



CITY OF URBANA CITY COUNCIL REGULAR MEETING

DATE: Monday, January 23, 2023
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

- A. Call to Order and Roll Call
- B. Approval of Minutes of Previous Meeting
 - 1. 12-13-2022 ARPA Presentation Minutes
- C. Additions to the Agenda
- D. Presentations and Public Input
 - 1. UFD Promotions
 - 2. Willard Airport Update – Tim Bannon, Executive Director
 - 3. Financial Forecast - HRF
 - 4. Capital Improvement Plan, FY23 Mid-Year Update - PW
- E. Council Input and Communications
- F. Unfinished Business
- G. Reports of Standing Committees
- H. Committee of the Whole (*Council Member Maryalice Wu, Ward 1*)
 - 1. Consent Agenda
 - a. **Resolution No. 2023-01-001:** A Resolution Approving and Authorizing the Execution of an Urbana Home Consortium Subrecipient Agreement – Cunningham Township Supervisor’s Office – Bridge to Home – HOME ARP FY 2021/2022 - CD
 - b. **Resolution No. 2023-01-002:** A Resolution Approving and Authorizing the Execution of an Urbana Home Consortium Subrecipient Agreement – Champaign County Health Care Consumers – Special Populations Case Management Program - HOME ARP FY 2021/2022 - CD
 - c. **Resolution No. 2023-01-003:** A Resolution Approving and Authorizing the Execution of an Urbana Home Consortium Subrecipient Agreement – Champaign County Regional Planning Commission – Housing Navigation Program – HOME ARP FY 2021/2022- CD

All City meetings are broadcast on Urbana Public Television and live-streamed on the web. Details on how to watch are found on the UPTV webpage located at <https://urbanaininois.us/uptv>

- d. **Resolution No. 2023-01-004:** A Resolution Approving and Authorizing the Execution of an Urbana Home Consortium Subrecipient Agreement – C-U at Home – Housing Navigation Program – HOME ARP FY 2021/2022 - CD
- e. **Resolution No. 2023-01-005:** A Resolution Not to Protest a Proposed Text Amendment to the Champaign County Zoning Ordinance - CD
- f. **Ordinance No. 2023-01-002:** An Ordinance Amending the Urbana Zoning Map (R-3 to B-3 at 1009 Cunningham Avenue / Plan Case No. 2466-M-22) - CD
- g. **Ordinance No. 2023-01-003:** An Ordinance Approving a Special Use Permit (Solar Farm at 1210 E. University Avenue / Plan Case 2464-SU-22) - CD

2. Regular Agenda

I. Reports of Special Committees

J. Reports of Officers

K. New Business

L. Discussion

1. American Rescue Plan Act (ARPA) Continuing Discussion

M. Adjournment

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions, and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and the general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner. Public Input will be taken in the following ways:

Email Input

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: citycouncil@urbanaininois.us. The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Verbal Input

Protocol for Public Input is one of respect for the process of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

Public comment shall be limited to no more than five (5) minutes per person. The Public Input portion of the meeting shall total no more than two (2) hours, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

In order to maintain the efficient and orderly conduct and progress of the public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such conduct or behavior after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via e-mail to the public body for inclusion in the

meeting record.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City Clerk's Office at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2366
- Email: CityClerk@urbanillinois.us



DEMOND DADE
Fire Chief

**Urbana Fire
Department**
400 South Vine Street
Urbana, Illinois 61801
(217) 384-2420 - Phone

**URBANA FIRE DEPARTMENT
GENERAL MEMORANDUM**

DATE: 1/23/23

TO: Mayor Marlin and City Council Members

FROM: Chief Dade

RE: Departmental Promotions/Pinning Ceremony

The Urbana Fire Department has a comprehensive promotional process in which our members compete in order advance their careers. I'm proud to present and recognize the promotions for the following individuals;

Captain Trent Short - effective December 14, 2022.

- Trent Short has 23 years of experience with the Urbana Fire Department. Captain Short was a former Union President, was in charge of ordering the department's protective clothing and is a member of UFD's Technical Rescue Team.

Lieutenant Blake Kuhns - effective November 5, 2022.

- Blake Kuhns has 11 years of experience with the Urbana Fire Department. Lt. Kuhns serves on the city's health insurance committee, is an EMS Service Officer, a Fire Investigator, a Technical Rescue Technician and a Paramedic.

Lieutenant Michael Phillips - effective December 14, 2022.

- Michael Phillips has 20 years of experience with the Urbana Fire Department. Lt. Phillips is a Paramedic, a Technical Rescue Technician and serves as the department's Interim Fire Code Official.

Firefighter Cody Fetzner - effective December 19, 2022.

- Cory Fetzner is a new candidate for the Urbana Fire Department. FF Fetzner is an Emergency Medical Technician and an active member in the National Guard.



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Elizabeth Hannan, HR & Finance Director / CFO
Alyana Robinson, Financial Analyst

DATE: January 19, 2023

SUBJECT: Financial Forecast for FY2024 – FY2028

Introduction: Attached to this memo is the Financial Forecast for FY2024 – FY2028.

Discussion: The City's Financial Policies require that Finance staff prepare a forecast for the General Operating Fund annually. This is a means of assessing the City's future fiscal condition to provide context for significant budget decisions.

Fiscal Impact: The Forecast itself has no direct fiscal impact. However, the recommended strategies are designed to ensure continued financial sustainability.

Recommendation: Review the attached Financial Forecast in preparation for the presentation on Monday, January 23, 2023.



FINANCIAL FORECAST

FY2024 – FY2028



FINANCIAL FORECAST: FY2024-FY2028

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FINANCIAL FORECAST: FY2024-FY2028

Summary

FORECASTING, IN GENERAL

Preparing a financial forecast is challenging because of the large number of economic, demographic, and policy variables involved. Many factors are beyond our control, and cannot be known with certainty in advance. We make reasonable assumptions about these variables to produce a forecast. However, the only certainty is that the forecast will not be precisely accurate in predicting the future. It is, however, useful for examining trends, which allows us to strategize for both fiscal risks and opportunities.

The City's Financial Policies require that Finance Department staff prepare an updated forecast annually.

GENERAL FUND FOCUS

The focus of this report is the City's General Operating Fund, which provides funding for most basic City services, such as police protection, fire suppression, and most public works services.

KEY DRIVERS OF FORECAST

Certain items merit special note because their impact on the forecast is so significant. The initial onset of the pandemic had an immediate impact on City's revenues. Last year's forecast focused on the City's path to recovery from the pandemic. The majority of FY2022 revenues have reflected solid growth, and most of our main revenue sources such as sales tax, state income tax, and food & beverage tax exceeded FY2022 projections. While this is positive, the City's financial stability remains a concern. This forecast focuses on two main challenges in today's economic outlook: (1) high inflation and (2) likelihood of another recession.

The probability that the economy will go into a recession is associated with persistent high inflation, both of which present risks to our economic growth. We expect that a recession in the first half of 2023 is likely, although we don't anticipate seeing the impact on revenues until later in the year or early in 2024. Most of the main revenue sources, such as sales tax, local hotel/motel tax, and food and beverage tax, showed higher than anticipated projections starting with the first half of FY2023. Expenditures are projected to remain higher than FY2022, which is highly driven by inflationary impacts. Backed by

FINANCIAL FORECAST: FY2024-FY2028

research and analysis, we assume that the rising inflation and coming recession will be short-lived and mild.

CAUTIONS

- This forecast should be used to evaluate strategy and make course corrections. It is not intended to be accurate at a detailed level.
- Forecasting is prone to error and those errors are amplified, as we look further into the future, because the forecast for each year builds on prior years. Therefore, we should place less reliance on the later years in the forecast in making decisions about the budget.

SUMMARY OF LIKELY PATH

The City ended FY2022 with a higher than estimated fund balance. This is largely due to staffing vacancies and revenues performing better than expected. This level of fund balance provides the City with some flexibility. However, it is likely that recurring expenditures will exceed the policy goal of 98.5% of recurring revenues during starting FY2026, as expenditures grow faster than revenues. This would be sustainable for several years if we keep a healthy fund balance. Revenue increases are required to maintain current services over the long term. Economic development, which could lead to faster growth of revenues, is critical in addressing this issue.

In this forecast, another recession and continued inflation are expected to slow down economic growth in 2023. If a recession is deeper, or of longer duration than expected, the outlook could vary considerably. The State's fiscal condition is also of concern. Income tax diversion to the State's coffers is always a possibility, without a legislated continuing appropriation. The threat of property tax caps or significant increases in exemptions also remains.

RECOMMENDED STRATEGY

The City headed into FY2023 in relatively good shape, especially given the impact of the COVID-19 pandemic. However, we expect the "buffer" between recurring revenues and expenditures to disappear quickly without action to increase revenues. Within a couple of years, the trend will result in recurring expenditures that exceed the 98.5% of recurring revenue policy benchmark. To address this trend, staff plans to develop revenue options for City Council consideration.

FINANCIAL FORECAST: FY2024-FY2028

Methods & Key Assumptions

METHODS

It is not practical to develop detailed forecasts for every item in the budget. Forecasting for expenditures is accomplished by grouping expenditures into categories, which tend to be affected by common “drivers.” For example, personnel costs are broken into salaries and directly related expenses, pensions, and discretionary personnel expenses, such as overtime. Discretionary personnel expenses can generally be controlled by management, at least to some extent. Some line items are forecast at a detailed level, either because they are very large or tend to be highly variable. All one-time expenditures are factored out when projecting recurring expenditures.

Staff develops projections for major revenue sources at a detailed level because of their significant impact on the budget. Particular attention is paid to sales, income, and property taxes. Other revenues, such as user fees, are aggregated. For example, most user fees, which are based on the City’s cost of providing services, are predicted to increase with wages, which are the most significant driver of our cost of providing services

KEY ASSUMPTIONS

Financial Policies

The forecast is based on the assumption that the budget will comply with the Financial Policies adopted by the City Council. Relevant policies include –

- the City will maintain reserves in the General Fund of at least 25% of recurring expenditures; this allows flexibility in responding to emergencies or unexpected events
- recurring expenditures will not exceed 98.5% of recurring revenues; this allows the City to respond to modest revenue fluctuations without reducing expenditures
- the City will maintain a stable property tax rate, which is currently \$1.3499 per \$100 of assessed valuation (long term goal is a rate of \$1.3152, equal to the City of Champaign)
- capital improvement transfers will increase based on the construction cost index

FINANCIAL FORECAST: FY2024-FY2028

RETAINED RISK FUNDING

Retained Risk funding has been an ongoing concern, which has created a drain on the General Fund. Several times in recent years, we have supplemented reserves with significant additional transfers from the General Fund because the ongoing charges to other City budgets were not sufficient to maintain adequate reserves. These transfers have totaled \$1.85 million over the past 4 years.

This fund provides for payments for insurance, third-party administration (TPA) services, and payment for claims for both liability and workers compensation. Revenues come from charges to other City budgets that are based on a cost allocation that incorporates the insurance carrier's evaluation of risk for various types of work. Significant factors affecting cost include –

- Increased self-insured retention limits SIR (deductibles) for workers compensation claims. The current SIRs are \$700,000 per claim for police officers and firefighters, and \$600,000 per claim for other City employees. Basically, the policy covers only catastrophic injuries.
- Higher SIRs result in the need to maintain larger reserves.
- Increased cost of workers compensation and liability insurance.
- Cyber liability insurance, in particular, is becoming more expensive and difficult to obtain as cyber liability claims proliferate.

In relation to developing the forecast, because of the direct impact of the Retained Risk Fund on the General Fund, staff updated long term Retained Risk Fund projections. Based on that analysis, staff incorporated an additional \$2M in one-time transfers over two years, FY2024 and FY2025. In addition, recurring charges to other funds would be increased by \$400,000 annually over four years from FY2024 through FY2027. This should stabilize the fund and provide adequate reserves, if incurred claims track with trends from the last five years, and insurance premium increases do not exceed 10% annually.

One concern is that the City does not have a dedicated risk management professional on staff. Currently, the City Administrator is coordinating with our TPA for liability claims and HR staff are managing workers compensation claims with the TPA for workers comp claims. We may wish to consider whether the benefit of adding a risk management professional would outweigh the cost.

FINANCIAL FORECAST: FY2024-FY2028

CONTINUATION OF SELECTED ONE-TIME EXPENDITURES

There are several programs and services that were funded through American Rescue Plan Act (ARPA) funds as one-time expenditures that the City Council may wish to continue when ARPA expires. These include the digital forensics and intelligence analyst positions in the Police Department. In FY2027, a total of \$500,000 has been estimated and incorporated into the forecast as a recurring expenditure to reflect this.

FINANCIAL FORECAST: FY2024-FY2028

Summary of Other Assumptions

The forecast is based upon assumptions about a variety of items. Some key assumptions are detailed in the following table. However, wages and some other assumptions are not detailed in the table due to potential impact on collective bargaining and negotiation for health insurance rates.

KEY ASSUMPTIONS			
	Likely Scenario	Best Case	Worst Case
Indicators			
Consumer Price Index (CPI-U)	3.5% for FY24, then 2.9% thereafter	3% for FY24, then 2.5% thereafter	4.5% for FY24, then 3.9% thereafter
Construction Cost Index (CCI)	3.79% CY23, then 2.96% thereafter	3% CY23, then 2.5% thereafter	3.79% CY23, then 3.5% thereafter
Population	2021 census 38,336	Special census in 2024, population increase 40,000 effective in 2025.	Same as likely
Property Tax Rate	\$1.3499	Same	Same
Assessed Valuation Base	+2% annually	+3% annually	+1% annually
Revenues			
State Sales Tax	1.5% increase in FY24, then grows +0.5% from inflation	2% increase in FY24, then grows +1% from inflation	5% decrease in FY24, then grows -1% from inflation
Home-Rule Sales Tax	2% increase in FY24, then grows +0.5% from inflation	2.5% increase in FY24, then grows +1% from inflation	5% decrease in FY24, then grows -1% from inflation
Use Tax	<ul style="list-style-type: none"> 1.5% increase in FY2024, then grows by 2.9% annually 	<ul style="list-style-type: none"> 2.5% increase in FY24 then grows by 3.9% annually Special census in FY24 with an estimated increase 40,000 population effective in FY25. 	<ul style="list-style-type: none"> No growth in FY2024, then grows by 1% annually
Income Tax	<ul style="list-style-type: none"> 2% decrease in FY24, then grows by 2.5% annually 	<ul style="list-style-type: none"> 1% increase in FY24 then grows by 3% annually Special census in FY24 with an estimated increase 40,000 population effective in FY25. 	<ul style="list-style-type: none"> 10% decrease in FY24, then grows by 1% annually
Police/Fire Pensions – Property Tax Revenue	Actuarial estimates, based on policy	Actuarial estimates, based on policy	Actuarial estimates, based on policy

FINANCIAL FORECAST: FY2024-FY2028

KEY ASSUMPTIONS

KEY ASSUMPTIONS			
Expenditures			
IMRF Rate	6.93% for CY23 and 7.93% thereafter	6.93% for CY23 and 7.43% thereafter	6.93% for CY23 and 9.93% thereafter
Police/Fire Pensions – Expense / Contributions	Actuarial estimates, based on policy	Actuarial estimates, based on policy	Actuarial estimates, based on policy
Supplies & Services	Inflation	Inflation	Inflation + 1%
Capital Improvement Transfers	<ul style="list-style-type: none"> • Increase by CCI • \$1.5million FY24-28 (1x undesignated fund for CIP projects) 	<ul style="list-style-type: none"> • Increase by CCI • \$2.5million FY24-28 (1x undesignated fund for CIP projects) 	<ul style="list-style-type: none"> • Increase by CCI • N/A
VERF Transfers	+2% annually	+1.5% annually	+2.5% annually
Retained Risk	<ul style="list-style-type: none"> • \$1million FY24 and \$1million FY25 • Increase in recurring transfers beginning FY24 	<ul style="list-style-type: none"> • \$500K FY24 and \$500K FY25 • Increase in recurring transfers beginning FY24 	Same as likely
Information Technology (IT) Fund	\$203K 1x transfer in FY24. To account for prior year interfund under charges and unreimbursed pandemic expenditures	Same	Same
1x items - ARPA Funded	\$500K in FY27, then increase with inflation	Same	Same
Underspending	2% below budget each year of forecast	Same	Same

FINANCIAL FORECAST: FY2024-FY2028

Forecast

INDICATORS OF FISCAL HEALTH

We use two primary indicators of fiscal health in this forecast.

Recurring Expenditures as a Percent of Recurring Revenues

This measure indicates the ability to sustain expenditures for programs and services over the long-term and ensures that the City does not make long-term commitments for which funding may not be available in the future. The City's policy of budgeting recurring expenditures at not more than 98.5% of recurring revenue provides a cushion against modest fluctuations in recurring revenue so that expenditures will not exceed revenue.

Fund Balance as a Percent of Recurring Expenditures

This measure indicates the City's ability to withstand economic downturns, finance cash flow given variability of revenue streams throughout the year, provide a stable tax rate, respond to natural disasters, and provide for unanticipated needs or unexpected opportunities. The City's current policy of maintaining a fund balance of at least 25% of recurring expenditures provides a significant buffer, but may not be adequate in the long term.

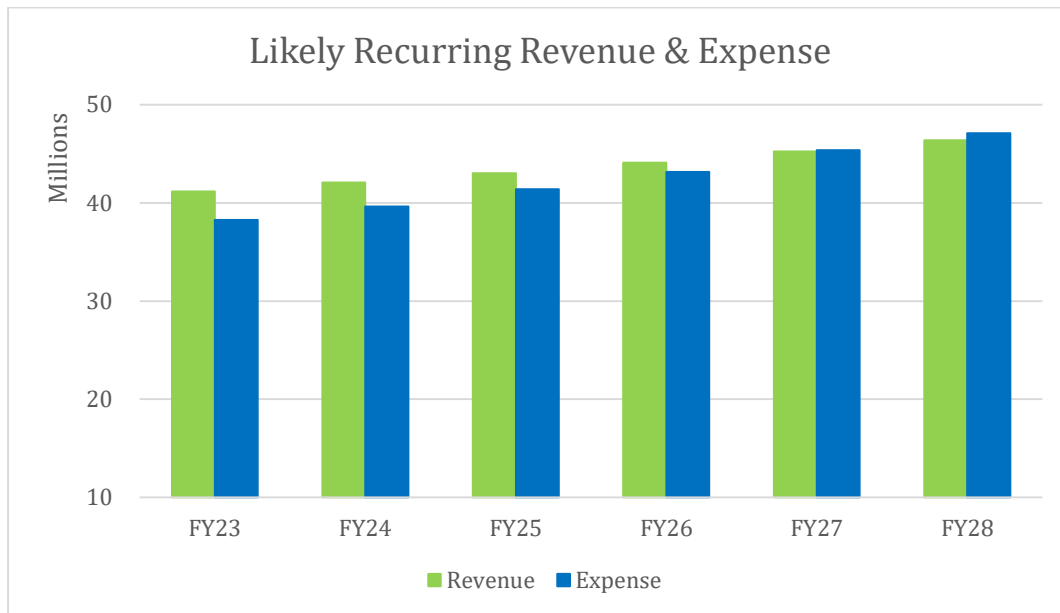
RISK ASSESSMENT

While the Likely scenario is based on assumptions that staff feels are most probable, there is downside risk in the forecast. However, given the current level of certainty, we could also end up doing better than the Likely scenario.

FINANCIAL FORECAST: FY2024-FY2028

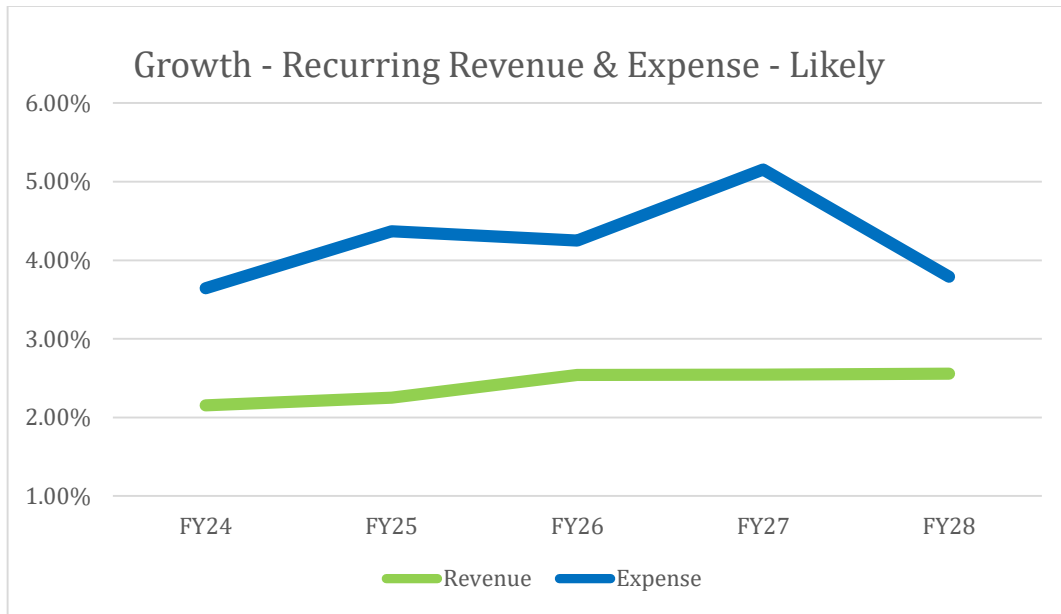
REVENUES & EXPENDITURES

Recurring revenues and expenditures for the Likely scenario are depicted in the chart below. Recurring revenues exceed recurring expenditures throughout FY2026. However, this starts to reverse in FY2027 where recurring expenditures slightly exceed recurring revenues. This indicates that the predicted level of expenditures may not be sustainable with current sources of revenues in the longer term.



As shown below, the rate of growth in recurring expenditures outpaces the rate of growth in recurring revenues throughout the forecast period because of anticipated slower economic growth during the recession. If revenues grow more slowly than expenditures over the long term, the City will be in a position of requiring revenue increases or expenditure reductions on an ongoing basis.

FINANCIAL FORECAST: FY2024-FY2028



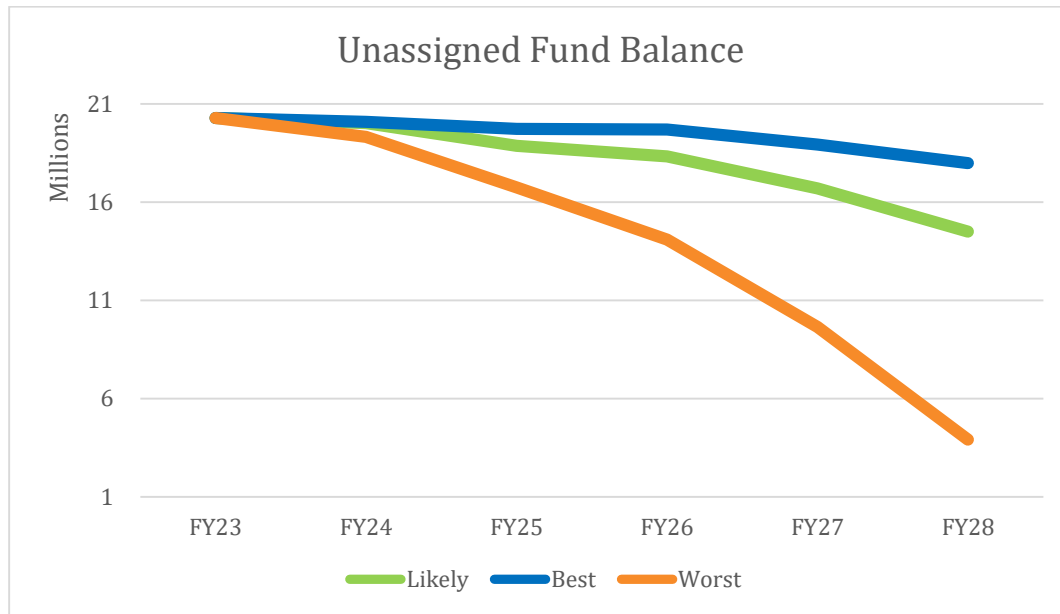
Our goal is to close the gap between growth in recurring revenue and recurring expenses. During this period, continuation of selected ARPA funded expenditures contributes to the growth in recurring expenditures in FY2027.

Increased development activity could contribute to the closing gap more quickly, and additional, sustained development activity is the best option for eliminating this structural deficit.

FINANCIAL FORECAST: FY2024-FY2028

FUND BALANCE

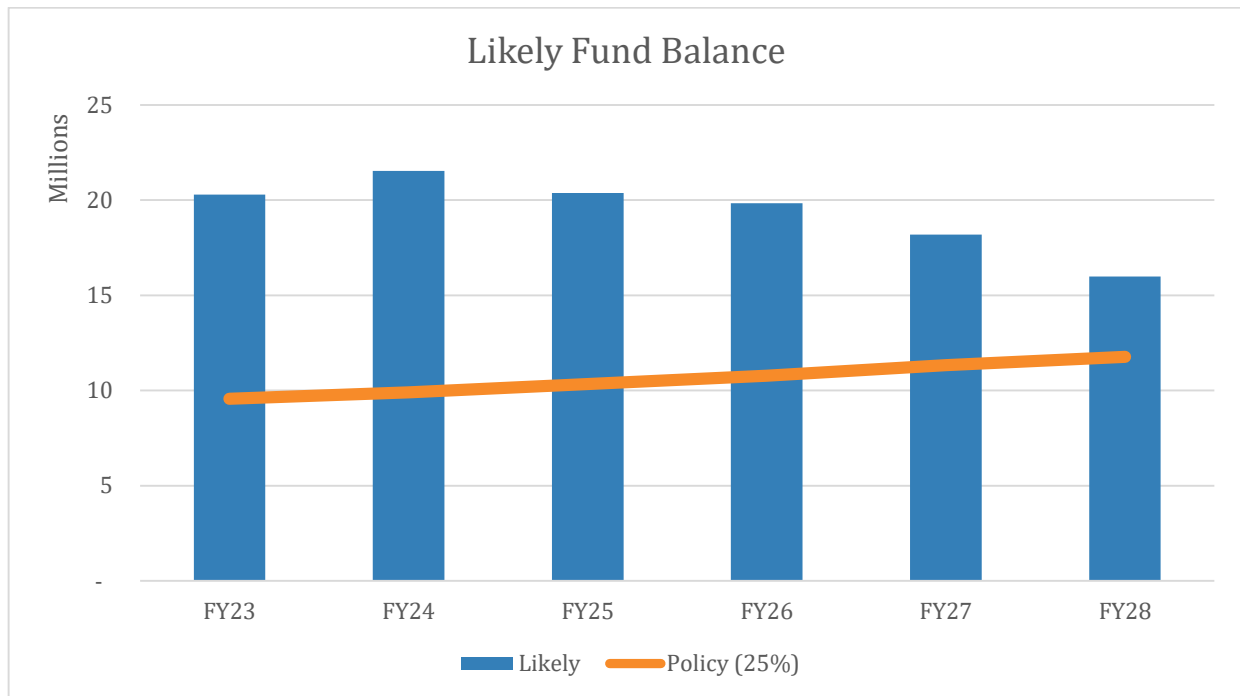
This chart shows that unassigned fund balance will decrease over time throughout the forecast period in all scenarios.



In the Worst Case scenario, the decline occurs more quickly. In the Likely scenario, the City would expect to be above the current policy goal, without significant adjustments to the budget for a couple of years, which provides some flexibility.

FINANCIAL FORECAST: FY2024-FY2028

In the Likely scenario, the fund balance is expected to exceed the 25% fund balance goal throughout the forecast period. This provides a buffer against an unexpected event such as a natural disaster or another economic downturn.



The decrease over time is driven in part by the allocation of an additional \$7.5M over 5 years to capital improvements. These funds are unrestricted and could be used for a variety of capital improvements, including additional funding for the EQL project, when needed.

If the best case scenario were to occur, additional revenues could be allocated to one-time expenditures.

FINANCIAL FORECAST: FY2024-FY2028

Recommended Strategy

A clear plan is important to provide a foundation for decision-making. Every significant decision that involves financial resources should be considered in the context of this plan.

The following strategies are recommended to position the City to prepare for the Likely scenario. However, we must be prepared for the entire range of outcomes.

The following actions are recommended –

1. **Continue to Make Economic Development a Priority.** This is the best way to support long-term growth of the tax base, which will provide more stable revenues. In particular, an emphasis on adding housing units in the Downtown area could drive economic growth in a variety of ways. (See additional discussion below.)
2. **Limit Expenditure Increases.** While some new funding for current programs and services will be necessary, we will limit requests for new funding. The focus will be on one-time expenditures to meet critical needs. Any new recurring increases would need to be offset with additional recurring revenues or reductions in other expenditures.
3. **Focus on Maintaining Current Services.** The area of greatest concern remains the long-term fiscal health of the City's General Fund. We are not able to reliably maintain new, recurring expenditures with current revenues until we have addressed the gap between recurring revenues and expenditures.
4. **Plan for Revenue Increases.** Staff will update estimates for potential new revenue sources and assess their feasibility and impact on residents to be prepared for discussion with Council Members. No realistic options remain for reducing current expenditures, without significant decreases in service levels, after several years of budget reductions.

FINANCIAL FORECAST: FY2024-FY2028

PLANNING FOR REVENUE INCREASES

Staff plans to begin discussions with Council Members about potential revenue options to see if there is consensus on a direction. That may include a strategy to increase market rate housing units.

