterior covered porches.

*****THE FOLLOWING INFORMATION MUST BE PROVIDED*****

B. SITE OR PLOT PLAN - For Applicant Use

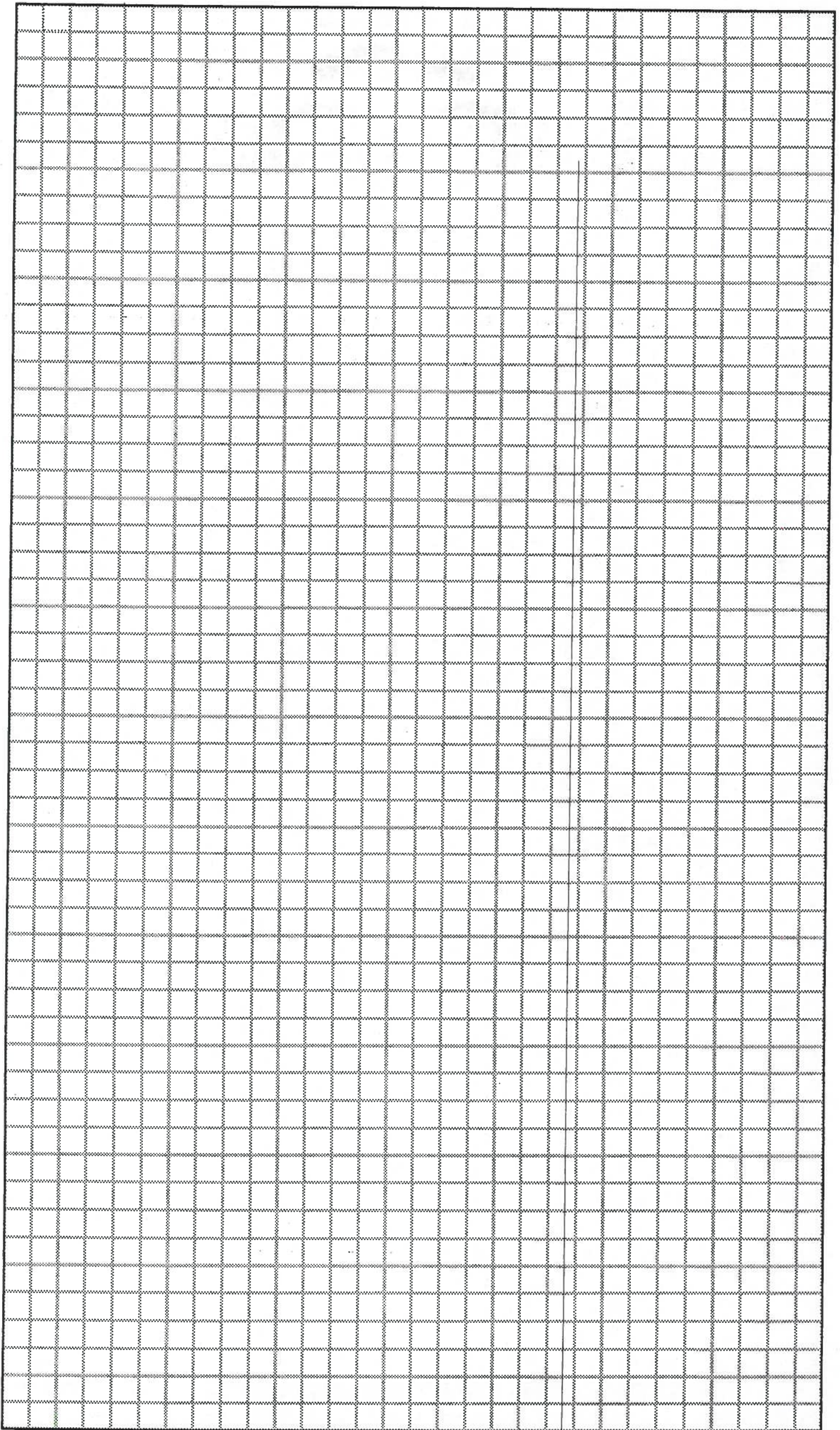
A plat drawn to approximate scale is attached and shows the following:

- 1) Actual shape and size of lot or property (including overall dimensions)
- 2) Label adjacent streets and roads (by number or name)
- 3) Location and dimensions of any known easements and water bodies
- 4) Location, ground area, dimensions, and identification of use of all (existing and proposed) buildings, structure, driveways, parking areas
- 5) Dimensions of front, side, and rear yards
- 6) Location of well and septic system (if any)
- 7) Commercial projects – signed, sealed set of plans indicating IEBA/ADA compliance

NOTE: 1) **Dimensions of buildings & yards should total the overall dimensions of the lot.**
 2) **Residential Accessory buildings that are more than 1,000 sq.ft. in area must have floor plans or indicate interior walls on the site plan.**

Include a copy of any permits from other agencies (e.g., Environmental Protection Agency) which may be required to approve these facilities.

SITE PLANS MAY BE DRAWN ON THE FOLLOWING PAGE OR ATTACHED AS A SEPARATE DOCUMENT- NO LARGER THAN 11" x 17".



7. The signature below shall evidence the agreement of the owner to abide by all requirements of the Champaign County Zoning Ordinance and if signed by the owner's agent, or officer of the legal ownership, shall be a representation by the applicant that he or she is authorized to act on behalf of the owner and oblige the owner to all responsibilities imposed by this Ordinance.

The signature shall also evidence the agreement of the owner to expressly grant permission to the representatives of the Champaign County Planning and Zoning Department to enter the premises under development at reasonable times, for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance.

Date _____

Signature

NOTE: Neither a Zoning Use Permit Application nor a Receipt authorize construction and construction without a valid Zoning Use Permit is a violation of the *Champaign County Zoning Ordinance* punishable by a fine of up to \$500 per day.

Owner Officer Agent

DO NOT WRITE BELOW THIS LINE

Use per Section 5.2: Single Family Home _____

Other _____

Permit issued () Permit Number _____ Date _____

Permit denied () Cause: _____

Floodplain _____ Yes _____ No Panel No. 170894 _____ B/C

Signature of Enforcing Officer

ADDITIONAL COMMENTS:

NOTICE OF COMPLETION OF CONSTRUCTION: _____ Date: _____

Zoning Compliance Certificate Issued () Certificate No. _____ Date: _____

Zoning Compliance Certificate Denied () Cause: _____

Signature of Enforcing Officer

ADDITIONAL COMMENTS:

Storm Water Management and Erosion Control Ordinance

Champaign County, Illinois

12/5/2014

Draft

Note:

Shaded text is new text that was not included in the Draft Ordinance dated 5/19/14.

Shaded ~~strikeout~~ is text that was previously included in the Draft Ordinance dated 5/19/14 but that is now proposed to be deleted. Not all deleted text may be included.

Text with single underline is new text that is not included in the existing Stormwater Management Policy and that was included in the 10/29/13 Draft reviewed by ELUC.

Text with double underline is new text that has been added in the public hearing.

The Storm Water Management and Erosion Control Ordinance is part of Champaign County's National Pollution Discharge Elimination System (NPDES) program to comply with State and Federal requirements for storm water discharge.

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1. AUTHORITY

1.1 Title

This Ordinance shall be known, and may be cited as, the Champaign County Storm Water Management and Erosion Control Ordinance.

1.2 Illinois Compiled Statutes

This Ordinance has been adopted pursuant to Champaign County's authority to zone land (55 ILCS 5/5-12001); Champaign County's authority to adopt rules and regulations for subdivisions (55 ILCS 5/5-1041); and Champaign County's authority to prevent water pollution (55 ILCS 5/5-15015); Champaign County's authority to establish and implement a comprehensive and coordinated erosion and sediment control plan in cooperation with other units of government (70 ILCS 405/3.12); and other applicable authority, all as amended from time to time.

2. PURPOSE

The purpose of this ordinance is to accomplish the following:

- A. Protect the existing agricultural and natural drainage infrastructure.
- B. Provide for adequate drainage of DEVELOPMENT SITES and surrounding areas.
- C. Guide DEVELOPERS' and builders' attempts to control the movement of STORM WATER and reduce damage to property.
- D. Conserve, preserve and enhance the natural resources of the County, including its SOILS, waters, vegetation, fish and wildlife.
- E. Promote public welfare and protect waters under the Clean Water Act by guiding, regulating and controlling the design, CONSTRUCTION, use and maintenance of any DEVELOPMENT or other activity that disturbs SOIL on land situated within the County.
- F. Safeguard persons and protect property from the hazards and negative impacts of SOIL EROSION created by LAND DISTURBANCE.
- G. Prevent flooding caused by silt clogging STORM WATER management infrastructure, such as STORM SEWERS, inlets and receiving CHANNELS or streams.
- H. Control the rate of release of STORM WATER and require temporary storage of STORM WATER from DEVELOPMENT SITES.
- I. Preserve and enhance water quality by preventing silt-laden water from reaching creeks, CHANNELS, streams, WETLANDS and other public waterways.
- J. Fulfill the applicable requirements of the NPDES Phase II Storm Water permit.

3. DEFINITIONS

The following definitions shall apply to this Ordinance. Words not defined in this Section shall be interpreted in accordance with the definitions contained in Webster's New Collegiate Dictionary.

AGRICULTURE: 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

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APPLICANT: The legal entity who submits an application to the County for a LDEC PERMIT pursuant to this ordinance.

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

BEST MANAGEMENT PRACTICES (BMPs): A technique or series of techniques which are proven to be effective in controlling STORM WATER, EROSION, and SEDIMENTATION.

BORROW: The earth material acquired from an off-site location for use in GRADING on a site.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL: An individual with CPESC Certification.

CHANNEL: A natural or artificial water course of perceptible extent which periodically or continuously contains moving water, or which forms a connecting line between two (2) bodies of water. It has a definite bed and banks which serve to confine water.

CLEARING AND GRUBBING: The cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD: All or part of a parcel of land that existed on {effective date} where multiple separate and distinct CONSTRUCTION activities may be taking place at different times on different schedules, and possibly (not necessarily) under different ownership. Examples include: 1) phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate OWNERS (e.g., a DEVELOPMENT where lots are sold to separate builders); 2) a DEVELOPMENT plan that may be phased over multiple years but is still under a consistent plan for long-term DEVELOPMENT; and 3) projects in a contiguous area that may be unrelated but still under the same contract, such as CONSTRUCTION of a building extension and a new parking lot at the same facility and any DEVELOPMENT or CONSTRUCTION under a Rural Residential Overlay District. 4) a Plat of Subdivision of two or more lots; 5) A Plat of Survey of two or more lots; 6) A diagram of two or more lots presented in a real estate marketing brochure or advertisement. A long range DEVELOPMENT plan that is conceptual (rather than a specific plan of future DEVELOPMENT and the future construction activities would happen over an extended time period) will be considered as having separate DEVELOPMENT plans, provided that the periods of construction for the physically interconnected phases will not overlap. The disturbed area of the entire plan shall be used in determining LDEC PERMIT requirements. DEVELOPMENT on by-right lots created from any single parcel that existed on 1/1/2009 in the AG-1, AG-2 and CR Districts is not included under this definition unless the lots are created by a Plat of Subdivision or Plat of Survey or marketed by means of a brochure or advertisement.

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CONSTRUCTION: 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 and/or the CONSTRUCTION or placement of STORM WATER MANAGEMENT facilities or EROSION control BMPs.

CONTIGUOUS URBAN GROWTH AREA (CUGA): Areas outside of municipal limits and within municipal one and one-half mile extraterritorial jurisdiction destined for urban type land uses.

CONTRACTOR: The person who contracts with the PERMITTEE, OWNER, DEVELOPER, or another CONTRACTOR (subcontractor) to undertake any or all the land disturbing activities covered by this Ordinance.

CONTRACTOR'S CERTIFICATION STATEMENT: A document required by the IEPA as part of the ILR10 construction site activity permit.

CONTROL STRUCTURE: A facility constructed to regulate the volume and rate of storm water that is released during a specific length of time.

CULVERT: A closed conduit for the passage of surface drainage water under a roadway, railroad or other surface impediment.

DEMOLITION: Any act or process of wrecking or destroying a building or STRUCTURE.

