

CASE NO. 157-AT-24

PRELIMINARY MEMORANDUM

December 4, 2024

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator
Charlie Campo, Senior Planner

Request: **Amend the Champaign County Zoning Ordinance as follows regarding a temporary moratorium on Carbon Sequestration Activity:**

- 1. Add the following definitions to Section 3.0 Definitions: CARBON SEQUESTRATION ACTIVITY.**
- 2. Amend Section 5.2 as follows:**
 - a. Add “CARBON SEQUESTRATION ACTIVITY” to be temporarily prohibited by means of a safety moratorium in all Zoning Districts.**
- 3. Add new Section 5.5 Safety Moratorium on CARBON SEQUESTRATION ACTIVITY and provide as follows:**
 - a. That the purpose of the temporary safety moratorium is to allow time for the Champaign County Board to adopt a comprehensive ordinance(s) regulating the sequestration of carbon within its borders.**
 - b. That all CARBON SEQUESTRATION ACTIVITY pending or proposed after the effective date of the amendment shall be held in abeyance and shall not be approved by Champaign County until the revocation of this temporary moratorium.**
 - c. That the moratorium shall expire in 12 months after the effective date of the amendment.**

BACKGROUND

The Champaign County Board Environment and Land Use Committee reviewed a Draft version of this amendment and authorized this text amendment at their October 10, 2024, meeting. See the attached memorandum.

At a prior meeting on August 8, 2024, ELUC viewed a PowerPoint presentation by Pam Richart, Eco-Justice Collaborative, and Andrew Rehn, Prairie Rivers Network (Attachment D) and reviewed a two-page flyer that was included as Item VIII-D in the Agenda Packet (Attachment B). The flyer and the PowerPoint reviewed possible risks of contamination to the Mahomet Aquifer as a result of proposed carbon sequestration activities that would sequester carbon dioxide below the aquifer.

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Case 157-AT-24
DECEMBER 4, 2024

ELUC member Chris Stohr also submitted a two-page handout at that meeting that reviewed the same or similar concerns(Attachment C).

ATTACHMENTS (*= attachments available on the County website)

- A Champaign County Environment and Land Use Committee (ELUC) Memorandum dated September 27, 2024, with attachment:
 - A Proposed Text Amendment

- B Item VIII-D from the August 8, 2024, ELUC Agenda (The Mahomet Aquifer is at risk of CO₂ Contamination)

- C Handout by Board Member Chris Stohr from the August 8, 2024, ELUC Meeting

- D PowerPoint presentation from the August 8, 2024, ELUC Meeting by Pam Richart, Eco-Justice Collaborative, and Andrew Rehn, Prairie Rivers Network

- E *Land Resource Management Plan (LRMP) Goals & Objectives (provided on the ZBA meetings website)

- F Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 157-AT-24 with attachment: • Exhibit A: Proposed Amendment



TO: Environment and Land Use Committee
FROM: John Hall, Zoning Administrator
State’s Attorney’s Office
DATE: September 27, 2024
RE: Authorization for a public hearing on a proposed Zoning Ordinance text amendment to establish a safety moratorium on carbon sequestration activity in Champaign County

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BACKGROUND

The Committee heard a presentation at the August 8, 2024, Meeting about the risks to the Mahomet Aquifer from proposed carbon sequestration activities.

With the help of the State’s Attorney’s Office, the attached text amendment has been drafted to establish a moratorium on carbon sequestration activities in Champaign County until a final text amendment can be drafted that would establish robust requirements for such activities.

The moratorium is proposed to last 12 months and may need to be extended depending upon how quickly the final text amendment can be completed.

TEXT AMENDMENT PUBLIC HEARING TIMELINE

The public hearing requires a legal advertisement in the newspaper and notice provided to all relevant municipalities. If the public hearing is authorized by ELUC on October 8, 2024, the anticipated timeline (*earliest possible dates) is as follows:

-
- | | |
|--|-------------------------------------|
| 1. Public Hearing opens at the Champaign County Zoning Board of Appeals (CCZBA) | Thursday, December 12, 2024 |
| 2. Public Hearing closes at CCZBA and the CCZBA makes recommendations to the Champaign County Board | *Thursday, January 16, 2025 |
| 3. Environment and Land Use Committee of the Champaign County Board (ELUC) affirms or amends CCZBA’s recommendation | *Thursday, February 6, 2025 |
| 4. Environment and Land Use Committee of the Champaign County Board makes a recommendation to the Champaign County Board | **Thursday, February 6, 2024 |
| 5. Champaign County Board makes a final determination | *Thursday, February 20, 2025 |
-

* earliest anticipated dates of action
** this date presumes no need to hold the text amendment at ELUC for one month for municipal comment

ATTACHMENTS

- A Proposed text amendment

ATTACHMENT A: PROPOSED TEXT AMENDMENT

1. Add the following to Section 3. Definitions:

CARBON SEQUESTRATION ACTIVITY: the injection of one or more carbon dioxide streams into underground geologic formations for long-term storage. This definition does not include carbon pipelines, as defined in the Illinois Safe CCS Act, found at 415 ILCS 5/59.

2. Amend Section 5.2 as follows:

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

Principal USES	Zoning DISTRICTS															
	CR	AG-	AG-	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
Industrial Uses: Miscellaneous Manufacturing and Industries																
CARBON SEQUESTRATION ACTIVITY	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹	M ³¹

M = Safety Moratorium (temporarily prohibited)

Footnotes

31. See Section 5.5 for details on the Safety Moratorium on CARBON SEQUESTRATION ACTIVITY.

3. Add new Section 5.5 Safety Moratorium CARBON SEQUESTRATION ACTIVITY as follows:

5.5 Safety Moratorium on CARBON SEQUESTRATION ACTIVITY

5.5.1 Purpose and Intent

The purpose and intent of this Safety Moratorium on CARBON SEQUESTRATION ACTIVITY is as follows:

- A. Temporarily prohibit CARBON SEQUESTRATION ACTIVITY, as defined in Section 3, within the boundaries of Champaign County.
- B. For the purpose of allowing the Champaign County Board time to conduct research on the impact of carbon sequestration activity on the quality and safety of groundwater resources, so that the Champaign County Board may adopt comprehensive ordinance(s) regulating the sequestration of carbon within its borders.