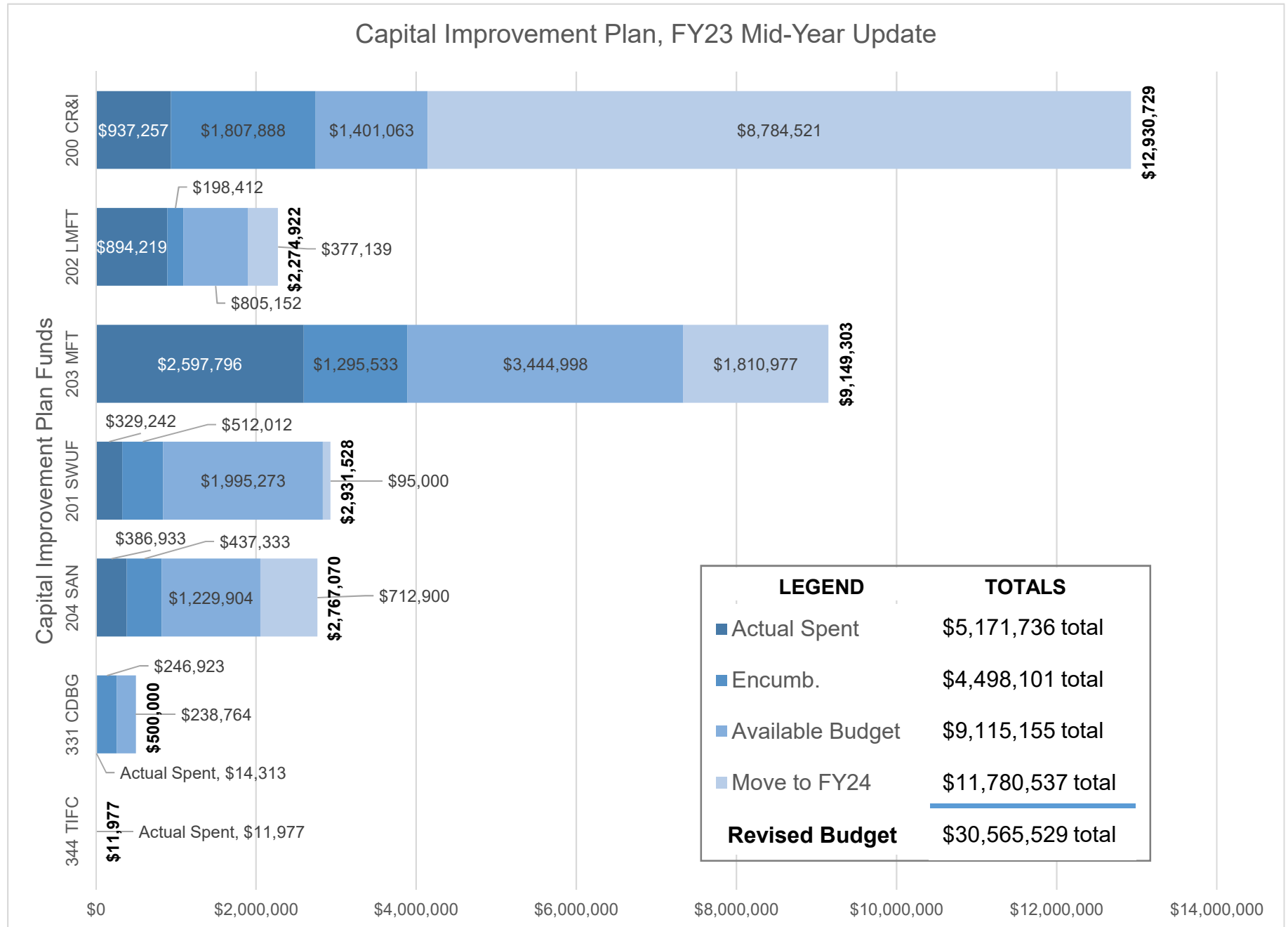
Analysis of impact of additional housing on forecast

The 2020 Census showed a decline in the City of Urbana's population by about 7%. This impacts some of the City's main revenue sources, such as income tax and use tax that are distributed based on population.

Staff evaluated the revenue impact of adding housing units in Urbana as a way to boost population and economic growth. With the assumption of setting 1,000 units as a realistic target with 50% occupied by new residents, this would increase the population by 3%. Based on this estimated population growth, the estimated increase in tax revenues in the General Fund would be about \$548,000 annually, this includes income tax, use tax, and sales tax.

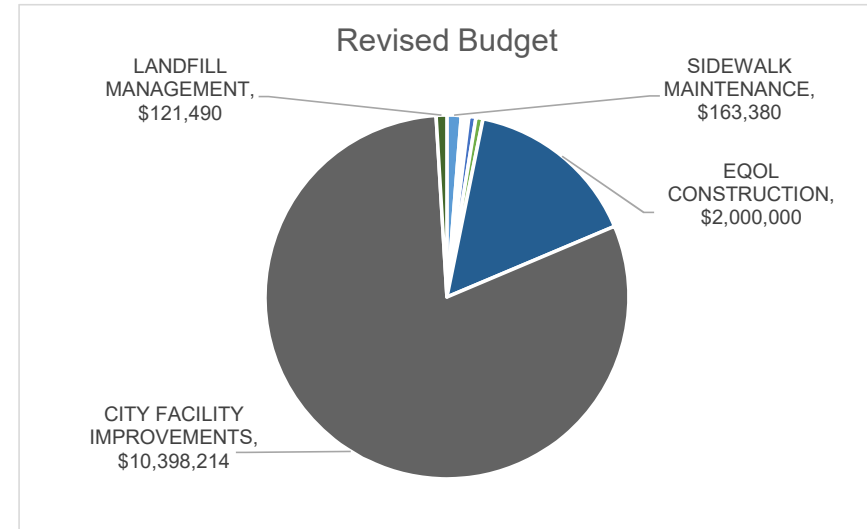
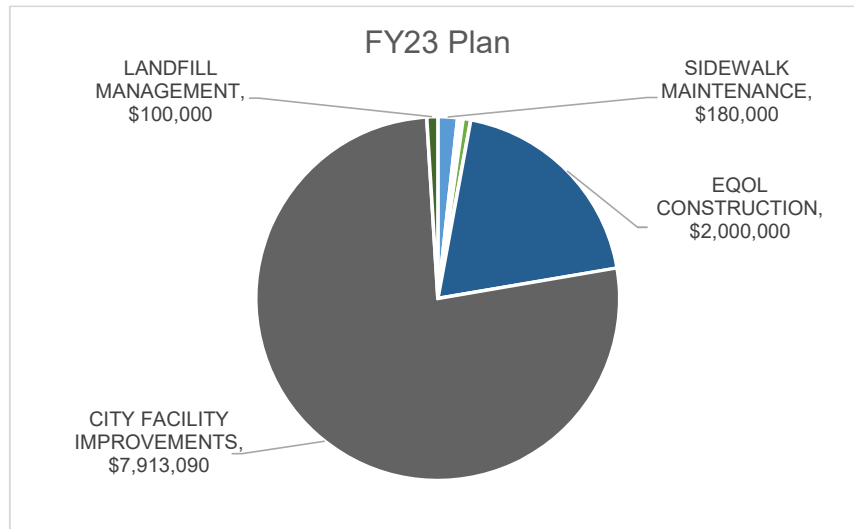
Below is a breakdown of potential revenue increases in the General Fund that are affected by population. Revenues in some other funds, such as Motor Fuel Tax, would also be affected. While this, by itself, would not be enough to bridge the gap, it would have a significant impact.

Income tax (estimated @ \$151 per capita)	\$158,000
Use tax (estimated @ \$39 per capita)	\$41,000
State sales tax (estimated @ \$181 per capita)	\$190,000
Home-Rule sales tax (estimated @ \$152 per capita)	\$159,000
Total	\$548,000



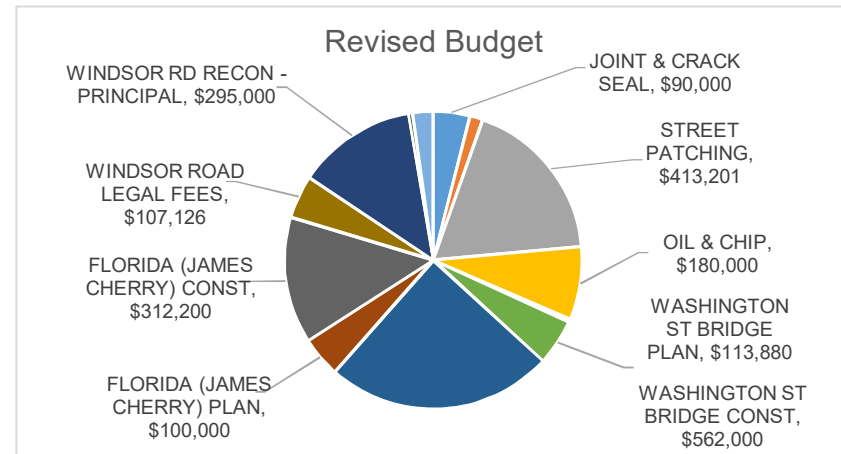
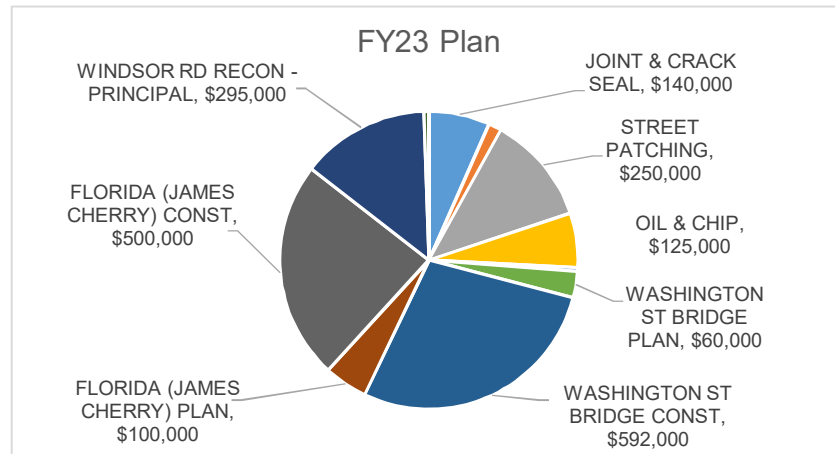
200 - CAPITAL REPLACEMENT & IMPROVEMENT FUND, FY23 MID-YEAR UPDATE

PROJECT	DESCRIPTION	FY23 Plan	Revised Budget	Actual Spent	Encumb.	Available Budget	Move to FY24	Completion Date	Status
MAINTENANCE PROJECTS AND ANNUAL EXPENSES									
40101 - SIDEWALK MAINTENANCE	SIDEWALK MAINTENANCE	180,000	163,380	-	25,000	138,380	-	2024	Design
40112 - PAVEMENT MANAGEMENT	PAVEMENT MANAGEMENT SYSTEM	20,000	39,820	3,788	16,033	20,000	-	Fall 2023	Study
40113 - BIKE LANES & SIDEPATHS	BIKE LANE MARKINGS	20,580	22,200	7,902	8,790	5,509	-	4/21/2023	Construction
40120 - MISC. TRAFFIC STUDIES	MISC TRAFFIC STUDIES PLANNING	10,000	25,000	-	-	25,000	-	Summer 2023	Study
40604 - ANNUAL SIGNAL CR&I	ASSET MANAGEMENT PLAN	-	80,625	40,175	40,450	-	-	Jan. 2023	Study
40606 - ANNUAL STREET LIGHTING CR&I	ASSET MANAGEMENT PLAN	70,000	80,000	14,650	64,850	500	-	Mar. 2023	Study
PROJECTS									
40162 - EQUITY AND QUALITY OF LIFE PROJECTS	EQOL CONSTRUCTION	2,000,000	2,000,000	-	-	100,000	1,900,000	2023 / 2024	Design FY23, Constr. FY24
40800 - CITY FACILITY IMPROVEMENT	FIRE STATION 2 PROP ACQ								Fire Station Constr. FY24
	CITY FACILITY IMPROVEMENTS	7,913,090	10,398,214	866,044	1,635,975	1,011,674	6,884,521		
	DEBT SERVICE PAYMENTS								
	INTEREST								
40908 - LANDFILL MANAGEMENT	LANDFILL MANAGEMENT	100,000	121,490	4,699	16,792	100,000	-	Summer 2023	Study
TOTAL EXPENSE		10,313,670	12,930,729	937,257	1,807,888	1,401,063	8,784,521		



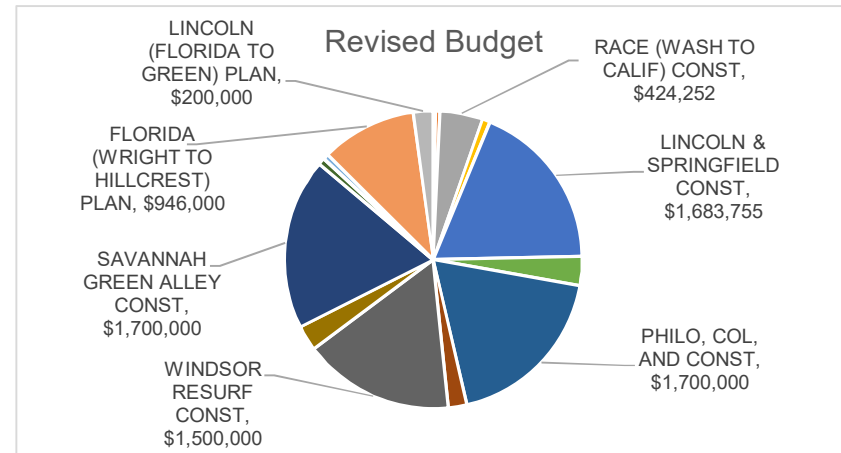
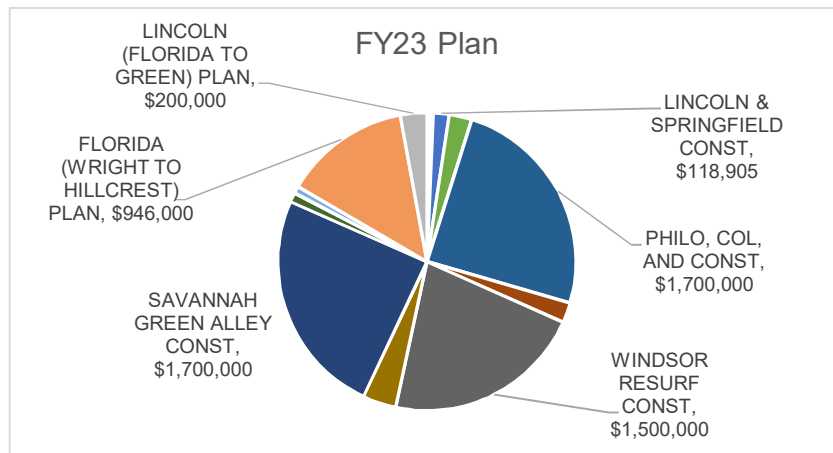
202 - LOCAL MOTOR FUEL TAX FUND, FY23 MID-YEAR UPDATE

PROJECT	DESCRIPTION	FY23 Plan	Revised Budget	Actual Spent	Encumb.	Available Budget	Move to FY24	Completion Date	Status
MAINTENANCE PROJECTS AND ANNUAL EXPENSES									
40159 - ANNUAL JOINT SEAL AND CRACK PROGRAM	JOINT & CRACK SEAL	140,000	90,000	-	-	90,000	-	Summer 2023	Design
40160 - ANNUAL PAVEMENT MARKING PROGRAM	PAVEMENT MARKING	30,000	32,800	23,552	11,827	(2,578)	-	4/21/2023	Construction
40108 - ANNUAL STREET PATCHING	STREET PATCHING	250,000	413,201	275,018	100,546	37,637	-	Nov. 2022	Closeout
40114 - OIL & CHIP, SEAL, PRESERVATION	OIL & CHIP	125,000	180,000	140,061	-	-	39,939	Nov. 2022	Completed
PROJECTS									
40144 - LINCOLN & SPRINGFIELD	LINCOLN & SPRINGFIELD	7,749	7,749	405	-	7,344	-	Nov. 2022	Closeout
40109 - WASHINGTON ST: BRIDGE OVER SUNNY ESTATES DITCH	WASHINGTON ST BRIDGE PLAN	60,000	113,880	53,492	53,389	7,000	-	June 2023	Design
	WASHINGTON ST BRIDGE CONST	592,000	562,000	-	-	562,000	-	2024	
40164 - FLORIDA AVE: JAMES CHERRY TO CURTISS	FLORIDA (JAMES CHERRY) PLAN	100,000	100,000	-	-	100,000	-	2024	Proposal
	FLORIDA (JAMES CHERRY) CONST	500,000	312,200	-	-	-	312,200	2024	Constr. FY24
40107 - WINDSOR ROAD	WINDSOR ROAD LEGAL FEES	-	107,126	81,033	26,093	-	-	-	Trial Oct. 2023
49202 - FUND 202 - CIP	WINDSOR RD RECON - PRINCIPAL	295,000	295,000	295,000	-	-	-	-	-
	WINDSOR RD RECON - INTEREST	10,966	10,966	7,216	-	3,750	-	-	-
40124 - LINCOLN: WASCHER TO KILLARNEY	LINCOLN (WASCHER TO KILLARNEY)	-	50,000	18,443	6,557	-	25,000	Sept. 2022	Grant App.
TOTAL EXPENSE		2,110,715	2,274,922	894,219	198,412	805,152	377,139		



203 - MOTOR FUEL TAX FUND, FY23 MID-YEAR UPDATE

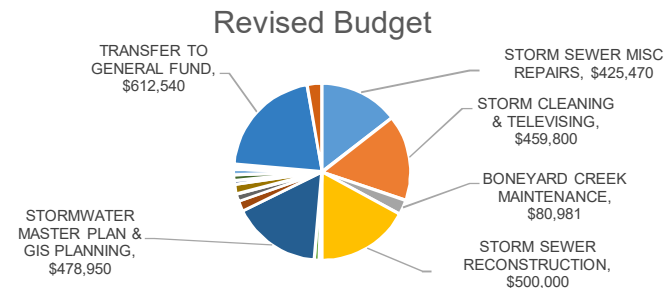
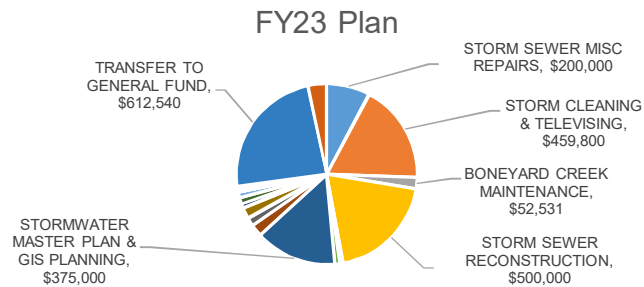
PROJECT	DESCRIPTION	FY23 Plan	Revised Budget	Actual Spent	Encumb.	Available Budget	Move to FY24	Completion Date	Status
MAINTENANCE PROJECTS AND ANNUAL EXPENSES									
40171 - ANNUAL BRIDGE INSPECTION PROGRAM	ANNUAL BRIDGE INSPECTIONS	22,500	22,500	-	22,100	400	-	Mar. 2023	Study
PROJECTS									
40142 - RACE STREET: WASHINGTON - CALIFORNIA	RACE (WASH TO CALIF) PLAN	-	43,142	31,743	11,399	-	-	Aug. 2022	Closeout
	RACE (WASH TO CALIF) CONST	-	424,252	342,799	76,898	4,555	-	Aug. 2022	
40144 - LINCOLN & SPRINGFIELD	LINCOLN & SPRINGFIELD PLAN	26,500	79,679	65,199	9,980	4,500	-	Nov. 2022	Closeout
	LINCOLN & SPRINGFIELD CONST	118,905	1,683,755	994,089	585,061	104,605	-	Nov. 2022	
40133 - PHILO, COLORADO, ANDERSON RESURFACE	PHILO, COL., AND PLAN	170,000	290,099	31,733	88,367	170,000	-	May 2023	Design
	PHILO, COL., AND CONST	1,700,000	1,700,000	-	-	-	1,700,000	Fall 2024	Move to FY24
40150 - WINDSOR: RACE TO WEST BOUNDARY	WINDSOR RESURF PLAN	150,000	184,877	16,037	57,863	-	110,977	Oct. 2022	Closeout
	WINDSOR RESURF CONST	1,500,000	1,500,000	1,116,197	261,693	122,110	-	Oct. 2022	
40148 - SAVANNAH GREEN: ALLEYS & SMITH RD	SAVANNAH GREEN ALLEY PLAN	250,000	250,000	-	182,172	67,828	-	May 2023	Design
	SAVANNAH GREEN ALLEY CONST	1,700,000	1,700,000	-	-	1,700,000	-	Summer 2024	
40134 - SPRINGFIELD AVE: WRIGHT TO MCCULLOUGH	SPRINGFIELD (WRIGHT TO MCCULLOUGH) PLAN	70,000	70,000	-	-	70,000	-	Fall 2023	Proposal
40167 - BONEYARD CREEK BRIDGE REPAIR (PART OF 40414 BONEYARD CREEK IMPROVEMENTS)	BONEYARD CROSSING BRIDGE PLAN	55,000	55,000	-	-	55,000	-	Fall 2023	Proposal
40135 - FLORIDA: WRIGHT TO HILLCREST	FLORIDA (WRIGHT TO HILLCREST) PLAN	946,000	946,000	-	-	946,000	-	Late 2024	RFP
40149 - LINCOLN: FLORIDA TO GREEN	LINCOLN (FLORIDA TO GREEN) PLAN	200,000	200,000	-	-	200,000	-	Early 2025	RFP
TOTAL EXPENSE		6,908,905	9,149,303	2,597,796	1,295,533	3,444,998	1,810,977		



201 - STORMWATER UTILITY FUND, FY23 MID-YEAR UPDATE

PROJECT	DESCRIPTION	FY23 Plan	Revised Budget	Actual Spent	Encumb.	Available Budget	Move to FY24	Completion Date	Status
MAINTENANCE PROJECTS AND ANNUAL EXPENSES									
40400 - STORMWATER SEWER MISC. REPAIRS	STORM SEWER MISC REPAIRS	200,000	425,470	53,229	352,241	20,000	-	Dec. 2023	Construction
40402 - STORM SEWER CLEANING & TELEVISIONING	STORM CLEANING & TELEVISIONING	459,800	459,800	-	-	459,800	-		Design
40405 - BONEYARD CREEK MAINTENANCE	BONEYARD CREEK MAINTENANCE	52,531	80,981	29,648	48,480	2,853	-		Construction
40417 - STORM SEWER RECONSTRUCTION	STORM SEWER RECONSTRUCTION	500,000	500,000	-	-	500,000	-		
PROJECTS									
40416 - VINE STREET PUMP STATION	Vine Street PUMP	15,000	15,000	-	-	15,000	-	2024	RFP
40401 - BRIDGE MAINTENANCE PROJECT	BRIDGE MAINTENANCE	25,000	25,000	-	-	25,000	-	Summer 2023	Design
40412 - STORMWATER MANAGEMENT PLANNING	STORMWATER MASTER PLAN & GIS PLANNING	375,000	478,950	11,785	92,165	375,000	-	Summer 2023 / FY 24	Study / RFP
40414 - BONEYARD CREEK CROSSING IMPROVEMENT	PLANNING	55,000	55,000	-	-	-	55,000	Spring 2024	Move to FY24
40415 - PHILLIPS REC DAYLIGHT	PLANNING	40,000	40,000	-	-	-	40,000		Move to FY24
PROGRAMATIC ACTIVITY									
40413 - SUF BILLING COSTS	SUF BILLING COSTS	52,340	52,340	26,049	-	26,291	-		
40404 - STREAM AND RAIN GAUGE MONITORING	STREAM AND RAIN GAUGE MONITOR	19,294	19,294	15,400	-	3,894	-		
40406 - MOSQUITO SURVEILLANCE/ABATEMENT	MOSQUITO PROGRAM	27,703	32,711	7,059	19,127	6,525	-		
40407 - DRAINAGE DISTRICT PAYMENTS	DRAINAGE DISTRICT PAYMENTS	27,876	27,876	10,920	-	16,956	-		
40408 - MS4 NPDES PERMIT FEE	MS4 NPDES PERMIT FEE	1,000	1,000	1,000	-	-	-		
40409 - PUBLIC EDUCATION & OUTREACH	STORMWATER PUBLIC EDU OUTREACH	2,500	2,500	-	-	2,500	-		
40410 - STORMWATER INCENTIVE PROGRAM	STORMWATER INCENTIVE PROGRAM	5,000	5,000	-	-	5,000	-		
40411 - HAZARD. SUMP PUMP DISCH. ABATEMENT	HAZARDOUS SUMP PUMP	10,000	10,000	-	-	10,000	-		
49201 - FUND 201 - CIP	MISC EXPENSES*	8,800	8,800	1,200	-	7,600	-		
	TRANSFER TO GENERAL FUND	612,540	612,540	153,135	-	459,405	-		
	TRANSFER TO VERF	86,074	79,266	19,817	-	59,450	-		
TOTAL EXPENSE		2,575,458	2,931,528	329,242	512,012	1,995,273	95,000		

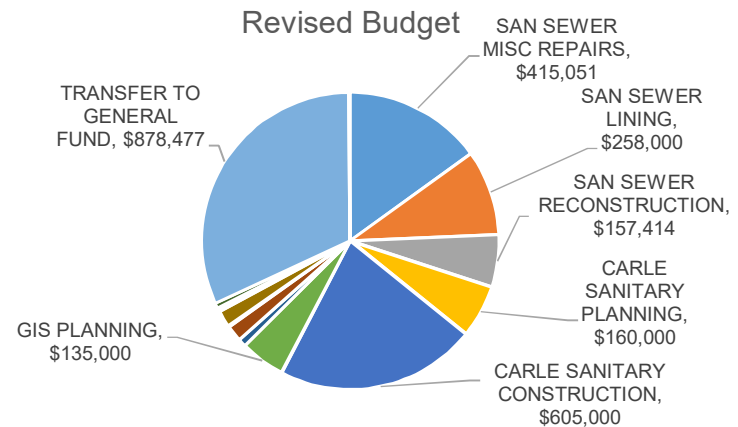
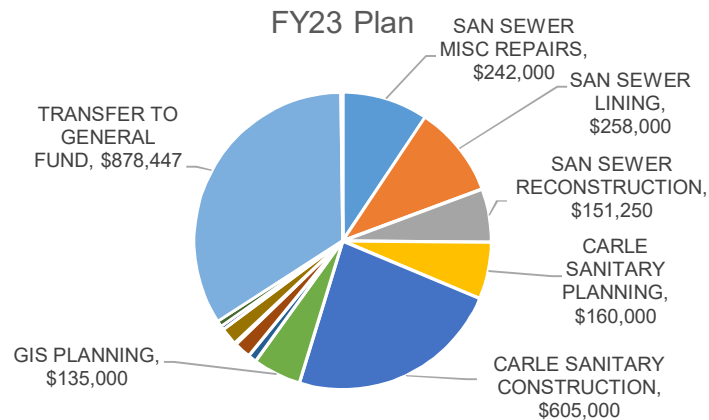
*Technology, Training and CC Fees



204 - SANITARY SEWER FUND, FY23 MID-YEAR UPDATE

PROJECT	DESCRIPTION	FY23 Plan	Revised Budget	Actual Spent	Encumb.	Available Budget	Move to FY24	Completion Date	Status
MAINTENANCE PROJECTS AND ANNUAL EXPENSES									
40500 - SANITARY SEWER MISC REPAIRS	SAN SEWER MISC REPAIRS	242,000	415,051	16,759	382,161	16,131	-	Dec. 2023	Construction
40511 - SANITARY SEWER LINING	SAN SEWER LINING	258,000	258,000	-	-	258,000	-		Design
40512 - SANITARY SEWER RECONSTRUCTION	SAN SEWER RECONSTRUCTION	151,250	157,414	102,279	3,072	52,062	-	Dec. 2022	Closeout
PROJECTS									
40513 - CARLE SANITARY SEWER	CARLE SANITARY PLANNING	160,000	160,000	-	52,100	-	107,900	June 2023	Study
	CARLE SANITARY CONSTRUCTION	605,000	605,000	-	-	-	605,000		Move to FY24
40514 - SANITARY PLANNING AND GIS	GIS PLANNING	135,000	135,000	-	-	135,000	-	FY 24	RFP
PROGRAMATIC ACTIVITY									
40501 - SANITARY SEWER PRIVATE TO PUBLIC	SAN. SEWER PRIVATE TO PUBLIC	25,000	25,000	-	-	25,000	-		
40503 - SBF BILLING COSTS	SBF BILLING COSTS	48,275	48,275	24,201	-	24,074	-		
40504 - ILLEGAL CONNECTION REIMBURSEMENT	ILLEGAL CONNECTION REIMBURSEMENT	4,000	4,000	-	-	4,000	-		
40505 - SEWER LATERAL REIMBURSEMENT	SEWER LATERAL REIMBURSEMENT	50,000	50,000	13,256	-	36,744	-		
40506 - OVERHEAD SEWER REIMBURSEMENT	OVERHEAD SEWER REIMBURSEMENT	10,500	10,500	-	-	10,500	-		
49204 - FUND 204 - CIP	OTHER SERVICES*	16,257	16,257	9,795	-	6,462	-		
	TRANSFER TO GENERAL FUND	878,447	878,477	219,619	-	658,858	-		
	TRANSFER TO VERF	4,135	4,097	1,024	-	3,073	-		
TOTAL EXPENSE		2,587,864	2,767,070	386,933	437,333	1,229,904	712,900		