DETENTION BASIN: A temporary or permanent natural or manmade STRUCTURE that provides for the temporary storage of STORM WATER.

DETENTION STORAGE: Temporary detention or storage of storm water in storage basins, on rooftops, in parking lots, school yards, parks, open space, lakes, ponds, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

DEVELOPER: Any person, firm, corporation, sole proprietorship, partnership or political subdivision engaged in a LAND DISTURBANCE activity.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to, construction of or substantial improvements to buildings or other structures, the placement of mobile homes, paving, mining, filling or other similar activities.

DISCHARGE: The rate of outflow of water from a storm water drainage or storm water detention facility.

DRY BOTTOM STORM WATER DETENTION BASIN: A facility that is designed to be normally dry and which accumulates storm water runoff only during periods when the restricted storm water runoff release rate is less than the storm water inflow rate.

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EROSION: The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or LAND DISTURBANCE activities.

EROSION AND SEDIMENT CONTROL PLAN (ESCP): A plan which includes a set of BMPs or equivalent measures designed to control STORM WATER and EROSION and to retain SEDIMENT on a particular SITE during the period in which pre-CONSTRUCTION and CONSTRUCTION-related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements established in section entitled Land Disturbance Erosion Control (Section 11) in this Ordinance.

EROSION CONTROL: Any measures taken to temporarily or permanently prevent or manage EROSION in a way that minimizes undesirable impacts.

EROSION CONTROL INSPECTOR: The ZONING ADMINISTRATOR or representative who has the authority to inspect SITES for compliance with the standards set forth in this Ordinance.

EROSION CONTROL INSPECTION REPORT (ECIR): The compliance report as defined by the Illinois Environmental Protection Agency in the General NPDES permit ILR10.

EXCAVATION: The mechanical removal of earth material.

FILL: A deposit of SOIL or other earth materials placed by artificial means.

FINAL EROSION AND SEDIMENT CONTROL PLAN (FINAL ESCP): A plan which includes permanent measures and BEST MANAGEMENT PRACTICES to control STORM WATER and control SEDIMENT if such permanent measures are not included in the ESCP.

FINAL STABILIZATION: All soil disturbing activities at the site have been completed and either of the two following conditions are met: 1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. For individual LOTS in residential CONSTRUCTION, FINAL STABILIZATION means that either 1) The homebuilder has completed FINAL STABILIZATION as specified above, or 2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, FINAL STABILIZATION.

FLOODPLAIN: The area adjoining a WATERCOURSE which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM).

GRADE: The vertical elevation of the ground surface.

- (a) Existing grade is the grade prior to GRADING.
- (b) Rough grade is the stage at which the grade approximately conforms to the approved plan.
- (c) Finish grade is the final grade of the SITE which conforms to the approved process.

GRADING: EXCAVATION or FILL or any combination thereof.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA): The Illinois Environmental Protection Agency.

ILLINOIS URBAN MANUAL: This term shall mean “A Technical Manual designed for Urban Ecosystem Protection and Enhancement”, prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.

ILR10: The Illinois Environmental Protection Agency's general National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Permit covering anyone conducting a land disturbing activity which disturbs one (1) or more acres of total land area or a construction SITE less than one acre of total land that is a part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD if the larger common plan will ultimately disturb one or more acres total land area.

IMPERVIOUS: A term applied to materials through which water cannot pass, or through which water passes with great difficulty or at a very slow rate.

INCIDENCE OF NON-COMPLIANCE (ION): A report to the IEPA providing information about the cause of the non-compliance and description of the measures taken to prevent further non-compliances with the ILR10 permit.

LAND DISTURBANCE: Any land change that may result in SOIL EROSION from wind, water and/or ice and the movement of SEDIMENT unto or upon waters, lands, or rights-of-way within the County, including but not limited to DEMOLITION, CLEARING AND GRUBBING, GRADING , excavating, transporting and filling of land. LAND DISTURBANCE is not limited to a single instance of LAND DISTURBANCE, but is the total LAND DISTURBANCE that has occurred or may reasonably be expected to occur to any part of a given tract of land. LAND DISTURBANCE does not include the following:

- (a) AGRICULTURE.
- (b) Land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs.
- (c) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (d) Emergency work to protect life, limb, or property and emergency repairs. If the emergency land disturbing activity would have required and approved ESCP, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this Ordinance.

LAND DISTURBANCE EROSION CONTROL PERMIT (LDEC PERMIT): Includes both LAND DISTURBANCE EROSION CONTROL PERMIT – MAJOR and LAND DISTURBANCE EROSION CONTROL PERMIT – MINOR as defined in this Ordinance and issued by the County Zoning Administrator pursuant to this Ordinance.

LAND DISTURBANCE EROSION CONTROL PERMIT – MAJOR: A class of the LDEC PERMIT required where 1 acre or more of land will be disturbed.

LAND DISTURBANCE EROSION CONTROL PERMIT – MINOR: A class of LDEC PERMIT required where less than one acre of land that is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD will be disturbed.

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LETTER OF NOTIFICATION: A letter from the IEPA stating that the PERMITTEE has the authority to construct.

LETTER OF TERMINATION: A document required by Champaign County as part of the Land Disturbance Erosion Control and Storm Water Management Ordinance. This document notifies the ZONING ADMINISTRATOR of the request to end coverage for CONSTRUCTION under the terms of the ILR10 permit when no STORM WATER DRAINAGE PLAN is required. This is submitted to the Zoning Administrator.

LOT: 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.

MS4 JURISDICTIONAL AREA: The limits of the Urbanized Area as defined by the Bureau of the Census.

NON-STRUCTURAL CONTROLS: Institutional and pollution prevention type practices through education and source control, recycling, and maintenance that prevent pollutants from entering STORM WATER or reduce the amount of RUNOFF requiring management.

NOTICE OF INTENT (NOI): A document required by the IEPA as part of the ILR10 construction SITE activity permit. This document is the application for an ILR10 construction SITE activity permit from the IEPA.

NOTICE OF TERMINATION (NOT): A document required by the IEPA as part of the ILR10 construction SITE activity permit. This document requests the end of coverage for CONSTRUCTION under the terms of the ILR10 permit.

OWNER: Any person with a legal or equitable interest in the land for which a LDEC PERMIT has been issued.

PERMITTEE: The APPLICANT in whose name a valid LDEC PERMIT is duly issued pursuant to this Ordinance and his/her agents, employees, and others, acting under his/her direction.

PROFESSIONAL ENGINEER: A person licensed under the laws of the State of Illinois to practice professional engineering.

PROJECT TERMINATION: Specific activities required to occur to release the requirements of the Land Disturbance Erosion Control Permit or to complete the requirements for a Zoning Compliance Certificate or to complete the construction of improvements pursuant to approval of a Final Plat of Subdivision.

RETURN PERIOD: The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 50 years has a two (2) percent probability of being equaled or exceeded in any one (1) year.

RUNOFF: Volumes and / or velocities associated with precipitation amounts and/or intensities during periodic storm events.

SEDIMENT: Soils or other surficial materials transported by SURFACE WATER as a product of EROSION.

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SEDIMENTATION: The process or action of depositing SEDIMENT that is determined to have been caused by EROSION.

SITE: The entire area of land on which the LAND DISTURBANCE activity is proposed in the LDEC PERMIT application.

SITE PLAN: A plan or set of plans showing the details of any LAND DISTURBANCE activity of a SITE including, but not limited to, the CONSTRUCTION of: STRUCTURES, open and enclosed drainage facilities, STORM WATER MANAGEMENT facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Naturally occurring surface deposits overlying bedrock.

STOP-WORK ORDER: A document issued by the Zoning Administrator that directs work to stop on a CONSTRUCTION SITE if LAND DISTURBANCE activities are in violation of this Ordinance.

STORM SEWER: A closed conduit for conveying collected storm water runoff.

STORM WATER: Rain RUNOFF, snow melt RUNOFF, surface RUNOFF and drainage.

STORM WATER DRAINAGE PLAN: A written document in conformance with the requirements of Section 9 of this ordinance.

STORM WATER DRAINAGE SYSTEM: All means, natural or man-made, used for conducting storm water runoff to, through or from a drainage area to the point of final outlet including but not limited to any of the following: conduits, STORM SEWERS, swales, canals, CHANNELS, ditches, streams, CULVERTS, streets, and pumping stations.

STORM WATER MANAGEMENT: Any measure taken to permanently reduce or minimize the negative impacts of RUNOFF.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A document required by the IEPA as part of the ILR10 construction SITE activity permit. This document is a written description of the erosion and sediment control plan for a CONSTRUCTION SITE.

STORM WATER STORAGE AREA: An area designated to accumulate excess storm water runoff.

STRIPPING: Any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

STRUCTURAL CONTROLS: Practices to divert flows from exposed SOILS, store flows or otherwise limit RUNOFF and the movement of pollutants from exposed areas of a CONSTRUCTION SITE.

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STRUCTURE: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable or earthen constructs, roads, parking lots, and paved storage areas.

SUBDIVISION: 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 any new street, alley, or other means of access shall not fall under this definition for the purpose of the regulations and standards of this ordinance.

SURFACE WATER: Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

SURVEYOR: A person duly registered or authorized to practice land surveying in the State of Illinois.

TIME OF CONCENTRATION: The time required for storm water runoff from the most remote part of the drainage basin to reach the point being considered. Minimum time of concentration required for design of drainage facilities shall be 15 minutes.

TOPSOIL: The upper layer of SOIL.

TRIBUTARY WATERSHED: The entire catchment area that contributes storm water runoff to a given point.

USE: The specific purpose for which land is designed arranged, intended, or for which it is or may be occupied or maintained. This shall not include any nonconforming use.

WASHOUT FACILITY: A location where CONSTRUCTION waste such as concrete, asphalt or similar material can be temporarily stored until final disposal of the material. WASHOUT FACILITIES shall be designated by the LDEC PERMIT holder before work begins and shall be located in an appropriate area where the waste resulting from the washout cannot enter sewer systems or local waterways. Waste from the WASHOUT FACILITIES shall be disposed of in an approved manner according to state laws.

WATERCOURSE: Any natural or improved stream, river, creek, ditch, CHANNEL, canal, conduit, gutter, CULVERT, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

WATERSHED: A region draining to a specific river, river system, or body of water.

WET BOTTOM STORM WATER STORAGE AREA: A facility that contains a perpetual body of water and which accumulates excess storm water during periods when the restricted storm water runoff release rate is less than the storm water runoff inflow rate.

WETLANDS: A lowland area such as a marsh, that is saturated with moisture, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1987.

ZONING ADMINISTRATOR: The county personnel provided for in the Zoning Ordinance and who has the authority and duty to administer adopted ordinances including the Erosion and Sediment Control Ordinance.

ZONING DISTRICT: As provided for in the Zoning Ordinance, a section of the County/City/Village in which zoning regulations and standards are uniform.

4. SCOPE

4.1 Applicability

The IEPA ILR10 and/or this Ordinance apply to LAND DISTURBANCE, SUBDIVISION and/or CONSTRUCTION as indicated below:

A. All requirements of the IEPA ILR10 permit apply ~~regardless of this Ordinance~~ as follows:

1. ILR10 requirements apply when LAND DISTURBANCE activities disturb one acre or greater or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater. ILR10 requirements apply to individual LOTS when those LOTS are created as part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD and LAND DISTURBANCE occurs on one acre or more. When a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD is under FINAL STABILIZATION, subsequent LAND DISTURBANCE of individual lots are required to obtain an ILR10, if the combination of LAND DISTURBANCE on individual lots could result in one acre or more LAND DISTURBANCE at one time, ~~and~~
2. When a LOT is converted from agricultural use to other land use, the land shall be vegetated with an appropriate protective land cover prior to any application for a Zoning Use Permit or Subdivision Approval or else the land shall be considered to be in a state of land disturbance and subject to ILR10 requirements ~~appropriate erosion and sedimentation controls provided as necessary~~ unless documentation from the Illinois Environmental Protection Agency or the US Environmental Protection Agency indicates otherwise.
3. The ZONING ADMINISTRATOR shall notify all Applicants when ILR10 requirements appear to be applicable.
4. Copies of the ILR10 NOTICE OF INTENT and ILR10 NOTICE OF TERMINATION must be submitted to the ZONING ADMINISTRATOR to demonstrate compliance with ILR10 requirements when LAND DISTURBANCE activities disturb one

acre or greater, or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater, pursuant to the following:

- a. Any Major LDEC Permit as authorized under Section 12.3.
- b. Any Floodplain Development Permit as authorized by the Champaign County Special Flood Hazard Area Ordinance.
- c. Any other LAND DISTURBANCE not exempted by Section 4.2 or Section 4.4.