5.5.2 Duration of this Moratorium

This Safety Moratorium on CARBON SEQUESTRATION ACTIVITY will expire 12 months, or 365 days, after its effective date.

5.5.3 Activities Impacted by this Moratorium

- A. Any CARBON SEQUESTRATION ACTIVITY, as defined in this moratorium, that is proposed after the effective date of this moratorium will not be approved by Champaign County until the expiration or revocation of this temporary moratorium.
- B. Any CARBON SEQUESTRATION ACTIVITY that is pending, as of the effective date of this moratorium, will be held in abeyance until the six month-long moratorium has expired or been revoked.

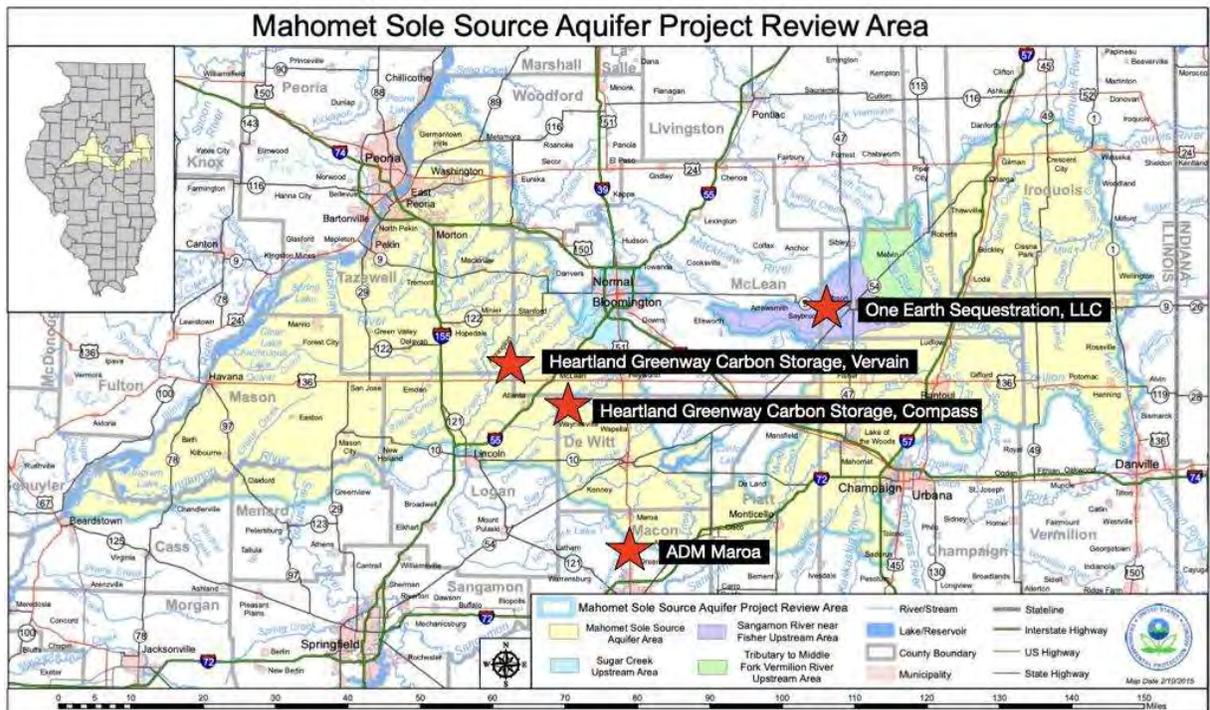
The Mahomet Aquifer is at risk from CO₂ contamination!

Stand up for the Mahomet Aquifer again!

- Thirteen years ago, the Mahomet Aquifer was threatened by the **storage of toxic waste** in the Clinton Landfill, located over the Mahomet Aquifer in DeWitt County. But counties and municipalities organized to protect it from manufactured gas plant (MGP) waste and polychlorinated biphenyl (PCB) waste. They:
 - Obtained a **sole source aquifer** designation from the U.S. EPA, which acknowledges its significance as a local water supply that must be protected.
 - Passed a **consent decree** and convinced legislators to **pass legislation** ([House Bill 1326](#)) to further protect the Mahomet from these toxic wastes.
- Then, in 2016 near Fisher Illinois, an injection well leaked methane into the Mahomet Aquifer from a gas storage facility owned by People's Gas. The **gas contaminated wells** as far away as Mahomet (the city). After eight years and with millions of dollars spent on the design of a new water supply, affected residents still rely on bottled water for daily use.
- Today, the Mahomet Aquifer is facing another threat that, if not stopped, can contaminate the aquifer with toxic, heavy metals. Once again, **your help is needed** to keep the aquifer safe.

The threat

- Due to its unique geology, **Illinois is a prime target** for carbon sequestration (CCS), the process of storing pressurized CO₂ underground in geological formations with the intent of permanent storage.
- The U.S. EPA plans to **hold public hearings** late this year and early next on draft Class VI well permits for four CCS projects that would inject CO₂ through and/or store it under the Mahomet Aquifer (and its recharge area near Fisher) in DeWitt, Logan, Macon, and McLean Counties.



We need a Mahomet Aquifer CCS Ban!

- CO₂ can **leak along injection wells** and through existing faults and fractures in the cap rock. Natural or induced earthquakes (caused by injecting large volumes of highly-pressurized CO₂) can crack well bores and the cap rock, releasing it into the aquifer. Leakage also can occur through abandoned wells that penetrate the Mahomet Aquifer:
 - When CO₂ mixes with water, it forms carbonic acid, which can leach **heavy metals** from sand and rock formations in the aquifer. These include arsenic, antimony, cadmium, chromium, copper, iron, lead, magnesium, and selenium.
 - People who consume **high levels of heavy metals** risk acute and chronic toxicity, liver, kidney, and intestinal damage, anemia, and cancer.
- Illinois passed legislation regulating carbon capture and storage in May of 2024 (the [SAFE CCS Act](#)), but the **law does not ban** the injection of CO₂ through or storage under the Mahomet Aquifer and its recharge areas. This leaves the Mahomet vulnerable to contamination from a CO₂ leak.