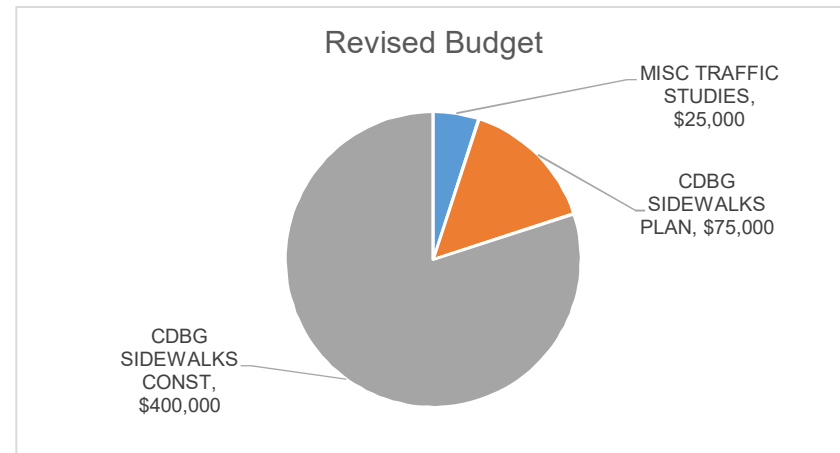
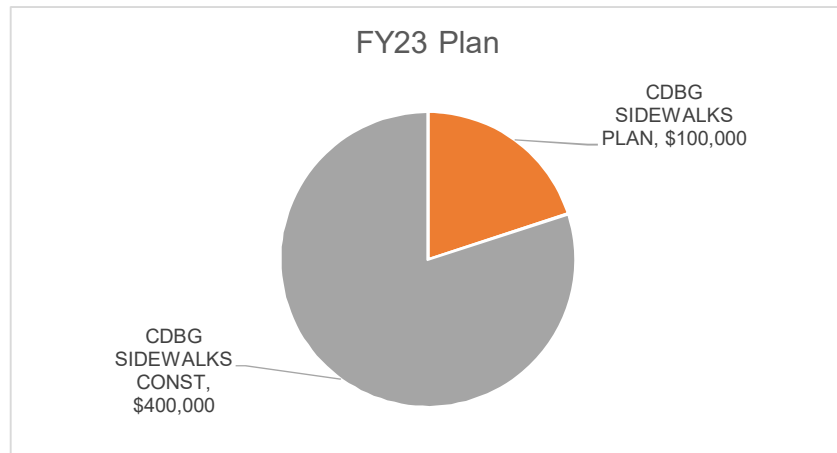
*Technology, Training and CC Fees project strings



CIP PROJECTS IN OTHER FUNDS, FY23 MID-YEAR UPDATE

331 - COMMUNITY DEV GRANTS CIP PROJECTS

PROJECT	DESCRIPTION	FY23 Plan	Revised Budget	Actual Spent	Encumb.	Available Budget	Move to FY24	Completion Date	Status
40120 - MISC. TRAFFIC STUDIES	MISC TRAFFIC STUDIES	-	25,000	-	-	25,000	-	Summer 2023	Study
40170 - CDBG SIDEWALKS	CDBG SIDEWALKS PLAN	100,000	75,000	14,313	56,344	4,343	-	Fall 2023	Construction
	CDBG SIDEWALKS CONST	400,000	400,000	-	190,579	209,421	-	2024	
TOTAL EXPENSE		500,000	500,000	14,313	246,923	238,764	-		



344 - CENTRAL TIF CIP PROJECTS

PROJECT	DESCRIPTION	FY23 Plan	Revised Budget	Actual Spent	Encumb.	Available Budget	Move to FY24	Completion Date	Status
40414 - BONEYARD CREEK CROSSING IMPROVEMENT	PLANNING	-	11,977	11,977	-	-	-		Completed
TOTAL EXPENSE		-	11,977	11,977	-	-	-		

GLOSSARY OF TERMS, FY23 MID-YEAR UPDATE

Actual Spent	Sum of invoices paid in FY23 to date.
Available Budget	Remaining budget that is unencumbered but expected to be encumbered or spent in FY23. Equals the revised budget minus actual spent and encumbered.
Closeout	Closing out the construction phase of a project by finalizing documentation of the improvement and payment to the contractor. Occurs after substantial completion of construction.
Completion Date	Estimated completion of the phase(s) of the project included in the budget.
Construction	Implementation of a design that typically involves construction of improvements by a contractor and observation by a professional. Often referred to as Phase 3 of a project.
Design	Professional services that produce construction documents. Often referred to as Phase 2 of a project, but "design" can include studies (Phase 1) as well.
Encumbered	Net money remaining in purchase orders. In other words, the total value of purchase orders minus actual spent to date.
FY23	Fiscal Year 2023 = July 1, 2022 through June 30, 2023.
FY23 Plan	Budget in the FY23 Capital Improvement Plan. Original FY23 budget as of July 1, 2022.
FY24	Fiscal Year 2024 = July 1, 2023 through June 30, 2024.
Grant App.	Grant application to pursue funding outside of the City's funds.
Move to FY24	Same as "available budget", except this amount is not expected to be encumbered in FY23.
Proposal	Vendor (typically a professional services consultant) prepares a proposal describing the scope, fee, and schedule for a project. Basis of a services agreement.
Purchase Order	A contract with a vendor (contractor, consultant, supplier, etc.) for a specific amount. Purchases over \$5,000 require a purchase order. Funds in a purchase order are "encumbered" because they are not available while the purchase order is open.
Revised Budget	Current FY23 budget, accounting for transfers, budget amendments, and purchase orders carried forward from FY22.
RFP	Request for proposal. City staff defines the scope and schedule of a project and requests a proposal from a vendor.
Study	Professional services that precede design. Often referred to as Phase 1 of a project. Could involve surveys, condition assessments, feasibility studies, alternative analyses, reports, permit applications, and public involvement.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Grants Management Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and Urbana City Council Members

FROM: Sheila Dodd, Interim Community Development Services Director
Breaden Belcher, Community Development Coordinator

DATE: January 12, 2023

SUBJECT: **A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CHAMPAIGN COUNTY HEALTH CARE CONSUMERS
– SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM =
HOME ARP FY 2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CHAMPAIGN COUNTY REGIONAL PLANNING
COMMISSION – HOUSING NAVIGATION PROGRAM – HOME ARP FY
2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CUNNINGHAM TOWNSHIP SUPERVISOR’S OFFICE
– BRIDGE TO HOME – HOME ARP FY 2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CU AT HOME – HOUSING NAVIGATION PROGRAM
– HOME ARP FY 2021/2022**

Introduction

This memorandum provides funding recommendations to the Urbana City Council for public and private non-profit agencies that have applied to the Housing & Homeless Innovations Consolidated Grant Program. Funding recommendations can be found in Attachment I. Greater detail regarding each program can be found in Attachment II. Each program that Staff is recommending for funding will support housing and homeless service needs in the community.

Background

The cities of Urbana and Champaign have various funding sources available to address affordable housing needs county-wide. Staff from both cities brought together these funding sources under one streamlined application process in order to make it easier for local agencies to apply for and receive

funding by reducing confusion about available funding, and by fostering a county-wide strategic approach to the allocation of funding.

These funding sources include:

Urbana HOME ARP	\$2,697,000
Urbana HOME	\$285,000
Champaign CDBG	\$175,000
Champaign General Funds	\$2,200,000
Total:	\$5,357,000

Staff from Urbana and Champaign jointly drafted a rubric for scoring applications submitted for grant funds. The scoring rubric was designed in order to allocate and award grant funds. The rubric was made available to applicants on the HHI website throughout the application period.

Applications opened on November 4, 2022 and closed on December 12, 2022. Staff from Urbana and Champaign held two technical assistance sessions to provide additional information to potential applicants and to answer questions about the program. The first session took place on November 4 in Champaign City Council Chambers, and the second session took place on November 28 at The Urbana Free Library. The presentations were recorded and made available on the HHI website along with application materials and an up-to-date FAQ page.

Methodology

Once applications closed on December 12, staff from both cities convened to score and rank the submissions. The scoring process took place from December 12 through December 16. Staff used the scoring rubric described above to evaluate the applications, and to determine the most appropriate funding source and allocation amount.

Once these allocations are approved by each City Council, separate agreements will be executed by the impacted city and/or funding source. The City of Urbana will be responsible for all grant agreements that are executed using HOME or HOME ARP funding, and the City of Champaign will be responsible for all grant agreements that are executed using Champaign CDBG or Champaign General Funds.

Applications from agencies intending to develop affordable housing or shelter have been put on hold for now, until they can secure additional financing or have identified an address for their project. One application was rejected by the review committee because it did not fit within the HHI guidelines. One other application was rejected because the committee determined the services to be duplicative.

Beginning in 2023, the City will prepare quarterly written reports for all projects and programs funded through this process. Grant funds that remain unallocated at the conclusion of this process will be kept available for eligible projects or programs that address affordable housing and homeless service needs in the community.

Fiscal Impacts

Urbana HOME and HOME ARP funding have previously been set aside and approved by Council for the purposes of furthering affordable housing and homeless services. There will be no additional

fiscal impacts on the City.

Options

1. Forward the proposed funding allocations to the Consent Agenda with a recommendation for approval
2. Forward the proposed funding allocations, with changes, to the Consent Agenda with a recommendation for approval.
3. Do not recommend approval of the proposed funding allocations.

Attachment I

Funding Recommendations

Agency	Program/Project	Funding Source	Amount
Champaign County Health Care Consumers	Special Populations Case Management Program	HOME ARP Supportive Services	\$296,850
Champaign County Regional Planning Commission	Housing Navigation	HOME ARP Supportive Services	\$148,224
Cunningham Township Supervisor's Office	Bridge to Home	HOME ARP Supportive Services	\$375,000
CU at Home	Housing Navigation	HOME ARP Supportive Services	\$120,000
Total:			\$940,074

Attachment II

Program Descriptions

Champaign County Regional Planning Commission Housing Navigation and Stabilization Program

Funding Recommendation: \$148,224

The Champaign County Regional Planning Commission's Housing Navigation and Stabilization Program provides supportive case management services to individual and family households who lack fixed, stable housing. Supportive services address the transition to stable housing, the tools needed to maintain housing, as well as the education and support required for long-term housing stability. Households that are eligible to receive Housing Navigation and Stabilization services will be referred through RPC's Centralized Intake for Homeless program and connected with a case manager within 48 business hours of referral. HHI funding will support the expansion of this program to serve additional clients throughout the grant period. Funds will supplement staff salaries, additional contractual services, and other costs directly associated with operating this program.

Champaign County Health Care Consumers (CCHCC) Special Populations Case Management

Funding Recommendation: \$296,850

HHI funding will enable CCHCC to expand its Supportive Services program to serve a greater number of homeless individuals, including those who are literally homeless, formerly homeless, or living in transitional or permanent housing. With this funding, CCHCC will hire and train two new staff members, an Outreach and Enrollment Community Health Worker, and a Disability Application Specialist. These new staff members would specialize in providing supportive service assistance to the homeless population, and would actively work with this population to enroll individuals in various public benefits programs such as Medicaid or Medicare health insurance, SNAP, LIHEAP, and disability application services. Assistance in obtaining access to health care, including primary and specialty care, mental health and behavioral health, dental, and vision services, as well as financial assistance for prescriptions and legal services will also be provided.

Additionally, as part of this program, CCHCC will also do extensive outreach, including "street outreach", to inform all of the local agencies and organizations of their new homelessness-focused program. CCHCC will not only facilitate the homeless population in obtaining referrals

for these services and individuals who are homeless but they will also actively seek to recruit members of this population who may not be engaging in these supportive services or staying at shelters in general.

Cunningham Township Supervisor's Office (CTSO) Bridge to Home

Funding Recommendation: \$375,000

CTSO is seeking one year of support in Housing and Homelessness Innovation Funds towards a six year project (2022-2026) to build the capacity and sustainability of its Bridge to Home program. HHI funding will support additional case management staff, housing and legal navigation services, and direct assistance to clients.

The Bridge to Home program provides a continuum of housing and supportive services for Champaign County residents whom are experiencing homelessness and housing insecurity, so they may access and maintain permanent housing. The Bridge to Home program threads together Street and School Outreach, Emergency and Transitional Housing, Rapid Rehousing, and Rental Assistance, while providing Case Management from literal homelessness to stabilization in permanent housing. The services Bridge to Home provides includes legal navigation, language translation, supportive services for people with intellectual and developmental disabilities, accessibility to emergency food, clothing, and furnishings needed to move into housing, payment assistance for utility arrears, and other housing stabilization needs.

C-U at Home Housing Navigation

Funding Recommendation: \$120,000

C-U at Home would like to expand its Housing Navigation Program. This expansion will include employing a specialized case management professional who focuses solely on implementing Housing Navigation Activities. C-U at Home's Housing Navigator program will serve those individuals who are staying at C-U at Home, as well as those at risk of homelessness who are identified as ready to take the next step to stability. C-U at Home specializes in empowering individuals who are experiencing homelessness by providing a safe environment where individuals can progress toward stability and access essential resources such as shelter, laundry, showers, food, and supportive services.

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN
URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT**

**CUNNINGHAM TOWNSHIP SUPERVISOR'S OFFICE
BRIDGE TO HOME PROGRAM**

HOME ARP FY 2021/2022

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Resolution constitutes an exercise of the City's home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the City Council of the City of Urbana, Illinois, has found and determined that execution of the attached subrecipient agreement is desirable and necessary to carry out one of the corporate purposes of the City of Urbana, to wit: implementation of Strategies and Objectives to Address the Affordable Housing Needs of Low and Moderate Income Households described in the *City of Urbana and Urbana HOME Consortium (Champaign/ Urbana/ Champaign County) FY 2020-2024 Consolidated Plan and FY 2020-2021 HOME ARP Allocation Plan*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an Agreement providing \$375,000 in HOME ARP Program funds, for the funding of a the bridge to home program, between the City of Urbana and Cunningham Township Supervisor's Office, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor

URBANA HOME CONSORTIUM
CUNNINGHAM TOWNSHIP SUPERVISOR'S OFFICE
BRIDGE TO HOME PROGRAM

(HOME ARP FY 2021/2022)

THIS Subgrantee Agreement for the Bridge to Home Program, hereafter referred to as the “**AGREEMENT**”, is made and entered into by and between the CITY OF URBANA, an Illinois Municipal Corporation, acting as lead entity for the Urbana HOME Consortium (hereinafter the “**GRANTOR**”), and CUNNINGHAM TOWNSHIP SUPERVISOR'S OFFICE (hereinafter “**CTSO**”).

WITNESSETH

WHEREAS, the City of Urbana, the City of Champaign, and Champaign County have been jointly designated as a Participating Jurisdiction by the U.S. Department of Housing and Urban Development (hereinafter “**HUD**”) for purposes of receiving HOME Investment Partnership (hereinafter “**HOME**”) Program funds in the name of the Urbana HOME Consortium under provisions of Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 U.S.C. 12701 *et seq.*) (hereinafter the “**National Affordable Housing Act**”); and

WHEREAS, the Urbana HOME Consortium has received HOME ARP Program funds from HUD to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability for low-income residents of Urbana, Champaign, and Champaign County; and

WHEREAS, the Urbana City Council has adopted a Consolidated Plan for Program Years 2020-2024 (hereinafter the “**Consolidated Plan**”) in accordance with an Intergovernmental Agreement Concerning Administration of a HOME Investment Partnership known as the Urbana HOME Consortium, executed by Mayor Tod Satterthwaite on behalf of the City on July 16, 2003 (hereinafter the “**Intergovernmental Agreement**”); and

WHEREAS, CTSO has requested Urbana HOME ARP Consortium funding to provide case Management and direct housing assistance to low-income households (hereinafter the “**BRIDGE TO HOME PROGRAM**”); and

WHEREAS, CTSO desires to serve as a manager of the BRIDGE TO HOME PROGRAM within the Cities of Champaign and Urbana and Champaign County; and

WHEREAS, the GRANTOR has determined that the BRIDGE TO HOME PROGRAM is eligible for funding under the HOME ARP Program; and

WHEREAS, CTSO has been fully informed regarding all requirements or obligations that must be met by CTSO in order to utilize HOME ARP Program funds for the BRIDGE TO HOME PROGRAM, including but not limited to, the requirement that all participating households must meet the income eligibility requirements at or below 60 percent of the median family income, in accordance with 24 CFR Part 92, Section 209; and

WHEREAS, CTSO, having been fully informed regarding the requirements of the HOME ARP Program, is committed to starting the BRIDGE TO HOME PROGRAM with the assistance of HOME ARP Program funds on or before February 28, 2023.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

ARTICLE I: HOME ARP REQUIREMENTS

Section 1: Use of HOME ARP Funds

The GRANTOR agrees to provide CTSO an amount not to exceed **\$375,000** from its Federal Fiscal Year 2021-2022 HOME ARP Program funding to be used for providing case management and direct housing assistance to households at or below 60 percent of the Area Median Family Income as defined by HUD on an annual basis as part of the BRIDGE TO HOME PROGRAM. CTSO shall use the Funds in accordance with the HOME ARP program guidelines outlined in 24 CFR Part 92 in carrying out the BRIDGE TO HOME PROGRAM in the manner described below:

- (a) CTSO shall provide the GRANTOR with the budget and financial projection for each program year from the initial start of the BRIDGE TO HOME PROGRAM to termination for each client.
- (b) CTSO shall provide the GRANTOR with case management documentation for the BRIDGE TO HOME PROGRAM as described in Attachment A and attached hereto and by reference made a part hereof.

Section 2: Affordability

CTSO shall comply with all income determinations and subsidy limit requirements of the HOME ARP Program as set forth in HUD Regulations 24 CFR 92.209, as applicable. CTSO shall verify each family's income eligibility by determining the family's annual income in accordance with the Part 5 (Section 8) methodology allowed in 24 CFR 92.203. CTSO is required to re-examine and document the family's income annually if assistance extends beyond one year.

For purposes of this AGREEMENT, project completion means that the final drawdown has been disbursed for the project and CTSO has submitted all necessary demographic and financial information to the GRANTOR.

Section 3: HOME ARP Project Requirements

Project Requirements:

The GRANTOR shall provide HOME ARP funds not to exceed **\$375,000** for eligible costs as described in 24 CFR 92.209. 9

The GRANTOR and CTSO agree that HOME ARP funds provided will be used for only those eligible costs listed in 24 CFR 92.209, including: case management and supportive services costs. Administrative costs are not eligible, and as such will not be reimbursed by the GRANTOR.

All clients served must meet the income guidelines at or below 60 percent of the Area Median Family Income, as published by HUD each year.

Preferences for clients with specific special needs cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

List of Documents

The following documents have been added to or made a part hereof by reference:

Attachment 1 – Program Description

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”

Section 4: Other BRIDGE TO HOME PROGRAM Requirements

A. Non-discrimination and Equal Opportunity

CTSO agrees that there shall be no discrimination against any person who is employed in carrying out the BRIDGE TO HOME PROGRAM, or against any applicant for such employment, because of race, color, religion, sex, age, or national origin, or any other discrimination prohibited by Federal, State, County or local laws, including but not limited to employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. CTSO further agrees to the following:

1. It shall be bound by said equal opportunity clause with respect to its own employment practices during the duration of its participation with the GRANTOR and HUD.
2. It shall furnish the GRANTOR and HUD with information as they may require for the supervision of such compliance and will otherwise assist the GRANTOR and HUD in the discharge of primary responsibility for securing compliance.
3. It shall carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the Secretary of Labor, the GRANTOR, or HUD.
4. It shall abide by the Human Rights Ordinance as set forth in Chapter 12 of the Urbana Code of Ordinances.

B. Conflict of Interest

CTSO guarantees that no member of, or Delegate to, the Congress of the United States shall be admitted to any share or part of this contract or to any benefit to arise from the same. CTSO agrees that no members of the governing body of the locality in which CTSO is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the AGREEMENT during their tenure, or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the services performed under this AGREEMENT. Unless expressly permitted by HUD, CTSO agrees that no person who is an employee, agent, consultant, officer, or elected or appointed official of CTSO and who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME ARP funds, or who is in a position to participate in a decision-making process to gain inside information with regard to such HOME ARP-assisted activities, may obtain a financial interest or benefit from the HOME ARP-assisted

activity, or have any interest in any

contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one (1) year thereafter. Unless expressly permitted by the GRANTOR, no officer, employee, agent or consultant of CTSO may occupy a HOME ARP-assisted affordable housing unit in a project.

C. Air and Water

CTSO agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder; Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

Section 5: Records and Reports

A. Records

CTSO authorizes the GRANTOR and HUD to conduct on-site reviews, examine tenant income records, and to conduct any other procedure or practice necessary to assure compliance with this AGREEMENT and applicable HUD regulations. CTSO will ensure that all documents related to this Project shall be kept for a period of five (5) years after project completion (estimated at June 2029). Records to be retained include, but are not limited to: case management, initial income verification and source documentation, and documentation used to request re-imbursement of expenses. CTSO shall maintain such records and accounts, including program records, project records; financial records; equal opportunity records; records demonstrating compliance with the income determination and requirements of 24 CFR 92.203; record keeping requirements of 24 CFR 92.508; records demonstrating compliance with the lead-based paint requirements of 24 CFR 92.355; records supporting exceptions to the conflict of interest prohibition pursuant to 24 CFR 92.356; and any other records as are deemed necessary by the GRANTOR to assure a proper accounting and monitoring of all HOME ARP Funds. In the event the GRANTOR determines that such records are not being adequately maintained by CTSO, the GRANTOR may cancel this AGREEMENT in accordance with Article I Section 6 and Article II herein.

With respect to all matters covered by this AGREEMENT, records will be made available for examination, audit, inspection or copying purposes at any time during normal business hours and as often as the GRANTOR, HUD, representatives of the Comptroller General of the United States or other Federal agency may require. CTSO will permit same to be examined and excerpts or transcriptions made or duplicated from such records, and audits made of all invoices, materials, records of personnel and of employment and other data relating to all matters covered by this AGREEMENT. The GRANTOR's right of inspection and audit shall obtain likewise with reference to any audits made by any other agency, whether local, State or Federal. CTSO shall retain all records and supporting documentation applicable to this AGREEMENT as provided below:

- (a) For Case Management and supportive services, records shall be retained for five (5) years after the project completion date.
- (b) Written agreements must be retained for five (5) years after date of project completion.
- (c) If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

B. Reports

CTSO agrees to submit to the GRANTOR the reports as described in this section. CTSO will ensure that all documents related to these reports shall be kept for a period of five (5) years after project's affordability period has been completed (estimated at June 2029).

Records to be retained include, but are not limited to: receipts and invoices for materials, supplies, and services; documentation used to request re-imbursement of expenses; case management; and documentation of household income eligibility.

Section 6: Enforcing of Agreement

A default shall consist of any use of HOME ARP Program funds for a purpose other than as authorized by this AGREEMENT, noncompliance with the HOME ARP Program guidelines as outlined in 24 CFR Part 92, any material breach of the AGREEMENT, failure to timely comply with the audit requirements in Section 5 failure to expend HOME ARP Program funds in a timely manner, or a misrepresentation in the application submission which, if known by GRANTOR and/or HUD, would have resulted in HOME ARP Program funds not being provided. Upon due notice to CTSO of the occurrence of any such default and the provision of a reasonable opportunity to respond, the GRANTOR may take one or more of the following actions:

- (a) Direct CTSO to prepare and follow a schedule of actions for carrying out the affected activities, consisting of schedules, timetables and milestones necessary to implement the affected activities;
- (b) Direct CTSO to establish and follow a management plan that assigns responsibilities for carrying out the remedial actions;
- (c) Cancel or revise activities likely to be affected by the performance deficiency, before expending HOME ARP Program funds for the activities;
- (d) Reprogram HOME ARP funds that have not yet been expended from affected activities to other eligible activities or withhold HOME ARP Program funds;
- (e) Direct the CTSO to reimburse the GRANTOR's HOME ARP Program accounts in any amount not used in accordance with the requirements of 24 CFR Part 92, et al;
- (f) Suspend disbursement of HOME ARP Program funds for affected activities;
- (g) Other appropriate action including, but not limited to, any remedial action legally available, such as litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions, termination of the AGREEMENT and any other available remedies.

For purposes of this AGREEMENT, a reasonable opportunity to respond to any default shall be thirty (30) days from receipt by CTSO of the GRANTOR's written notice of default. No delay or omission by GRANTOR and/or HUD in exercising any right or remedy available to it under the AGREEMENT shall impair any such right or remedy or constitute a waiver or acquiescence in any CTSO default.

Unless the CTSO's default is waived, the GRANTOR may, upon twenty-four (24) hour written notice, terminate this AGREEMENT for said default. Waiver by the GRANTOR of CTSO's default under this AGREEMENT shall not be deemed to be a waiver of any other default nor shall it be termination notice.

Notices required herein, shall be considered received by the CTSO and the GRANTOR if delivered in person, or when deposited in the U.S. Mail, postage prepaid certified mail, return receipt requested.

Section 7: Request for Disbursement of Funds

CTSO shall not request disbursement of HOME ARP Program funds until HOME ARP Program funds are needed to pay eligible costs related to the BRIDGE TO HOME PROGRAM. The amount of any request for funds shall not exceed the amount needed and shall be supported by appropriate documentation such as an invoice or performance-progress reports. The GRANTOR shall make payment to CTSO within fourteen (14) calendar days of receipt of a complete and acceptable request by the GRANTOR. The GRANTOR reserves the right to withhold disbursement of funds until appropriate documentation is submitted. All checks shall be made payable to "Cunningham Township". All monies granted to CTSO pursuant to this AGREEMENT shall be expended by **June 30, 2024**. In the event that all funds are not disbursed, the remaining balance shall be retained by the City of Urbana to be reprogrammed for other eligible HOME ARP Program activities.

Section 8: Duration of Agreement

This AGREEMENT shall be effective as of the date executed by the Mayor and attested by the City Clerk and shall remain in effect until the latest of the following dates or events: June 30, 2024; or five years after project completion when all files may be destroyed in accordance with State and Federal law.

ARTICLE II: FINANCIAL RESPONSIBILITY

The allocation of funds by the GRANTOR pursuant to this AGREEMENT shall in no way obligate the GRANTOR for any financial responsibility incurred by the BRIDGE TO HOME PROGRAM in excess of the funding pledged herein. The GRANTOR reserves the right to withhold pledged funds if the GRANTOR is not satisfied with the CTSO's compliance with the terms and conditions of performance outlined in this AGREEMENT.

ARTICLE III: CERTIFICATIONS

CTSO represents the following with respect to this AGREEMENT.

- A. CTSO possesses legal authority to receive HOME ARP Program funds from the GRANTOR and to undertake and execute the BRIDGE TO HOME PROGRAM as described herein.
- B. The governing body of CTSO has duly adopted or passed as an official act a resolution, motion, or similar action authorizing execution of this AGREEMENT including all

understandings and assurances contained herein, and directing and designating the authorized representative of CTSO to act in connection with this AGREEMENT and to provide such additional information as may be required.

- C. CTSO, its successors and assigns, agrees to develop and operate the BRIDGE TO HOME PROGRAM in accordance with HOME ARP Program regulations promulgated at 24 CFR Part 92.
- D. CTSO agrees to give maximum feasible priority to very low-income persons when administering the BRIDGE TO HOME PROGRAM described herein.
- E. CTSO shall comply with the regulations, policies, guidelines, and requirements of federal management circulars as they relate to the acceptance and use of Federal funds for the BRIDGE TO HOME PROGRAM. CTSO agrees to maintain financial records in accordance with applicable Federal guidelines 24 CFR Part 200. CTSO shall separately and accurately identify use of HOME ARP funds pursuant to this AGREEMENT.
- F. CTSO shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the regulations issued pursuant thereto (24 CFR Part 1), which provide that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which CTSO receives federal financial assistance.
- G. CTSO shall establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- H. No Federal appropriated funds have been paid or will be paid, by or on behalf of CTSO, to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, CTSO will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," as provided in "Attachment 2" and in accordance with the corresponding instructions.

- I. CTSO shall give HUD and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the PROGRAM.
- J. CTSO shall at all times observe and comply with all laws, ordinances, or regulations of Federal, State, and local governments which may in any manner affect the performance of

this AGREEMENT. CTSO shall be liable to perform all acts to the GRANTOR in the same manner as the GRANTOR performs these functions to the Federal government.

- K. CTSO shall be responsible for any and all claims, costs, causes, actions, and expenses, including, but not limited to, attorneys' fees incurred by reason of a law suit or claim for compensation arising in favor of any person, including the employees, officers, or agents of CTSO, on account of personal injuries or death, or damages to property occurring, growing out of, incident to, or resulting under this BRIDGE TO HOME PROGRAM, whether such loss, damage, injury, or liability is contributed to by the negligence of the GRANTOR or its officers, employees, or agents, or by the premises themselves or any equipment thereon whether latent or patent, or from other causes whatsoever, except that CTSO shall have no liability for damages or the costs incident thereto caused by the sole negligence of the GRANTOR, or its officers, employees, or agents.
- L. CTSO shall have full control of the ways and means of performing the services referred to herein. CTSO acknowledges and agrees that its employees, representatives, and agents may in no respect be considered employees of the GRANTOR.

ARTICLE IV: NOTICES

Notices and communications under this AGREEMENT shall be sent first class, prepaid to the respective parties as follows.

TO THE GRANTOR: Sheila Dodd, Manager
Grants Management Division
400 South Vine Street
Urbana, Illinois 61801

TO: Danielle Chynoweth, Township
Supervisor, Cunningham Township
205 W Green
Urbana, IL 61801

ARTICLE V: CONTINGENCIES

This AGREEMENT, including the provision of funds by the GRANTOR for the BRIDGE TO HOME PROGRAM as described herein, is contingent upon the signing of GRANTOR and CTSO.

ARTICLE VI: ASSIGNMENT

CTSO shall not assign this AGREEMENT, nor any part thereof, without prior written approval of the GRANTOR.

ARTICLE VII: MODIFICATION

No modification of this AGREEMENT shall be effective unless in writing and executed by the parties hereto.