(Note: Paragraph 4.1 A.4.c.above, is optional and will be removed if the County Board chooses to not require compliance with ILR10 outside of the MS4 Jurisdictional Area.)

- B. Within the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply when LAND DISTURBANCE activities disturb one acre or greater or less than an acre if it is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that ultimately disturbs one acre or greater, ~~within the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C)~~ except those activities listed in General Exemptions (Section 4.2), Storm Water Drainage Plan Exemptions (Section 4.3), and LDEC PERMIT Exemptions (Section 4.4); and
- C. Outside of the Champaign County MS4 JURISDICTIONAL AREA (see Appendix C), all Sections of this Ordinance may apply ~~unrelated~~ except those sections relevant only to Land Disturbance Erosion Control Permits (Section 12, 13, 14, and 15) ~~apply to that part of the County falling outside of the Champaign County MS4 JURISDICTIONAL AREA except those activities listed in General Exemptions (Section 4.2) and Storm Water Drainage Plan Exemptions (Section 4.3).~~

4.2 General Exemptions

The following activities are exempt from this Ordinance.

- A. AGRICULTURE
- B. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- C. Digging activities related to cemetery grave sites.
- D. LAND DISTURBANCE on LOTS subject to municipal annexation agreements.
- E. LAND DISTURBANCE pursuant to a statewide or regional permit administered by the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) and provided that information sufficient to document compliance with the relevant statewide or regional permit is submitted to the ZONING ADMINISTRATOR at least one week prior to the start of LAND DISTURBANCE. This exemption is only applicable to that portion of CONSTRUCTION or LAND DISTURBANCE that is eligible for the statewide or regional permit.
- F. LAND DISTURBANCE activities by or for a recognized Drainage District.

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- G. Any LAND DISTURBANCE occurring either in a public street right-of-way or a railroad right-of-way, that is done by or for either the unit of government that has maintenance authority of that street right-of-way or for any utility that is authorized to use any portion of the public street right-of-way or the railroad that has the use of that railroad right-of-way.

4.3 Storm Water Drainage Plan Exemptions

All SUBDIVISIONS or CONSTRUCTION meeting any of the following conditions are exempt from the STORM WATER DRAINAGE PLAN (Section 9) requirements:

- A. All General Exemptions (Section 4.2).
- B. CONSTRUCTION of additions to existing STRUCTURES when the total increase in IMPERVIOUS area is less than 10,000 square feet.
- C. CONSTRUCTION located on a lot no more than one acre in area that existed on December 17, 1991.
- D. Individual single family and two-family detached dwellings and related accessory STRUCTURES on a single lot.
- E. SUBDIVISIONS or CONSTRUCTION on lots when the cumulative total of all IMPERVIOUS areas from all developed lots created from a lot or lots in common ownership on January 1, 1998, including any specific IMPERVIOUS area addition to the adjacent public streets that is required to accommodate the SUBDIVISION or CONSTRUCTION, is less than the criteria shown in Table 1 - Maximum Exempt Impervious Area:

Table 1 - Maximum Exempt Impervious Area

Lot area*	Maximum exempt impervious area*
a. No more than .25 acre	Up to 100% of the lot may be impervious area
b. More than .25 acre but less than 2.0 acres	The limit on percent impervious area declines from 100% to 50% of the total lot or lots area plus 0.14 acres. See the graph of Exempt Impervious Area (Appendix B) or use the Mathematical Expressions on the graph to determine the limit for impervious area on a specific lot size.
c. More than 2.0 acres but not more than 6.25 acres	No more than 1 acre of the lot or lots shall be impervious surface area
d. More than 6.25 acres	No more than 16% of the total area of the lot or lots shall be impervious area provided that no exemption shall apply to any part of a lot when that part contains more than one acre of impervious surface area within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet.

* "Lot area" refers to a single lot and to the cumulative total area of lot or lots that are created out of a larger tract. See paragraph 8.2 for other rules of application for exemptions.

- F. The following rules govern the application of the Storm Water Drainage Plan Exemptions (Section 4.3), but shall not affect how the IMPERVIOUS area is calculated or determined for engineering design purposes.

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1. Measurement of the total area and IMPERVIOUS area of a LOT or SUBDIVISION is based on the entire area designated by the legal description of the tract for which the approval is requested, together with that of other contiguous LOTS, when required pursuant to Section 4.3 G.4. except for the area of adjacent public street right-of-ways as required by Section 4.3 G.2.c.
2. Measurement of the total area and IMPERVIOUS area shall exclude the following:
 - a. Portions of the LOT or LOTS that are devoted to cropland and that will remain devoted to cropland; and
 - b. Portions of public street right-of-ways adjacent to any such areas of cropland.
 - c. Portions of public street right-of-ways not containing any specific IMPERVIOUS area addition to the adjacent public streets that is required to accommodate the SUBDIVISION or construction. When specific additions of public street IMPERVIOUS area are required to accommodate a specific SUBDIVISION or construction, the specific addition of public street IMPERVIOUS area shall not be excluded.
3. Areas that are comprised of a permanent vegetative cover that is generally at least equivalent to "Poor condition (grass cover less than 50 percent)" using the TR-55 Design Method shall not be considered IMPERVIOUS.
4. IMPERVIOUS area limits and exemptions shall be applied separately for different portions of the lot or SUBDIVISION in the following instances:
 - a. For each portion of the lot or SUBDIVISION that drains to a common point on the boundary of the total SITE (drainage sub-basin).
 - b. For each portion of the lot or SUBDIVISION that drains to a drainage way that serves upstream areas that are under different ownership and that divides that portion of the lot or SUBDIVISIONS from the remainder of the lot or SUBDIVISIONS.
5. Pursuant to Section 4.3 F., LOTS shall be considered as developed when the LOT or LOTS are:
 - a. Occupied by other than farm structures; or
 - b. Covered in whole or in part by any IMPERVIOUS area except for driveways or parking areas used for agricultural purposes and existing public streets; or
 - c. Included in a plat or legal description and marketed for sale.

4.4 LDEC Permit Exemptions

All LAND DISTURBANCE activities located completely or partially within the MS4 Jurisdictional Area and meeting any of the following conditions are exempt from the LAND DISTURBANCE EROSION CONTROL PERMIT requirements (Section 12, 13, 14 and 15) in this Ordinance:

- A. All General Exemptions (Section 4.2)
- B. LAND DISTURBANCE of less than one acre but greater than 10,000 square feet of land on all or part of a parcel of land that existed on {effective date} provided that the land is not part of any of the following:
 1. A COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD where 1 acre or greater area of LAND DISTURBANCE could occur; or
 2. In a Residential, Business, or Industrial ZONING DISTRICT as established in the Zoning Ordinance and indicated on the Zoning Map; or
 3. In an existing subdivision of more than four LOTS including any subsequent replat in the AG-1, AG-2, or CR ZONING DISTRICT as defined in the Zoning Ordinance.
- C. LAND DISTURBANCE less than 10,000 square feet in area.

5. AUTHORIZATIONS AND PROJECT TERMINATION

5.1 Approval Authorities

For the purposes of this Ordinance the Approval Authorities are as follows:

- A. For all SUBDIVISIONS, the Environment and Land Use Committee of the Champaign County Board.
- B. For Zoning Use Permits, Easements, as-built drawings, STORM WATER DRAINAGE PLANS and LDEC PERMITS the Champaign County Zoning Administrator.

5.2 Authorizations

Authorization for any LAND DISTURBANCE activity ~~when a STORM WATER DRAINAGE PLAN is required by this Ordinance~~ shall include the following acts in order:

- A. Approval of the STORM WATER DRAINAGE PLAN as if required by STORM WATER DRAINAGE PLAN (Section 9) in this Ordinance; and
- B. The APPLICANT or other necessary party files with the Champaign County Recorder of Deeds any required easement or other legal instrument that is needed to implement or maintain the STORM WATER DRAINAGE PLAN, except for a Final Plat of SUBDIVISION, Owner's Certificate, or private SUBDIVISION covenants, and except as provided for in Easements (Section 7); and
- C. Approval of Engineering Drawings required for any Plat of Subdivision, if applicable including the extent and nature of all proposed LAND DISTURBANCE; and
- D. For LAND DISTURBANCES in the MS4 JURISDICTIONAL AREA, approval of a LDEC PERMIT if required in LDEC Permits (Section 12) and written approval of the inspection required in Required Inspections (Section 13.5); or
- E. For LAND DISTURBANCES outside of the MS4 JURISDICTIONAL AREA that total an acre or more of LAND DISTURBANCE or less than an acre when part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD that will result in an acre or more of LAND DISTURBANCE, a copy of any required NOTICE OF INTENT pursuant to Section 4.1A. of this Ordinance or a copy of a statement from IEPA that there is no ILR10 requirement; and
- F. Approval of a Zoning Use Permit, if required by the Zoning Ordinance, including the extent and nature of all proposed LAND DISTURBANCE.

5.3 Project Termination

PROJECT TERMINATION shall include the following acts:

- A. Any required as-built drawings or other documentation has been accepted by the Approval Authority as evidence that the requirements in Certifications (Section 9.6) have been met; and;
- B. The APPLICANT or other necessary party files any required easement or other legal instrument with the Champaign County Recorder of Deeds, needed to implement the requirements in Easements (Section 7), except for a Final Plat of Subdivision, Owner's Certificate, or private subdivision covenants; and
- C. The following acts related to CONSTRUCTION related to any Final Plat of Subdivision, if applicable:
- D. Approval of a Final Plat of SUBDIVISION after the CONSTRUCTION of all required physical improvements required by the SUBDIVISION Regulations, and
- E. Full and complete release of any Performance Guarantee related to any Final Plat of SUBDIVISION; and

- F. Acceptance by the ZONING ADMINISTRATOR of the certifications required in Certifications (Section 9.6) if applicable; and
- G. Full approval and unconditional issuance of a Zoning Compliance Certificate, if required by the Zoning Ordinance; and
- H. For projects within the MS4 JURISDICTIONAL AREA, if a LDEC PERMIT is required in LDEC Permits (Section 12), a NOTICE OF TERMINATION shall be submitted to the IEPA and/ or the ZONING ADMINISTRATOR, whichever is applicable; or
- I. For projects outside of the MS4 JURISDICTIONAL AREA, a copy of any required Notice of Termination if required in ILR10 pursuant to paragraph 4.1A.4. of this Ordinance.

6. PROTECT EXISTING DRAINAGE AND WATER RESOURCES

6.1 General Requirement

- A. No FILL shall be placed nor GRADE altered in such a manner that it will cause SURFACE WATER upstream of the DEVELOPMENT to pond or direct surface flows in such a way as to create a nuisance.
- B. All STORM WATER shall exit the DEVELOPMENT at non-erosive velocities. All subsurface flows shall exit the DEVELOPMENT at such a velocity so as to prevent an increase in scouring or structural damage to off-site tile drains.
- C. Sizing of CULVERT crossings shall consider entrance and exit losses as well as tail water conditions on the CULVERT.
- D. No sump pump discharge or discharge from any private wastewater treatment system from a principal use established after {effective date} shall discharge directly into or within 25 feet of a roadside ditch, off-site drainage swale, stream, property line, or in such a way that it creates a nuisance condition at any time of the year or contributes to erosion.
- E. No sump pump discharge or STORM WATER shall be directed to any sanitary sewer.
- F. The requirements in Land Disturbance Erosion Control (Section 11) in this Ordinance notwithstanding, CONSTRUCTION or LAND DISTURBANCE shall minimize EROSION on any property and minimize SEDIMENT deposited on any adjacent property or any adjacent street or adjacent drainage ditch, roadside ditch, or stream. (Note: Paragraph 6.1 F. above, is optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

6.2 Natural Drainage

- A. Existing perennial streams shall not be modified to accommodate RUNOFF. Stream banks may be modified, however, incident to the installation of excess RUNOFF outfalls, necessary to ensure safety or bank stabilization, and/or for the improvement of aquatic habitats, and subject to any required local, state, and federal permits.
- B. Other natural drainage features such as depressional storage areas and swales shall be incorporated into the STORM WATER DRAINAGE SYSTEM.
- C. Surface water shall be allowed to travel its existing or natural course unless changes are allowed by means of a duly approved STORM WATER DRAINAGE PLAN.
- D. It shall be unlawful for any person to cause or maintain any obstruction within a WATERCOURSE or any part of the drainage system, except as may be specifically authorized by a duly approved STORM WATER DRAINAGE PLAN.