The Mahomet Aquifer is vital to our well-being

- The Mahomet Aquifer is the primary source of drinking water for nearly **one million people** in Central Illinois. It serves over 100 communities and tens of thousands of rural homeowners in 14 counties.
- It also is **important to our economy**. Many self-supplied agricultural, industrial, institutional, and commercial users rely upon the aquifer for cooling, process water, and row-crop irrigation.
- Its designation as a sole-source aquifer by the U.S. EPA means **over 50 percent of the population** served by the Mahomet Aquifer would be unable to find either a physically-available or economically-feasible alternative source of drinking water should it become contaminated.

What Can You Do?

Work with us to stop all CCS projects that threaten the Mahomet Aquifer! This includes:

- Helping **reignite the multiple coalitions** that previously worked together to protect it when the aquifer was threatened by MGP and PCB waste.
- Preparing for and attending each of the public hearings that will be held for projects that threaten the Mahomet Aquifer so that you can **tell the EPA to deny these permits**:
 - **No private company** should be allowed to threaten Central Illinois' primary water supply.
 - Approval of these projects will **compromise our health** and leave us **without a viable supply of replacement water** should the aquifer be contaminated by CO₂.
- Work for a legislative **Mahomet Aquifer CCS ban**. Call your state senator and representative and let them know we need a legislative Mahomet Aquifer CCS ban **to protect our drinking water and health** from CO₂ pollution! Go to the [Illinois State Board of Elections](#) website to find your legislators and their contact information.
- Visit noillinoisCO2pipelines.org for more information on **CCS and the Mahomet Aquifer**, and [sign up](#) for updates!

Questions? Contact Pam at prichart@ecojusticecollaborative.org or Andrew at arehn@prairierivers.org.

Concerns regarding CCS activities above, near and beneath sole source aquifers in Illinois

Carbon Capture and Storage/Sequestration [CCS] is one of several strategies wanted to reduce human-caused atmospheric carbon dioxide [CO₂] and climate change.

Champaign County should support the state plan for CCS, but promote additional protections for planned projects over [beneath], affecting, or near sole-source aquifers such as the Mahomet Aquifer. However,

1. Protection of the groundwater quality and sustainable supply is paramount particularly for sole source aquifers. Sequestration of CO₂ beneath sole source aquifers poses an uncertain risk to water quality.
2. Boundaries of the sole-source Mahomet Aquifer are not well known yet although HTEM investigations are underway and more are planned in coming years.
3. The geology and hydrogeology of the Mahomet Aquifer is not well-known nor is the recharge area[s] of the aquifer.
4. Subsurface geologic structures [bedrock faults, folds, etc.] in and around the Mahomet Aquifer Valley are insufficiently known.

WHAT TO DO.

1. Consult with state legislators to determine how implement adequate protections including
 - a. An independent investigation of the Manlove Gas Field leak is warranted.
 - b. Amend the Safety and Aid for the Environment in Carbon Capture and Sequestration Act to provide sufficient funding for both regulatory and independent geologic investigations and reviews, monitoring and reporting, and multiple public presentations with updated information and public input at least annually. CCS applications should include contingency plans for leakage from the geologic storage and pipelines with detailed plans and sufficiently funded bonds for the life of the storage.
 - c. Create a Mahomet Aquifer Watershed Water Authority with ability to raise funds and exercise legal regulation.

2. Accelerate HTEM and seismic studies of surficial and bedrock geology of the Mahomet Aquifer. Insufficient knowledge of structural, surficial and bedrock geology makes safety assessment of the CCS facilities problematic.
3. The county has concerns including: the need for extensive geologic investigations for safety analysis; special provisions are wanted for extensive monitoring, maintenance and public reporting during and following CCS injections; and independent validation of modeling used for CCS predictions.

RESOLUTION

1. A 6 month moratorium on the injection of CO₂ through a sole source aquifer, or the underground storage of CO₂ under a sole source aquifer, while the county looks at concerns, the feasibility of a prohibition, and need for a special use permit for those activities. The moratorium can be renewed or extended if more time is needed.