ARTICLE VIII: EXECUTION OF AGREEMENT

This AGREEMENT shall be binding upon the GRANTOR and CTSO, their successors and assigns, and shall be effective as of the date executed by the Mayor of Urbana and attested by the City Clerk.

ARTICLE IX: PROJECT PUBLICITY

Any news release or other type of publicity pertaining to the work performed pursuant to this AGREEMENT must recognize GRANTOR as a Subrecipient, funded by HUD.

ARTICLE X: MONITORING AND EVALUATING

The GRANTOR shall be responsible for monitoring and/or evaluating all aspects of the services provided by CTSO under this AGREEMENT. The GRANTOR shall have access to and be able to make copies and transcriptions of such records as may be necessary in the determination of the GRANTOR or HUD to accomplish this monitoring and/or evaluation. In order to properly monitor or evaluate the CTSO'S performance under this AGREEMENT, the GRANTOR shall make on-site inspections annually or as often as it deems necessary. Failure by the CTSO to assist the GRANTOR in this effort, including allowing the GRANTOR to conduct the on-site inspections and have access to the CTSO'S records, shall result in the imposition of sanctions as specified in Article I Section 6 herein.

Said evaluation may be accomplished by the GRANTOR through a management evaluation of the services provided under this AGREEMENT during the term of this AGREEMENT.

ARTICLE XI: INDEMNIFICATION

CTSO shall to the fullest extent allowed by law defend, hold harmless and indemnify the GRANTOR from and against any and all liability, injury, loss, claims, damages, costs, attorneys' fees and expenses of whatever kind or nature which the GRANTOR may sustain, suffer or incur or be required to pay by reason of:

- A. The loss of any monies paid to CTSO;
- B. Fraud, defalcation or dishonesty on the part of any person representing, employed by, contracted or subcontracted by CTSO;
- C. Any act, omission, wrongdoing, misconduct, want of care or skill, negligence or default on the part of CTSO or any of its contractors, subcontractors, sub-subcontractors, materialmen, suppliers and laborers in the execution or performance of this AGREEMENT.

The indemnity hereunder shall survive termination of the AGREEMENT. In the event that any action, suit or proceeding is brought against the GRANTOR upon any liability arising out of the AGREEMENT, or any other matter indemnified against, the GRANTOR at once shall give notice in writing thereof to CTSO by registered or certified mail addressed to CTSO. Upon receipt of such notice, CTSO, at its own expense, shall defend against such action and take all such steps as may be necessary or proper to prevent the obtaining of a judgment against the GRANTOR.

ARTICLE XII: SIGNATURE OF AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by its officers as of the date first written above.

GRANTOR:

CTSO:

Diane Wolfe Marlin, Mayor

Danielle Chynoweth, Township Supervisor

Phyllis D. Clark, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Danielle Chynoweth, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed and delivered the said instrument as her free and voluntary act in her capacity as Township Supervisor of Cunningham Township, and as the free and voluntary act of said organization for the purposes therein set forth.

Given under my hand and official seal, this ____ day of _____, 2023.

Notary Public

Attachment 1

1. \$305,000 to fund one year of 5.5 FTEs in Housing Case Management and Supportive Services for homeless residents in Champaign County.
2. \$40,000 to fund partners to couple essential, specialty services for homeless immigrants and people with disabilities with CTSO Housing Case Management. These services include legal navigation, language translation, and supportive services for people with intellectual and developmental disabilities -- which are essential to program success, but CTSO is not in a position to provide. CTSO will work with these partners to develop funding after year 1 to continue our partnership.
3. \$30,000 in Direct Assistance to support program participants with needs such as emergency food and clothing, used furnishings to move into housing, payment of utility arrears, and other needs for housing stabilization.

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Grants Management Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and Urbana City Council Members

FROM: Sheila Dodd, Interim Community Development Services Director
Breaden Belcher, Community Development Coordinator

DATE: January 12, 2023

SUBJECT: **A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CHAMPAIGN COUNTY HEALTH CARE CONSUMERS
– SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM =
HOME ARP FY 2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CHAMPAIGN COUNTY REGIONAL PLANNING
COMMISSION – HOUSING NAVIGATION PROGRAM – HOME ARP FY
2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CUNNINGHAM TOWNSHIP SUPERVISOR’S OFFICE
– BRIDGE TO HOME – HOME ARP FY 2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CU AT HOME – HOUSING NAVIGATION PROGRAM
– HOME ARP FY 2021/2022**

Introduction

This memorandum provides funding recommendations to the Urbana City Council for public and private non-profit agencies that have applied to the Housing & Homeless Innovations Consolidated Grant Program. Funding recommendations can be found in Attachment I. Greater detail regarding each program can be found in Attachment II. Each program that Staff is recommending for funding will support housing and homeless service needs in the community.

Background

The cities of Urbana and Champaign have various funding sources available to address affordable housing needs county-wide. Staff from both cities brought together these funding sources under one streamlined application process in order to make it easier for local agencies to apply for and receive

funding by reducing confusion about available funding, and by fostering a county-wide strategic approach to the allocation of funding.

These funding sources include:

Urbana HOME ARP	\$2,697,000
Urbana HOME	\$285,000
Champaign CDBG	\$175,000
Champaign General Funds	\$2,200,000
Total:	\$5,357,000

Staff from Urbana and Champaign jointly drafted a rubric for scoring applications submitted for grant funds. The scoring rubric was designed in order to allocate and award grant funds. The rubric was made available to applicants on the HHI website throughout the application period.

Applications opened on November 4, 2022 and closed on December 12, 2022. Staff from Urbana and Champaign held two technical assistance sessions to provide additional information to potential applicants and to answer questions about the program. The first session took place on November 4 in Champaign City Council Chambers, and the second session took place on November 28 at The Urbana Free Library. The presentations were recorded and made available on the HHI website along with application materials and an up-to-date FAQ page.

Methodology

Once applications closed on December 12, staff from both cities convened to score and rank the submissions. The scoring process took place from December 12 through December 16. Staff used the scoring rubric described above to evaluate the applications, and to determine the most appropriate funding source and allocation amount.

Once these allocations are approved by each City Council, separate agreements will be executed by the impacted city and/or funding source. The City of Urbana will be responsible for all grant agreements that are executed using HOME or HOME ARP funding, and the City of Champaign will be responsible for all grant agreements that are executed using Champaign CDBG or Champaign General Funds.

Applications from agencies intending to develop affordable housing or shelter have been put on hold for now, until they can secure additional financing or have identified an address for their project. One application was rejected by the review committee because it did not fit within the HHI guidelines. One other application was rejected because the committee determined the services to be duplicative.

Beginning in 2023, the City will prepare quarterly written reports for all projects and programs funded through this process. Grant funds that remain unallocated at the conclusion of this process will be kept available for eligible projects or programs that address affordable housing and homeless service needs in the community.

Fiscal Impacts

Urbana HOME and HOME ARP funding have previously been set aside and approved by Council for the purposes of furthering affordable housing and homeless services. There will be no additional

fiscal impacts on the City.

Options

1. Forward the proposed funding allocations to the Consent Agenda with a recommendation for approval
2. Forward the proposed funding allocations, with changes, to the Consent Agenda with a recommendation for approval.
3. Do not recommend approval of the proposed funding allocations.

Attachment I

Funding Recommendations

Agency	Program/Project	Funding Source	Amount
Champaign County Health Care Consumers	Special Populations Case Management Program	HOME ARP Supportive Services	\$296,850
Champaign County Regional Planning Commission	Housing Navigation	HOME ARP Supportive Services	\$148,224
Cunningham Township Supervisor's Office	Bridge to Home	HOME ARP Supportive Services	\$375,000
CU at Home	Housing Navigation	HOME ARP Supportive Services	\$120,000
Total:			\$940,074

Attachment II

Program Descriptions

Champaign County Regional Planning Commission Housing Navigation and Stabilization Program

Funding Recommendation: \$148,224

The Champaign County Regional Planning Commission's Housing Navigation and Stabilization Program provides supportive case management services to individual and family households who lack fixed, stable housing. Supportive services address the transition to stable housing, the tools needed to maintain housing, as well as the education and support required for long-term housing stability. Households that are eligible to receive Housing Navigation and Stabilization services will be referred through RPC's Centralized Intake for Homeless program and connected with a case manager within 48 business hours of referral. HHI funding will support the expansion of this program to serve additional clients throughout the grant period. Funds will supplement staff salaries, additional contractual services, and other costs directly associated with operating this program.

Champaign County Health Care Consumers (CCHCC) Special Populations Case Management

Funding Recommendation: \$296,850

HHI funding will enable CCHCC to expand its Supportive Services program to serve a greater number of homeless individuals, including those who are literally homeless, formerly homeless, or living in transitional or permanent housing. With this funding, CCHCC will hire and train two new staff members, an Outreach and Enrollment Community Health Worker, and a Disability Application Specialist. These new staff members would specialize in providing supportive service assistance to the homeless population, and would actively work with this population to enroll individuals in various public benefits programs such as Medicaid or Medicare health insurance, SNAP, LIHEAP, and disability application services. Assistance in obtaining access to health care, including primary and specialty care, mental health and behavioral health, dental, and vision services, as well as financial assistance for prescriptions and legal services will also be provided.

Additionally, as part of this program, CCHCC will also do extensive outreach, including "street outreach", to inform all of the local agencies and organizations of their new homelessness-focused program. CCHCC will not only facilitate the homeless population in obtaining referrals

for these services and individuals who are homeless but they will also actively seek to recruit members of this population who may not be engaging in these supportive services or staying at shelters in general.

Cunningham Township Supervisor's Office (CTSO) Bridge to Home

Funding Recommendation: \$375,000

CTSO is seeking one year of support in Housing and Homelessness Innovation Funds towards a six year project (2022-2026) to build the capacity and sustainability of its Bridge to Home program. HHI funding will support additional case management staff, housing and legal navigation services, and direct assistance to clients.

The Bridge to Home program provides a continuum of housing and supportive services for Champaign County residents whom are experiencing homelessness and housing insecurity, so they may access and maintain permanent housing. The Bridge to Home program threads together Street and School Outreach, Emergency and Transitional Housing, Rapid Rehousing, and Rental Assistance, while providing Case Management from literal homelessness to stabilization in permanent housing. The services Bridge to Home provides includes legal navigation, language translation, supportive services for people with intellectual and developmental disabilities, accessibility to emergency food, clothing, and furnishings needed to move into housing, payment assistance for utility arrears, and other housing stabilization needs.

C-U at Home Housing Navigation

Funding Recommendation: \$120,000

C-U at Home would like to expand its Housing Navigation Program. This expansion will include employing a specialized case management professional who focuses solely on implementing Housing Navigation Activities. C-U at Home's Housing Navigator program will serve those individuals who are staying at C-U at Home, as well as those at risk of homelessness who are identified as ready to take the next step to stability. C-U at Home specializes in empowering individuals who are experiencing homelessness by providing a safe environment where individuals can progress toward stability and access essential resources such as shelter, laundry, showers, food, and supportive services.

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN
URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT**

**CHAMPAIGN COUNTY HEALTH CARE CONSUMERS
SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM
HOME ARP FY 2021/2022**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Resolution constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the City Council of the City of Urbana, Illinois, has found and determined that execution of the attached subrecipient agreement is desirable and necessary to carry out one of the corporate purposes of the City of Urbana, to wit: implementation of Strategies and Objectives to Address the Affordable Housing Needs of Low and Moderate Income Households described in the *City of Urbana and Urbana HOME Consortium (Champaign/ Urbana/ Champaign County) FY 2020-2024 Consolidated Plan and FY 2020-2021 HOME ARP Allocation Plan*.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF URBANA, ILLINOIS**, as follows:

Section 1. That an Agreement providing \$296,850 in HOME ARP Program funds, for the funding of a special populations case management program, between the City of Urbana and Champaign County Health Care Consumers, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor

URBANA HOME CONSORTIUM
CHAMPAIGN COUNTY HEALTH CARE CONSUMERS
SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM

(HOME ARP FY 2021/2022)

THIS Subgrantee Agreement for the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM, hereafter referred to as the “**AGREEMENT**”, is made and entered into by and between the CITY OF URBANA, an Illinois Municipal Corporation, acting as lead entity for the Urbana HOME Consortium (hereinafter the “**GRANTOR**”), and CHAMPAIGN COUNTY HEALTH CARE CONSUMERS (hereinafter “**CCHCC**”).

WITNESSETH

WHEREAS, the City of Urbana, the City of Champaign, and Champaign County have been jointly designated as a Participating Jurisdiction by the U.S. Department of Housing and Urban Development (hereinafter “**HUD**”) for purposes of receiving HOME Investment Partnership (hereinafter “**HOME**”) Program funds in the name of the Urbana HOME Consortium under provisions of Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 U.S.C. 12701 *et seq.*) (hereinafter the “**National Affordable Housing Act**”); and

WHEREAS, the Urbana HOME Consortium has received HOME ARP Program funds from HUD to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability for low-income residents of Urbana, Champaign, and Champaign County; and

WHEREAS, the Urbana City Council has adopted a Consolidated Plan for Program Years 2020-2024 (hereinafter the “**Consolidated Plan**”) in accordance with an Intergovernmental Agreement Concerning Administration of a HOME Investment Partnership known as the Urbana HOME Consortium, executed by Mayor Tod Satterthwaite on behalf of the City on July 16, 2003 (hereinafter the “**Intergovernmental Agreement**”); and

WHEREAS, CCHCC has requested Urbana HOME ARP Consortium funding to provide case Management and direct housing assistance to low-income households (hereinafter the “**SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM**”); and

WHEREAS, CCHCC desires to serve as a manager of the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM within the Cities of Champaign and Urbana and Champaign County; and

WHEREAS, the GRANTOR has determined that the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM is eligible for funding under the HOME ARP Program; and

WHEREAS, CCHCC has been fully informed regarding all requirements or obligations that must be met by CCHCC in order to utilize HOME ARP Program funds for the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM, including but not limited to, the requirement that all participating households must meet the income eligibility requirements at or below 60 percent of the median family income, in accordance with 24 CFR Part 92, Section 209; and

WHEREAS, CCHCC, having been fully informed regarding the requirements of the HOME ARP Program, is committed to starting the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM with the assistance of HOME ARP Program funds on or before February 28, 2023.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

ARTICLE I: HOME ARP REQUIREMENTS

Section 1: Use of HOME ARP Funds

The GRANTOR agrees to provide CCHCC an amount not to exceed **\$296,850** from its Federal Fiscal Year 2021-2022 HOME ARP Program funding to be used for providing case management and supportive services assistance to households at or below 60 percent of the Area Median Family Income as defined by HUD on an annual basis as part of the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM. CCHCC

shall use the Funds in accordance with the HOME ARP program guidelines outlined in 24 CFR Part 92 in carrying out the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM in the manner described below:

- (a) CCHCC shall provide the GRANTOR with the budget and financial projection for each program year from the initial start of the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM to the termination for each client.
- (b) CCHCC shall provide the GRANTOR with case management documentation for the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM as described in Attachment A and attached hereto and by reference made a part hereof.

Section 2: Affordability

CCHCC shall comply with all income determinations and subsidy limit requirements of the HOME ARP Program as set forth in HUD Regulations 24 CFR 92.209, as applicable. CCHCC shall verify each family's income eligibility by determining the family's annual income in accordance with the Part 5 (Section 8) methodology allowed in 24 CFR 92.203. CCHCC is required to re-examine and document the family's income annually if assistance extends beyond one year.

For purposes of this AGREEMENT, project completion means that the final drawdown has been disbursed for the project, and CCHCC has submitted all necessary demographic and financial information to the GRANTOR.

Section 3: HOME ARP Project Requirements

Project Requirements:

The GRANTOR shall provide HOME ARP funds not to exceed **\$296,850** for eligible costs as described in 24 CFR 92.209.

The GRANTOR and CCHCC agree that HOME ARP funds provided will be used for only those eligible costs listed in 24 CFR 92.209, including: case management and supportive services costs. Administrative costs are not eligible, and as such will not be reimbursed by the GRANTOR.

All clients served must meet the income guidelines at or below 60 percent of the Area Median Family Income, as published by HUD each year.

Preferences for clients with specific special needs cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

List of Documents

The following documents have been added to or made a part hereof by reference:

Attachment 1 – Program Description

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”

Section 4: Other SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM Requirements

A. Non-discrimination and Equal Opportunity

CCHCC agrees that there shall be no discrimination against any person who is employed in carrying out the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM, or against any applicant for such employment, because of race, color, religion, sex, age, or national origin, or any other discrimination prohibited by Federal, State, County or local laws, including but not limited to employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. CCHCC further agrees to the following:

1. It shall be bound by said equal opportunity clause with respect to its own employment practices during the duration of its participation with the GRANTOR and HUD.
2. It shall furnish the GRANTOR and HUD with information as they may require for the supervision of such compliance and will otherwise assist the GRANTOR and HUD in the discharge of primary responsibility for securing compliance.
3. It shall carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the Secretary of Labor, the GRANTOR, or HUD.
4. It shall abide by the Human Rights Ordinance as set forth in Chapter 12 of the Urbana Code of Ordinances.

B. Conflict of Interest

CCHCC guarantees that no member of, or Delegate to, the Congress of the United States shall be admitted to any share or part of this contract or to any benefit to arise from the

same. CCHCC agrees that no members of the governing body of the locality in which CCHCC is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the AGREEMENT during their tenure, or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the services performed under this AGREEMENT. Unless expressly permitted by HUD, CCHCC agrees that no person who is an employee, agent, consultant, officer, or elected or appointed official of CCHCC and who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME ARP funds, or who is in a position to participate in a decision-making process to gain inside information with regard to such HOME ARP-assisted activities, may obtain a financial interest or benefit from the HOME ARP-assisted activity, or have any interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one (1) year thereafter. Unless expressly permitted by the GRANTOR, no officer, employee, agent or consultant of CCHCC may occupy a HOME ARP-assisted affordable housing unit in a project.

C. Air and Water

CCHCC agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder; Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

Section 5: Records and Reports

A. Records

CCHCC authorizes the GRANTOR and HUD to conduct on-site reviews, examine tenant income records, and to conduct any other procedure or practice necessary to assure compliance with this AGREEMENT and applicable HUD regulations. CCHCC will ensure that all documents related to this Project shall be kept for a period of five (5) years after project completion (estimated at June 2030). Records to be retained include, but are not limited to: case management, initial income verification and source documentation, and documentation used to request re-imbursement of expenses. CCHCC shall maintain such records and accounts, including program records, project records; financial records; equal opportunity records; records demonstrating compliance with the income determination and requirements of 24 CFR 92.203; record keeping requirements of 24 CFR 92.508; records demonstrating compliance with the lead-based paint requirements of 24 CFR 92.355; records supporting exceptions to the conflict of interest prohibition pursuant to 24 CFR 92.356; and any other records as are deemed necessary by the GRANTOR to assure a proper accounting and monitoring of all HOME ARP Funds. In the event the GRANTOR determines that such records are not being adequately maintained by CCHCC, the GRANTOR may cancel this AGREEMENT in accordance with Article I Section 6 and Article II herein.

With respect to all matters covered by this AGREEMENT, records will be made available for examination, audit, inspection or copying purposes at any time during normal business hours and as often as the GRANTOR, HUD, representatives of the Comptroller General of the United States or other Federal agency may require. CCHCC will permit same to be examined and excerpts or transcriptions made or duplicated from such records, and audits made of all invoices, materials, records of personnel and of employment and other data relating to all matters covered by this AGREEMENT. The GRANTOR's right of inspection and audit shall obtain likewise with reference to any audits made by any other agency, whether local, State or Federal. CCHCC shall retain all records and supporting documentation applicable to this AGREEMENT as provided below:

- (a) For Case Management and supportive services, records shall be retained for five (5) years after the project completion date.
- (b) Written agreements must be retained for five (5) years after date of project completion.
- (c) If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

B. Reports

CCHCC agrees to submit to the GRANTOR the reports as described in this section. CCHCC will ensure that all documents related to these reports shall be kept for a period of five (5) years after project's affordability period has been completed (estimated at June 2030). Records to be retained include, but are not limited to: receipts and invoices for materials, supplies, and services; documentation used to request re-imbursement of expenses; case management; and documentation of household income eligibility.

Section 6: Enforcing of Agreement

A default shall consist of any use of HOME ARP Program funds for a purpose other than as authorized by this AGREEMENT, noncompliance with the HOME ARP Program guidelines as outlined in 24 CFR Part 92, any material breach of the AGREEMENT, failure to timely comply with the audit requirements in Section 5, failure to expend HOME ARP Program funds in a timely manner, or a misrepresentation in the application submission which, if known by GRANTOR and/or HUD, would have resulted in HOME ARP Program funds not being provided. Upon due notice to CCHCC of the occurrence of any such default and the provision of a reasonable opportunity to respond, the GRANTOR may take one or more of the following actions:

- (a) Direct CCHCC to prepare and follow a schedule of actions for carrying out the affected activities, consisting of schedules, timetables and milestones necessary to implement the affected activities;
- (b) Direct CCHCC to establish and follow a management plan that assigns responsibilities for carrying out the remedial actions;
- (c) Cancel or revise activities likely to be affected by the performance deficiency, before expending HOME ARP Program funds for the activities;
- (d) Reprogram HOME ARP funds that have not yet been expended from affected activities to other eligible activities or withhold HOME ARP Program funds;
- (e) Direct the CCHCC to reimburse the GRANTOR's HOME ARP Program accounts in any amount not used in accordance with the requirements of 24 CFR Part 92, et al;

- (f) Suspend disbursement of HOME ARP Program funds for affected activities;
- (g) Other appropriate action including, but not limited to, any remedial action legally available, such as litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions, termination of the AGREEMENT and any other available remedies.

For purposes of this AGREEMENT, a reasonable opportunity to respond to any default shall be thirty (30) days from receipt by CCHCC of the GRANTOR's written notice of default. No delay or omission by GRANTOR and/or HUD in exercising any right or remedy available to it under the AGREEMENT shall impair any such right or remedy or constitute a waiver or acquiescence in any CCHCC default.

Unless the CCHCC's default is waived, the GRANTOR may, upon twenty-four (24) hour written notice, terminate this AGREEMENT for said default. Waiver by the GRANTOR of CCHCC's default under this AGREEMENT shall not be deemed to be a waiver of any other default nor shall it be termination notice.

Notices required herein, shall be considered received by the CCHCC and the GRANTOR if delivered in person, or when deposited in the U.S. Mail, postage prepaid certified mail, return receipt requested.

Section 7: Request for Disbursement of Funds

CCHCC shall not request disbursement of HOME ARP Program funds until HOME ARP Program funds are needed to pay eligible costs related to the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM. The amount of any request for funds shall not exceed the amount needed and shall be supported by appropriate documentation such as an invoice or performance-progress reports. The GRANTOR shall make payment to CCHCC within fourteen (14) calendar days of receipt of a complete and acceptable request by the GRANTOR. The GRANTOR reserves the right to withhold disbursement of funds until appropriate documentation is submitted. All checks shall be made payable to "CCHCC". All monies granted to CCHCC pursuant to this AGREEMENT shall be expended by **June 30, 2025**. In the event that all funds are not disbursed, the remaining balance shall be retained by the City of Urbana to be reprogrammed for other eligible HOME ARP Program activities.

Section 8: Duration of Agreement

This AGREEMENT shall be effective as of the date executed by the Mayor and attested by the City Clerk and shall remain in effect until the latest of the following dates or events: June 30, 2025; or five years after project completion when all files may be destroyed in accordance with State and Federal law.

ARTICLE II: FINANCIAL RESPONSIBILITY

The allocation of funds by the GRANTOR pursuant to this AGREEMENT shall in no way obligate the GRANTOR for any financial responsibility incurred by the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM in excess of the funding pledged herein. The GRANTOR reserves the right to withhold pledged funds if the GRANTOR is not satisfied with the CCHCC's compliance with the terms and conditions of performance outlined in this AGREEMENT.

ARTICLE III: CERTIFICATIONS

CCHCC represents the following with respect to this AGREEMENT.

- A. CCHCC possesses legal authority to receive HOME ARP Program funds from the GRANTOR and to undertake and execute the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM as described herein.
- B. The governing body of CCHCC has duly adopted or passed as an official act a resolution, motion, or similar action authorizing execution of this AGREEMENT including all understandings and assurances contained herein, and directing and designating the authorized representative of CCHCC to act in connection with this AGREEMENT and to provide such additional information as may be required.
- C. CCHCC, its successors and assigns, agrees to develop and operate the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM in accordance with HOME ARP Program regulations promulgated at 24 CFR Part 92.
- D. CCHCC agrees to give maximum feasible priority to very low-income persons when administering the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM described herein.
- E. CCHCC shall comply with the regulations, policies, guidelines, and requirements of federal management circulars as they relate to the acceptance and use of Federal funds for the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM. CCHCC agrees to maintain financial records in accordance with applicable Federal guidelines 24 CFR Part 200. CCHCC shall separately and accurately identify use of HOME ARP funds pursuant to this AGREEMENT.
- F. CCHCC shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the regulations issued pursuant thereto (24 CFR Part 1), which provide that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which CCHCC receives federal financial assistance.
- G. CCHCC shall establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- H. No Federal appropriated funds have been paid or will be paid, by or on behalf of CCHCC, to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, CCHCC will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," as provided in "Attachment 2" and in accordance with the corresponding instructions.

- I. CCHCC shall give HUD and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the PROGRAM.
- J. CCHCC shall at all times observe and comply with all laws, ordinances, or regulations of Federal, State, and local governments which may in any manner affect the performance of this AGREEMENT. CCHCC shall be liable to perform all acts to the GRANTOR in the same manner as the GRANTOR performs these functions to the Federal government.
- K. CCHCC shall be responsible for any and all claims, costs, causes, actions, and expenses, including, but not limited to, attorneys' fees incurred by reason of a law suit or claim for compensation arising in favor of any person, including the employees, officers, or agents of CCHCC, on account of personal injuries or death, or damages to property occurring, growing out of, incident to, or resulting under this SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM, whether such loss, damage, injury, or liability is contributed to by the negligence of the GRANTOR or its officers, employees, or agents, or by the premises themselves or any equipment thereon whether latent or patent, or from other causes whatsoever, except that CCHCC shall have no liability for damages or the costs incident thereto caused by the sole negligence of the GRANTOR, or its officers, employees, or agents.
- L. CCHCC shall have full control of the ways and means of performing the services referred to herein. CCHCC acknowledges and agrees that its employees, representatives, and agents may in no respect be considered employees of the GRANTOR.

ARTICLE IV: NOTICES

Notices and communications under this AGREEMENT shall be sent first class, prepaid to the respective parties as follows.

TO THE GRANTOR:	Sheila Dodd, Manager Grants Management Division 400 South Vine Street Urbana, Illinois 61801
TO:	Claudia Lenhoff, Executive Director CCHCC 44 E Main St., Suite 208 Champaign, IL 61820

ARTICLE V: CONTINGENCIES

This AGREEMENT, including the provision of funds by the GRANTOR for the SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM as described herein, is contingent upon the signing of GRANTOR and CCHCC.

ARTICLE VI: ASSIGNMENT

CCHCC shall not assign this AGREEMENT, nor any part thereof, without prior written approval of the GRANTOR.

ARTICLE VII: MODIFICATION

No modification of this AGREEMENT shall be effective unless in writing and executed by the parties hereto.

ARTICLE VIII: EXECUTION OF AGREEMENT

This AGREEMENT shall be binding upon the GRANTOR and CCHCC, their successors and assigns, and shall be effective as of the date executed by the Mayor of Urbana and attested by the City Clerk.

ARTICLE IX: PROJECT PUBLICITY

Any news release or other type of publicity pertaining to the work performed pursuant to this AGREEMENT must recognize GRANTOR as a Subrecipient, funded by HUD.

ARTICLE X: MONITORING AND EVALUATING

The GRANTOR shall be responsible for monitoring and/or evaluating all aspects of the services provided by CCHCC under this AGREEMENT. The GRANTOR shall have access to and be able to make copies and transcriptions of such records as may be necessary in the determination of the GRANTOR or HUD to accomplish this monitoring and/or evaluation. In order to properly monitor or evaluate the CCHCC'S performance under this AGREEMENT, the GRANTOR shall make on-site inspections annually or as often as it deems necessary. Failure by the CCHCC to assist the GRANTOR in this effort, including allowing the GRANTOR to conduct the on-site inspections and have access to the CCHCC'S records, shall result in the imposition of sanctions as specified in Article I Section 6 herein.

Said evaluation may be accomplished by the GRANTOR through a management evaluation of the services provided under this AGREEMENT during the term of this AGREEMENT.

ARTICLE XI: INDEMNIFICATION

CCHCC shall to the fullest extent allowed by law defend, hold harmless and indemnify the GRANTOR from and against any and all liability, injury, loss, claims, damages, costs, attorneys' fees and expenses of whatever kind or nature which the GRANTOR may sustain, suffer or incur or be required to pay by reason of:

- A. The loss of any monies paid to CCHCC;
- B. Fraud, defalcation or dishonesty on the part of any person representing, employed by, contracted or subcontracted by CCHCC;
- C. Any act, omission, wrongdoing, misconduct, want of care or skill, negligence or default on the part of CCHCC or any of its contractors, subcontractors, sub-subcontractors, materialmen, suppliers and laborers in the execution or performance of this AGREEMENT.

The indemnity hereunder shall survive termination of the AGREEMENT. In the event that any action, suit or proceeding is brought against the GRANTOR upon any liability arising out of the AGREEMENT, or any other matter indemnified against, the GRANTOR at once shall give notice in writing thereof to CCHCC by registered or certified mail addressed to CCHCC. Upon receipt of such notice, CCHCC, at its own expense, shall defend against such action and take all such steps as may be necessary or proper to prevent the obtaining of a judgment against the GRANTOR.