6.3 Agricultural and Other Drainage Improvements

- A. The outlet for existing agricultural drainage tile will be located and the capacity of the outlet shall be maintained for the WATERSHED upstream of the DEVELOPMENT area.
- B. Existing easements for any agricultural drainage tile located underneath areas that will be developed shall be preserved. If no easement exists an easement shall be granted for access and maintenance as provided in Easements (Section 7). Such easements shall be of sufficient width and located to provide for continued functioning and necessary maintenance of drainage facilities. No buildings or permanent STRUCTURES including paved areas but excluding streets, sidewalks, or driveways, which cross the easement by the shortest possible route may be located within the easement without the consent and approval of any public body to which the easement is granted.
- C. All agricultural drainage tile located underneath areas that will be developed shall be replaced with non-perforated conduit to prevent root blockage provided however that drainage district tile may remain with the approval of the drainage district.
- D. Agricultural drainage tile which, due to DEVELOPMENT, will be located underneath roadways, drives, or parking areas as allowed by Paragraph C above shall be replaced with ductile iron, or reinforced concrete pipe or equivalent material approved by the Approval Authority as needed to prevent the collapse of the agricultural drainage conduit.
- E. Agricultural drainage tile may be relocated within DEVELOPMENT areas upon approval of the Approval Authority. Such relocation shall maintain sufficient SLOPE and capacity to prevent SEDIMENTATION and to prevent an increase in scouring or structural damage to the conduit. Such relocation shall only be with the consent and approval of the drainage district which is responsible for maintaining the tile. If the tile is not under the authority of a drainage district, the Approval Authority shall consider the interests of those landowners who are served by the tile.
- F. No STORM SEWER inlet, outlet, or DETENTION BASIN outlet shall be connected to farm drainage tile unless flow is restricted to an amount equal to or less than the discharge capacity of the tile. Such connection shall only be made with the consent and approval of the drainage district responsible for maintaining the tile. If the tile is not under the authority of a drainage district the Approval Authority shall consider the interests of those landowners who are served by the tile.
- G. It shall be unlawful for any person to cause the destruction or obstruction, by act or omission, of the operation of the following, when the following are indicated on the approved engineering drawings for any recorded subdivision plat or other approved site plan, other than by means of a duly approved STORM WATER DRAINAGE PLAN:
 - 1. any STORM WATER DRAINAGE SYSTEM or feature that drains an area of more than five acres; or
 - 2. any STORM WATER STORAGE AREA.

6.4 Minimum Erosion Control and Water Quality Requirements

- A. All CONSTRUCTION or LAND DISTURBANCE shall be provided with EROSION and SEDIMENT controls as necessary to minimize EROSION and SEDIMENTATION on any adjacent property, street, drainage ditch, roadside ditch, or stream. ~~All CONSTRUCTION or LAND DISTURBANCE shall be provided with EROSION and SEDIMENT controls as necessary to minimize EROSION and SEDIMENTATION from occurring on SITE property.~~ However, the lack of EROSION and SEDIMENT controls shall not itself be a violation of this Ordinance unless such controls are required pursuant to either the requirements of Section 6.4 D, or a LAND DISTURBANCE EROSION CONTROL PERMIT, or a STORM WATER DRAINAGE PLAN, or as such controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action.

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(Note: Paragraph 6.4 A. above, is optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

- B. No EROSION AND SEDIMENT CONTROL PLAN shall be required for any CONSTRUCTION or LAND DISTURBANCE unless required pursuant to either a LAND DISTURBANCE EROSION CONTROL PERMIT or a STORM WATER DRAINAGE PLAN or as such controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action.

(Note: Paragraph 6.4 B. above, is optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

- C. All waste and debris generated as a result of CONSTRUCTION activities including discarded building materials or packaging materials, concrete truck washout, chemicals, litter, sanitary waste, or any other waste, shall be placed in an appropriate waste container in a timely manner, and shall be properly disposed of and shall be prevented from being carried off the SITE by either wind or water.

(Note: Paragraph 6.4 C. above, will become paragraph 11.1 C. if the County Board chooses not to adopt the Optional Minimum Requirements and shall be a requirement in the MS4 Jurisdictional Area only.)

- D. The following practices shall be applied to LAND DISTURBANCE activities to minimize impacts from stockpiles of soil and other erodible building material (such as sand) containing more than 150 cubic yards of material:

1. Stockpiles shall be provided a minimum separation of not ~~be located~~ less than 50 feet from the top of the bank of a drainage ditch or stream and not less than 30 feet from the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map and not less than 30 feet from the top of the bank of a roadside ditch or and not in a drainage ditch easement and not less than 30 feet from the nearest property line; and

2. Any additional separation distance required for stabilization and maintenance of the stockpile outside of the minimum separation required above.

~~2. A stockpile with 100 cubic yards or more of material shall be provided with appropriate EROSION and SEDIMENT controls consistent with Land Disturbance Erosion Control (Section 11) in this Ordinance except that the EROSION and SEDIMENT controls shall be in place prior to beginning the stockpile.~~

(Note: Paragraph 6.4 D. and its subparagraphs above, are optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

- E. No CONSTRUCTION or LAND DISTURBANCE pursuant to CONSTRUCTION shall occur within 50 feet of the top of the bank of a drainage ditch or stream or within 30 feet of the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map except for the following:

1. Repair and replacement of any lawful CONSTRUCTION that existed on {effective date}.

2. Establishment of a filter strip or other landscape maintenance practice or standard that is consistent with Land Disturbance Erosion Controls (Section 11) in this Ordinance and provided that the establishment of the filter strip is coordinated with the Champaign County Soil and Water District Resource Conservationist or an Illinois Licensed Professional Engineer. No permit shall be required pursuant to either this Ordinance or the Zoning Ordinance provided that no other

CONSTRUCTION is undertaken and provided that no LAND DISTURBANCE EROSION CONTROL PERMIT is otherwise required.

3. CONSTRUCTION or LAND DISTURBANCE pursuant to a statewide or regional permit administered by the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) and provided that information sufficient to document compliance with the relevant statewide or regional permit is submitted to the ZONING ADMINISTRATOR at least one week prior to the start of LAND DISTURBANCE.

(Note: Paragraph 6.4 E. and its subparagraphs above, will become paragraph 11.1 D. if the County Board chooses not to adopt the Optional Minimum Requirements and shall be a requirement in the MS4 Jurisdictional Area only.)

- F. Adjacent streets, sidewalks and public areas shall be kept free of SEDIMENT and nuisance soil. Any soil or SEDIMENT tracked onto a street, sidewalk or public area shall be removed before the end of each workday or sooner if directed by the relevant Authority.

(Note: Paragraph 6.4 F. is optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

6.5 General Enforcement

In the event that any CONSTRUCTION or LAND DISTURBANCE that is not subject to the requirement for a LAND DISTURBANCE EROSION CONTROL PERMIT causes EROSION or SEDIMENTATION on any adjacent property or any adjacent street or adjacent drainage ditch, roadside ditch, or stream, the ZONING ADMINISTRATOR shall take such enforcement actions as are necessary and authorized by Section 9.1.1 and Section 10 of the Zoning Ordinance and consistent with Land Disturbance Erosions Controls (Section 11) in this Ordinance to prevent continued EROSION or SEDIMENTATION.

(Note: Paragraph 6.5 is optional and will be removed if the County Board chooses not to adopt the Optional Minimum Requirements.)

7. EASEMENTS

- A. Easements to the County, township, drainage district or other public authority to provide for maintenance of public drainage facilities which serve the SITE and which are or are to be dedicated to, owned by, or under the control of such public authority shall be granted when the need for such facility is in whole or in part specifically and uniquely attributable to the proposed development.
- B. All known agricultural drainage tile located underneath areas to be developed shall be granted an easement if no written easement exists prior to development.
- C. Such easement shall be approved in writing by the public body to which they are granted and recorded in the Champaign County Recorder's Office before the Approval Authority issues any final approval except in the case of SUBDIVISIONS where such easements are shown on the plat.

8. STORM WATER DRAINAGE SYSTEM

8.1 Minor

The minor drainage component of the STORM WATER DRAINAGE SYSTEM shall consist of STORM SEWERS, street gutters, small open CHANNELS, and swales designed to store and

convey RUNOFF from the 5-year, 24-hour precipitation event utilizing the Illinois State Water Survey Bulletin 70.

8.2 Major

The major drainage components shall be designed to store and convey STORM WATER beyond the capacity of the minor drainage component. Information depicting STORM WATER paths (including cross-sectional data), velocities, rates, and elevations and maps of flooding shall be included in the submittal as identified in Submittals (Section 9.5).

8.3 Hierarchy of Best Management Practices

The STORM WATER DRAINAGE SYSTEM shall be based on the use of appropriate BEST MANAGEMENT PRACTICES as presented in the Technical Appendices and the following hierarchy of preference with items near the beginning of the hierarchy preferred over items near the end.

- A. Preserve the natural resource features of the DEVELOPMENT SITE (e.g. BEST PRIME FARMLAND, floodplains, wetlands, existing native vegetation) as much as practicable.
- B. Preserve the existing natural streams, CHANNELS and drainage ways as much as practicable.
- C. Minimize IMPERVIOUS surfaces created at the SITE (e.g. using minimum acceptable road width, minimizing driveway length and width, and clustering homes).
- D. Preserve the natural infiltration and storage characteristics of the SITE (e.g. disconnection of IMPERVIOUS cover and on-lot bioretention facilities) as much as practicable.
- E. Use of open vegetated CHANNELS, filter strips, and infiltration to convey, filter, and infiltrate STORM WATER as much as practicable.
- F. Use native vegetation as an alternative to turf grass as much as practicable.
- G. Use structural measures that provide STORM WATER quality and quantity control.
- H. Use structural measures that provide only STORM WATER quantity control and conveyance.