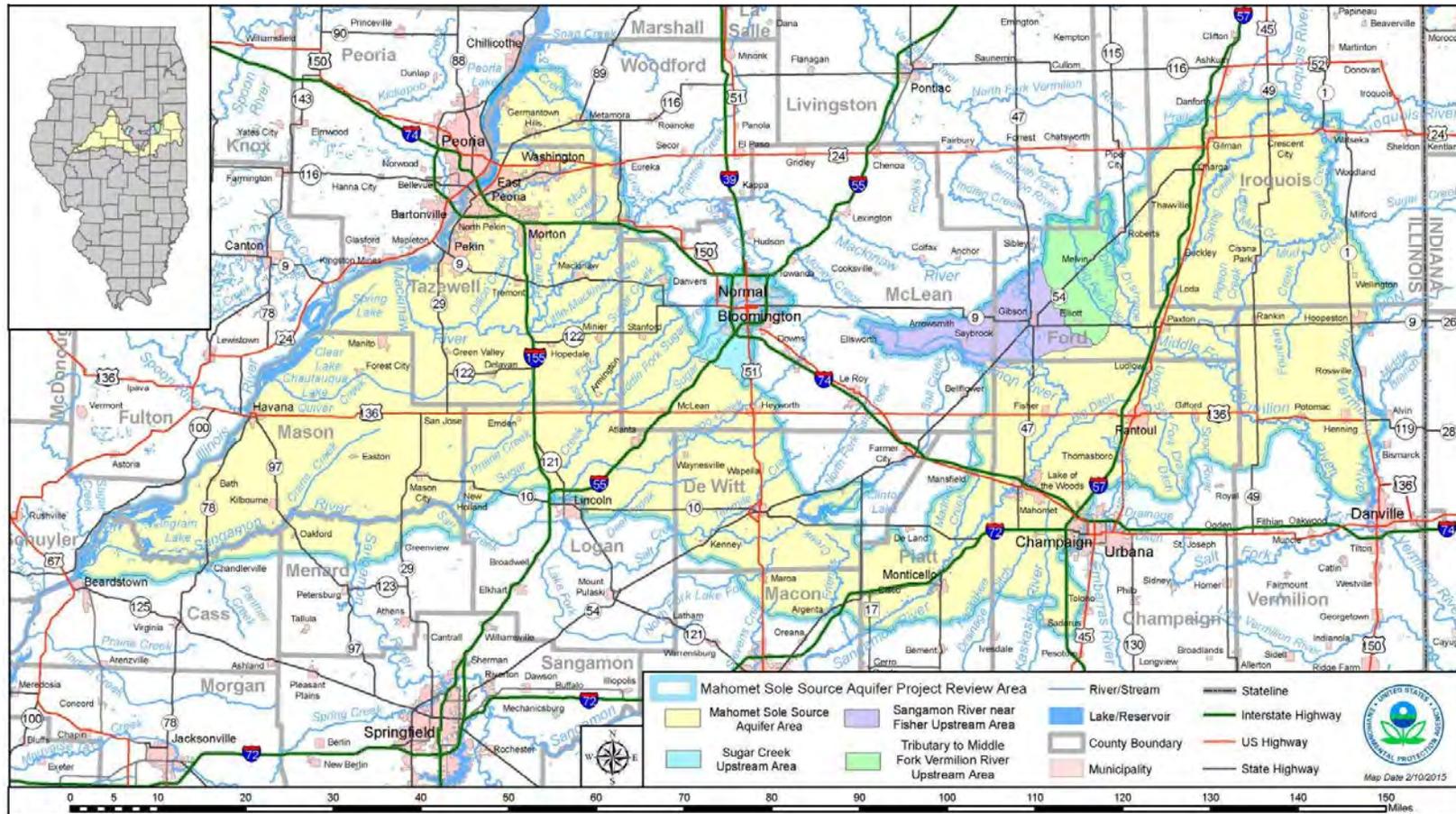
Conduct ZBA hearings and CB action the resolution.

Protect the Aquifer

Ban CO₂ Injection Through & Storage Under the Mahomet Aquifer

Pam Richart, Eco-Justice Collaborative
Andrew Rehn, Prairie Rivers Network

Our Sole Source Aquifer



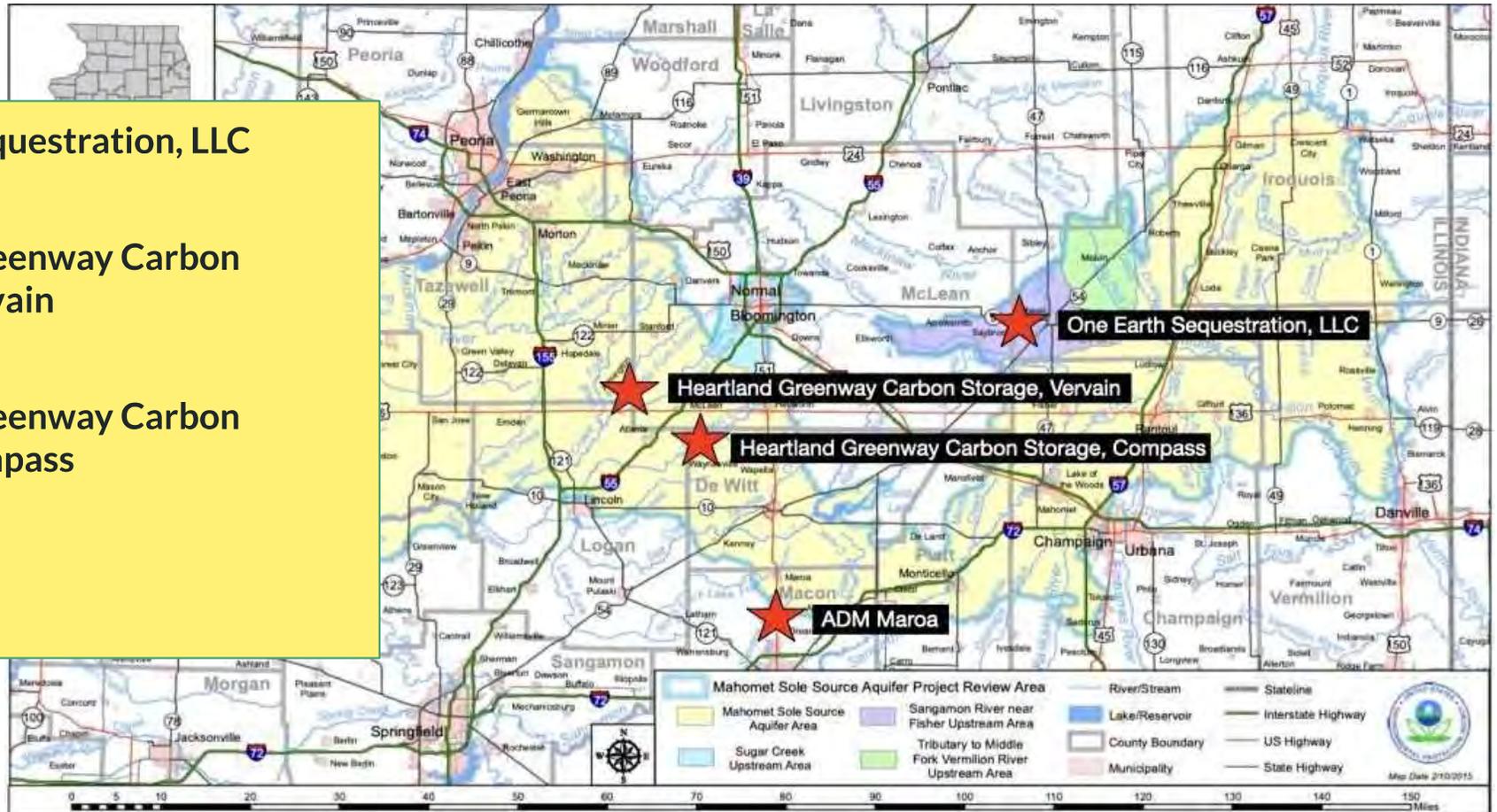
Mahomet Impacting Sequestration Wells Proposed (so far)