ARTICLE XII: SIGNATURE OF AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by its officers as of the date first written above.

GRANTOR:

CCHCC:

Diane Wolfe Marlin, Mayor

Claudia Lenhoff, Executive Director

Phyllis D. Clark, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Claudia Lenhoff, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed and delivered the said instrument as her free and voluntary act in her capacity as Executive Director of CCHCC, and as the free and voluntary act of said organization for the purposes therein set forth.

Given under my hand and official seal, this _____ day of _____, 2023.

Notary Public

Attachment 1

CCHCC will expand its Supportive Services program to serve a greater number of homeless individuals, as well as formerly homeless individuals who are living in transitional or permanent housing. The Supportive Services we will provide will include outreach and enrollment in various public benefits programs for which each individual will qualify, including Medicaid or Medicare health insurance, SNAP (food stamps), LIHEAP (where appropriate), and disability application services. In addition, we will assist this population with access to health care, including primary and specialty care, mental health and behavioral health, dental, and vision services. In addition, CCHCC will provide financial assistance for prescription medications through our Rx Fund program, which pays for prescriptions for individuals who cannot afford them. We will also assist with referrals to other services and agencies, including legal services.

These supportive services, in which CCHCC has extensive expertise, will help stabilize individuals who are homeless, including those who are navigating the housing system. Getting resources and benefits for this population is of paramount importance for creating a foundation of health, safety, and economic stability.

Homeless individuals often lose their eyeglasses and prescription medications. CCHCC routinely works with homeless individuals to help them with these issues, as well as public benefits such as Medicaid and SNAP. Homeless individuals comprise approximately 20% of CCHCC's clientele, but there is still unmet need for the services in which CCHCC specializes, so our capacity to serve this population needs to be increased.

We are proposing a two-year program which would allow us to hire and train two new staff members to be dedicated to serving this population. The new staff would be an Outreach and Enrollment Community Health Worker who would specialize in access to care and public benefits such as Medicaid, SNAP, and LIHEAP, etc.; and the other staff member would be a Disability Application Specialist who would work with individuals to help them qualify for disability programs such as SSI or SSDI. Qualifying for disability benefits means that individuals would have a permanent monthly source of income, which would help stabilize their lives financially, and it would also provide them with an official designation of being "disabled", which would allow them to qualify for additional benefits, including subsidized housing.

Individuals who are homeless are far more likely to have disabling conditions than the general population. They are also more likely to have head injuries, which can make applying for, and navigating benefits systems all the more challenging. Furthermore, individuals who are homeless – and especially those who are actively working toward permanent housing, are often stymied in their efforts as a result of outstanding debts (for example, utilities) and legal issues (child support, etc.). These problems can significantly hamper an individual's efforts to be successful in getting housed. As part of this program, CCHCC would do extensive outreach to all the agencies and organizations that work with homeless individuals in order to help inform them of our services, and facilitate referrals for these services. In addition, CCHCC would also do "street outreach" to find individuals who are homeless but who may not be engaging in services or staying at shelters. The target population is homeless individuals, near-homeless individuals, and recently homeless individuals who are in transitional shelter or housing, and/or permanent housing.

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Grants Management Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and Urbana City Council Members

FROM: Sheila Dodd, Interim Community Development Services Director
Breaden Belcher, Community Development Coordinator

DATE: January 12, 2023

SUBJECT: **A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CHAMPAIGN COUNTY HEALTH CARE CONSUMERS
– SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM =
HOME ARP FY 2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CHAMPAIGN COUNTY REGIONAL PLANNING
COMMISSION – HOUSING NAVIGATION PROGRAM – HOME ARP FY
2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CUNNINGHAM TOWNSHIP SUPERVISOR’S OFFICE
– BRIDGE TO HOME – HOME ARP FY 2021/2022**

**A RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT
AGREEMENT – CU AT HOME – HOUSING NAVIGATION PROGRAM
– HOME ARP FY 2021/2022**

Introduction

This memorandum provides funding recommendations to the Urbana City Council for public and private non-profit agencies that have applied to the Housing & Homeless Innovations Consolidated Grant Program. Funding recommendations can be found in Attachment I. Greater detail regarding each program can be found in Attachment II. Each program that Staff is recommending for funding will support housing and homeless service needs in the community.

Background

The cities of Urbana and Champaign have various funding sources available to address affordable housing needs county-wide. Staff from both cities brought together these funding sources under one streamlined application process in order to make it easier for local agencies to apply for and receive

funding by reducing confusion about available funding, and by fostering a county-wide strategic approach to the allocation of funding.

These funding sources include:

Urbana HOME ARP	\$2,697,000
Urbana HOME	\$285,000
Champaign CDBG	\$175,000
Champaign General Funds	\$2,200,000
Total:	\$5,357,000

Staff from Urbana and Champaign jointly drafted a rubric for scoring applications submitted for grant funds. The scoring rubric was designed in order to allocate and award grant funds. The rubric was made available to applicants on the HHI website throughout the application period.

Applications opened on November 4, 2022 and closed on December 12, 2022. Staff from Urbana and Champaign held two technical assistance sessions to provide additional information to potential applicants and to answer questions about the program. The first session took place on November 4 in Champaign City Council Chambers, and the second session took place on November 28 at The Urbana Free Library. The presentations were recorded and made available on the HHI website along with application materials and an up-to-date FAQ page.

Methodology

Once applications closed on December 12, staff from both cities convened to score and rank the submissions. The scoring process took place from December 12 through December 16. Staff used the scoring rubric described above to evaluate the applications, and to determine the most appropriate funding source and allocation amount.

Once these allocations are approved by each City Council, separate agreements will be executed by the impacted city and/or funding source. The City of Urbana will be responsible for all grant agreements that are executed using HOME or HOME ARP funding, and the City of Champaign will be responsible for all grant agreements that are executed using Champaign CDBG or Champaign General Funds.

Applications from agencies intending to develop affordable housing or shelter have been put on hold for now, until they can secure additional financing or have identified an address for their project. One application was rejected by the review committee because it did not fit within the HHI guidelines. One other application was rejected because the committee determined the services to be duplicative.

Beginning in 2023, the City will prepare quarterly written reports for all projects and programs funded through this process. Grant funds that remain unallocated at the conclusion of this process will be kept available for eligible projects or programs that address affordable housing and homeless service needs in the community.

Fiscal Impacts

Urbana HOME and HOME ARP funding have previously been set aside and approved by Council for the purposes of furthering affordable housing and homeless services. There will be no additional

fiscal impacts on the City.

Options

1. Forward the proposed funding allocations to the Consent Agenda with a recommendation for approval
2. Forward the proposed funding allocations, with changes, to the Consent Agenda with a recommendation for approval.
3. Do not recommend approval of the proposed funding allocations.

Attachment I

Funding Recommendations

Agency	Program/Project	Funding Source	Amount
Champaign County Health Care Consumers	Special Populations Case Management Program	HOME ARP Supportive Services	\$296,850
Champaign County Regional Planning Commission	Housing Navigation	HOME ARP Supportive Services	\$148,224
Cunningham Township Supervisor's Office	Bridge to Home	HOME ARP Supportive Services	\$375,000
CU at Home	Housing Navigation	HOME ARP Supportive Services	\$120,000
Total:			\$940,074

Attachment II

Program Descriptions

Champaign County Regional Planning Commission Housing Navigation and Stabilization Program

Funding Recommendation: \$148,224

The Champaign County Regional Planning Commission's Housing Navigation and Stabilization Program provides supportive case management services to individual and family households who lack fixed, stable housing. Supportive services address the transition to stable housing, the tools needed to maintain housing, as well as the education and support required for long-term housing stability. Households that are eligible to receive Housing Navigation and Stabilization services will be referred through RPC's Centralized Intake for Homeless program and connected with a case manager within 48 business hours of referral. HHI funding will support the expansion of this program to serve additional clients throughout the grant period. Funds will supplement staff salaries, additional contractual services, and other costs directly associated with operating this program.

Champaign County Health Care Consumers (CCHCC) Special Populations Case Management

Funding Recommendation: \$296,850

HHI funding will enable CCHCC to expand its Supportive Services program to serve a greater number of homeless individuals, including those who are literally homeless, formerly homeless, or living in transitional or permanent housing. With this funding, CCHCC will hire and train two new staff members, an Outreach and Enrollment Community Health Worker, and a Disability Application Specialist. These new staff members would specialize in providing supportive service assistance to the homeless population, and would actively work with this population to enroll individuals in various public benefits programs such as Medicaid or Medicare health insurance, SNAP, LIHEAP, and disability application services. Assistance in obtaining access to health care, including primary and specialty care, mental health and behavioral health, dental, and vision services, as well as financial assistance for prescriptions and legal services will also be provided.

Additionally, as part of this program, CCHCC will also do extensive outreach, including "street outreach", to inform all of the local agencies and organizations of their new homelessness-focused program. CCHCC will not only facilitate the homeless population in obtaining referrals

for these services and individuals who are homeless but they will also actively seek to recruit members of this population who may not be engaging in these supportive services or staying at shelters in general.

Cunningham Township Supervisor's Office (CTSO) Bridge to Home

Funding Recommendation: \$375,000

CTSO is seeking one year of support in Housing and Homelessness Innovation Funds towards a six year project (2022-2026) to build the capacity and sustainability of its Bridge to Home program. HHI funding will support additional case management staff, housing and legal navigation services, and direct assistance to clients.

The Bridge to Home program provides a continuum of housing and supportive services for Champaign County residents whom are experiencing homelessness and housing insecurity, so they may access and maintain permanent housing. The Bridge to Home program threads together Street and School Outreach, Emergency and Transitional Housing, Rapid Rehousing, and Rental Assistance, while providing Case Management from literal homelessness to stabilization in permanent housing. The services Bridge to Home provides includes legal navigation, language translation, supportive services for people with intellectual and developmental disabilities, accessibility to emergency food, clothing, and furnishings needed to move into housing, payment assistance for utility arrears, and other housing stabilization needs.

C-U at Home Housing Navigation

Funding Recommendation: \$120,000

C-U at Home would like to expand its Housing Navigation Program. This expansion will include employing a specialized case management professional who focuses solely on implementing Housing Navigation Activities. C-U at Home's Housing Navigator program will serve those individuals who are staying at C-U at Home, as well as those at risk of homelessness who are identified as ready to take the next step to stability. C-U at Home specializes in empowering individuals who are experiencing homelessness by providing a safe environment where individuals can progress toward stability and access essential resources such as shelter, laundry, showers, food, and supportive services.

URBANA HOME CONSORTIUM
CHAMPAIGN COUNTY REGIONAL PLANNING COMMISSION
HOUSING NAVIGATION PROGRAM

(HOME ARP FY 2021/2022)

THIS Subgrantee Agreement for the HOUSING NAVIGATION PROGRAM, hereafter referred to as the “**AGREEMENT**”, is made and entered into by and between the CITY OF URBANA, an Illinois Municipal Corporation, acting as lead entity for the Urbana HOME Consortium (hereinafter the “**GRANTOR**”), and CHAMPAIGN COUNTY REGIONAL PLANNING COMMISSION, (hereinafter “**CCRPC**”).

WITNESSETH

WHEREAS, the City of Urbana, the City of Champaign, and Champaign County have been jointly designated as a Participating Jurisdiction by the U.S. Department of Housing and Urban Development (hereinafter “**HUD**”) for purposes of receiving HOME Investment Partnership (hereinafter “**HOME**”) Program funds in the name of the Urbana HOME Consortium under provisions of Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 U.S.C. 12701 *et seq.*) (hereinafter the “**National Affordable Housing Act**”); and

WHEREAS, the Urbana HOME Consortium has received HOME ARP Program funds from HUD to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability for low-income residents of Urbana, Champaign, and Champaign County; and

WHEREAS, the Urbana City Council has adopted a Consolidated Plan for Program Years 2020-2024 (hereinafter the “**Consolidated Plan**”) in accordance with an Intergovernmental Agreement Concerning Administration of a HOME Investment Partnership known as the Urbana HOME Consortium, executed by Mayor Tod Satterthwaite on behalf of the City on July 16, 2003 (hereinafter the “**Intergovernmental Agreement**”); and

WHEREAS, CCRPC has requested Urbana HOME ARP Consortium funding to provide case management services to low-income households (hereinafter the “**HOUSING NAVIGATION PROGRAM**”); and

WHEREAS, CCRPC desires to serve as a manager of the HOUSING NAVIGATION PROGRAM within the Cities of Champaign and Urbana and Champaign County; and

WHEREAS, the GRANTOR has determined that the HOUSING NAVIGATION PROGRAM is eligible for funding under the HOME ARP Program; and

WHEREAS, CCRPC has been fully informed regarding all requirements or obligations that must be met by CCRPC in order to utilize HOME ARP Program funds for the HOUSING NAVIGATION PROGRAM, including but not limited to, the requirement that all participating households must meet the income eligibility requirements at or below 60 percent of the median family income, in accordance with 24 CFR Part 92, Section 209; and

WHEREAS, CCRPC, having been fully informed regarding the requirements of the HOME ARP Program, is committed to starting the HOUSING NAVIGATION PROGRAM with the assistance of HOME ARP Program funds on or before February 28, 2023.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

ARTICLE I: HOME ARP REQUIREMENTS

Section 1: Use of HOME ARP Funds

The GRANTOR agrees to provide CCRPC an amount not to exceed **\$148,224** from its Federal Fiscal Year 2021-2022 HOME ARP Program funding to be used for providing case management and supportive services assistance to households at or below 60 percent of the Area Median Family Income as defined by HUD on an annual basis as part of the HOUSING NAVIGATION PROGRAM. CCRPC shall use the Funds in accordance with the HOME ARP program guidelines outlined in 24 CFR Part 92 in carrying out the HOUSING NAVIGATION PROGRAM in the manner described below:

- (a) CCRPC shall provide the GRANTOR with the budget and financial projection for each program year from the initial start of the HOUSING NAVIGATION PROGRAM to the termination for each client.
- (b) CCRPC shall provide the GRANTOR with case management documentation for the HOUSING NAVIGATION PROGRAM as described in Attachment A and attached hereto and by reference made a part hereof.

Section 2: Affordability

CCRPC shall comply with all income determinations and subsidy limit requirements of the HOME ARP Program as set forth in HUD Regulations 24 CFR 92.209, as applicable. CCRPC shall verify each family's income eligibility by determining the family's annual income in accordance with the Part 5 (Section 8) methodology allowed in 24 CFR 92.203. CCRPC is required to re-examine and document the family's income annually if assistance extends beyond one year.

For purposes of this AGREEMENT, project completion means that the final drawdown has been disbursed for the project and CCRPC has submitted all necessary demographic and financial information to the GRANTOR.

Section 3: HOME ARP Project Requirements

Project Requirements:

The GRANTOR shall provide HOME ARP funds not to exceed **\$148,224** for eligible costs as described in 24 CFR 92.209.

The GRANTOR and CCRPC agree that HOME ARP funds provided will be used for only those eligible costs listed in 24 CFR 92.209, including: case management services costs. Administrative costs are not eligible, and as such will not be reimbursed by the GRANTOR.

All clients served must meet the income guidelines at or below 60 percent of the Area Median Family Income, as published by HUD each year.

Preferences for clients with specific special needs cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

List of Documents

The following documents have been added to or made a part hereof by reference:

Attachment 1 – Program Description

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”

Section 4: Other HOUSING NAVIGATION PROGRAM Requirements

A. Non-discrimination and Equal Opportunity

CCRPC agrees that there shall be no discrimination against any person who is employed in carrying out the HOUSING NAVIGATION PROGRAM, or against any applicant for such employment, because of race, color, religion, sex, age, or national origin, or any other discrimination prohibited by Federal, State, County or local laws, including but not limited to employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. CCRPC further agrees to the following:

1. It shall be bound by said equal opportunity clause with respect to its own employment practices during the duration of its participation with the GRANTOR and HUD.
2. It shall furnish the GRANTOR and HUD with information as they may require for the supervision of such compliance and will otherwise assist the GRANTOR and HUD in the discharge of primary responsibility for securing compliance.
3. It shall carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the Secretary of Labor, the GRANTOR, or HUD.
4. It shall abide by the Human Rights Ordinance as set forth in Chapter 12 of the Urbana Code of Ordinances.

B. Conflict of Interest

CCRPC guarantees that no member of, or Delegate to, the Congress of the United States shall be admitted to any share or part of this contract or to any benefit to arise from the same. CCRPC agrees that no members of the governing body of the locality in which CCRPC is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the AGREEMENT during their tenure, or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the services performed under this AGREEMENT. Unless expressly permitted by HUD, CCRPC agrees that no person who is an employee, agent, consultant, officer, or elected or appointed official of CCRPC

and who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME ARP funds, or who is in a position to participate in a decision-making process to gain inside information with regard to such HOME ARP-assisted activities, may obtain a financial interest or benefit from the HOME ARP-assisted activity, or have any interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one (1) year thereafter. Unless expressly permitted by the GRANTOR, no officer, employee, agent or consultant of CCRPC may occupy a HOME ARP-assisted affordable housing unit in a project.

C. Air and Water

CCRPC agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder; Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

Section 5: Records and Reports

A. Records

CCRPC authorizes the GRANTOR and HUD to conduct on-site reviews and to conduct any other procedure or practice necessary to assure compliance with this AGREEMENT and applicable HUD regulations. CCRPC will ensure that all documents related to this Project shall be kept for a period of five (5) years after project completion (estimated at June 2029). Records to be retained include, but are not limited to: case management, initial income verification and source documentation, and documentation used to request reimbursement of expenses. CCRPC shall maintain such records and accounts, including program records, project records; financial records; equal opportunity records; records demonstrating compliance with the income determination and requirements of 24 CFR 92.203; record keeping requirements of 24 CFR 92.508; records demonstrating compliance with the lead-based paint requirements of 24 CFR 92.355; records supporting exceptions to the conflict of interest prohibition pursuant to 24 CFR 92.356; and any other records as are deemed necessary by the GRANTOR to assure a proper accounting and monitoring of all HOME ARP Funds. In the event the GRANTOR determines that such records are not being adequately maintained by CCRPC, the GRANTOR may cancel this AGREEMENT in accordance with Article I Section 6 and Article II herein.

With respect to all matters covered by this AGREEMENT, records will be made available for examination, audit, inspection or copying purposes at any time during normal business hours and as often as the GRANTOR, HUD, representatives of the Comptroller General of the United States or other Federal agency may require. CCRPC will permit same to be examined and excerpts or transcriptions made or duplicated from such records, and audits made of all invoices, materials, records of personnel and of employment and other data relating to all matters covered by this AGREEMENT. The GRANTOR's right of inspection and audit shall obtain likewise with reference to any audits made by any other

agency, whether local, State or Federal. CCRPC shall retain all records and supporting documentation applicable to this AGREEMENT as provided below:

- (a) For Case Management and direct housing assistance projects, records shall be retained for five (5) years after the project completion date.
- (b) Written agreements must be retained for five (5) years after date of project completion.
- (c) If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

B. Reports

CCRPC agrees to submit to the GRANTOR the reports as described in this section. CCRPC will ensure that all documents related to these reports shall be kept for a period of five (5) years after project's affordability period has been completed (estimated at June 30, 2029). Records to be retained include, but are not limited to: receipts and invoices for materials, supplies, and services; documentation used to request re-imbursement of expenses; case management; and documentation of household income eligibility.

Section 6: Enforcing of Agreement

A default shall consist of any use of HOME ARP Program funds for a purpose other than as authorized by this AGREEMENT, noncompliance with the HOME ARP Program guidelines as outlined in 24 CFR Part 92, any material breach of the AGREEMENT, failure to timely comply with the audit requirements in Section 5 failure to expend HOME ARP Program funds in a timely manner, or a misrepresentation in the application submission which, if known by GRANTOR and/or HUD, would have resulted in HOME ARP Program funds not being provided. Upon due notice to CCRPC of the occurrence of any such default and the provision of a reasonable opportunity to respond, the GRANTOR may take one or more of the following actions:

- (a) Direct CCRPC to prepare and follow a schedule of actions for carrying out the affected activities, consisting of schedules, timetables and milestones necessary to implement the affected activities;
- (b) Direct CCRPC to establish and follow a management plan that assigns responsibilities for carrying out the remedial actions;
- (c) Cancel or revise activities likely to be affected by the performance deficiency, before expending HOME ARP Program funds for the activities;
- (d) Reprogram HOME ARP funds that have not yet been expended from affected activities to other eligible activities or withhold HOME ARP Program funds;
- (e) Direct the CCRPC to reimburse the GRANTOR's HOME ARP Program accounts in any amount not used in accordance with the requirements of 24 CFR Part 92, et al;
- (f) Suspend disbursement of HOME ARP Program funds for affected activities;
- (g) Other appropriate action including, but not limited to, any remedial action legally available, such as litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions, termination of the AGREEMENT and any other available remedies.

For purposes of this AGREEMENT, a reasonable opportunity to respond to any default shall be thirty (30) days from receipt by CCRPC of the GRANTOR's written notice of default. No delay or

omission by GRANTOR and/or HUD in exercising any right or remedy available to it under the AGREEMENT shall impair any such right or remedy or constitute a waiver or acquiescence in any CCRPC default.

Unless the CCRPC's default is waived, the GRANTOR may, upon twenty-four (24) hour written notice, terminate this AGREEMENT for said default. Waiver by the GRANTOR of CCRPC's default under this AGREEMENT shall not be deemed to be a waiver of any other default nor shall it be termination notice.

Notices required herein, shall be considered received by the CCRPC and the GRANTOR if delivered in person, or when deposited in the U.S. Mail, postage prepaid certified mail, return receipt requested.

Section 7: Request for Disbursement of Funds

CCRPC shall not request disbursement of HOME ARP Program funds until HOME ARP Program funds are needed to pay eligible costs related to the HOUSING NAVIGATION PROGRAM. The amount of any request for funds shall not exceed the amount needed and shall be supported by appropriate documentation such as an invoice or performance-progress reports. The GRANTOR shall make payment to CCRPC within fourteen (14) calendar days of receipt of a complete and acceptable request by the GRANTOR. The GRANTOR reserves the right to withhold disbursement of funds until appropriate documentation is submitted. All checks shall be made payable to "CCRPC". All monies granted to CCRPC pursuant to this AGREEMENT shall be expended by **June 30, 2024**. In the event that all funds are not disbursed, the remaining balance shall be retained by the City of Urbana to be reprogrammed for other eligible HOME ARP Program activities.

Section 8: Duration of Agreement

This AGREEMENT shall be effective as of the date executed by the Mayor and attested by the City Clerk and shall remain in effect until the latest of the following dates or events: June 30, 2024; or five years after project completion when all files may be destroyed in accordance with State and Federal law.

ARTICLE II: FINANCIAL RESPONSIBILITY

The allocation of funds by the GRANTOR pursuant to this AGREEMENT shall in no way obligate the GRANTOR for any financial responsibility incurred by the HOUSING NAVIGATION PROGRAM in excess of the funding pledged herein. The GRANTOR reserves the right to withhold pledged funds if the GRANTOR is not satisfied with the CCRPC's compliance with the terms and conditions of performance outlined in this AGREEMENT.

ARTICLE III: CERTIFICATIONS

CCRPC represents the following with respect to this AGREEMENT.

- A. CCRPC possesses legal authority to receive HOME ARP Program funds from the GRANTOR and to undertake and execute the HOUSING NAVIGATION PROGRAM as described herein.

- B. The governing body of CCRPC has duly adopted or passed as an official act a resolution, motion, or similar action authorizing execution of this AGREEMENT including all understandings and assurances contained herein, and directing and designating the authorized representative of CCRPC to act in connection with this AGREEMENT and to provide such additional information as may be required.
- C. CCRPC, its successors and assigns, agrees to develop and operate the HOUSING NAVIGATION PROGRAM in accordance with HOME ARP Program regulations promulgated at 24 CFR Part 92.
- D. CCRPC agrees to give maximum feasible priority to very low-income persons when administering the HOUSING NAVIGATION PROGRAM described herein.
- E. CCRPC shall comply with the regulations, policies, guidelines, and requirements of federal management circulars as they relate to the acceptance and use of Federal funds for the HOUSING NAVIGATION PROGRAM. CCRPC agrees to maintain financial records in accordance with applicable Federal guidelines 24 CFR Part 200. CCRPC shall separately and accurately identify use of HOME ARP funds pursuant to this AGREEMENT.
- F. CCRPC shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the regulations issued pursuant thereto (24 CFR Part 1), which provide that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which CCRPC receives federal financial assistance.
- G. CCRPC shall establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- H. No Federal appropriated funds have been paid or will be paid, by or on behalf of CCRPC, to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, CCRPC will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," as provided in "Attachment 2" and in accordance with the corresponding instructions.
- I. CCRPC shall give HUD and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the PROGRAM.

- J. CCRPC shall at all times observe and comply with all laws, ordinances, or regulations of Federal, State, and local governments which may in any manner affect the performance of this AGREEMENT. CCRPC shall be liable to perform all acts to the GRANTOR in the same manner as the GRANTOR performs these functions to the Federal government.
- K. CCRPC shall be responsible for any and all claims, costs, causes, actions, and expenses, including, but not limited to, attorneys' fees incurred by reason of a law suit or claim for compensation arising in favor of any person, including the employees, officers, or agents of CCRPC, on account of personal injuries or death, or damages to property occurring, growing out of, incident to, or resulting under this HOUSING NAVIGATION PROGRAM, whether such loss, damage, injury, or liability is contributed to by the negligence of the GRANTOR or its officers, employees, or agents, or by the premises themselves or any equipment thereon whether latent or patent, or from other causes whatsoever, except that CCRPC shall have no liability for damages or the costs incident thereto caused by the sole negligence of the GRANTOR, or its officers, employees, or agents.
- L. CCRPC shall have full control of the ways and means of performing the services referred to herein. CCRPC acknowledges and agrees that its employees, representatives, and agents may in no respect be considered employees of the GRANTOR.

ARTICLE IV: NOTICES

Notices and communications under this AGREEMENT shall be sent first class, prepaid to the respective parties as follows.

TO THE GRANTOR: Sheila Dodd, Manager
 Grants Management Division
 400 South Vine Street
 Urbana, Illinois 61801

TO: Dalitso Sulamoyo, Executive
 Director CCRPC
 1776 E Washington
 Urbana, IL 61801

ARTICLE V: CONTINGENCIES

This AGREEMENT, including the provision of funds by the GRANTOR for the HOUSING NAVIGATION PROGRAM as described herein, is contingent upon the signing of GRANTOR and CCRPC.

ARTICLE VI: ASSIGNMENT

CCRPC shall not assign this AGREEMENT, nor any part thereof, without prior written approval of the GRANTOR.

ARTICLE VII: MODIFICATION

No modification of this AGREEMENT shall be effective unless in writing and executed by the parties hereto.

ARTICLE VIII: EXECUTION OF AGREEMENT

This AGREEMENT shall be binding upon the GRANTOR and CCRPC, their successors and assigns, and shall be effective as of the date executed by the Mayor of Urbana and attested by the City Clerk.

ARTICLE IX: PROJECT PUBLICITY

Any news release or other type of publicity pertaining to the work performed pursuant to this AGREEMENT must recognize GRANTOR as a Subrecipient, funded by HUD.

ARTICLE X: MONITORING AND EVALUATING

The GRANTOR shall be responsible for monitoring and/or evaluating all aspects of the services provided by CCRPC under this AGREEMENT. The GRANTOR shall have access to and be able to make copies and transcriptions of such records as may be necessary in the determination of the GRANTOR or HUD to accomplish this monitoring and/or evaluation. In order to properly monitor or evaluate the CCRPC'S performance under this AGREEMENT, the GRANTOR shall make on-site inspections annually or as often as it deems necessary. Failure by the CCRPC to assist the GRANTOR in this effort, including allowing the GRANTOR to conduct the on-site inspections and have access to the CCRPC'S records, shall result in the imposition of sanctions as specified in Article I Section 6 herein.

Said evaluation may be accomplished by the GRANTOR through a management evaluation of the services provided under this AGREEMENT during the term of this AGREEMENT.

ARTICLE XI: INDEMNIFICATION

CCRPC shall to the fullest extent allowed by law defend, hold harmless and indemnify the GRANTOR from and against any and all liability, injury, loss, claims, damages, costs, attorneys' fees and expenses of whatever kind or nature which the GRANTOR may sustain, suffer or incur or be required to pay by reason of:

- A. The loss of any monies paid to CCRPC;
- B. Fraud, defalcation or dishonesty on the part of any person representing, employed by, contracted or subcontracted by CCRPC;
- C. Any act, omission, wrongdoing, misconduct, want of care or skill, negligence or default on the part of CCRPC or any of its contractors, subcontractors, sub-subcontractors, materialmen, suppliers and laborers in the execution or performance of this AGREEMENT.

The indemnity hereunder shall survive termination of the AGREEMENT. In the event that any action, suit or proceeding is brought against the GRANTOR upon any liability arising out of the AGREEMENT, or any other matter indemnified against, the GRANTOR at once shall give notice in writing thereof to CCRPC by registered or certified mail addressed to CCRPC. Upon receipt of

such notice, CCRPC, at its own expense, shall defend against such action and take all such steps as may be necessary or proper to prevent the obtaining of a judgment against the GRANTOR.

ARTICLE XII: SIGNATURE OF AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by its officers as of the date first written above.

GRANTOR:

CCRPC:

Diane Wolfe Marlin, Mayor

Dalitso Sulamoyo, Chief Executive Officer

Phyllis D, Clark, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Dalitso Sulamoyo, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed and delivered the said instrument as his free and voluntary act in his capacity as Chief Executive Officer of CCRPC, and as the free and voluntary act of said organization for the purposes therein set forth.

Given under my hand and official seal, this _____ day of _____, 2023.