9. STORM WATER DRAINAGE PLAN

9.1 General Design

- A. Design Methods
 1. Calculation of Drainage Capacity - The Rational Method may be used to size the minor components for any DEVELOPMENT
 2. Calculation of Required Storage - The volume of required STORM WATER STORAGE AREA shall be calculated on the basis of the maximum value achieved from the RUNOFF of a design event less the volume of water released through the outlet structure.
 - a. DEVELOPMENT WATERSHED Area Less Than or Equal to 10 Acres -The Modified Rational Method shall be acceptable for DEVELOPMENT WATERSHEDS equal to or less than 10 acres in area. In determining the volume of storage required when using the Modified Rational Method, the release rate of the outlet structure shall be assumed to be constant and equal to the release rate through the outlet structure when one half of the storage volume is filled. In determining the maximum allowable release rate for the 50-year event, a runoff coefficient value of 0.25 shall be used for assumed land cover conditions. Roughness coefficients most closely matching those

- of the TR-55 Method shall be used to determine TIME OF CONCENTRATION.
- b. DEVELOPMENT WATERSHED Area Less Than or Equal to 2,000 Acres - The method utilized for calculation of required volume of storage shall be the Natural Resources Conservation Service TR-55 Methodology for DEVELOPMENT WATERSHEDS less than or equal to 2,000 acres in area. In determining the maximum allowable release rate for the 50-year event, a curve number shall be used corresponding to the actual SOIL types found on the DEVELOPMENT SITE provided, however, that the land cover "Row crops, SR + CR" in "good" hydrologic condition are assumed. A roughness coefficient of 0.17 and a ponding adjustment factor of 0.72 shall also be assumed in calculating the maximum allowable release rate.
 - c. DEVELOPMENT WATERSHED Area Greater Than 2,000 Acres - DEVELOPMENTS and drainage designs for DEVELOPMENT WATERSHEDS larger than 2,000 acres shall use the Natural Resources Conservation Service TR-20 Methodology. Other routing techniques may be used in determining required storage volume upon the approval of the Approval Authority.
 - d. When applying Natural Resources Conservation Service methods, a SCS Type II rainfall distribution shall be assumed.
- B. Design Event
1. Precipitation values for all RETURN PERIOD storms shall be determined utilizing the Illinois State Water Survey Bulletin 70.
 2. A 50-year RETURN PERIOD storm with a 24-hour duration shall be used.
 3. When using the Modified Rational Method, the critical storm duration (that requiring the largest detention volume) for any design event shall be identified and used in determining storage volume.
- C. Release Rates
1. Release Rate for Design Event - Outlet structure maximum release rate for the 50-year precipitation event shall be equal to the rate of discharge from the DEVELOPMENT area assuming row crop agricultural land cover and a 5-year RETURN PERIOD precipitation event. See Section 9.1 A for the required assumptions for the row crop agricultural conditions.
 2. Effective Discharge for Frequent Storm Events - The outlet structure maximum discharge for each of the 1-year, 2-year and 5-year precipitation events shall be no greater than the rate of discharge from the DEVELOPMENT area, assuming row crop agricultural land cover with the required assumptions described in Section 9.1 A.
 3. For all methods of calculating a maximum allowable release rate, the effect of any depressional storage that actually exists on a given SITE shall be included in determination of the TIME OF CONCENTRATION.
- D. Each STORM WATER STORAGE AREA facility shall be provided with a means of overflow. This overflow structure shall be constructed to function without special maintenance attention and can become a part of the excess STORM WATER passageway for the entire DEVELOPMENT.
- E. The entire STORM WATER STORAGE AREA facility shall be designed and constructed to fully protect the public health, safety, and welfare. The minimum building SITE elevation adjacent to wet or dry basins shall be set at a minimum of 1 foot above the maximum created head. The maximum created head will include the energy head at the emergency overflow structure.

- F. STORM WATER STORAGE AREA facilities shall not receive RUNOFF from TRIBUTARY WATERSHEDS outside the DEVELOPMENT SITE unless the Approval Authority determines that RUNOFF from such areas can be accommodated in the storage area in a manner that will protect immediate downstream properties.
- G. Where portions of the OWNER's land are tributary to the same drain for an outlet, but which are within two or more TRIBUTARY WATERSHEDS to that drain, the OWNER may construct, upon site specific approval by the Approval Authority, compensatory STORM WATER detention facilities within one TRIBUTARY WATERSHED which offset the lack of CONSTRUCTION of STORM WATER detention facilities in another TRIBUTARY WATERSHED. Such compensatory storage shall be designed and constructed such that the net effect of these facilities shall be to limit the rate at which STORM WATER is released into the drain to that rate which would have occurred had STORM WATER detention facilities been constructed for all the TRIBUTARY WATERSHEDS.

9.2 Dry Bottom Storm Water Storage Areas

- A. DRY BOTTOM STORM WATER DETENTION BASINS should be designed where possible to serve a secondary purpose for recreation, open space, or similar types of uses which will not be adversely affected by occasional intermittent flooding and will not interfere with STORM WATER MANAGEMENT.
- B. Minimum grades for turf areas within the basin shall be 2 percent (50 units horizontal to one unit vertical) except that the minimum GRADE shall be 1 percent (100 units horizontal to one unit vertical) if tile underdrains are adequately installed underneath the turf areas. Storage facility side SLOPES shall not exceed 3:1 (three units horizontal to one unit vertical), shall provide for the reasonably safe approach of persons and reasonably safe maintenance practices. Side SLOPES steeper than 3:1 may be allowed upon a determination by the Approval Authority that adequate precautions are taken to avoid unreasonable hazard. Storage basin excavations shall follow the natural land contours as closely as practicable. The geometry of DRY BOTTOM STORM WATER DETENTION BASINS shall be approved by the Approval Authority.
- C. Temporary seeding or other SOIL stabilization measures shall be established in the STORM WATER STORAGE AREA and excess STORM WATER passageway immediately following the CONSTRUCTION or RECONSTRUCTION of these facilities. These measures shall conform to Land Disturbance Erosion Controls (Section 11) in this Ordinance. During the construction of the overall DEVELOPMENT, it is recognized that a limited amount of SEDIMENT buildup may occur in the STORM WATER STORAGE AREA due to EROSION. In no case, shall the volume of the storage basin be reduced to less than 90 percent of the required volume during the CONSTRUCTION phase of the DEVELOPMENT. Basins may be over-excavated to provide additional storage volume for anticipated SEDIMENTATION during CONSTRUCTION activities.
- D. Permanent EROSION control measures such as hydro seeding, conventional seeding, nurse crops, fertilizing, or sod installation and associated stabilization techniques such as mulching shall be utilized to control SOIL movement and EROSION within the storage area and excess STORM WATER passageway as required. These measures shall conform to Land Disturbance Erosion Controls (Section 11) in this Ordinance. The installation of these permanent measures shall take place only after the majority of CONSTRUCTION and other silt and SEDIMENT producing activities have been completed.

- E. Prior to the establishment of permanent EROSION control measures, the required capacity of the STORM WATER STORAGE AREA and the excess STORM WATER passageway shall, if necessary, be restored by EXCAVATION of SEDIMENT materials to provide 100 percent of the required storage volume. Upon completion of CONSTRUCTION activities, the storage volume shall be certified in writing by an Illinois Registered Professional Engineer prior to the issuance of any Compliance Certificate required by Section 9.1.3 of the Champaign County Zoning Ordinance for any DEVELOPMENT served by such basin. The specific EROSION control measures to be employed shall be included in an ESCP to be approved by the Approval Authority.
- F. The outlet CONTROL STRUCTURE shall be provided with an interceptor for trash and debris, and it shall be designed and constructed to minimize EROSION and not to require manual adjustments for its proper operation. The CONTROL STRUCTURE shall be designed to operate properly with minimal maintenance or attention. The CONTROL STRUCTURE shall be provided with safety screens for any pipe or opening, other than a weir, to prevent children or large animals from crawling into structures. The CONTROL STRUCTURE shall be constructed to allow access to it at all times, including times of flood flow.
- G. Paved low flow conduits shall be provided in STORM WATER STORAGE AREA. These conduits shall be so constructed that they will not unnecessarily interfere with any secondary use of the storage area and will reduce the frequency of time that the storage area will be covered with water and facilitate dewatering of the SOILS in the STORM WATER STORAGE AREA to avoid saturated SOIL conditions. Low flow conduits shall facilitate complete interior drainage of the STORM WATER STORAGE AREA. Tile underdrain systems may be combined with the low flow conduits or CHANNEL systems.
- H. Pipe outlets of less than 10 inches in diameter shall not be allowed unless specifically approved by the Approval Authority. Multiple outlet pipes from a STORM WATER STORAGE AREA shall be avoided if they are designed to be less than 12 inches in diameter.
- I. Warning signs shall be placed at appropriate locations to warn of deep water, possible flood conditions during storm periods, and of other dangers that exist to pedestrian and vehicular traffic.

9.3 Wet Bottom Storm Water Storage Areas

WET BOTTOM STORM WATER STORAGE AREAS shall be designed in compliance with all the applicable regulations which govern the CONSTRUCTION of DRY BOTTOM STORM WATER DETENTION BASINS. The following additional regulations shall apply to WET BOTTOM STORM WATER STORAGE AREAS:

- A. The water surface area of the permanent pool shall not exceed one-fifth of the area of the TRIBUTARY WATERSHED, or as approved by the Approval Authority.
- B. Minimum normal water depth (excluding safety ledges and side SLOPES) shall be eight feet provided, however, that if fish are to be maintained in the pond, at least one-quarter of the pond area shall be a minimum of ten feet deep.
- C. Measures shall be included in the design to minimize pond stagnation and to help ensure adequate aerobic pond conditions.
- D. All WET BOTTOM STORM WATER STORAGE AREAS shall comply with the requirements for some combination of vertical barrier or safety ledge for all pools as required by Section 4.3.6 of the Champaign County Zoning Ordinance.

9.4 Alternative Storm Water Storage Areas

The use of STORM WATER STORAGE AREAS as described in Dry Bottom Storm Water Storage Areas (Sections 9.2) and Wet Bottom Storm Water Storage Areas (Section 9.3) are the preferred means of STORM WATER storage. The following alternative means of STORM WATER storage may be used on DEVELOPMENT SITES under 2 acres in area or where practical necessity makes the use of STORM WATER STORAGE AREAS infeasible. The use of such alternative STORM WATER STORAGE AREAS is only permitted upon the specific approval of the Approval Authority. Storage of STORM WATER in public streets will not be allowed.

- A. Paved STORM WATER Storage - Design and CONSTRUCTION of the pavement base must insure that there is minimal pavement damage due to flooding. CONTROL STRUCTURES in paved areas must be readily accessible for maintenance and cleaning. Flow control devices will be required unless otherwise approved by the Approval Authority.
- B. Street Pavement Surface Ponding - Street pavement surface ponding shall not exceed 9 inches in depth in the gutter line nor over the roadway crown if no gutter is present under all rainfall conditions up to and including the 50-year storm event. Open waterways such as surface overflow swales shall be designed into the GRADING plan to receive all excess STORM WATER. Depressing sidewalks across such overflow swales to meet this requirement shall be acceptable. Street ponding shall be allowed only for the conveyance of RUNOFF and will be subject to approval by the public body accepting dedication of the street.
- C. Rooftop STORM WATER Storage - Rooftop storage of excess STORM WATER shall be designed and constructed to provide permanent control inlets and parapet walls to contain excess STORM WATER. Adequate structural roof design must be provided to ensure that roof deflection does not occur which could cause the roofing material to fail and result in leakage. Overflow areas must be provided to ensure that the weight of STORM WATER will never exceed the structural capacity of the roof. Any rooftop storage of excess STORM WATER shall be approved only upon submission of building plans signed and sealed by a licensed structural engineer or architect attesting to the structural adequacy of the design.
- D. Automobile Parking Lot Storage Areas - Automobile parking lots may be designed to provide temporary detention storage on a portion of their surfaces. Automobile parking facilities used to store excess STORM WATER may be constructed having a maximum depth of stored STORM WATER of 0.6 feet; and these areas shall be located in the most remote, least used areas of the parking facility. Design and CONSTRUCTION of automobile parking in STORM WATER areas must insure that there is minimal damage to the parking facility due to flooding, including minimal damage to the sub base. Warning signs shall be mounted at appropriate locations to warn of possible flood conditions during storm periods.
- E. Underground STORM WATER Storage - Underground STORM WATER storage facilities must be designed for easy access in order to remove accumulated SEDIMENT and debris. These facilities must be provided with a positive gravity outlet unless otherwise approved by the Approval Authority.

9.5 Submittals

Two copies of a STORM WATER DRAINAGE PLAN prepared by an Illinois Professional Engineer must be submitted with any zoning petition or SUBDIVISION application where required by this Ordinance. Such plan must at a minimum contain the following:

- A. The SUBDIVISION name or other project identification, engineer's firm, the engineer's name, and date shall all be indicated.
- B. Full description of before and after DEVELOPMENT topography, existing drainage (including locations of agricultural drainage tile serving the area to be developed as well as serving off-site areas but which crosses the area to be developed as well as the efforts to identify and locate underground tile), GRADING, and environmental characteristics of the property. This includes but is not limited to the location and size of all landscaped and vegetated areas, green roofs, rain water storage systems, and areas of permeable surfacing intended to provide storm water treatment or other storm water control.
- C. An explanation of the minor and major STORM WATER DRAINAGE SYSTEMS' performance under storm events up to and including the 100-year precipitation event and of the provisions for handling drainage from any TRIBUTARY WATERSHEDS.
- D. The potential impacts of the DEVELOPMENT on water resources both upstream and downstream.
- E. STORM WATER Detention or Retention System Designs - Calculations shall be submitted with all assumptions, coefficients, and other parameters identified and their sources noted.
- F. For detention systems for DEVELOPMENTS of more than 10 acres in area, a plot or tabulation of storage volumes with corresponding water surface elevations (stage storage table) and of the basin outflow rates for those water surface (stage discharge) elevations shall be furnished for the 1-year, 2-year, 5-year and 50-year precipitation events. These tabulations shall be listed for water surface elevation intervals not exceeding 1.0 foot.
- G. ESCP as required by LDEC Permits (Section 12) in this Ordinance.