One Earth Sequestration, LLC
90 MMT CO₂

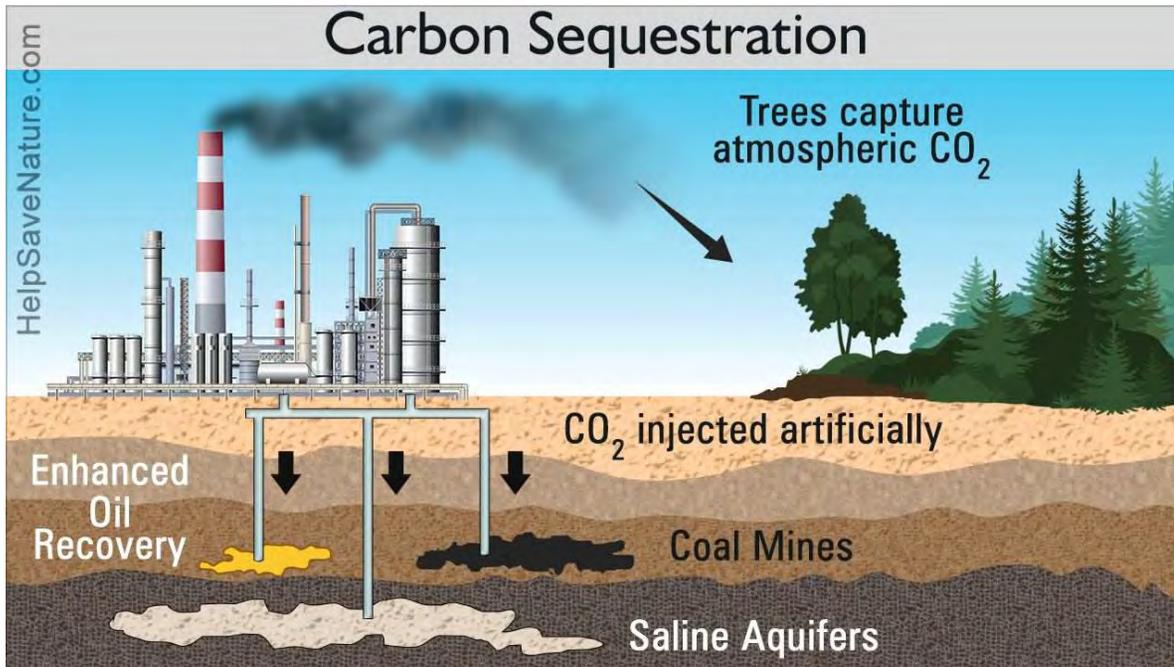
Heartland Greenway Carbon Storage - Vervain
62.5 MMT CO₂

Heartland Greenway Carbon Storage - Compass
62.5 MMT CO₂

ADM Maroa
39.6 MMT CO₂



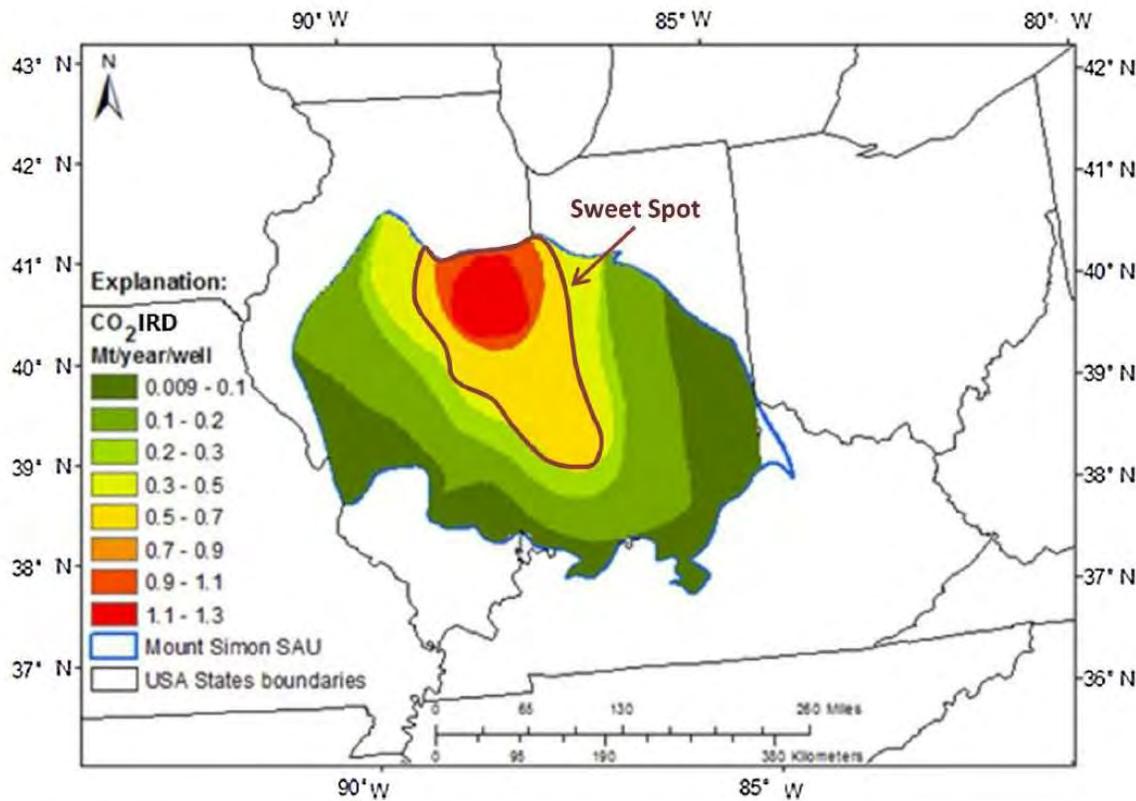
What is Carbon Sequestration?



Why now?

Inflation Reduction Act (2022) increased CO₂ sequestration incentives to \$85/tonne.