Notary Public

Attachment 1

The Regional Planning Commission's Housing Navigation and Stabilization Program provides supportive case management services to individual and family households who lack fixed, stable housing. Supportive services are individualized based on participant need, and address the transition to stable housing, tools needed to maintain housing, as well as the education and support required for long term housing stability. Services are delivered using the Critical Time Intervention (CTI) model, while implementing Housing First and harm reduction principles. This evidence-based approach focuses on key areas of strengthening ties to friends and family, emotional and practical support during transitions, as well as community integration and continuous service delivery.

Households eligible for Housing Navigation and Stabilization services will be referred through RPC's Centralized Intake for Homeless program and connected with a case manager within 48 business hours from the referral. Those households in need of assistance and linkage to basic documentation or resources necessary to receive referral to a housing opportunity through Centralized Intake for the Homeless, will be serviced via short term supportive services to obtain these needs. Longer term supportive case management services in addition to those mentioned prior, will be provided to participants receiving a tenant-based rent subsidy or project-based housing opportunity for households impacted by homelessness. It is anticipated that no less than 50 new permanent housing opportunities for homeless households will be available in Champaign County through new housing subsidies such as HUD Stability Vouchers and new housing opportunities created through HHI.

The evidence based Critical Time Intervention (CTI) model has three service stages. The first stage of service is pre-housing transition (Housing Navigation). This first stage is short term (3-6 months) and focuses on obtaining the necessary skills, support, and documents to access permanent housing opportunities. Stages II and III of the CTI model are the transition to housing (Housing Stabilization) services provided to participants receiving rent subsidies for homeless households that require longer term, more intensive supportive case management to stabilize in housing. Case managers employ motivational interviewing and harm reduction strategies. The medium-term intensive case management support of stages II and III averages 6-12 months. Tenant Readiness training is an important component in the CTI model that addresses areas such as assisting clients in understanding a lease contract, financial management, credit repair, housekeeping, general upkeep, safety and maintenance of a unit. RPC's Certified Housing Counselor is specifically trained to provide housing related information and counseling that will augment Housing Navigation and Stabilization services. Services focus on topics such as, but not limited to: renter rights, how to maintain a home, budgeting, fair housing, identifying and reporting predatory lending practices, rights for persons with disabilities; and the importance of good credit.

Finally, those receiving long term case management through permanent supportive housing may continue in the "transition of care" stage with services beyond 2+ years. Official exit or transition of care from the program is based on joint assessment (participant and staff) of readiness.

Interwoven throughout each stage of services is linkage to a network of providers to address specialized needs such as mental health, substance use, physical health needs, education, employment, etc. RPC's case managers will facilitate coordination amongst all providers working with a household to optimize services and outcomes.

The Housing Navigation and Stabilization Program will serve individual and family households experiencing literal homelessness or who are at imminent risk of homelessness. Housing Stabilization

case management will serve households selected for a tenant-based or project-based rent subsidy for homeless households, such as a federal Housing Stability voucher (similar to the Emergency Housing Vouchers) or Permanent Supportive Housing (PSH) voucher, or new permanent housing opportunities developed through HHI. Because Housing Stabilization services will be provided to households selected for a variety of housing opportunities, the income level of the households will vary according to the housing subsidy program. It is anticipated that the income level of the majority of households will be extremely low (30% MFI), however some households may be up to the low-income threshold (60% MFI). Veteran, immigrant, and households fleeing or attempting to flee domestic violence will be eligible for Housing Navigation and Stabilization services. However, in recognition of providers with specialized training and experience in serving these populations, RPC will defer to specialty providers for services when they have the capacity to serve.

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN
URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT**

**CHAMPAIGN COUNTY REGIONAL PLANNING COMMISSION
HOUSING NAVIGATION PROGRAM HOME ARP FY 2021/2022**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Resolution constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the City Council of the City of Urbana, Illinois, has found and determined that execution of the attached subrecipient agreement is desirable and necessary to carry out one of the corporate purposes of the City of Urbana, to wit: implementation of Strategies and Objectives to Address the Affordable Housing Needs of Low and Moderate Income Households described in the *City of Urbana and Urbana HOME Consortium (Champaign/ Urbana/ Champaign County) FY 2020-2024 Consolidated Plan and FY 2020-2021 HOME ARP Plan*.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF URBANA, ILLINOIS**, as follows:

Section 1. That an Agreement providing \$148,224 in HOME ARP Program funds, for the funding of a housing navigation program, between the City of Urbana and Champaign County Regional Planning Commission, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this ____ day of _____, ____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, ____.

Diane Wolfe Marlin, Mayor

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN
URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT**

C-U at Home, LLC – Housing Navigation Program

HOME ARP FY 2021/2022

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Resolution constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the City Council of the City of Urbana, Illinois, has found and determined that execution of the attached subrecipient agreement is desirable and necessary to carry out one of the corporate purposes of the City of Urbana, to wit: implementation of Strategies and Objectives to Address the Affordable Housing Needs of Low and Moderate Income Households described in the *City of Urbana and Urbana HOME Consortium (Champaign/ Urbana/ Champaign County) FY 2020-2024 Consolidated Plan and FY 2020-2021 HOME ARP Allocation Plan*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an Agreement providing \$120,000 in HOME ARP Program funds, for the funding of a housing navigation program, between the City of Urbana and C-U at Home, LLC., in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this ____ day of _____, ____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, ____.

Diane Wolfe Marlin, Mayor



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Grants Management Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and Urbana City Council Members

FROM: Sheila Dodd, Interim Community Development Services Director
Breaden Belcher, Community Development Coordinator

DATE: January 12, 2023

SUBJECT: **A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT – CHAMPAIGN COUNTY HEALTH CARE CONSUMERS – SPECIAL POPULATIONS CASE MANAGEMENT PROGRAM = HOME ARP FY 2021/2022**

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT – CHAMPAIGN COUNTY REGIONAL PLANNING COMMISSION – HOUSING NAVIGATION PROGRAM – HOME ARP FY 2021/2022

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT – CUNNINGHAM TOWNSHIP SUPERVISOR’S OFFICE – BRIDGE TO HOME – HOME ARP FY 2021/2022

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN URBANA HOME CONSORTIUM SUBRECIPIENT AGREEMENT – CU AT HOME – HOUSING NAVIGATION PROGRAM – HOME ARP FY 2021/2022

Introduction

This memorandum provides funding recommendations to the Urbana City Council for public and private non-profit agencies that have applied to the Housing & Homeless Innovations Consolidated Grant Program. Funding recommendations can be found in Attachment I. Greater detail regarding each program can be found in Attachment II. Each program that Staff is recommending for funding will support housing and homeless service needs in the community.

Background

The cities of Urbana and Champaign have various funding sources available to address affordable housing needs county-wide. Staff from both cities brought together these funding sources under one streamlined application process in order to make it easier for local agencies to apply for and receive

funding by reducing confusion about available funding, and by fostering a county-wide strategic approach to the allocation of funding.

These funding sources include:

Urbana HOME ARP	\$2,697,000
Urbana HOME	\$285,000
Champaign CDBG	\$175,000
Champaign General Funds	\$2,200,000
Total:	\$5,357,000

Staff from Urbana and Champaign jointly drafted a rubric for scoring applications submitted for grant funds. The scoring rubric was designed in order to allocate and award grant funds. The rubric was made available to applicants on the HHI website throughout the application period.

Applications opened on November 4, 2022 and closed on December 12, 2022. Staff from Urbana and Champaign held two technical assistance sessions to provide additional information to potential applicants and to answer questions about the program. The first session took place on November 4 in Champaign City Council Chambers, and the second session took place on November 28 at The Urbana Free Library. The presentations were recorded and made available on the HHI website along with application materials and an up-to-date FAQ page.

Methodology

Once applications closed on December 12, staff from both cities convened to score and rank the submissions. The scoring process took place from December 12 through December 16. Staff used the scoring rubric described above to evaluate the applications, and to determine the most appropriate funding source and allocation amount.

Once these allocations are approved by each City Council, separate agreements will be executed by the impacted city and/or funding source. The City of Urbana will be responsible for all grant agreements that are executed using HOME or HOME ARP funding, and the City of Champaign will be responsible for all grant agreements that are executed using Champaign CDBG or Champaign General Funds.

Applications from agencies intending to develop affordable housing or shelter have been put on hold for now, until they can secure additional financing or have identified an address for their project. One application was rejected by the review committee because it did not fit within the HHI guidelines. One other application was rejected because the committee determined the services to be duplicative.

Beginning in 2023, the City will prepare quarterly written reports for all projects and programs funded through this process. Grant funds that remain unallocated at the conclusion of this process will be kept available for eligible projects or programs that address affordable housing and homeless service needs in the community.

Fiscal Impacts

Urbana HOME and HOME ARP funding have previously been set aside and approved by Council for the purposes of furthering affordable housing and homeless services. There will be no additional

fiscal impacts on the City.

Options

1. Forward the proposed funding allocations to the Consent Agenda with a recommendation for approval
2. Forward the proposed funding allocations, with changes, to the Consent Agenda with a recommendation for approval.
3. Do not recommend approval of the proposed funding allocations.

Attachment I

Funding Recommendations

Agency	Program/Project	Funding Source	Amount
Champaign County Health Care Consumers	Special Populations Case Management Program	HOME ARP Supportive Services	\$296,850
Champaign County Regional Planning Commission	Housing Navigation	HOME ARP Supportive Services	\$148,224
Cunningham Township Supervisor's Office	Bridge to Home	HOME ARP Supportive Services	\$375,000
CU at Home	Housing Navigation	HOME ARP Supportive Services	\$120,000
Total:			\$940,074

Attachment II

Program Descriptions

Champaign County Regional Planning Commission Housing Navigation and Stabilization Program

Funding Recommendation: \$148,224

The Champaign County Regional Planning Commission's Housing Navigation and Stabilization Program provides supportive case management services to individual and family households who lack fixed, stable housing. Supportive services address the transition to stable housing, the tools needed to maintain housing, as well as the education and support required for long-term housing stability. Households that are eligible to receive Housing Navigation and Stabilization services will be referred through RPC's Centralized Intake for Homeless program and connected with a case manager within 48 business hours of referral. HHI funding will support the expansion of this program to serve additional clients throughout the grant period. Funds will supplement staff salaries, additional contractual services, and other costs directly associated with operating this program.

Champaign County Health Care Consumers (CCHCC) Special Populations Case Management

Funding Recommendation: \$296,850

HHI funding will enable CCHCC to expand its Supportive Services program to serve a greater number of homeless individuals, including those who are literally homeless, formerly homeless, or living in transitional or permanent housing. With this funding, CCHCC will hire and train two new staff members, an Outreach and Enrollment Community Health Worker, and a Disability Application Specialist. These new staff members would specialize in providing supportive service assistance to the homeless population, and would actively work with this population to enroll individuals in various public benefits programs such as Medicaid or Medicare health insurance, SNAP, LIHEAP, and disability application services. Assistance in obtaining access to health care, including primary and specialty care, mental health and behavioral health, dental, and vision services, as well as financial assistance for prescriptions and legal services will also be provided.

Additionally, as part of this program, CCHCC will also do extensive outreach, including "street outreach", to inform all of the local agencies and organizations of their new homelessness-focused program. CCHCC will not only facilitate the homeless population in obtaining referrals

for these services and individuals who are homeless but they will also actively seek to recruit members of this population who may not be engaging in these supportive services or staying at shelters in general.

Cunningham Township Supervisor's Office (CTSO) Bridge to Home

Funding Recommendation: \$375,000

CTSO is seeking one year of support in Housing and Homelessness Innovation Funds towards a six year project (2022-2026) to build the capacity and sustainability of its Bridge to Home program. HHI funding will support additional case management staff, housing and legal navigation services, and direct assistance to clients.

The Bridge to Home program provides a continuum of housing and supportive services for Champaign County residents whom are experiencing homelessness and housing insecurity, so they may access and maintain permanent housing. The Bridge to Home program threads together Street and School Outreach, Emergency and Transitional Housing, Rapid Rehousing, and Rental Assistance, while providing Case Management from literal homelessness to stabilization in permanent housing. The services Bridge to Home provides includes legal navigation, language translation, supportive services for people with intellectual and developmental disabilities, accessibility to emergency food, clothing, and furnishings needed to move into housing, payment assistance for utility arrears, and other housing stabilization needs.

C-U at Home Housing Navigation

Funding Recommendation: \$120,000

C-U at Home would like to expand its Housing Navigation Program. This expansion will include employing a specialized case management professional who focuses solely on implementing Housing Navigation Activities. C-U at Home's Housing Navigator program will serve those individuals who are staying at C-U at Home, as well as those at risk of homelessness who are identified as ready to take the next step to stability. C-U at Home specializes in empowering individuals who are experiencing homelessness by providing a safe environment where individuals can progress toward stability and access essential resources such as shelter, laundry, showers, food, and supportive services.

URBANA HOME CONSORTIUM
C-U at Home, LLC.
HOUSING NAVIGATION PROGRAM

(HOME ARP FY 2021/2022)

THIS Subgrantee Agreement for the HOUSING NAVIGATION PROGRAM, hereafter referred to as the “**AGREEMENT**”, is made and entered into by and between the CITY OF URBANA, an Illinois Municipal Corporation, acting as lead entity for the Urbana HOME Consortium (hereinafter the “**GRANTOR**”), and C-U at Home, LLC. (hereinafter “**C-U at Home**”).

WITNESSETH

WHEREAS, the City of Urbana, the City of Champaign, and Champaign County have been jointly designated as a Participating Jurisdiction by the U.S. Department of Housing and Urban Development (hereinafter “**HUD**”) for purposes of receiving HOME Investment Partnership (hereinafter “**HOME**”) Program funds in the name of the Urbana HOME Consortium under provisions of Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 U.S.C. 12701 *et seq.*) (hereinafter the “**National Affordable Housing Act**”); and

WHEREAS, the Urbana HOME Consortium has received HOME ARP Program funds from HUD to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability for low-income residents of Urbana, Champaign, and Champaign County; and

WHEREAS, the Urbana City Council has adopted a Consolidated Plan for Program Years 2020-2024 (hereinafter the “**Consolidated Plan**”) in accordance with an Intergovernmental Agreement Concerning Administration of a HOME Investment Partnership known as the Urbana HOME Consortium, executed by Mayor Tod Satterthwaite on behalf of the City on July 16, 2003 (hereinafter the “**Intergovernmental Agreement**”); and

WHEREAS, C-U at Home has requested Urbana HOME ARP Consortium funding to provide case management services to low-income households (hereinafter the “**HOUSING NAVIGATION PROGRAM**”); and

WHEREAS, C-U at Home desires to serve as a manager of the HOUSING NAVIGATION PROGRAM within the Cities of Champaign and Urbana and Champaign County; and

WHEREAS, the GRANTOR has determined that the HOUSING NAVIGATION PROGRAM is eligible for funding under the HOME ARP Program; and

WHEREAS, C-U at Home has been fully informed regarding all requirements or obligations that must be met by C-U at Home in order to utilize HOME ARP Program funds for the HOUSING NAVIGATION PROGRAM, including but not limited to, the requirement that all participating households must meet the income eligibility requirements at or below 60 percent of the median family income, in accordance with 24 CFR Part 92, Section 209; and

WHEREAS, C-U at Home, having been fully informed regarding the requirements of the HOME ARP Program, is committed to starting the HOUSING NAVIGATION PROGRAM with the assistance of HOME ARP Program funds on or before February 28, 2023.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

ARTICLE I: HOME ARP REQUIREMENTS

Section 1: Use of HOME ARP Funds

The GRANTOR agrees to provide C-U at Home an amount not to exceed **\$120,000** from its Federal Fiscal Year 2021-2022 HOME ARP Program funding to be used for providing case management and supportive services assistance to households at or below 60 percent of the Area Median Family Income as defined by HUD on an annual basis as part of the HOUSING NAVIGATION PROGRAM. C-U at Home shall use the Funds in accordance with the HOME ARP program guidelines outlined in 24 CFR Part 92 in carrying out the HOUSING NAVIGATION PROGRAM in the manner described below:

- (a) C-U at Home shall provide the GRANTOR with the budget and financial projection for each program year from the initial start of the HOUSING NAVIGATION PROGRAM to the termination for each client.
- (b) C-U at Home shall provide the GRANTOR with case management documentation for the HOUSING NAVIGATION PROGRAM as described in Attachment A and attached hereto and by reference made a part hereof.

Section 2: Affordability

C-U at Home shall comply with all income determinations and subsidy limit requirements of the HOME ARP Program as set forth in HUD Regulations 24 CFR 92.209, as applicable. C-U at Home shall verify each family's income eligibility by determining the family's annual income in accordance with the Part 5 (Section 8) methodology allowed in 24 CFR 92.203. C-U at Home is required to re-examine and document the family's income annually if assistance extends beyond one year.

For purposes of this AGREEMENT, project completion means that the final drawdown has been disbursed for the project and C-U at Home has submitted all necessary demographic and financial information to the GRANTOR.

Section 3: HOME ARP Project Requirements

Project Requirements:

The GRANTOR shall provide HOME ARP funds not to exceed **\$120,000** for eligible costs as described in 24 CFR 92.209.

The GRANTOR and C-U at Home agree that HOME ARP funds provided will be used for only those eligible costs listed in 24 CFR 92.209, including: case management and supportive services costs. Administrative costs are not eligible, and as such will not be reimbursed by the GRANTOR.

All clients served must meet the income guidelines at or below 60 percent of the Area Median Family Income, as published by HUD each year.

Preferences for clients with specific special needs cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

List of Documents

The following documents have been added to or made a part hereof by reference:

Attachment 1 – Program Description

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”

Section 4: Other HOUSING NAVIGATION PROGRAM Requirements

A. Non-discrimination and Equal Opportunity

C-U at Home agrees that there shall be no discrimination against any person who is employed in carrying out the HOUSING NAVIGATION PROGRAM, or against any applicant for such employment, because of race, color, religion, sex, age, or national origin, or any other discrimination prohibited by Federal, State, County or local laws, including but not limited to employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. C-U at Home further agrees to the following:

1. It shall be bound by said equal opportunity clause with respect to its own employment practices during the duration of its participation with the GRANTOR and HUD.
2. It shall furnish the GRANTOR and HUD with information as they may require for the supervision of such compliance and will otherwise assist the GRANTOR and HUD in the discharge of primary responsibility for securing compliance.
3. It shall carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the Secretary of Labor, the GRANTOR, or HUD.
4. It shall abide by the Human Rights Ordinance as set forth in Chapter 12 of the Urbana Code of Ordinances.

B. Conflict of Interest

C-U at Home guarantees that no member of, or Delegate to, the Congress of the United States shall be admitted to any share or part of this contract or to any benefit to arise from the same. C-U at Home agrees that no members of the governing body of the locality in which C-U at Home is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the AGREEMENT during their tenure, or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the services performed under this AGREEMENT. Unless expressly permitted by HUD, C-U at Home agrees that no person who is an employee, agent, consultant, officer, or elected or appointed official of C-U

at Home and who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME ARP funds, or who is in a position to participate in a decision-making process to gain inside information with regard to such HOME ARP-assisted activities, may obtain a financial interest or benefit from the HOME ARP-assisted activity, or have any interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one (1) year thereafter. Unless expressly permitted by the GRANTOR, no officer, employee, agent or consultant of C-U at Home may occupy a HOME ARP-assisted affordable housing unit in a project.

C. Air and Water

C-U at Home agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder; Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

Section 5: Records and Reports

A. Records

C-U at Home authorizes the GRANTOR and HUD to conduct on-site reviews and to conduct any other procedure or practice necessary to assure compliance with this AGREEMENT and applicable HUD regulations. C-U at Home will ensure that all documents related to this Project shall be kept for a period of five (5) years after project completion (estimated at June 2029). Records to be retained include, but are not limited to: case management, initial income verification and source documentation, and documentation used to request re-imbursement of expenses. C-U at Home shall maintain such records and accounts, including program records, project records; financial records; equal opportunity records; records demonstrating compliance with the income determination and requirements of 24 CFR 92.203; record keeping requirements of 24 CFR 92.508; records demonstrating compliance with the lead-based paint requirements of 24 CFR 92.355; records supporting exceptions to the conflict of interest prohibition pursuant to 24 CFR 92.356; and any other records as are deemed necessary by the GRANTOR to assure a proper accounting and monitoring of all HOME ARP Funds. In the event the GRANTOR determines that such records are not being adequately maintained by C-U at Home, the GRANTOR may cancel this AGREEMENT in accordance with Article I Section 6 and Article II herein.

With respect to all matters covered by this AGREEMENT, records will be made available for examination, audit, inspection or copying purposes at any time during normal business hours and as often as the GRANTOR, HUD, representatives of the Comptroller General of the United States or other Federal agency may require. C-U at Home will permit same to be examined and excerpts or transcriptions made or duplicated from such records, and audits made of all invoices, materials, records of personnel and of employment and other data relating to all matters covered by this AGREEMENT. The GRANTOR's right of inspection and audit shall obtain likewise with reference to any audits made by any other

agency, whether local, State or Federal. C-U at Home shall retain all records and supporting documentation applicable to this AGREEMENT as provided below:

- (a) For Case Management and supportive services, records shall be retained for five (5) years after the project completion date.
- (b) Written agreements must be retained for five (5) years after date of project completion.
- (c) If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period, records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

B. Reports

C-U at Home agrees to submit to the GRANTOR the reports as described in this section. C-U at Home will ensure that all documents related to these reports shall be kept for a period of five (5) years after project's affordability period has been completed (estimated at June 30, 2029). Records to be retained include, but are not limited to: receipts and invoices for materials, supplies, and services; documentation used to request re-imbursement of expenses; case management; and documentation of household income eligibility.

Section 6: Enforcing of Agreement

A default shall consist of any use of HOME ARP Program funds for a purpose other than as authorized by this AGREEMENT, noncompliance with the HOME ARP Program guidelines as outlined in 24 CFR Part 92, any material breach of the AGREEMENT, failure to timely comply with the audit requirements in Section 5, failure to expend HOME ARP Program funds in a timely manner, or a misrepresentation in the application submission which, if known by GRANTOR and/or HUD, would have resulted in HOME ARP Program funds not being provided. Upon due notice to C-U at Home of the occurrence of any such default and the provision of a reasonable opportunity to respond, the GRANTOR may take one or more of the following actions:

- (a) Direct C-U at Home to prepare and follow a schedule of actions for carrying out the affected activities, consisting of schedules, timetables and milestones necessary to implement the affected activities;
- (b) Direct C-U at Home to establish and follow a management plan that assigns responsibilities for carrying out the remedial actions;
- (c) Cancel or revise activities likely to be affected by the performance deficiency, before expending HOME ARP Program funds for the activities;
- (d) Reprogram HOME ARP funds that have not yet been expended from affected activities to other eligible activities or withhold HOME ARP Program funds;
- (e) Direct the C-U at Home to reimburse the GRANTOR's HOME ARP Program accounts in any amount not used in accordance with the requirements of 24 CFR Part 92, et al;
- (f) Suspend disbursement of HOME ARP Program funds for affected activities;
- (g) Other appropriate action including, but not limited to, any remedial action legally available, such as litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions, termination of the AGREEMENT and any other available remedies.

For purposes of this AGREEMENT, a reasonable opportunity to respond to any default shall be thirty (30) days from receipt by C-U at Home of the GRANTOR's written notice of default. No

delay or omission by GRANTOR and/or HUD in exercising any right or remedy available to it under the AGREEMENT shall impair any such right or remedy or constitute a waiver or acquiescence in any C-U at Home default.

Unless the C-U at Home's default is waived, the GRANTOR may, upon twenty-four (24) hour written notice, terminate this AGREEMENT for said default. Waiver by the GRANTOR of C-U at Home's default under this AGREEMENT shall not be deemed to be a waiver of any other default nor shall it be termination notice.

Notices required herein, shall be considered received by the C-U at Home and the GRANTOR if delivered in person, or when deposited in the U.S. Mail, postage prepaid certified mail, return receipt requested.

Section 7: Request for Disbursement of Funds

C-U at Home shall not request disbursement of HOME ARP Program funds until HOME ARP Program funds are needed to pay eligible costs related to the HOUSING NAVIGATION PROGRAM. The amount of any request for funds shall not exceed the amount needed and shall be supported by appropriate documentation such as an invoice or performance-progress reports. The GRANTOR shall make payment to C-U at Home within fourteen (14) calendar days of receipt of a complete and acceptable request by the GRANTOR. The GRANTOR reserves the right to withhold disbursement of funds until appropriate documentation is submitted. All checks shall be made payable to "C-U at Home". All monies granted to C-U at Home pursuant to this AGREEMENT shall be expended by **June 30, 2024**. In the event that all funds are not disbursed, the remaining balance shall be retained by the City of Urbana to be reprogrammed for other eligible HOME ARP Program activities.

Section 8: Duration of Agreement

This AGREEMENT shall be effective as of the date executed by the Mayor and attested by the City Clerk and shall remain in effect until the latest of the following dates or events: June 30, 2024; or five years after project completion when all files may be destroyed in accordance with State and Federal law.

ARTICLE II: FINANCIAL RESPONSIBILITY

The allocation of funds by the GRANTOR pursuant to this AGREEMENT shall in no way obligate the GRANTOR for any financial responsibility incurred by the HOUSING NAVIGATION PROGRAM in excess of the funding pledged herein. The GRANTOR reserves the right to withhold pledged funds if the GRANTOR is not satisfied with the C-U at Home's compliance with the terms and conditions of performance outlined in this AGREEMENT.

ARTICLE III: CERTIFICATIONS

C-U at Home represents the following with respect to this AGREEMENT.

- A. C-U at Home possesses legal authority to receive HOME ARP Program funds from the GRANTOR and to undertake and execute the HOUSING NAVIGATION PROGRAM as described herein.

- B. The governing body of C-U at Home has duly adopted or passed as an official act a resolution, motion, or similar action authorizing execution of this AGREEMENT including all understandings and assurances contained herein, and directing and designating the authorized representative of C-U at Home to act in connection with this AGREEMENT and to provide such additional information as may be required.
- C. C-U at Home, its successors and assigns, agrees to develop and operate the HOUSING NAVIGATION PROGRAM in accordance with HOME ARP Program regulations promulgated at 24 CFR Part 92.
- D. C-U at Home agrees to give maximum feasible priority to very low-income persons when administering the HOUSING NAVIGATION PROGRAM described herein.
- E. C-U at Home shall comply with the regulations, policies, guidelines, and requirements of federal management circulars as they relate to the acceptance and use of Federal funds for the HOUSING NAVIGATION PROGRAM. C-U at Home agrees to maintain financial records in accordance with applicable Federal guidelines 24 CFR Part 200. C-U at Home shall separately and accurately identify use of HOME ARP funds pursuant to this AGREEMENT.
- F. C-U at Home shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the regulations issued pursuant thereto (24 CFR Part 1), which provide that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which C-U at Home receives federal financial assistance.
- G. C-U at Home shall establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- H. No Federal appropriated funds have been paid or will be paid, by or on behalf of C-U at Home, to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any agency including the GRANTOR, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, C-U at Home will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," as provided in "Attachment 2" and in accordance with the corresponding instructions.

- I. C-U at Home shall give HUD and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the PROGRAM.
- J. C-U at Home shall at all times observe and comply with all laws, ordinances, or regulations of Federal, State, and local governments which may in any manner affect the performance of this AGREEMENT. C-U at Home shall be liable to perform all acts to the GRANTOR in the same manner as the GRANTOR performs these functions to the Federal government.
- K. C-U at Home shall be responsible for any and all claims, costs, causes, actions, and expenses, including, but not limited to, attorneys' fees incurred by reason of a law suit or claim for compensation arising in favor of any person, including the employees, officers, or agents of C-U at Home, on account of personal injuries or death, or damages to property occurring, growing out of, incident to, or resulting under this HOUSING NAVIGATION PROGRAM, whether such loss, damage, injury, or liability is contributed to by the negligence of the GRANTOR or its officers, employees, or agents, or by the premises themselves or any equipment thereon whether latent or patent, or from other causes whatsoever, except that C-U at Home shall have no liability for damages or the costs incident thereto caused by the sole negligence of the GRANTOR, or its officers, employees, or agents.
- L. C-U at Home shall have full control of the ways and means of performing the services referred to herein. C-U at Home acknowledges and agrees that its employees, representatives, and agents may in no respect be considered employees of the GRANTOR.

ARTICLE IV: NOTICES

Notices and communications under this AGREEMENT shall be sent first class, prepaid to the respective parties as follows.

TO THE GRANTOR: Sheila Dodd, Manager
 Grants Management Division
 400 South Vine Street
 Urbana, Illinois 61801

TO: Melissa Courtwright, Executive Director
 C-U at Home
 PO Box 8816
 Champaign, IL 61826

ARTICLE V: CONTINGENCIES

This AGREEMENT, including the provision of funds by the GRANTOR for the HOUSING NAVIGATION PROGRAM as described herein, is contingent upon the signing of GRANTOR and C-U at Home.

ARTICLE VI: ASSIGNMENT

C-U at Home shall not assign this AGREEMENT, nor any part thereof, without prior written approval of the GRANTOR.

ARTICLE VII: MODIFICATION

No modification of this AGREEMENT shall be effective unless in writing and executed by the parties hereto.

ARTICLE VIII: EXECUTION OF AGREEMENT

This AGREEMENT shall be binding upon the GRANTOR and C-U at Home, their successors and assigns, and shall be effective as of the date executed by the Mayor of Urbana and attested by the City Clerk.

ARTICLE IX: PROJECT PUBLICITY

Any news release or other type of publicity pertaining to the work performed pursuant to this AGREEMENT must recognize GRANTOR as a Subrecipient, funded by HUD.