9.6 Certifications

The following certifications shall be submitted prior to the issuance of any Certificate of Compliance, final plat approval, or release of performance guarantee for DEVELOPMENT on the SITE as provided in the applicable provisions of the Champaign County Zoning Ordinance or Champaign County Subdivision Regulations:

- A. Certification of storage volume as required in Section 9.1 A.2.d.
- B. As-built drawings of the STORM WATER DRAINAGE SYSTEM including the storage facility in sufficient detail to determine that the constructed facility is substantially the same as that presented in the approved STORM WATER DRAINAGE PLAN with certification to that effect by an Illinois Professional Engineer.

10. JOINT CONSTRUCTION

STORM WATER STORAGE AREAS may be planned and constructed jointly by two or more landowners so long as compliance with this Ordinance is maintained.

11. LAND DISTURBANCE EROSION CONTROL

11.1 General Requirement

- A. Land Disturbance Erosion Control requirements shall apply to any STORM WATER DRAINAGE PLAN, LDEC PERMIT or enforcement actions prescribed by the Zoning Administrator.
- B. The design, testing, installation, and maintenance of EROSION and SEDIMENT control operations and facilities shall adhere to the requirements of this Ordinance and the standards and specifications contained in the Technical Appendices; and to the most

recent version of the ILLINOIS URBAN MANUAL. This Ordinance shall prevail where any of those requirements conflict. The EROSION and SEDIMENT control standards specifically included in this Ordinance may not be adequate for every situation that may be encountered and in those situations the most appropriate standard(s) from the ILLINOIS URBAN MANUAL should be utilized.

11.2 Minimize Soil Erosion

The following practices shall be applied to LAND DISTURBANCE activities to minimize Soil Erosion.

- A. LAND DISTURBANCE shall be minimized to the extent practical and shall be conducted in such a manner as to minimize soil EROSION.
- B. Prior to any LAND DISTURBANCE on the SITE, EROSION control facilities shall be installed.
- C. Areas of LAND DISTURBANCE shall be stabilized immediately whenever LAND DISTURBANCE has permanently ceased on any portion of the SITE, or temporarily ceased on any portion of the SITE and will not resume for a period exceeding 14 calendar days. Stabilization of disturbed areas must be initiated within 1 working day of permanent or temporary cessation of earth disturbing activities and shall be completed as soon as possible but not later than 14 days from the initiation of stabilization work in the area. Except where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable or on areas where construction activity has temporarily ceased and will resume after 14 days, a temporary stabilization method can be used.
- D. Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.
- E. Areas of LAND DISTURBANCE with a slope equal to or greater than three feet horizontal to one foot vertical shall be stabilized.
- F. To the extent practicable, ditches and swales which are to convey off-site flows through the SITE shall be stabilized upon construction.
- G. The condition of the LAND DISTURBANCE and/ or construction SITE for the winter shutdown period shall address proper EROSION and SEDIMENT control early in the fall growing season so that all LAND DISTURBANCE areas may be stabilized with temporary or permanent vegetative cover.
 1. All non-active construction areas that are to remain idle throughout the winter shall receive temporary erosion control measures including temporary seeding, mulching, and/or erosion control blanketing prior to the end of the fall growing season that is approximately October 15.
 2. Those active construction areas to be worked beyond October 15 shall incorporate soil stabilization measures that do not rely on vegetative cover such as erosion control blanketing and heavy mulching.

11.3 Minimize ~~On Site~~ Sedimentation

The following practices shall be applied to LAND DISTURBANCE activities to minimize SEDIMENTATION:

- A. SEDIMENT control facilities shall be utilized to minimize SEDIMENT from leaving the SITE and minimize the amount of sediment being moved on the SITE.
- B. Common SEDIMENT control facilities or structures are sediment traps, sediment basins, and silt fences. Straw bale dikes are not authorized SEDIMENT control facilities.
- C. SEDIMENT control facilities shall be in place for all drainage leaving the SITE prior to mass GRADING.

- D. Adjacent private and public areas shall be kept free of SEDIMENT and nuisance soil. A stabilized LOT or construction entrance (driveway) and vehicle wash down facilities, if necessary, shall be provided to minimize the amount of soil and SEDIMENT tracked onto public or private streets. Any soil or SEDIMENT tracked onto a public or private street shall be removed before the end of each workday or sooner if directed by the relevant Authority.
- E. When a proposed LAND DISTURBANCE is tributary to a storm drain inlet, that storm drain inlet shall be protected by an appropriate SEDIMENT control device prior to the LAND DISTURBANCE.

11.4 Construction Dewatering

Water that is pumped or otherwise discharged on or from the SITE during construction dewatering shall be filtered to remove SEDIMENT and erosion shall be minimized.

11.5 Stockpiles

Stockpiles of soil and other erodible building material (such as sand) of 100 cubic yards or more shall be stabilized with temporary or permanent measures of EROSION and SEDIMENT control within 14 calendar days and shall not be located shall be located as follows:

- A. Stockpiles shall be provided a minimum separation of not be located less than 50 feet from the top of the bank of a drainage ditch or stream and not less than 30 feet from the centerline of a drainage swale that is indicated as an intermittent stream (or other drainage feature indicated as an intermittent stream) on a United States Geological Survey 7.5 Minute Quadrangle Map and not less than 30 feet from the top of the bank of a roadside ditch or and not in a drainage ditch easement and not less than 30 feet from the nearest property line; and
- B. Any additional separation distance required for stabilization and maintenance of the stockpile outside of the minimum separation required above.

11.6 Required Maintenance of Erosion and Sediment Control Measures

All temporary EROSION and SEDIMENT control measures shall be inspected regularly and maintained in an effective working condition at least as frequently (and more often if needed) as follows:

- A. Repair, replace, or maintain EROSION and SEDIMENT control measures after a singular or cumulative rainfall event of 0.5 inches or more over a 24 hour period.
- B. All temporary EROSION and SEDIMENT control measures shall be removed within 30 days after FINAL STABILIZATION is achieved with permanent soil stabilization measures.
- C. Trapped SEDIMENT and other disturbed soil resulting from temporary measures shall be properly disposed of and the area shall be stabilized.

12. LDEC PERMITS

- A. Within the Champaign County MS4 JURISDICTIONAL AREA, except activities identified in LDEC Permit Exemptions (Section 4.4), a LDEC PERMIT shall be required for applicable LAND DISTURBANCES.
- B. The requirements and review procedures to authorize a particular LAND DISTURBANCE depend upon the classification of that particular LAND DISTURBANCE. LDEC PERMITS shall be of the following types:

1. A MAJOR LDEC PERMIT shall be required for any LAND DISTURBANCE of one acre or more of land within the Champaign County MS4 JURISDICTION. An ILR10 permit is required by the IEPA for land both within and outside of the Champaign County MS4 JURISDICTION.
2. A MINOR LDEC PERMIT shall be required for any LAND DISTURBANCE of less than one acre of land but greater than 10,000 square feet that is part of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD or that is part of any other USE, DISTRICT, or LOT described in Applicability (Section 4.1), that is not otherwise identified in LDEC Permit Exemptions (Section 4.4).
3. LDEC PERMITS are required to be obtained by the OWNER or DEVELOPER of each LOT of a COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD, if multiple LAND DISTURBANCE activities occurring at the same time will result in 1 acre or greater LAND DISTURBANCE.

12.1 Applications for a LDEC Permit

Applications for a LDEC PERMIT shall be filed in written form with the ZONING ADMINISTRATOR on such forms as the ZONING ADMINISTRATOR prescribes and shall include the following:

- A. Name and address of the OWNER, the APPLICANT, contractor, engineer and architect when applicable;
- B. Location, including township and section, street number, lot block and or tract comprising the legal description of the SITE;
- C. Permanent Index Number (PIN);
- D. LOT Area;
- E. ZONING DISTRICT;
- F. Special Flood Hazard Area, if applicable;
- G. Use of existing property and structures;
- H. Proposed use and any proposed structures;
- I. Estimated cost of proposed construction;
- J. SITE PLAN indicating all existing and proposed uses and structures;
- K. Extent and nature of proposed LAND DISTURBANCE;
- L. An EROSION AND SEDIMENT CONTROL PLAN (ESCP) meeting the requirements of this Ordinance;
- M. Applications for a Major LDEC PERMIT shall also include the Supplemental Application Form in Technical Appendix E.

12.2 LDEC Permit - Minor

The following forms and procedures are required:

- A. The APPLICANT shall submit a completed Application Form. Copies of the completed and approved Application Form and LETTER OF NOTIFICATION shall be kept on the project SITE and made available for public viewing during CONSTRUCTION hours.
- B. Submission of an ESCP consistent with the guidelines and standards in Technical Appendix D.
- C. Upon approval of the ESCP by the ZONING ADMINISTRATOR, the ESCP shall be implemented by the PERMITTEE consistent with the guidelines and standards in Technical Appendix D.
- D. The PERMITTEE shall allow inspections of the LAND DISTURBANCE by the ZONING ADMINISTRATOR as indicated in Required Inspections (Section 13.5) in this Ordinance.

- E. When the LAND DISTURBANCE is completed and all LAND DISTURBANCE on the project SITE has received FINAL STABILIZATION, a LETTER OF TERMINATION shall be submitted by the PERMITTEE to the ZONING ADMINISTRATOR.

12.3 LDEC Permit - Major

The following forms and procedures are required:

- A. Submission of a completed Application Form and Supplemental Land Disturbance Erosion Control Permit Application Form. Copies of the completed and approved Application Form, SWPPP and ESCP shall be kept on the project SITE and made available for public viewing during CONSTRUCTION hours.
- B. The APPLICANT shall complete a NOTICE OF INTENT according to the ILR10 requirements and submit the NOI to the IEPA and the County.
- C. The APPLICANT shall complete a CONTRACTOR'S CERTIFICATION STATEMENT (CCS) according to the ILR10 requirements and submit the CCS to the IEPA and the County.
- D. The APPLICANT shall prepare a SWPPP according to the ILR10 requirements and submit the written SWPPP to the IEPA and the County.
- E. The APPLICANT shall submit an ESCP that has been prepared by a licensed PROFESSIONAL ENGINEER or a CERTIFIED PROFESSIONAL EROSION CONTROL SPECIALIST, for approval by the ZONING ADMINISTRATOR.

The ESCP shall be as follows:

1. The ESCP shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed GRADING on water resources, and measures proposed to minimize SOIL EROSION and minimize offsite EROSION and SEDIMENTATION.
2. The following information shall be included in any ESCP:
 - a. A letter of transmittal, which includes a project narrative.
 - b. An attached vicinity map showing the location of the SITE in relationship to the surrounding area's WATERCOURSES, water bodies and other significant geographic features, roads and other significant STRUCTURES.
 - c. An indication of the scale used and a north arrow.
 - d. The name, address, and telephone number of the OWNER and/or DEVELOPER of the property where the land disturbing activity is proposed.
 - e. Suitable contours for the existing and proposed topography.
 - f. Types of SOILS present on the SITE, as defined by the "Soil Survey of Champaign County, Illinois", prepared by the United States Department of Agriculture Natural Resources Conservation Service.
 - g. The proposed GRADING or LAND DISTURBANCE activity including: the surface area involved, excess spoil material, use of BORROW material, and specific limits of disturbance.
 - h. Location of WASHOUT FACILITIES for concrete and asphalt materials indicated on the SITE PLAN. Provide details of proposed WASHOUT FACILITIES.
 - i. A clear and definite delineation of any areas of vegetation or trees to be saved.
 - j. A clear and definite delineation of any WETLANDS, natural or artificial water storage detention areas, and drainage ditches on the SITE.
 - k. A clear and definite delineation of any 100-year FLOODPLAIN on or near the SITE.