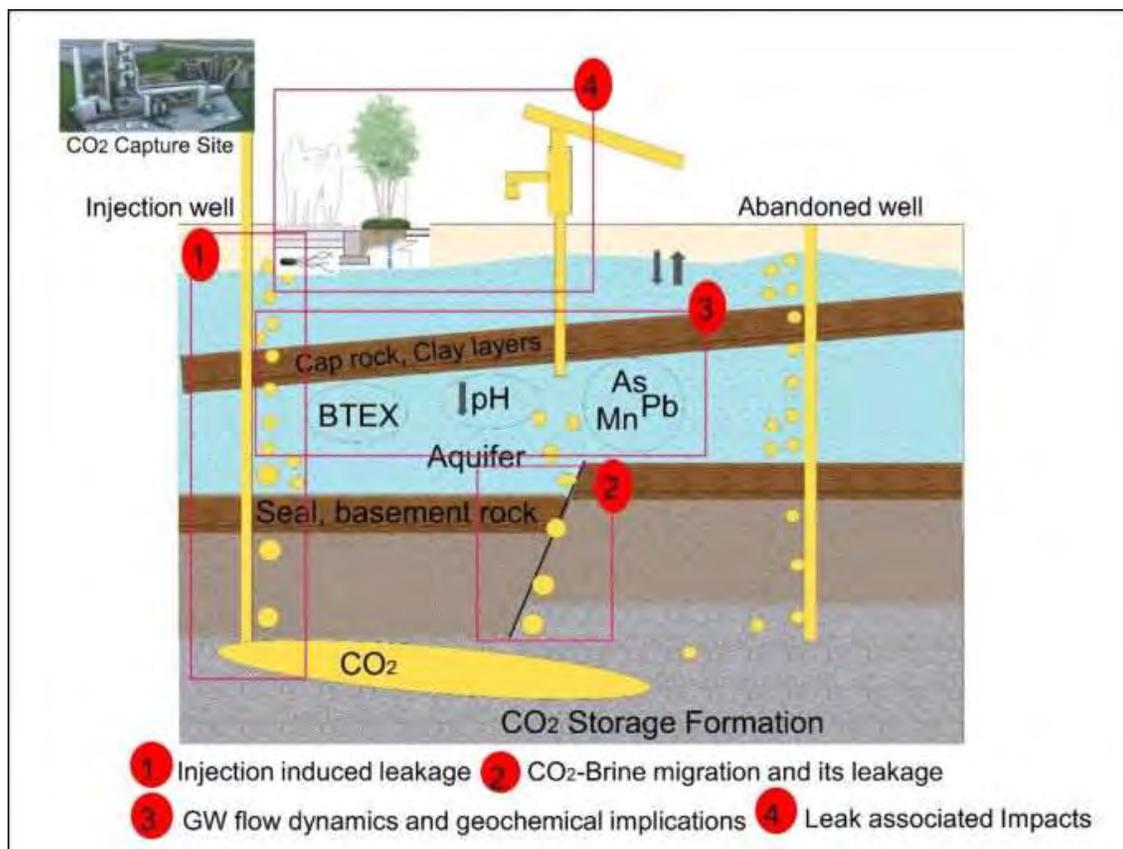
What is Carbon Sequestration?



Why here?

“Sweet spot” in the Mt. Simon Sandstone saline (salty) aquifer underlies the Mahomet.

Impact of CO2 on Freshwater Aquifers



Gupta, P.K., Yadav, B. Leakage of CO₂ from geological storage and its impacts on fresh soil–water systems: a review. *Environ Sci Pollut Res* 27, 12995–13018 (2020). <https://doi.org/10.1007/s11356-020-08203-7>

Threats identified by Department of Energy:

“**Acidification of USDW** from CO₂ infiltration, thereby affecting human, animal, and plant environments if the groundwater is produced and used”

“**USDW becoming saline** from displacement of natural brine into USDW thereby affecting human, animal, and plant environments if the groundwater is produced and used.”

“**USDW becoming contaminated with toxic heavy metals**, colloids, or other particulates dissolved and/or mobilized from CO₂ infiltration within or into USDW; thereby affecting human, animal, and plant environments if the groundwater is produced and used”

Overview of Potential Failure Modes and Effects Associated with CO₂ Injection and Storage Operations in Saline Formations
DOE & National Energy Technology Laboratory, 2020

Existing Regulation

Existing Regulation of Sequestration

- Federal - Class VI Well Permit
 - US EPA administered via the Safe Drinking Water Act
 - Site characterization, monitoring requirements, emergency plan, reporting, etc.
- State - Legislation passed - Public Act 103-0651 “SAFE CCS Act”
 - Illinois EPA administers Sequestration Permit
 - Soil gas monitoring, water impact report
 - Alternate water supply if there is a leak
 - Non-consenting landowner protections
 - Does not include a Mahomet Aquifer Sequestration Ban despite requests from Mahomet Aquifer legislators.

A Gap - No Alternative Source

- The SAFE CCS Act requires a sequestration operator to “provide an alternate supply of potable drinking water”
- The U.S. EPA **sole-source designation** means that “there are no physically available or economically feasible alternative sources of drinking water to serve the population that relies on the aquifer.”

Happening at Unprecedented Scale

Project Name	County	CO ₂ stored per year per well (MMT)	Number of wells	Years in operation	Total CO ₂ (MMT)
ADM Decatur					
Phase 1, pilot	Macon	0.33	1	3	1.00
Phase 2	Macon	0.42	1	7	2.94
Total CO₂ stored, to date					3.94
ADM Decatur, Phase 3	Macon	1.10	1	12	14.30
ADM Maroa*	Macon	1.10	3	12	39.60
One Earth*	McLean	1.50	3	20	90.00
HGCS Vervain*	McLean	1.25	2	25	62.50
HGCS Heartland Greenway	Christian	1.00	6	30	180.00
HGCS Compass*	DeWitt	1.25	2	25	62.50
Marquis Energy	Putnam	1.50	1	5	7.50
Total storage proposed					456.40