ARTICLE X: MONITORING AND EVALUATING

The GRANTOR shall be responsible for monitoring and/or evaluating all aspects of the services provided by C-U at Home under this AGREEMENT. The GRANTOR shall have access to and be able to make copies and transcriptions of such records as may be necessary in the determination of the GRANTOR or HUD to accomplish this monitoring and/or evaluation. In order to properly monitor or evaluate the C-U at Home's performance under this AGREEMENT, the GRANTOR shall make on-site inspections annually or as often as it deems necessary. Failure by the C-U at Home to assist the GRANTOR in this effort, including allowing the GRANTOR to conduct the on-site inspections and have access to the C-U at Home's records, shall result in the imposition of sanctions as specified in Article I Section 6 herein.

Said evaluation may be accomplished by the GRANTOR through a management evaluation of the services provided under this AGREEMENT during the term of this AGREEMENT.

ARTICLE XI: INDEMNIFICATION

C-U at Home shall to the fullest extent allowed by law defend, hold harmless and indemnify the GRANTOR from and against any and all liability, injury, loss, claims, damages, costs, attorneys' fees and expenses of whatever kind or nature which the GRANTOR may sustain, suffer or incur or be required to pay by reason of:

- A. The loss of any monies paid to C-U at Home;
- B. Fraud, defalcation or dishonesty on the part of any person representing, employed by, contracted or subcontracted by C-U at Home;
- C. Any act, omission, wrongdoing, misconduct, want of care or skill, negligence or default on the part of C-U at Home or any of its contractors, subcontractors, sub-subcontractors, materialmen, suppliers and laborers in the execution or performance of this AGREEMENT.

The indemnity hereunder shall survive termination of the AGREEMENT. In the event that any action, suit or proceeding is brought against the GRANTOR upon any liability arising out of the AGREEMENT, or any other matter indemnified against, the GRANTOR at once shall give notice in writing thereof to C-U at Home by registered or certified mail addressed to C-U at Home. Upon receipt of such notice, C-U at Home, at its own expense, shall defend against such action and take all such steps as may be necessary or proper to prevent the obtaining of a judgment against the GRANTOR.

ARTICLE XII: SIGNATURE OF AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by its officers as of the date first written above.

GRANTOR:

C-U at Home:

Diane Wolfe Marlin, Mayor

Melissa Courtwright, Executive Director

Phyllis D. Clark, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, the undersigned Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Melissa Courtwright, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed and delivered the said instrument as her free and voluntary act in her capacity as Executive Director of C-U at Home, Inc., and as the free and voluntary act of said organization for the purposes therein set forth.

Given under my hand and official seal, this ____ day of _____, 2023.

Notary Public

Attachment 1

C-U at Home has incorporated housing supports in its program since inception. This application is seeking funds for the expansion of this program.

CURRENT STATE

Our housing navigation program is focused on limited placement and partnership with key social service and governmental agencies providing such supports. This program is interwoven in the primary case managers/care coordinator roles.

FUTURE STATE

Under its Mid-barrier programming framework, C-U at Home will be expanding its Housing Navigation program. This expansion includes:

- Employing a Full-time Specialist - Housing Navigator
- Engaging/partnering with key stakeholders in the housing ecosystem.
- Individuals to be served: current clients in residence and others in the mid-barrier space

PROJECTED BUDGET FOR 16 MONTH PERIOD

Salaries & Benefits, One dedicated FTE	\$ 93,466
\$55,000/Annual + Taxes & Benefits	
Program Supplies	\$ 4,434
Client Assistance	\$ 20,000
Training	<u>\$ 2,100</u>
Total	<u>\$120,000</u>
 HHI Application	 <u>\$120,000</u>

Note: Above costs are direct costs for the professional/services. C-U at Home will cover all administrative costs including allocation of occupancy.

Attachment 2 – Standard Form-LLL, “Disclosure Form to Report Lobbying”



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Sheila Dodd, Interim Community Development Services Director
Marcus Ricci, AICP, Planner II

DATE: January 12, 2023

SUBJECT: **A Resolution Not to Protest a Proposed Text Amendment to the Champaign County Zoning Ordinance** (Materials Management – Waste-Related Uses / CCZBA-058-AT-22)

Introduction

The Champaign County Zoning Administrator requests a text amendment to the Champaign County Zoning Ordinance to make several changes to Section 5.2 Table of Authorized Principal Uses to allow for expanded materials management and other waste-related uses. Three new uses would be added, three existing uses would be revised, and one existing use would be revised and then removed. Two uses would have specific conditions added and one would be prohibited as a Rural Home Occupation. The various uses would be permitted by right and/or with an administrative special use permit in the AG-1, AG-2, B-1, B-4, B-5, I-1, and/or I-2 county zoning districts.

The proposed text amendment is of interest to the City of Urbana because it may affect zoning and land development decisions within the City's one-and-a-half mile extraterritorial jurisdiction (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area. The City has the right to protest County text amendments by filing a protest by the date the case goes before the Board. Under state law, a municipal protest of the proposed amendment would require three-quarters super-majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required.

At its January 5, 2023, meeting, the Plan Commission held a public hearing on this case. No members of the public spoke regarding the case. **The Plan Commission voted unanimously, with four ayes and zero nays, to recommend that City Council not protest the proposed text amendment.** Staff request that this case be placed on the City Council Consent Agenda.

Background

The Champaign County Department of Planning & Zoning (DPZ) has an applicant interested in establishing a facility that would collect large quantities of used glass inside a storage building, to be transferred later to another location for processing. This type of use does not closely match any of the existing uses in the Champaign County Zoning Ordinance, and the County has not updated this category of uses since 1996. At its June 9, 2022, meeting, the Champaign County Environmental Land Use Committee (ELUC) of the Champaign County Board reviewed memoranda dated February 28,

April 28, and June 2, 2022, regarding proposed changes to materials management and waste-related land uses. ELUC approved opening a Champaign County Zoning Board of Appeals (CCZBA) public hearing for these amendments at its June 9, 2022, meeting. The CCZBA met on July 14, 2022, and continued the case to July 28 and then to October 13, at which time it recommended approval of the amendment and forwarded it to ELUC for review. ELUC opened its 30-day public comment period at the item's first meeting on November 30, 2022. It held its second meeting on January 5, 2023, and continued the discussion to its February 9 meeting. The earliest the case would be heard by the County Board would be at its February 23, 2023, meeting.

Draft Amendment

The County Zoning Administrator issued a Preliminary Memo on July 5, 2022, which provided background information on each of the parts of the proposed amendment (Exhibit A – County Materials, Preliminary Memo). A summary of the proposed County Zoning Ordinance text amendments follows:

- Include the exemption from County zoning for “pollution control facilities” and “new pollution control facilities,” based on Illinois statute provisions. The amendment would establish a siting approval review and public hearing process.
- Update defined terms as needed, add specific material management and waste-related uses, and update minimum special use standards and accessory use standards accordingly (see Exhibit A, Amendments 1-7 Section, pages 3-6).

The County Zoning Administrator issued supplemental memos on July 27 and September 30, 2022 (Exhibit B – Supplemental Memos). Through the course of the public hearing and comment process, the proposed text amendment was revised to address input and concerns of citizens and Board members. The proposed text amendment includes the following provisions:

1. Add defined terms to Section 3.0
 - COMPOST
 - COMPOSTABLE WASTE
 - CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY
 - FOOD SCRAP
 - GARBAGE
 - GARDEN COMPOST OPERATION
 - GENERAL CONSTRUCTION OR DEMOLITION DEBRIS
 - HOUSEHOLD WASTE DROP-OFF POINT
 - LANDSCAPE WASTE COMPOST FACILITY
 - ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT
 - PERMANENT COMPOSTABLE WASTE COLLECTION POINT
 - POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY
 - RECYCLING CENTER
 - SPECIFIC MATERIAL COLLECTION SITE
2. Revise defined terms in Section 3.0
 - LANDSCAPE WASTE

- LANDSCAPE WASTE PROCESSING FACILITY
3. Remove defined terms from Section 3.0
 - DUMP, REFUSE
 - SANITARY LANDFILL
 4. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
 5. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from County Zoning Ordinance in Section 4.3.7. The County currently allows SANITARY LANDFILLS or REFUSE DUMPS. These types of facilities are termed “pollution control facility” and “new pollution control facility” by the Illinois Environmental Protection Agency (IEPA). The Illinois Environmental Protection Act (415 ILCS 5/39.2) allows these facilities to be exempt from County zoning, and authorizes the County to conduct a separate comprehensive siting approval review and public hearing process for a proposed new pollution control facility (Exhibit B, Part 3, page 26). The purpose of this section of the amendment is to rename the current uses to those recognized by the IEPA, establish the local review process, and then remove those renamed uses from regulation by the County Zoning Ordinance, as they will be regulated by the IEPA.
 6. In Section 5.2, add PERMANENT COMPOSTABLE WASTE COLLECTION POINT to be allowed by Special Use Permit in AG-2, B-1, B-4, B-5, I-1, and I-2 Zoning Districts, and add Special Use Standards to Table 6.1.3.
 7. In Section 5.2, amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be RECYCLING CENTER with no Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed By Right in the B-4, B-5, I-1, and I-2 Zoning Districts.
 8. In Section 5.2, add RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed by Special Use Permit in the B-4 and B-5 Zoning Districts and By Right in the I-1 and I-2 Zoning Districts.
 9. In Section 5.2, add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by Special Use Permit in the I-1 and I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 10. In Section 5.2, revise LANDSCAPE WASTE COMPOSTING FACILITY to be allowed by Special Use Permit in the AG-2, I-1, and I-2 Zoning Districts and amend Special Use Standards to Table 6.1.3.
 11. Revise Section 7.1.2(j)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

The full, final Finding of Fact and Final Determination can be found in Exhibit B – Supplemental Memo #2, pages 37-62 of exhibit). In summary, the proposed modifications to uses are summarized below, modified from the County’s Preliminary Memo (Exhibit A, page 3):

Table 1. Current and Proposed Uses

Current Land Uses	Proposed Land Uses
REVISED USES	
AUTOMOBILE Salvage Yard (junkyard)	JUNK YARD or AUTOMOBILE SALVAGE YARD
Recycling of non-hazardous materials (all storage and processing indoors)	<ul style="list-style-type: none"> • RECYCLING CENTER with no outdoor STORAGE and/or outdoor OPERATIONS • RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS
LANDSCAPE WASTE PROCESSING FACILITIES	<ul style="list-style-type: none"> • LANDSCAPE WASTE COMPOSTING FACILITY • LANDSCAPE WASTE PROCESSING FACILITY
NEW USES	
[no current land use]	PERMANENT COMPOSTABLE WASTE COLLECTION POINT
[no current land use]	SPECIFIC MATERIAL COLLECTION SITE
[no current land use]	CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY
DELETED USES	
SANITARY LANDFILL or REFUSE DUMP	POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY: remove use, as it is regulated by the Illinois EPA

Proposed changes to the Table of Uses are summarized below, with additions shown in **underlined** type (Exhibit B, page 59 of exhibit):

Table 2. Proposed Changes to Table of Uses - Zoning Districts

	AG-1	AG-2	B-1	B-4	B-5	I-1	I-2
JUNK YARD or AUTOMOBILE SALVAGE YARD							P
RECYCLING CENTER w/no Outdoor Storage and/or OUTDOOR OPERATIONS				P	P	P	P
<u>RECYCLING CENTER with Outdoor Storage and/or OUTDOOR OPERATIONS</u>				<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING CENTER*</u>						<u>S</u>	<u>S</u>
LANDSCAPE WASTE COMPOST FACILITY*		S				S	S
<u>LANDSCAPE WASTE PROCESSING FACILITY*</u>		<u>S</u>				<u>S</u>	<u>S</u>
<u>PERMANENT COMPOSTABLE WASTE COLLECTION POINT*</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>SPECIFIC MATERIAL COLLECTION SITE</u>	<u>S**</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

*Proposed use has Specific Conditions (see Exhibit B – Supplement Memo 2, pages 59-62.

**Proposed use may only be authorized on property where there is also a government facility.

Proposed Amendment's Benefits to County

The proposed amendment would add several uses that are currently not listed in Section 5.2 Table of Authorized Principal Uses in the County Zoning Ordinance: Specific Material Collection Site, Permanent Compostable Waste Collection Point, and Construction and Demolition Debris Recycling

Facility. It would also clarify or split three current uses into five uses. This would allow the County to better regulate proposed uses for which they have received requests, and to better regulate other current uses. Finally, it would rename one current use, establish a local siting approval review and public hearing process for it, and then remove it from the Table to turn regulatory authority of that use over to the Illinois EPA. For definitions of each of the proposed uses, see the full amendment (Exhibit B, Supplemental Memo #2, pages 56-57 of exhibit).

The Champaign County Land Resource Management Plan (LRMP) was adopted by the County Board on April 22, 2010, and is currently the only guidance for amendments to the County Zoning Ordinance. DPZ staff noted in the Finding of Fact that the proposed text amendment “will help achieve” LRMP Goal 4: Agriculture and Goal 7: Transportation (Exhibit B, Supplemental Memo #2, pages 41-47 of exhibit). The amendment “will not impede” achievement of LRMP Goal 1: Planning & Public Involvement, Goal 2: Public Engagement, Goal 3: Prosperity, Goal 5: Urban Land Use, Goal 6: Public Health & Safety, Goal 8: Natural Resources, and Goal 9: Energy Conservation. The proposed text amendment is “not relevant” to LRMP Goal 10: Cultural Amenities.

Overall, DPZ staff found that the proposed text amendment would improve the County Zoning Ordinance itself, because it would “help achieve” the purposes of the ordinance, as it is “consistent” with nine of the Ordinance’s purposes, is “not directly related to” nine of its purposes, and is “inconsistent” with none of the Ordinance’s purposes (Exhibit B, Supplemental Memo #2, pages 48-51 of exhibit). It would also “improve” the text of the County Zoning Ordinance, because it will provide a classification that allows materials management and waste-related uses to be developed while establishing minimum requirements, and would provide a means to regulate an activity for which there is demonstrated demand.

Discussion

County Zoning

The intent of the County’s Agricultural, Business, and Industrial Zoning Districts is provided in Exhibit C – Zoning Description Sheets. While the primary intent of the AG districts is to “preserve the agricultural nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development,” the Finding of Fact goes to great lengths to explain how waste-related uses align with the LRMP Goals (Exhibit A – Preliminary memo, pages 42-48). For example, noting the establishment of a discretionary review process: “The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) *which will allow for site specific review, including the determination of whether a proposed site is well suited overall.*” (emphasis added). County land within the City’s ETJ is dominated by agricultural zoning (81%), mostly AG-2, with small areas zoned residential (8%) and conservation (7%), with little business (2%), or industrial (3%) zoning.

City Zoning

City staff reviewed the proposed text amendment to identify potential land use conflicts within the City and ETJ, and for potential impacts to the City’s ability to plan or manage development. Staff find that the amendment would minimize land use incompatibilities and would still allow the City to plan and manage development through the County’s Special Use Permit review process.

Below are findings of the most likely areas of compatibility and conflict, based on comparisons of both jurisdictions' zoning maps, and effects on the City's ability to manage growth and development in its ETJ.

Junk Yards or Automobile Salvage Yards

Referencing Exhibit D: Proposed Junk Yard Districts, the County proposes to continue to permit Junk Yards in the I-2 district (solid green), while the City allows Junk Yards only as a special use in the IN-2 (hatched purple).

Recycling Center With or Without Outdoor Operations

The County proposes to continue to permit Recycling Centers with No Outdoor Operations in the B-4 General Business, B-5 Central Business, I-1 and I-2 districts. Referencing Exhibit E: Proposed Recycling Center With Outdoor Operations Districts, it now proposes to permit Recycling Centers with Outdoor Operations in the I-1 and I-2 districts and as a special use in the B-4 and B-5 districts: please note that there are no County B-5 districts in the City's ETJ. The City permits Recycling Centers only as a special use in the IN-1 and IN-2 districts but not in the equivalent B-3 General or B-4 Central business districts. Most adjacent property is zoned City Industrial; none is zoned City Residential. The City would be notified of any proposed Recycling Centers in its ETJ within the County's B-4 zoning district, and would be able to submit comments of support or concern to the CCZBA, ELUC, and County Board as part of the County's special use permit process.

Construction and Demolition Debris Recycling Facility

Referencing Exhibit F: Proposed Construction and Demolition Debris Recycling Facility Districts, the County proposes to permit these facilities in the I-1 and I-2 districts. The City treats these facilities as a Recycling Center and permits them in the same zoning districts. The County would also require any proposed facility to be located on a minimum five-acre lot at least 1,320 feet from any residential zoning district or conforming dwelling. The City would be notified of any proposed facility in its ETJ, and would be able to submit comments of support or concern to the CCZBA, ELUC, and County Board.

Landscape Waste Processing Facility or Composting Facility

The County proposes to continue to allow Landscape Waste Processing Facilities as a special use in the AG-2 and I-2 districts. Referencing Exhibit G: Proposed Landscape Waste Composting Facility Districts, it now proposes to permit these facilities as a special use in the AG-2, I-1, and I-2 districts. The City would treat either of these uses as a Recycling Center and allow them as a special use in the I-1 and I-2 districts. Most adjacent property is zoned City Industrial; none is zoned City Residential. The City would be notified of any proposed facilities in its ETJ, and would be able to submit comments of support or concern to the CCZBA, ELUC, and County Board.

Permanent Compostable Waste Collection Point

Referencing Exhibit H: Proposed Permanent Compostable Waste Collection Point Districts, the County proposes to allow these points as special uses in the AG-2, B-1, B-4, B-5, I-1 and I-2 districts. The City does not have a similar listed use and would treat a proposed development as a Recycling Center and allow it as a special use in the I-1 and I-2 districts. Most adjacent property is zoned City Industrial; none is zoned City Residential. The City would be notified of any proposed collection point in its ETJ, and would be able to submit comments of support or concern to the CCZBA, ELUC, and County Board.

Table 3. Comparison of County and City Zoning Districts

Use	County	City	Location
Junk Yard or Automobile Salvage Yard	Permitted Use: I-2	Special Use: IN-2	North fringe: Country Club; Oaks; Lincoln; Cunningham. Central: E. University; Kerr
Recycling Center with No Outdoor Operations	Permitted Use: B-4, B-5, I-1, I-2	Special Use: IN-1, IN-2	
Recycling Center with Outdoor Operations	Permitted Use: I-1, I-2 Special Use: B-4, B-5	Special Use: IN-1, IN-2	
Construction and Demolition Debris Recycling Facility	Special Use: I-1, I-2	Special Use: IN-1, IN-2	
Landscape Waste Processing Facility	Special Use: AG-2, I-2	Special Use: IN-1, IN-2	North fringe: Country Club; Oaks; Lincoln; Cunningham. Central: E. University; Kerr. Also most of ETJ
Landscape Waste Composting Facility	Special Use: AG-2, I-1, I-2	Special Use: IN-1, IN-2	
Permanent Compostable Waste Collection Point	Special Use: AG-2, B-1, B-4, B-5, I-1, I-2	Special Use: IN-1, IN-2	
Specific Material Collection Site	Special Use: AG-1, AG-2, B-1, B-4, B-5, I-1, I-2	Special Use: IN-1, IN-2	

Specific Material Collection Site

Referencing Exhibit I: Proposed Specific Material Collection Site Districts, the County proposes to allow these sites as special uses in the AG-1, AG-2, B-1, B-4, B-5, I-1 and I-2 districts. Similar to the proposed Collection Point, the City does not have a similar listed use and would treat a proposed development as a Recycling Center and allow it as a special use in the I-1 and I-2 districts. Most adjacent property is zoned City Industrial; none is zoned City Residential. However, the proposed use would be permitted only as a second Principal Use on property with an existing government facility, which greatly restricts site locations. The City would be notified of any proposed facilities in its ETJ, and would be able to submit comments of support or concern to the CCZBA, ELUC, and County Board.

Plan Commission

The Urbana Plan Commission discussed the proposed text amendment at its January 5, 2023, meeting (Exhibit J – Plan Commission Meeting Minutes – DRAFT). Staff clarified that the City does not have the authority to protest a proposed special use permit; it has the authority to submit comments regarding such a permit. The commission voted unanimously, with four ayes and zero nays, to recommend that City Council not protest the proposed text amendment.

Implications for Development Within the City's ETJ

The proposed amendment would still allow the City to plan and manage development within its municipal boundaries and ETJ. Under the proposed amendment, Junk Yards and Recycling Centers would be permitted by right in certain zoning districts, while those uses and four other uses would be permitted as administratively-reviewed special uses in other zoning districts. Those uses not requiring a special use permit are often similar to uses already permitted or allowed by the City in similar zoning

districts. Any proposed use requiring a County special use permit would require the County to notify the City of the application, and allow the City to submit comments of support or concern to the CCZBA, ELUC, and County Board. As such, staff finds that the proposed amendment would minimize land use incompatibilities and still allow the City to plan and manage development through the County's special use permit review process.

Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its ETJ for consistency with the City's comprehensive plan. Therefore, Champaign County's proposed text amendment should be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan, which includes the following pertinent goals and objectives:

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives 16.2 Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city.

Goal 17.0 Minimize incompatible land uses.

Objectives 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objectives 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

The proposed County zoning ordinance text amendment is generally consistent with these City goals and objectives: ensure that new land uses are compatible, establish logical locations for land use types, and minimize incompatible interfaces using development and design controls.

Summary of Staff Findings

1. The Champaign County Zoning Administrator requests a text amendment to the Champaign County Zoning Ordinance to add new waste-related uses and to modify existing uses, in various Agricultural, Business, and Industrial Zoning Districts.
2. The proposed text amendment is generally compatible with the land use policy goals and objectives of the 2005 Urbana Comprehensive Plan, which promotes ensuring that new land uses are compatible, establishing logical locations for land use types, and minimizing incompatible interfaces by using development and design controls.
3. The proposed text amendment would minimize land use incompatibilities and allow the City to plan and manage development through the County's Special Use Permit review process.

4. At the January 5, 2023, meeting, the Urbana Plan Commission held a public hearing and voted unanimously, with four ayes and zero nays, to forward the case to the City Council with a recommendation not to protest the proposed text amendment.

Options

City Council has the following options in **CCZBA Case No. 058-AT-22**, a request to amend the Champaign County Zoning Ordinance to allow materials management and other waste-related uses in various Agricultural, Business, and Industrial Zoning Districts:

1. **Not to protest**; or
2. **Not to protest, contingent upon specific provisions to be identified**; or
3. **Protest**.

Recommendation

At its January 5, 2023, meeting, the Urbana Plan Commission voted four ayes to zero nays to forward Case **CCZBA 058-AT-22 to City Council with a recommendation NOT TO PROTEST** the proposed zoning ordinance amendment. Staff concur with the Plan Commission's recommendation.

Attachments: Exhibit A: CCDPZ Preliminary Memo (dated July 5, 2022)
 Exhibit B: CCDPZ Supplemental Memos (dated July 27 and September 30, 2022)
 Exhibit C: County Zoning District Descriptions
 Exhibit D: Proposed Junk Yard Districts: County I-2
 Exhibit E: Proposed Recycling Center With Outdoor Operations Districts: County B-4, I-1, I-2
 Exhibit F: Proposed Construction and Demolition Debris Recycling Center Districts: County I-1, I-2
 Exhibit G: Proposed Landscape Waste Composting Facility Districts: County AG-2, I-1, I-2
 Exhibit H: Proposed Permanent Compostable Waste Collection Point Districts: County AG-2, B-1, B-4, B-5, I-1 and I-2
 Exhibit I: Proposed Specific Material Collection Site Districts: AG-1, AG-2, B-4, I-1, I-2
 Exhibit J: Plan Commission Meeting Minutes – DRAFT (dated January 5, 2023)

cc: John Hall, Director, Champaign County Planning and Zoning
 Susan Burgstrom, Planner, Champaign County Planning and Zoning

RESOLUTION NO. _____

**A RESOLUTION NOT TO PROTEST A PROPOSED TEXT AMENDMENT TO THE
CHAMPAIGN COUNTY ZONING ORDINANCE**

(Materials Management – Waste-Related Uses / CCZBA-058-AT-22)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, and may exercise any power and perform any function pertaining to its governmental business and affairs, and the passage of this Resolution constitutes an exercise of the City's home rule powers and functions as granted by the Illinois Constitution of 1970; and

WHEREAS, the Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance to make several changes to Section 5.2 Table of Authorized Principal Uses to allow for expanded materials management and other waste-related uses. The various uses would be permitted by right and/or with an administrative special use permit in the AG-1, AG-2, B-1, B-4, B-5, I-1, and/or I-2 county zoning districts; and

WHEREAS, the proposed text amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-058-AT-22"; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed zoning amendment where the land affected lies within one-and-one-half (1-1/2) miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed text amendment; and

WHEREAS, the proposed text amendment is generally compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the Urbana Plan Commission met on January 5, 2023, to consider the proposed text amendment and voted with four (4) ayes and zero (0) nays to forward to the City Council a recommendation not to protest the proposed text amendment; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution Not to Protest a Proposed Text Amendment as presented in CCZBA-058-AT-22.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2023.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2023.

Diane Wolfe Marlin, Mayor

Exhibit A: CCDPZ Preliminary Memo (dated July 5, 2022)

Item e.

Champaign County
Department of

**PLANNING &
ZONING**

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

CASE 058-AT-22

PRELIMINARY MEMORANDUM

JULY 5, 2022

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Revise, add, or remove defined terms to Section 3.0 as follows:
 - A. Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.
 - B. Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.
 - C. Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.
2. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.
 - B. Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
 - C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special

Exhibit A: CDPZ Preliminary Memo (dated July 5, 2022)

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Zoning Administrator

JULY 5, 2022

2

Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.

- D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.
 - 7. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

At its June 9, 2022 meeting, ELUC reviewed memoranda dated February 28, April 28, 2022 and June 2, 2022 regarding proposed changes to materials management and waste-related land uses. ELUC approved opening a ZBA public hearing for these amendments at its June 9, 2022 meeting.

Exhibit A: CCDPZ Preliminary Memo (dated July 5, 2022)

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Case 058-AT-22

Zoning Administrator

JULY 5, 2022

The proposed omnibus text amendment will update and clarify zoning ordinance provisions for material management and waste-related uses. No update of this category of uses has occurred since 1996. A summary of the proposed zoning ordinance text amendments follows:

- Include the exemption from county zoning for “pollution control facilities” and “new pollution control facilities,” based on Illinois statute provisions.
- Update defined terms as needed, add specific material management and waste-related uses that are not “pollution control facility” or “new pollution control facility” uses, and update minimum special use standards and accessory use standards accordingly.

NEW AND REVISED LAND USES

Over the years, the P&Z Department has received inquiries for some types of materials management and waste-related uses that did not fit within the available land uses in the Zoning Ordinance. The proposed amendment establishes more specific uses so that when applications come in, the County has relevant and appropriate regulations to apply in each situation.

Current Land Uses in Zoning Ordinance	Proposed Land Uses
AUTOMOBILE Salvage Yard (junkyard)	JUNK YARD or AUTOMOBILE SALVAGE YARD
Recycling of non-hazardous materials (all storage and processing indoors)	<ul style="list-style-type: none">• RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS• RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS
LANDSCAPE WASTE PROCESSING FACILITIES	LANDSCAPE WASTE COMPOSTING FACILITY or LANDSCAPE WASTE PROCESSING FACILITY
	PERMANENT COMPOSTABLE WASTE COLLECTION POINT
	SPECIFIC MATERIAL COLLECTION SITE
	CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

AMENDMENT PART 1: DEFINITIONS

The proposed text amendment removes the defined terms for “sanitary landfill,” considered a “pollution control facility” or “new pollution control facility” and not subject to zoning ordinance provisions and the outdated “refuse dump” definition. Definitions proposed to be added describe contemporary material management and waste-related uses.

In the Zoning Ordinance, words and phrases that are in CAPITAL LETTERS are those that have definitions in Section 3.0.

AMENDMENT PART 2: SPECIFIC MATERIAL COLLECTION SITE

A SPECIFIC MATERIAL COLLECTION SITE is “a site that serves an integral part of needed infrastructure for a specific material reuse or recycle OPERATION. The site receives scheduled deliveries of a specific nonhazardous or non-putrescible material (e.g., glass containers/bottles) up to a limited maximum capacity, for temporary STORAGE on site until it is picked up for transport to an off-site processing facility.”

This part of the proposed amendment allows a SPECIFIC MATERIAL COLLECTION SITE to be a second principal use on a lot with a Special Use Permit in the AG-1 and AG-2 Agriculture zoning districts. A recent inquiry regarding collecting glass for recycling at a Township facility prompted the inclusion of AG-1 and AG-2 zoning districts for this part of the amendment. This would allow the Township facility to have a concrete bunker to collect the glass, which would be considered a second principal use.

AMENDMENT PART 3: EXEMPTION FOR POLLUTION CONTROL FACILITY AND NEW POLLUTION CONTROL FACILITY

The proposed text amendment adds defined terms for a “pollution control facility” and “new pollution control facility.” The Illinois Environmental Protection Act (415 ILCS 5/39.2) allows these facilities to be exempt from County zoning, and, instead, authorizes the County to conduct a separate comprehensive siting approval review and public hearing process for a proposed new pollution control facility.

AMENDMENT PART 4.A: JUNK YARD or AUTOMOBILE SALVAGE YARD

The current land use in the Zoning Ordinance is “AUTOMOBILE Salvage Yard (junkyard)” does not link it to the related definition in Section 3.0. The proposed rewording of this land use to “JUNK YARD or AUTOMOBILE SALVAGE YARD” adds appropriate capitalization so that this land use is linked to a matching definition in Section 3.0, which is: “A LOT, land, BUILDING, or STRUCTURE, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.”