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- l. STORM WATER DRAINAGE SYSTEMS, including quantities of flow and SITE conditions around all points of SURFACE WATER discharge from the SITE.
 - m. EROSION and SEDIMENT control provisions to minimize on-site EROSION and SEDIMENTATION and minimize off-site EROSION and SEDIMENTATION, including provisions to preserve TOPSOIL and limit disturbance. Provisions shall be in accordance with the standards presented in the appropriate Technical Appendix.
 - n. Design details for both temporary and permanent EROSION CONTROLS. Details shall be in accordance with the standards presented in the appropriate Technical Appendix.
 - o. Details of temporary and permanent stabilization measures including a note on the plan stating: "Following initial SOIL disturbance or redisturbance, permanent or temporary stabilization shall be completed within seven (7) calendar days on all perimeter dikes, swales, ditches, perimeter SLOPES, and all SLOPES greater than three (3) horizontal to one (1) vertical (3:1); embankments of ponds, basins, and traps; and within fourteen (14) days on all other disturbed or graded areas. The requirements of this section do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual CONSTRUCTION activities are currently being performed."
 - p. A chronological schedule and time frame (with estimated month) including, as a minimum, the following activities:
 - i. CLEARING AND GRUBBING for those areas necessary for installation of perimeter EROSION control devices.
 - ii. CONSTRUCTION of perimeter EROSION control devices.
 - iii. Remaining interior SITE CLEARING AND GRUBBING.
 - iv. Installation of permanent and temporary stabilization measures.
 - v. Road GRADING.
 - vi. GRADING for the remainder of the SITE.
 - vii. Building, parking lot, and SITE CONSTRUCTION.
 - viii. Final GRADING, landscaping or stabilization.
 - ix. Implementation and maintenance of FINAL STABILIZATION.
 - x. Removal of temporary EROSION control devices.
 - q. A statement on the plan noting that the CONTRACTOR, DEVELOPER, and OWNER shall request the EROSION CONTROL INSPECTOR to inspect and approve work completed in accordance with the approved ESCP, and in accordance with the ordinance.
 - r. A description of, and specifications for, SEDIMENT retention structures.
 - s. A description of, and specifications for, surface RUNOFF and EROSION control devices.
 - t. A description of vegetative measures.
 - u. A proposed vegetative condition of the SITE on the 15th of each month between and including the months of April through October.
 - v. The seal of a licensed PROFESSIONAL ENGINEER in the State of Illinois, if applicable.
- F. The APPLICANT may propose the use of any EROSION and SEDIMENT control techniques in a FINAL ESCP, provided such techniques are proved to be as or more effective than the equivalent BEST MANAGEMENT PRACTICES as contained in the manual of practices.

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- G. The PERMITTEE shall prepare an EROSION CONTROL INSPECTION REPORT (ECIR) on a weekly basis or after any rainfall event one-half (1/2) inch or greater in twenty-four (24) hours, as recorded on-site, at the nearest United States Geologic Survey or Illinois State Water Survey rain gauge nearest the SITE. Submit the ECIR to the ZONING ADMINISTRATOR within five (5) days. Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is one-half (1/2) inch or greater rain event, or snowmelt occurs.
- H. The PERMITTEE shall prepare an INCIDENCE OF NON-COMPLIANCE (ION) report within forty-eight (48) hours for any non-compliance. The ION report shall meet all ILR10 requirements. Submit the ION to the IEPA and the County.
- I. Copies of the documents listed above shall be kept on the project SITE and shall be made available for public viewing during CONSTRUCTION hours.
- J. The PERMITTEE shall prepare a NOTICE OF TERMINATION (NOT) upon FINAL STABILIZATION of the project SITE. Submit the NOT to the IEPA and the County.
- K. All reports should be mailed to the ZONING ADMINISTRATOR at the following address:
 - Department of Planning and Zoning
 - Brookens Administrative Center
 - 1776 E. Washington St.
 - Urbana, IL 61802

12.4 Fee

At the time the application is filed a fee shall be paid in accordance with the following schedule of fees in addition to any Zoning Use Permit fees that may apply:

- A. LDEC PERMIT - MAJOR
 - 1. No additional fee is required if a STORM WATER DRAINAGE PLAN is required and a fee has been paid in accordance with Section 9.3.4 of the Zoning Ordinance.
 - 2. If no STORM WATER DRAINAGE PLAN is required the fee shall be the Engineering Review Fee established by Section 9.3.4 of the Zoning Ordinance.
- B. LDEC PERMIT - MINOR.....\$50.00

12.5 LDEC Permit Authorization

The issuance of a LDEC PERMIT shall constitute an authorization to do only the work described in the PERMIT or shown on the approved SITE PLANS and specifications, all in strict compliance with the requirements of this ordinance and conditions determined by the Zoning Administrator.

12.6 LDEC Permit Duration

- A. LDEC PERMITS shall be issued for a specific period of time, up to one (1) year. The LDEC PERMIT duration shall reflect the time the proposed land disturbing or filling activities and SOIL storage are scheduled to take place. If the PERMITTEE commences permitted activities later than one hundred eighty (180) days of the scheduled commencement date for GRADING, the PERMITTEE shall resubmit all required application forms, maps, plans, and schedules to the ZONING ADMINISTRATOR. The PERMITTEE shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the LDEC PERMIT.
- B. LAND DISTURBANCE activities that require schedules in excess of one (1) year shall be reviewed and authorized by the ZONING ADMINISTRATOR in accordance with paragraph 9.1.2 D. of the Zoning Ordinance.

12.7 Responsibility of the Permittee

- A. The PERMITTEE shall maintain a copy of the LDEC PERMIT, approved plans and reports required under the LDEC PERMIT on the work SITE and available for public inspection during all working hours. The PERMITTEE shall, at all times, ensure that the property is in conformity with the approved GRADING plan, ESCP's, and with the following:
1. General - Notwithstanding other conditions or provisions of the LDEC PERMIT, or the minimum standards set forth in this Ordinance, the PERMITTEE is responsible for the prevention of damage to adjacent property arising from LAND DISTURBANCE activities. No person shall GRADE on land in any manner, or so close to the property lines as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, EROSION, SEDIMENTATION or other damage or personal injury which might result.
 2. Public ways - The PERMITTEE shall be responsible for the prompt removal of any SOIL, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks, public thoroughfare or public sanitary or STORM WATER conveyance systems, incident to the CONSTRUCTION activity, or during transit to and from the SITE and shall promptly correct any damages resulting therefrom.
- B. Compliance with this Ordinance does not ensure compliance with ILR10 requirements. APPLICANT and/or PERMITTEE is responsible for ensuring compliance with ILR10 requirements.

12.8 Required Maintenance During and After Construction

On any property on which GRADING or other work has been performed pursuant to a LDEC PERMIT granted under the provisions of this Ordinance, the PERMITTEE or OWNER, their agent, CONTRACTOR, and employees shall, at a minimum, daily inspect, maintain and repair all graded surfaces and EROSION control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while CONSTRUCTION is active. After CONSTRUCTION is complete, the OWNER or their agent shall maintain erosion control facilities and other drainage structures. This shall include cleaning inlets at least once a year during spring time and SEDIMENT shall be removed every 15 years or as needed.

13. ADMINISTRATION OF LDEC PERMITS

13.1 Zoning Administrator

- A. Administration and enforcement of this Ordinance shall be governed by the requirements of this Ordinance and Section 9 of the Champaign County Zoning Ordinance. This Ordinance shall prevail where there is a conflict but the Zoning Ordinance shall prevail where this Ordinance is silent.
- B. The ZONING ADMINISTRATOR, as defined in Section 9.1.1 of the Zoning Ordinance, shall have the duty to administer and enforce this Ordinance.
- C. The ZONING ADMINISTRATOR representative is authorized to make inspections of any SITE at various times on which there is a LAND DISTURBANCE that is regulated by this Ordinance. The intent of entering premises is to inspect the SITE before, during and after CONSTRUCTION to determine compliance with this Ordinance.

13.2 Conditions of Approval

In granting any LDEC PERMIT pursuant to this Ordinance, the ZONING ADMINISTRATOR may impose such conditions as may be reasonably necessary to prevent the creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions may include, but need not be limited to:

- A. The granting (or securing from others) and the recording in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of SLOPES or EROSION control facilities.
- B. Adequate control of dust by watering, or other control methods acceptable to the ZONING ADMINISTRATOR, and in conformance with applicable air pollution ordinances.
- C. Improvements of any existing GRADING, ground surface or drainage condition on the SITE (not to exceed the area as proposed for work or DEVELOPMENT in the application) to meet the standards required under this Ordinance for new GRADING, drainage and EROSION control.
- D. SEDIMENT traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision, may be required to install additional safety-related devices.
- E. Any other EROSION and SEDIMENT control technique necessary, in the opinion of the ZONING ADMINISTRATOR, to avoid a public safety hazard.

13.3 LDEC Permit Denial

- A. If the ZONING ADMINISTRATOR determines that an ESCP does not meet the requirements of this Ordinance, the application for the LDEC PERMIT shall not be approved.
- B. The ESCP must be resubmitted and approved before any LAND DISTURBANCE activity may be authorized.
- C. All land use and building permits shall be suspended on a SITE until there is an approved ESCP and the ZONING ADMINISTRATOR has approved a LDEC PERMIT.

13.4 Changes to LDEC Permits and Plans

- A. No work associated with any proposed modification to a LDEC PERMIT or plan shall occur without prior written approval by the ZONING ADMINISTRATOR.
- B. Administrative changes such as contact information or schedule changes must be submitted prior to, or together with, any reports, information, or applications to be signed by and authorized representative, but does not require review or approval by the ZONING ADMINISTRATOR.
- C. Changes to an approved ESCP can be authorized in two (2) ways:
 1. Changes within the scope of the applicable Technical Appendix may be approved and documented on a field inspection report signed and dated by the EROSION CONTROL INSPECTOR.
 2. Changes outside of the scope of the applicable Technical Appendix shall be submitted to the ZONING ADMINISTRATOR for approval.

13.5 Required Inspection

- A. All work for which a LDEC PERMIT is required shall be subject to inspection and approval by the ZONING ADMINISTRATOR. Refusal to allow entry of the ZONING ADMINISTRATOR or his/her representative to inspect for compliance with this Ordinance, or interference with such inspection, shall be grounds for the issuance of a STOP-WORK ORDER.

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- B. The PERMITTEE and/or their agents shall conduct a pre-CONSTRUCTION meeting on SITE with the EROSION CONTROL INSPECTOR on each SITE which has an approved ESCP.
- C. ~~Before commencing GRADING or land disturbing activities,~~ The PERMITTEE shall obtain written inspection approvals by the EROSION CONTROL INSPECTOR at the following stages in the DEVELOPMENT of the SITE, or of each SUBDIVISION thereof:
 - 1. Upon completion of installation of perimeter EROSION and SEDIMENT controls and prior to proceeding with any other LAND DISTURBANCE or GRADING. Other building or GRADING inspection approvals, including approval of any related Zoning Use Permit, shall not be authorized until the installation of perimeter EROSION and SEDIMENT controls has been approved by the EROSION CONTROL INSPECTOR, have been approved by the EROSION CONTROL INSPECTOR.
 - 2. Upon completion of stripping, the stockpiling of TOPSOIL, the CONSTRUCTION of temporary EROSION and SEDIMENT control facilities, disposal of all waste material, and preparation of the ground and completion of rough GRADING, but prior to placing TOPSOIL, permanent drainage or other SITE DEVELOPMENT improvements and ground covers.
 - 3. Upon completion of FINAL STABILIZATION, including GRADING, permanent drainage and EROSION control facilities, including established ground covers and plantings, and all other work of the LDEC PERMIT.
 - 4. The ZONING ADMINISTRATOR may require additional inspections as may be deemed necessary.
- D. Work shall not proceed beyond the stages outlined above until the EROSION CONTROL INSPECTOR inspects the SITE and approves the work previously completed.
- E. Requests for inspections shall be made at least twenty-four (24) hours in advance (exclusive of Saturdays, Sundays, and holidays) of the time the inspection is desired. Upon request for inspections, the EROSION CONTROL INSPECTOR shall perform the inspection within forty-eight (48) hours of the request.
- F. The inspection to determine compliance with this Ordinance shall not normally include a new building which was completed and which has been secured, but shall include inspection of any area of the property where land disturbing activity is occurring, or is thought to be planned.