*Projections impacting the Mahomet Aquifer

Happening at Unprecedented Scale

Project Name	County	CO ₂ stored per year per well (MMT)	Number of wells	Years in operation	Total CO ₂ (MMT)
ADM Decatur					
Phase 1, pilot	Macon	0.33	1	3	1.00
Phase 2	Macon	0.42	1	7	2.94
Total Proposed storage (all projects) is 116 times that stored by ADM					
ADM Decatur, Phase 3	Macon	1.10	1	12	14.30
ADM Maroa*	Macon	1.10	3	12	39.60
One Earth*	McLean	1.50	3	20	90.00
HGCS Vervain*	McLean	1.25	2	25	62.50
HGCS Heartland Greenway	Christian	1.00	6	30	180.00
HGCS Compass*	DeWitt	1.25	2	25	62.50
Marquis Energy	Putnam	1.50	1	5	7.50
Total storage proposed					456.40

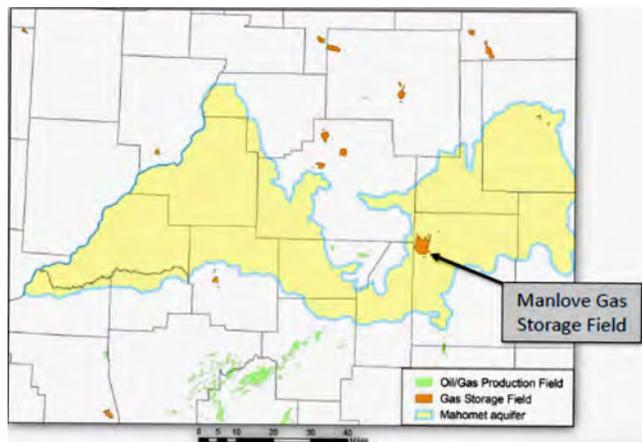
*Projections impacting the Mahomet Aquifer

Happening at Unprecedented Scale

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ADM Decatur					
Phase 1, pilot	Macon	0.33	1	3	1.00
Phase 2	Macon	0.42	1	7	2.94
Total ADM Decatur					3.94
Proposed storage (all projects) is 116 times that stored by ADM					
ADM Decatur, Phase 3	Macon	1.10	1	12	14.30
ADM Mahomet*	Mahomet	1.10	2	10	22.00
One ADM Mahomet*					22.00
Proposed projects under the aquifer and its recharge areas are 65 times that stored by ADM					
HGCS Heartland Greenway	Christian	1.00	6	30	180.00
HGCS Compass*	DeWitt	1.25	2	25	62.50
Marquis Energy	Putnam	1.50	1	5	7.50
Total storage proposed					456.40

*Projections impacting the Mahomet Aquifer

People's Gas Leak ... A lesson from natural gas storage



There is **just one** natural gas storage reservoir under the Mahomet... and it leaked!

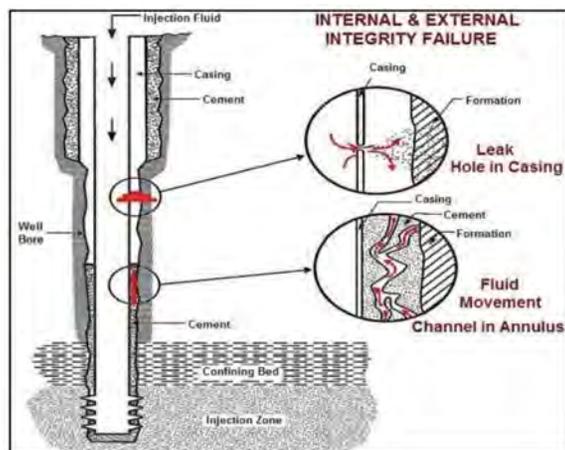
Discovered **December 16, 2016** by Peoples Gas employee.

AG filed a **complaint in October 2017** that led to a consent decree in 2022 requiring the company to:

By 2020, the estimate of providing replacement water to affected residents was **\$10,000,00**:

- In June of 2021, the state passed a **bill to provide taxpayer funds** in the amount of **\$3,800,000** to initiate construction and annex the territory to the Sangamon Valley Water District.
- In May of 2022, the Champaign **County Board allocated \$500,000** for design work.

Nearly 8 years later, residents still do not have replacement water.



Regulation is a Risk

But a Ban is Certain

Our Ask ...

- **Adopt a Temporary Moratorium:**

Adopt a 6-month moratorium on the injection of CO₂ through or storage of CO₂ under a sole source aquifer, while the county looks at the feasibility of a prohibition of these activities for a sole source aquifer and a special use permit for those activities in areas beyond the boundaries of a sole source aquifer. The moratorium **can be renewed** as needed.

- **Powers of counties are broad.** Can be more restrictive than state and federal.
- If a county prohibits CCS activities that could affect aquifer, it **must allow them elsewhere.** Can do this via **special use permit.**

- **Pass a Resolution** calling for a Ban from the Legislature.

- **Re-Engage with M3**

Champaign County is listed as a member of the Mahomet Aquifer Advocacy Alliance (M3). Join growing efforts to encourage other units of governments to protect the aquifer through local action (municipal resolutions, county moratoriums, and bans/special use permits). **Help pass a statewide Mahomet Aquifer CCS Ban.**

...

Mahomet Aquifer Advocacy Alliance (M3) Priorities



MAHOMET AQUIFER
ADVOCACY ALLIANCE

Monitoring and Research

The Alliance monitors surface activities to ensure compliance with existing regulations and laws, and any other **activities that may represent a potential threat** to the aquifer.

Legislative Advocacy

The Alliance will work cooperatively with elected representatives in Springfield and Washington DC to **introduce and support legislation designed to protect and preserve the Mahomet Aquifer**, and other underground water resources, from potential contamination.

Public Education and Engagement

Outreach and education are critical tools to promote promoting greater awareness of the aquifer's importance to our region. An educated and engaged public can help provide a strong and unified voice when action is needed. The Alliance provides a framework for **engaging partners and altering the public of impending threats** to the aquifer.