14. LIABILITY RELATED TO LDEC PERMITS

- A. Neither the issuance of a LDEC PERMIT under the provisions of this Ordinance, nor the compliance with the provisions hereto or with any condition imposed by the ZONING ADMINISTRATOR, shall relieve any person from responsibility for damage to persons or property resulting from the activity of the PERMITTEE.
- B. Compliance with the conditions imposed by this Ordinance, or conditions imposed by the ZONING ADMINISTRATOR, shall not create liability on the County resulting from such compliance.

15. ENFORCEMENT OF LDEC PERMITS

15.1 Compliance

The PERMITTEE shall carry out the proposed work in accordance with the approved plans and specifications, and in compliance with all the requirements of the LDEC PERMIT, including those documents referenced in this Ordinance.

15.2 Deficiency

A SITE is deficient when regular maintenance of EROSION and SEDIMENT CONTROLS have not been completed and can generally be resolved during weekly inspections or inspections following storm events. The ZONING ADMINISTRATOR may send a letter encouraging the PERMITTEE to fix the deficiency before the next rain event when the SITE may become non-compliant.

15.3 Non-Compliance

A SITE is Non-Compliant when any violation of the stormwater pollution prevention plan or any condition of applicable permits is observed during any inspection. Corrective actions must be undertaken immediately to address the identified non-compliance issue(s). Any incidence of noncompliance (ION) shall be reported to the IEPA as required by the ILR10 permit and to the Zoning Administrator. The ION shall include statements regarding: the cause of Non-compliance, actions taken to prevent any further non-compliance, environmental impact resulting from the non-compliance, actions taken to reduce the environmental impact from the non-compliance.

- A. If non-compliance occurs and an ION is not filed, the SITE is in violation of the LDEC PERMIT.
- B. Recurring non-compliance could be a violation of the LDEC PERMIT.

15.4 Notice of Violation

- A. If the ZONING ADMINISTRATOR finds any conditions not as stated in the application or approved plans, the ZONING ADMINISTRATOR may issue a Notice of Violation or a STOP-WORK ORDER on the entire project, or any specified part thereof, until a revised plan is submitted conforming to current SITE conditions. Failure to obtain a LDEC PERMIT for activities regulated under this Ordinance constitutes a violation.
- B. If the ZONING ADMINISTRATOR issues a Notice of Violation or a STOP-WORK ORDER on the entire project, or any specified part thereof, pursuant to a MAJOR LDEC PERMIT, the ZONING ADMINISTRATOR shall also notify the IEPA that the project may not be in compliance with the ILR10 permit.

15.5 Prevention of Hazard

Whenever the ZONING ADMINISTRATOR determines that any LAND DISTURBANCE on any private property is an imminent hazard to life and limb, or endangers the property of another, or adversely affects the safety, use, SLOPE, or SOIL stability of a public way, publicly controlled WETLAND, or WATERCOURSE, then the ZONING ADMINISTRATOR shall issue a Stop-Work Order and require that all LAND DISTURBANCE activities cease and the corrective work begin immediately.

15.6 Stop-Work Order

- A. The ZONING ADMINISRATOR may require that, on a SITE, all work which is being performed contrary to the provisions of this Ordinance or is being performed in an unsafe or dangerous manner shall immediately stop.

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- B. STOP-WORK ORDERS do not include work as is directed to be performed to remove a violation or dangerous or unsafe condition as provided in the STOP-WORK ORDER..
- C. The ZONING ADMINISTRATOR may issue a STOP-WORK ORDER for the entire project or any specified part thereof if any of the following conditions exist:
1. Any LAND DISTURBANCE activity regulated under this Ordinance is being undertaken without a LDEC PERMIT.
 2. The ESCP or SWPPP is not being fully implemented.
 3. Any of the conditions of the LDEC PERMIT are not being met.
 4. The work is being performed in a dangerous or unsafe manner.
 5. Refusal to allow entry for inspection.
- D. A STOP-WORK ORDER shall be issued as follows:
1. The STOP-WORK ORDER shall be in writing and shall be posted and served upon the OWNER and PERMITTEE, as provided below. In addition, a copy of the STOP-WORK ORDER may be given to any person in charge of or performing work on drainage improvements in the DEVELOPMENT, or to an agent of any of the foregoing.
 2. The STOP-WORK ORDER shall state the conditions under which work may be resumed.
 3. No person shall continue any work after having been served with a STOP-WORK ORDER.
 4. For the purposes of this section, a STOP-WORK ORDER is validly posted by posting a copy of the STOP-WORK ORDER on the SITE of the LAND DISTURBANCE in reasonable proximity to a location where the LAND DISTURBANCE is taking place. Additionally, in the case of work for which there is a LDEC PERMIT, a copy of the STOP-WORK ORDER, shall be mailed by first class mail to the address listed by the PERMITTEE and in the case of work for which there is no LDEC PERMIT, a copy of the STOP-WORK ORDER shall be mailed to the person to whom real estate taxes are assessed, or if none, to the taxpayer shown by the records of the Supervisor of Assessment.
 5. If the LAND DISTURBANCE continues more than 24 hours after the STOP-WORK ORDER is posted on the SITE, the ZONING ADMINISTRATOR may do the following:
 - a. If there is a LDEC PERMIT the ZONING ADMINISTRATOR may revoke the LDEC PERMIT
 - b. If there is no LDEC PERMIT, the ZONING ADMINISTRATOR may request the State's Attorney to obtain injunctive relief.
 6. The ZONING ADMINISTRATOR may retract the revocation.
 7. Ten (10) days after posting a STOP-WORK ORDER, the ZONING ADMINISTRATOR may issue a notice to the OWNER and/or PERMITTEE of the intent to perform the work necessary to minimize EROSION and institute SEDIMENT control. The ZONING ADMINISTRATOR or his/her designated representative may go on the land and commence work after fourteen (14) days from issuing the notice. The costs incurred to perform this work shall be paid by the OWNER or PERMITTEE. In the event no LDEC PERMIT was issued, the costs, plus a reasonable administrative fee, shall be billed to the OWNER.
 8. Compliance with the provisions of this Ordinance may also be enforced by injunction.

15.7 Legal Proceedings

- A. A complaint may be filed with the Circuit Court for any violation of this Ordinance. A separate violation shall be deemed to have been committed on each day that the violation existed.
- B. In addition to other remedies, the State's Attorney may institute any action or proceeding which:
 - 1. Prevents the unlawful CONSTRUCTION, alteration, repair, maintenance, or removal of drainage improvements in violation of this Ordinance or the violation of any LDEC PERMIT issued under the provisions of this Ordinance.
 - 2. Prevents the occupancy of a building, STRUCTURE or land where such violation exists.
 - 3. Prevents any illegal act, conduct, business, or use in or about the land where such violation exists.
 - 4. Restrains, corrects or abates the violation.
- C. In any action or proceeding under this section, the State's Attorney may request the court to issue a restraining order or preliminary injunction, as well as a permanent injunction, upon such terms and conditions as will enforce the provisions of this Ordinance. A lien may also be placed on the property in the amount of the cleanup costs.

15.8 Penalties

- A. Penalties for violation of this Ordinance shall be governed by the requirements of this Ordinance and Section 10 of the Champaign County Zoning Ordinance. This Ordinance shall prevail where there is a conflict but the Zoning Ordinance shall prevail where this Ordinance is silent.
- B. Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of this Ordinance shall be punishable by a fine of not less than one hundred dollars (\$100.00) per day and not more than five hundred dollars (\$500.00) per day for each separate offense. Each day there is a violation of any part of this Ordinance shall constitute a separate offense.

16. RULES OF CONSTRUCTION

This Ordinance shall be construed liberally in the interests of the public so as to protect the public health, safety, and welfare.

17. APPEAL, WAIVER OR VARIANCE

- A. Any part here of or this entire Ordinance may be waived or varied by the by the relevant Approval Authority in accord with the relevant provision of Article 18 of the Champaign County Subdivision Regulations or Section 9.1.9 of the Champaign County Zoning Ordinance except for specific requirements of the ILR10.
- B. When the ZONING ADMINISTRATOR is the Approval Authority, the PERMITTEE, or its designee, may appeal a decision of the ZONING ADMINISRATOR pursuant to this Ordinance as authorized in Section 9.1.8 of the Zoning Ordinance. The filing of an appeal shall not operate as a stay of a Notice of Violation or STOP-WORK ORDER. The County shall grant the appeal and issue the appropriate instructions to the Department of Planning and Zoning upon a finding of fact that there is no violation of the Ordinance or the LDEC PERMIT issued.

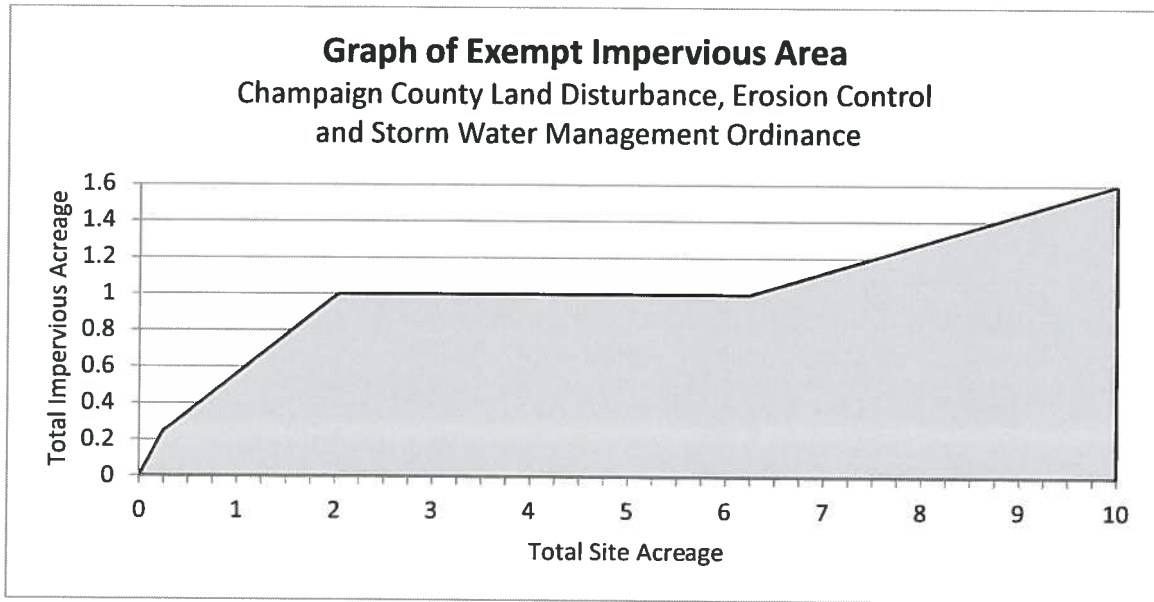
18. EFFECTIVE DATE

This ordinance shall become effective upon adoption.

Appendix A – Adopting Resolution and Amendments

Appendix B – Exempt Impervious Area

The following graph illustrates the impervious area exemption established in Subparagraph 8.2.A.5. The mathematical expressions for the different portions of the graph are also included. Exemption status can either be read directly from Subparagraph 8.2.A.5. or the graph or determined mathematically using the mathematical expressions.



Mathematical Expressions for Exempt Impervious Area

Site Area	Project is Exempt if:
Less than or equal to 0.25 acres	Impervious Area is less than or equal to Site Area
Greater than 0.25 acres or equal to 2.0 acres	Impervious Area is less than or equal to 0.14 acres plus 0.423 x Site Area
Greater than 2.0 acres or equal to 6.25 acres	Impervious Area is less than or equal to 1.0 acres
Greater than 6.25 acres	Impervious Area is less than or equal to 0.16 x Site Area

Appendix C – Champaign County MS4 Jurisdictional Area

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Appendix D - Technical Appendix for Minor LDEC Permit

**Standard Forms and list of Standard Details
for
Land Disturbance Erosion Control Permit – Minor**

(NOT INCLUDED IN THIS COPY)

Appendix E - Technical Appendix for Major LDEC Permit

**Standard Forms and List of Standard Details
for
Land Disturbance Erosion Control Permit – Major**

(NOT INCLUDED IN THIS COPY)

Appendix F – Standard Details

(NOT INCLUDED IN THIS COPY)