PRELIMINARY DRAFT

157-AT-24

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: _____

Petitioner: Zoning Administrator

Request:

Amend the Champaign County Zoning Ordinance as follows regarding a temporary moratorium on Carbon Sequestration Activity:

1. Add the following definitions to Section 3.0 Definitions: CARBON SEQUESTRATION ACTIVITY.
2. Amend Section 5.2 as follows:
 - a. Add “CARBON SEQUESTRATION ACTIVITY” to be temporarily prohibited by means of a safety moratorium in all Zoning Districts.
3. Add new Section 5.5 Safety Moratorium on CARBON SEQUESTRATION ACTIVITY and provide as follows:
 - a. That the purpose of the temporary safety moratorium is to allow time for the Champaign County Board to adopt a comprehensive ordinance(s) regulating the sequestration of carbon within its borders.
 - b. That all CARBON SEQUESTRATION ACTIVITY pending or proposed after the effective date of the amendment shall be held in abeyance and shall not be approved by Champaign County until the revocation of this temporary moratorium.
 - b. That the moratorium shall expire in 12 months after the effective date of the amendment.

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FINAL DETERMINATION.....page 11

PROPOSED AMENDMENT.....page 12 (not included)

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 12, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. At their meeting on August 8, 2024, the Champaign County Board’s Environment and Land Use Committee (ELUC) had a PowerPoint presentation by Pam Richart, Eco-Justice Collaborative, and Andrew Rehn, Prairie Rivers Network (See Attachment D of the Preliminary Memorandum) and reviewed a two-page flyer that was included as Item VIII-D in the Agenda Packet (See Attachment B of the Preliminary Memorandum). The flyer and the PowerPoint reviewed possible risks of contamination to the Mahomet Aquifer as a result of proposed carbon sequestration activities that would sequester carbon dioxide below the aquifer. ELUC member Chris Stohr also submitted a two-page handout at that meeting that reviewed the same or similar concerns (See Attachment C of the Preliminary Memorandum).
 - B. At the October 10, 2024, meeting ELUC authorized this text amendment.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

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

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal

(3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

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

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

Goal 1 has 4 objectives and 4 policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 1.

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

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

Goal 2 has two objectives and three policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 2.

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

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

Goal 3 has three objectives and no policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 4.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 5 in general.

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

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

Goal 6 has 4 objectives and 7 policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 6.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed text amendment will *NOT IMPEDED* the achievement of Goal 7.

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

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

Goal 8 has 9 objectives and 36 policies. The proposed text amendment is directly relevant to the Objectives and policies that are reviewed below and *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* Goal 8 for the following reasons:

- A. Objective 8.1 is entitled “Ground Water Quality and Availability” and states “**Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.**”

The proposed text amendment *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* Objective 8.1 because of the following:

- (1) Objective 8.1 has 9 policies. Policies 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.8, and 8.1.9 are not directly relevant to the proposed text amendment.
- (2) Policy 8.1.7 states “**The County will ensure that existing and new developments do not pollute the groundwater supply.**”

The proposed text amendment *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* Policy 8.1.7 because the proposed amendment will impose a temporary moratorium on carbon sequestration activities in unincorporated Champaign County while the County Board works to adopt a comprehensive amendment regulating the sequestration of carbon within the unincorporated area.

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

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

Goal 9 has 5 objectives and 5 policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 9.

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

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

Goal 10 has 1 objective and 1 policy. Goal 10 is *NOT RELEVANT* to the proposed text amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed text amendment *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

The proposed text amendment will *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* this purpose to the extent that it will impose a temporary moratorium on carbon sequestration activities in unincorporated Champaign County while the County Board works to adopt a comprehensive amendment regulating the sequestration of carbon within the unincorporated area and that amendment will presumably minimize hazards to the Mahomet Aquifer from carbon sequestration.

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

The proposed amendment will *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* this purpose to the extent that it will impose a temporary moratorium on carbon sequestration activities in unincorporated Champaign County while the County Board works to adopt a comprehensive amendment regulating the sequestration of carbon within the unincorporated area and that amendment will presumably minimize hazards to the Mahomet Aquifer from carbon sequestration and thereby, in effect, conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed amendment will *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* this purpose to the extent that it will impose a temporary moratorium on carbon sequestration activities in unincorporated Champaign County while the County Board works to adopt a comprehensive amendment regulating the sequestration of carbon within the unincorporated area and that amendment will presumably minimize hazards to the Mahomet Aquifer from carbon sequestration and that will promote the public health, safety, comfort, morals, and general welfare.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment will *HELP ACHIEVE* this purpose to the extent that it will impose a temporary moratorium on carbon sequestration activities in unincorporated Champaign County while the County Board works to adopt a comprehensive amendment regulating the sequestration of carbon within the unincorporated area.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

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

The proposed text amendment is not directly related to this purpose.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 12, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* LRMP Goal 8.
 - B. The proposed Zoning Ordinance text amendment WILL NOT IMPEDE the achievement of LRMP Goals 1, 2, 3, 4, 5, 6, 7, and 9.
 - C. The proposed Zoning Ordinance text amendment is NOT RELEVANT to LRMP Goal 10.

2. The proposed text amendment *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* the Zoning Ordinance because it will:
 - A. *{WILL HELP ACHIEVE / IS NECESSARY TO ACHIEVE}* the purpose of the Zoning Ordinance (see Item 16).

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated December 4, 2024, with Attachments:
 - A Champaign County Environment and Land Use Committee (ELUC) Memorandum dated September 27, 2024, with attachment:
 - A Proposed Text Amendment
 - B Item VIII-D from the August 8, 2024, ELUC Agenda (The Mahomet Aquifer is at risk of CO₂ Contamination)
 - C Handout by Board Member Chris Stohr from the August 8, 2024, ELUC Meeting
 - D PowerPoint presentation from the August 8, 2024, ELUC Meeting by Pam Richart, Eco-Justice Collaborative, and Andrew Rehn, Prairie Rivers Network
 - E Land Resource Management Plan (LRMP) Goals & Objectives (provided on the ZBA meetings website)
 - F Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 157-AT-24 with attachment: • Exhibit A: Proposed Amendment

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Text Amendment requested in **Case 157-AT-24** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment
{ADD PROPOSED AMENDMENT}