AMENDMENT PART 4.B: RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS, and 4.C: RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS

The existing zoning provisions allow for one kind of recycling center—one with all storage and processing indoors. The proposed amendment expands the range of types of recycling facilities to allow for: (1) a recycling facility with no outdoor storage or outdoor operations; (2) a recycling facility with limited outdoor storage and/or outdoor operations (similar to the limited options allowed for a contractor facility).

Recycling with no outdoor storage and operations would be allowed by-right in the B-4, B-5, I-1 and I-2 zoning districts. Recycling with outdoor storage and operations would need a Special Use Permit in B-4 and B-5, and would be allowed by-right in I-1 and I-2.

AMENDMENT PART 4.D: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

The only known known operating and permitted construction and demolition debris recycling facility in Champaign County is Henson Disposal and Recycling. In 2016, Henson Disposal & Recycling opened its permitted C&D Recycling Facility in Urbana to accept all construction and demolition debris (wood, shingles, bricks, concrete, rock, asphalt, metal, cardboard and paper, glass, bulk and clear plastics, drywall and plaster, vinyl siding, carpet, pad, tile and flooring).

Exhibit A: CCDPZ Preliminary Memo (dated July 5, 2022)

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Zoning Administrator

JULY 5, 2022

The proposed text amendment adds “construction and demolition debris recycling facility” zoning provisions to allow applications to authorize or permit such a facility provided that specific limitations and standards are met. There are significant proposed additions to the standard conditions in Section 6.1.3. for this type of facility.

AMENDMENT PART 4.E: LANDSCAPE WASTE COMPOSTING FACILITY or LANDSCAPE WASTE PROCESSING FACILITY

The “Landscape Waste Processing Facilities” land use is already in the Zoning Ordinance. The proposed amendment would add a composting aspect to the land use. There are significant proposed additions to the standard conditions in Section 6.1.3. for this type of facility.

AMENDMENT PART 4.F: PERMANENT COMPOSTABLE WASTE COLLECTION POINT

Section 22.55(d-6) of the Illinois Environmental Protection Act allows limited “permanent compostable waste collection points” to take place with appropriate local review and approvals. The text amendment proposal is to allow this use by Special Use Permit review and approval. No IEPA permit is needed for this type of event.

AMENDMENT PART 4.G: SPECIFIC MATERIAL COLLECTION SITE

See Amendment Part 2 above for background on this proposed land use. An example application for this use would be for glass to be separately collected for recycling. At present, glass bottles/containers are very minimally recycled effectively in Champaign County. There are no glass processors nearby in central Illinois, and it costs a fortune for local waste haulers to transport heavy glass long distances. The current limited system of glass bottle recycling combines glass bottles with all recyclable materials into one bin. Estimates are that a very minimal percentage of collected glass actually may be recycled effectively. Glass is rare in that it is 100% recyclable. This method is problematic in that glass is crushed during handling & sorting, and too large an amount of glass ends up being landfilled. A SPECIFIC MATERIAL COLLECTION SITE would facilitate the recycling of glass separately from other materials so as to reduce the amount of glass that goes in a landfill.

AMENDMENT PART 5: STANDARD CONDITIONS ADDED TO SECTION 6.1.3

The proposed amendment adds standard conditions in Section 6.1.3 for three of the proposed land uses:

- CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY
- PERMANENT COMPOSTABLE WASTE COLLECTION POINT
- LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY

The standard conditions establish standards for separations from residential areas and fencing, among other things. They also reinforce Illinois Environmental Protection Agency requirements for these specific uses.

AMENDMENT PART 6: STANDARD CONDITIONS REMOVED FROM SECTION 6.1.3

The proposed amendment removes the ‘Public or Commercial SANITARY LANDFILL’ standard conditions. The definition of SANITARY LANDFILL is also proposed to be removed as part of the amendment.

A sanitary landfill is considered to be a type of “pollution control facility” and is not subject to zoning ordinance provisions.

AMENDMENT PART 7: REVISION TO RURAL HOME OCCUPATION STANDARDS

The proposed amendment seeks to prohibit “JUNK YARD or AUTOMOBILE SALVAGE” as STORAGE or OPERATIONS in RURAL HOME OCCUPATIONS.

FOOD SCRAP FACILITY REMOVED FROM AMENDMENT

Earlier versions of the proposed amendment included a food scrap facility and related standard conditions. These items were removed from the proposed amendment because State requirements prohibit food scrap facilities unless the water table is five feet or deeper. Champaign County water table levels are shallower than this, and therefore a food scrap facility would not be feasible here.

ATTACHMENTS

- A Legal advertisement
- B ELUC Memorandum dated February 28, 2022
 - Exhibit A: Proposed Amendment dated February 28, 2022
- C ELUC Memorandum dated June 2, 2022, with attachments:
 - ELUC Memorandum dated April 28, 2022
 - Exhibit A: Proposed Amendment dated April 28, 2022
- D Land Resource Management Plan (LRMP) Goals & Objectives
(*provided on the ZBA meetings website*)
- E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 14, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated June 15, 2022

LEGAL PUBLICATION: WEDNESDAY, JUNE 29, 2022**CASE: 058-AT-22****NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASE 058-AT-22

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, July 14, 2022 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

1. Revise, add, or remove defined terms to Section 3.0 as follows:
 - A. Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.
 - B. Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.
 - C. Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.
2. Add "SPECIFIC MATERIAL COLLECTION SITE" authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add "POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY" as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change "AUTOMOBILE Salvage Yard (junkyard)" to "JUNK YARD or AUTOMOBILE SALVAGE YARD" as a listed PRINCIPAL USE.
 - B. Amend "Recycling of non-hazardous materials (all storage and processing indoors)" to be "RECYCLING CENTER with no Outdoor STORAGE nor

Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”, “PERMANENT COMPOSTABLE WASTE COLLECTION POINT”, and “LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY.”
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL
 - 7. Revise Section 7.1.2(J)3 to indicate “JUNK YARD or AUTOMOBILE SALVAGE YARD” as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JUNE 29, 2022, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

Exhibit A: CDPZ Preliminary Memo (dated July 5, 2022)

Champaign County
Department of

Case 030-147-22, EB-10-14722, Attachment B, Page

Item e.

PLANNING & ZONING

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

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

- To: Environment and Land Use Committee
- From: John Hall, Director & Zoning Administrator
Susan Monte, Planner & County Recycling Coordinator
- Date: February 28, 2022
- RE: Update to Zoning Ordinance requirements for Material Management/
Waste-Related Uses
- Request: Request approval to proceed with a public hearing for Zoning Ordinance omnibus text amendment as follows:
- a. Add defined terms to Section 3.0
 - COMPOST
 - COMPOSTABLE WASTE
 - COMPOSTABLE WASTE COLLECTION POINT
 - CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY
 - FOOD SCRAP
 - FOOD SCRAP COMPOSTING FACILITY
 - GARBAGE
 - GENERAL CONSTRUCTION OR DEMOLITION DEBRIS
 - POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY
 - RECYCLING CENTER
 - b. Revise defined terms in Section 3.0
 - LANDSCAPE WASTE
 - LANDSCAPE WASTE COMPOST FACILITY
 - c. Remove defined terms from Section 3.0
 - DUMP, REFUSE
 - SANITARY LANDFILL
 - d. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7
 - e. In Section 5.2, add COMPOSTABLE WASTE COLLECTION POINT to be allowed by Special Use Permit in AG-2, B-1, B-3, B-4, B-5, I-1, or I-2 Zoning Districts, and add Special Use Standards to Table 6.1.3.
 - f. In Section 5.2, amend "Recycling of non-hazardous materials (all storage and processing indoors)" to be RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed by Special Use Permit in the B-3 Zoning District and By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- Continued -

Request: Continued

- g. In Section 5.2, add FOOD SCRAP COMPOST FACILITY to be allowed by Special Use Permit in the AG-1, AG-2, or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
- h. In Section 5.2, add RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed by Special Use Permit in the B-3, B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
- i. In Section 5.2, add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
- j. In Section 5.2, revise LANDSCAPE WASTE COMPOSTING FACILITY to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
- k. Revise Section 7.1.1(I)3 to remove “salvage” and “recycling” as prohibited NEIGHBORHOOD HOME OCCUPATION activities. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

OVERVIEW

The proposed omnibus text amendment will update and clarify zoning ordinance provisions for material management and waste-related uses. No update of this category of uses has occurred since 1996. A summary of the proposed zoning ordinance text amendments follows:

- Include the exemption from county zoning for “pollution control facilities” and “new pollution control facilities,” based on Illinois statute provisions.
- Update defined terms as needed, add specific material management and waste-related uses that are not “pollution control facility” or “new pollution control facility” uses, and update minimum special use standards and accessory use standards accordingly.

BACKGROUND

Pollution Control Facility or New Pollution Control Facility

The proposed text amendment adds defined terms for a “pollution control facility” and “new pollution control facility.” The Illinois Environmental Protection Act (415 ILCS 5/39.2) allows these facilities to be exempt from County zoning, and, instead, authorizes the County to conduct a separate comprehensive siting approval review and public hearing process for a proposed new pollution control facility.¹

Definitions Amendments

The proposed text amendment removes the defined terms for “sanitary landfill,” considered a “pollution control facility” or “new pollution control facility” and not subject to zoning ordinance provisions² and the outdated “refuse dump” definition. Definitions proposed to be added describe contemporary material management and waste-related uses.

Food Scrap Composting Facility

The amendment proposes to add zoning provisions to allow applications to be considered for limited degrees of food scrap composting to take place in unincorporated Champaign County with appropriate review and approval procedures. The proposed added provisions include:

Food Scrap Composting Facility. To be eligible for review as a Special Use Permit subject to approval, and not as a Pollution Control Facility with local siting approvals needed--a proposed food scrap composting facility must meet all stringent standards that exempts it as a “new pollution control facility” in 415 ILCS 5/3.330(a)(19). Additionally, the proposed facility would be required to obtain an IEPA permit prior to being eligible to operate.

One-Day Compostable Waste Collection Event. Section 22.55(d-5) of the Illinois Environmental Protection Act allows limited “one-day food scrap compost collection(s)” in accordance with requirements outlined in the Act, and with local government approval. In unincorporated Champaign County, this type of event could take place upon application and approval of a Temporary Use Permit. No IEPA permit is needed for this type of event, provided all provisions of Section 22.55(d-5) are met.

Compostable Waste Collection Point. Section 22.55(d-6) of the Illinois Environmental Protection Act allows limited “permanent compostable waste collection points” to take place with appropriate local review and approvals. The text amendment proposal is to allow this use by Special Use Permit review and approval. No IEPA permit is needed for this type of event, provided all provisions of Section 22.55(d-6) are met.

Construction and Demolition Debris Recycling Facility

The only known known operating and permitted construction and demolition debris recycling facility in Champaign County is Henson Disposal and Recycling. In 2016, Henson Disposal & Recycling opened its permitted C&D Recycling Facility in Urbana to accept all construction and demolition debris (wood, shingles, bricks, concrete, rock, asphalt, metal, cardboard and paper, glass, bulk and clear plastics, drywall and plaster, vinyl siding, carpet, pad, tile and flooring).

The proposed text amendment adds “construction and demolition debris recycling facility” zoning provisions, to allow applications to authorize or permit such a facility, provided that specific limitations and standards are met, including County Board approval and issuance of a Special Use Permit.

Recycling Center

The existing zoning provisions allow for one kind of recycling center—one with all storage and processing indoors. The proposed amendment expands the range of type of recycling facilities to allow more variability, to allow for: (1) a recycling facility with no outdoor storage or outdoor operations; (2) a recycling facility with limited outdoor storage and/or outdoor operations (similar to the limited options allowed for a contractor facility); or (3) a recyclable material drop-off facility.

Update to NHO Prohibited Activities and RHO Prohibited Activities

The text amendment proposes to: (1) remove “salvage” or “recycle” as prohibited Neighborhood Home Occupation activities; and (2) indicate that a junk yard or an automobile salvage yard shall be prohibited as Rural Home Occupation storage or operations.

ATTACHMENT

A Proposed Omnibus Text Amendment

Notes:

1. Refer to Champaign County Board Resolution No. 5167, Pollution Control Facility Siting Procedures for additional information.
2. In 1996, Ordinance No. 510 removed “public or commercial sanitary landfill” from Section 5.2 Table of Authorized Principal Uses.
3. The County Recycling Coordinator receives occasional inquiries regarding developing and operating a food scrap composting collection service locally. There is no IEPA permitted food scrap composting facility located in or nearby Champaign County to receive collected food scrap from either a prospective residential or commercial food scrap collection service. The Landscape Recycling Center (LRC) in Urbana has an IEPA permit as a “landscape waste processing facility” with only limited capacity to receive collected commercial food scrap for compost processing. At

some future point, LRC may be in a position to consider accepting collected food scrap from a residential foods scrap collection service, but this is not likely in the near- or mid-term.

4. Local siting approval of a Pollution Control Facility is required for organic waste composting regulated under 35 Ill. Adm. Code Part 807, including on farm organic waste composting, unless the facility operates within the exemptions outlined in Section 3.330(a)(19) of the Environmental protection Act.

ELUC
02/28/22 memo

Exhibit A: CCDPZ Preliminary Memo (dated July 5, 2022)

Case 030-14722, EB-10714722, Attachment B, Page 137

Item e.

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

Existing Zoning Ordinance text to be removed is indicated with strike-out. Text proposed to be added to the Zoning Ordinance is indicated with underlining.

1) Add, revise, or remove defined terms to Section 3.0

SECTION 3.0 DEFINITIONS

COMPOST

The humus-like product of the process of COMPOSTING waste, which may be used as a soil conditioner.

COMPOSTABLE WASTE

HOUSEHOLD WASTE that is source-separated FOOD SCRAP, HOUSEHOLD WASTE that is source-separated LANDSCAPE WASTE, or a mixture of both.

COMPOSTABLE WASTE COLLECTION POINT

A HOUSEHOLD WASTE DROP-OFF POINT approved by the COUNTY and in accordance with Subsection (d-6) of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY:

ESTABLISHMENTS that receive and process GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for recycling.

DUMP, REFUSE

~~A LOT or tract of land or part thereof used for the disposal by abandonment, burial, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.~~

FOOD SCRAP

GARBAGE that is (i) capable of being decomposed into COMPOST by COMPOSTING, (ii) separated by the generator from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST by COMPOSTING, and (iii) managed separately from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOSTING.

FOOD SCRAP COMPOSTING FACILITY

An entire FOOD SCRAP COMPOSTING OPERATION that is not considered to be a POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY.

GARBAGE

Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

Non-hazardous, uncontaminated materials resulting from the CONSTRUCTION, remodeling, repair and demolition of utilities, STRUCTURES, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; asphalt roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

HOUSEHOLD WASTE

Any solid waste (including GARBAGE, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

HOUSEHOLD WASTE DROP-OFF POINT

The portion of a site or facility used solely for the receipt and temporary STORAGE of HOUSEHOLD WASTE and in accordance with Section 22.55 of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

LANDSCAPE WASTE

All accumulations of grass or shrubbery cuttings, leaves, tree limbs and trucks, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.; excluding vegetative by-products from agricultural activities onsite.

LANDSCAPE WASTE PROCESSING COMPOST FACILITY

An entire LANDSCAPE WASTE COMPOSTING OPERATION that is not considered to be a POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY. An establishment for grinding, chipping, splitting, sawing or composting landscape waste including the stockpiling, spreading, disposal or wholesale and/or retail sale of landscape waste materials processed on the site. The processing of landscape waste on the same lot on which it was generated is excluded from this definition.

POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY: Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, defined as such in the Illinois Environmental Protection Act (415 ILCS 5/3.330 et seq.).

RECYCLING CENTER: A site or facility that collects, stores, or processes only segregated, nonhazardous, nonspecial, homogenous, non-putrescible materials, such as dry paper, glass, cans or plastics, for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

SANITARY LANDFILL: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary and to provide a final cover following final placement of refuse.

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

2) Amend Section 4.3.7 to also exempt POLLUTION CONTROL FACILITY and NEW POLLUTION CONTROL FACILITY**4.3.7 Exemptions from Regulations and Standards**

The following STRUCTURES and USES are exempted by this ordinance and permitted in any DISTRICT:

- A. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment of a public utility as defined in Public Utilities Act (220 ILCS 5/1-101 *et seq.*), provided that the installation shall conform, where applicable, to the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and other public authorities having jurisdiction; and
- B. AGRICULTURE except BUILDINGS and STRUCTURES used for ~~AGRICULTURAL~~ agricultural purposes shall be required to conform to SETBACK LINES. In the event that land and STRUCTURES cease to be used for ~~AGRICULTURAL~~ agricultural purposes, then and only then shall the remaining provisions of the ordinance apply.
- C. POLLUTION CONTROL FACILITIES and NEW POLLUTION CONTROL FACILITIES, provided that the following provisions have been met:
 - 1. The GOVERNING BODY has granted siting approval for a POLLUTION CONTROL FACILITY or a NEW POLLUTION CONTROL FACILITY in accordance with the Illinois Environmental Protection Act (415 ILCS 5/39.2 et seq.).
 - 2. All permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits and state permit applications are submitted to the COUNTY.

3) Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- a. Revise “~~JUNK YARD or AUTOMOBILE SALVAGE YARD~~ ~~Salvage Yard (junkyard)~~” as a listed PRINCIPAL USE.
- b. Add ~~Recycling of non-hazardous materials (all storage and processing indoors)~~ RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed by SPECIAL USE Permit in the B-3 Zoning District, and By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- c. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by SPECIAL USE Permit in the B-3, B-4, or B-5 Zoning Districts, and By Right in the I-1 or I-2 Zoning Districts.

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

- d. Add FOOD SCRAP COMPOSTING FACILITY to be allowed by SPECIAL USE Permit in the AG-1, AG-2, or I-2 Zoning Districts.
- e. Add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by SPECIAL USE Permit in the I-1 or I-2 Zoning Districts.
- f. Revise “LANDSCAPE WASTE COMPOSTING ~~PROCESSING FACILITIES~~” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in the AG-2, I-1, or I-2 Zoning Districts.
- g. Add COMPOSTABLE WASTE COLLECTION POINT as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-3, B-4, B-5, I-1, or I-2 Zoning Districts.

4) Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

a. FOOD SCRAP COMPOSTING FACILITY

- 1. Minimum Fencing Required shall be 6' wire mesh, with specific location and area to be enclosed by required fencing to be determined by the ZBA.
- 2. Minimum LOT Size and Maximum HEIGHT standards shall be the same as applicable zoning DISTRICT.
- 3. Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 7.
- 4. A FOOD SCRAP COMPOSTING FACILITY shall be eligible to apply for a SPECIAL USE Permit only if the facility is intended to operate within the exemptions outlined in Section 3.330(a)(19) of the Illinois Environmental Protection Act.
- 5. The operation of the FOOD SCRAP COMPOSTING FACILITY shall include site-specific dust, odor, and noise control measures, including the following:
 - (i) An Odor Impact Minimization Plan that provides guidance to onsite operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.
 - (I) An odor monitoring and data collection protocol for onsite odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and
 - (II) A description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

variations that effect wind velocity and direction shall also be described; and

(III) A complaint response and record-keeping protocol; and

(IV) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site-specific concerns as applicable; and

(V) A description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.

6. Any use of livestock waste will be restricted. There must not be more than a total of 30,000 cubic yards of livestock waste in raw form or in the process of being composted at the site or facility at any one time.

7. All FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, and paper waste must, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled, or all of the following additional requirements must be met:

(i) The portion of the site or facility used for the COMPOSTING OPERATION must include a setback of at least 200 feet from the nearest potable water supply well.

(ii) The portion of the site or facility used for the COMPOSTING OPERATION must be located outside the boundary of the 10-year floodplain or floodproofed.

(iii) The portion of the site or facility used for the COMPOSTING OPERATION must be located at least one-eighth of a mile from the nearest residence, other than a residence located on the same PROPERTY as the site or facility.

(iv) The portion of the site or facility used for the COMPOSTING OPERATION must be located at least one-eighth of a mile from the PROPERTY line of all of the following areas:

(I) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year.

(II) Primary and secondary schools and adjacent areas that the schools use for recreation.

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

- (III) Any facility for childcare licensed under Section 3 of the Child Care Act of 1969; preschools; and adjacent areas that the facilities or preschools use for recreation.
- (v) By the end of each operating day, all FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, and paper waste must be (i) processed into windrows or other piles and (ii) covered in a manner that prevents scavenging by birds and animals and that prevents other nuisances.
8. FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, paper waste, and COMPOST must not be placed within 5 feet of the water table.
 9. The site or facility must meet all of the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).
 10. The site or facility must not (i) restrict the flow of a 100-year flood, (ii) result in washout of FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, or paper waste from a 100-year flood, or (iii) reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as by providing lagoons, holding tanks, or drainage around STRUCTURES at the facility.
 11. The site or facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:
 - (i) An irreplaceable historic or archaeological site has been listed under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or the Illinois Historic Preservation Act;
 - (ii) A natural landmark has been designated by the National Park Service or the Illinois State Historic Preservation Office; or
 - (iii) A natural area has been designated as a Dedicated Illinois Nature Preserve under the Illinois Natural Areas Preservation Act.
 12. A narrative must be provided describing how the FOOD SCRAP COMPOSTING FACILITY will operate, including:
 - (i) A description of proposed recordkeeping procedures that will be used at the facility; and
 - (ii) Measurement methods to be used and estimates of weights (tons) and volume (cubic yards) of materials accepted at the site; and
 - (iii) End uses of COMPOST (e.g., nurseries, landscapers, general public, forest preserve, etc.
 13. A completed Closure Plan and Post-Closure Care Plan that includes cost estimates must be provided for the FOOD SCRAP COMPOSTING FACILITY.
 14. An Illinois EPA permit showing conformance to all applicable regulations of Illinois Administrative Code Part 807 shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

b. CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

1. The CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY (CDDR FACILITY) must be equipped with a fence of at least eight feet in height located to secure the operating areas of the CDDR FACILITY during non-operating hours as well as assist in minimizing the potential for litter to leave the CDDR FACILITY.
2. Minimum LOT AREA shall be five acres, and the minimum LOT width and maximum HEIGHT standards shall be the same as applicable zoning DISTRICT.
3. Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 4.
4. A CDDR FACILITY must be located at least 500 feet from any residential zoning district unless otherwise expressly approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.
5. GENERAL CONSTRUCTION OR DEMOLITION DEBRIS receiving/tipping areas must be CONSTRUCTED of a low permeability material (e.g., Portland cement concrete, asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.
6. All loads containing putrescible materials must be tipped, processed and stored indoors or under cover until sent offsite for reuse, recycling, or disposal. Wood may be stored outside if sorted within 72 hours of receipt and immediately processed.
7. Any leachate or runoff from waste/recyclable material must be contained onsite.
8. All state discharge permits, or other applicable permits must be acquired prior to commencing operations.
9. All necessary permits must be acquired to store fuel or other regulated material onsite.
10. The SPECIAL USE Permit application must be accompanied by:
 - a). A site plan and architectural drawing depicting BUILDING and STRUCTURE elevations and descriptions of such BUILDINGS and STRUCTURES necessary to convey the architectural appearance and physical magnitude of the proposed improvements;
 - b). A narrative description of the activities proposed to be conducted indoors or under cover within the CDDR FACILITY boundaries;

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

- c). A narrative description of other proposed USES (such as, but not limited to truck storage, maintenance, fueling, and container STORAGE) and a demonstration that other such USES can be conducted in a safe and unobtrusive manner without interference with safe recycling activities on the site; and
- d) A plan describing how incoming material will be handled (both under cover and outdoors), areas for sorting, processing, storing, baling and container STORAGE and all equipment that will be used.
- e) A spill plan must be submitted for review and approval by the county as a condition of the SPECIAL USE Permit.
- f) The site plan must include at least the following information:
 - i. A legal description of the subject property; access/egress point(s);
 - ii. Parking areas;
 - iii. Any BUILDINGS, STRUCTURES or fixed equipment;
 - iv. The extent of paved or impervious surfaces; material tipping/receiving areas;
 - v. Material processing areas;
 - vi. Areas of proposed material stockpiling (by material type);
 - vii. Material loading areas; and
 - viii. Fencing, berm or screening features.

11. The applicant must provide with a SPECIAL USE Permit application a proposed operating plan that contains at least all of the following information:

- a) Number of employees anticipated at the facility;
- b) Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;
- c) Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the CDDR FACILITY. The minimum amount of recyclable material shipped offsite must be at least 75% of the total incoming material on a quarterly basis, or more frequently if applicable regulations are more stringent;
- d) The types of material tracking methods and recordkeeping to be employed to demonstrate compliance with applicable recycling thresholds. Records must be kept in accordance with regulatory standards. A daily record of incoming/outgoing material or waste must be kept and reported no less than quarterly to the Champaign County Recycling Coordinator or designee. All records must be maintained by the operator at the CDDR FACILITY for a period of at least three years or longer in the event of a dispute. The operator must allow reasonable

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

access to inspect the CDDR FACILITY during operating hours for compliance with applicable approvals, permits and regulations;

e) The procedures by which all non-recyclable general construction or demolition debris will be removed and disposed within 72 hours of receipt. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition material prior to shipment from the CDDR FACILITY;

f) The end-use markets for separated general construction or demolition debris to demonstrate compliance with meeting applicable recycling thresholds;

g) A closure plan for the CDDR FACILITY;

h) The maximum number of vehicles (by vehicle type) proposed to utilize the CDDR FACILITY on a daily basis;

i) All processing equipment proposed to be utilized to prepare the recyclable general construction or demolition debris for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts;

j) Operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter. Any and all air permits from the IEPA, USEPA, or other applicable regulatory authorities must be obtained as necessary;

k) The method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the CDDR FACILITY; and

l) Typical and maximum anticipated height of stockpiled recyclable GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land USES.

12. The SPECIAL USE Permit will become effective upon receipt of a permit from the Illinois Environmental Protection Agency in accordance with Section 22.38 of the Illinois Environmental Protection Act ("The IEPA Act"). It must be a condition of the SPECIAL USE Permit that the CDDR FACILITY continues to operate in accordance with Section 22.38 of the IEPA Act and all other regulations and applicable permits.

c. COMPOSTABLE WASTE COLLECTION POINT

1. All provisions of Subsection (d-6) of Section 22.55 of the Illinois Environmental Protection Act shall be met (415 ILCS 5/22.55).

5) Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

1. Remove the 'Public or Commercial SANITARY LANDFILL' standard conditions.

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

6) Amend Section 7.1.1 NEIGHBORHOOD HOME OCCUPATION Standards

1. Revise Item 3 under Paragraph I to remove “salvage” and “recycling” as prohibited NEIGHBORHOOD HOME OCCUPATION activities.

7) Amend Section 7.1.2 RURAL HOME OCCUPATION HOME Standards

1. Revise Item 3 under Paragraph J to provide that JUNK YARD or AUTOMOBILE SALVAGE are prohibited as STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

ELUC
02/28/22 memo

Exhibit A: CCDPZ Preliminary Memo (dated July 5, 2022)

Champaign County
Department of

Case 030-14722, EB-07-14722, Attachment C, Page

Item e.

PLANNING & ZONING

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

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

To: Environment and Land Use Committee

From: Susan Monte, Planner & County Recycling Coordinator
John Hall, Director & Zoning Administrator

Date: June 2, 2022

Re: Authorization for a Public Hearing on Proposed Zoning Ordinance Omnibus
Text Amendment to Update Material Management/Waste-Related Uses

Action Requested: ELUC Approval

Background

The attached memorandum to ELUC dated April 28, 2022, contains information that is presently available for this request to authorize a public hearing.

Update

Staff will distribute a handout for review prior to the June 9 ELUC meeting to share clarification and potential adjustments to the proposed Zoning Ordinance omnibus text amendments.

Attachment: Memo to ELUC dated April 28, 2022

Exhibit A: CDPZ Preliminary Memo (dated July 5, 2022)

Champaign County
Department of

PLANNING & ZONING

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

(217) 384-3708
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To: Environment and Land Use Committee

From: Susan Monte, Planner & County Recycling Coordinator
John Hall, Director & Zoning Administrator

Date: April 28, 2022

RE: Update to Zoning Ordinance requirements for Material Management/
Waste-Related Uses

Request: Request approval to proceed with a public hearing for Zoning Ordinance
omnibus text amendment.

This updated request has undergone additional staff review since the March ELUC meeting.
The omnibus text amendment is to include the following provisions:

- a. Add defined terms to Section 3.0
COMPOST
COMPOSTABLE WASTE
ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT
PERMANENT COMPOSTABLE WASTE COLLECTION POINT
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING
FACILITY
FOOD SCRAP
FOOD SCRAP COMPOSTING FACILITY
GARBAGE
GENERAL CONSTRUCTION OR DEMOLITION DEBRIS
LANDSCAPE WASTE COMPOST FACILITY
POLLUTION CONTROL FACILITY/NEW POLLUTION
CONTROL FACILITY
RECYCLING CENTER
SPECIFIC MATERIAL COLLECTION SITE
- b. Revise defined terms in Section 3.0
LANDSCAPE WASTE
LANDSCAPE WASTE PROCESSING FACILITY
- c. Remove defined terms from Section 3.0
DUMP, REFUSE
SANITARY LANDFILL
- d. Add POLLUTION CONTROL FACILITY/NEW POLLUTION
CONTROL FACILITY as exempt from Zoning Ordinance in
Section 4.3.7
- e. In Section 5.2, add PERMANENT COMPOSTABLE WASTE
COLLECTION POINT to be allowed by Special Use Permit in AG-2,
B-1, B-4, B-5, I-1, or I-2 Zoning Districts, and add Special Use
Standards to Table 6.1.3.

- continued -

Request: continued

- f. In Section 5.2, amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed by Special Use Permit in the B-3 Zoning District and By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- g. In Section 5.2, add FOOD SCRAP COMPOST FACILITY to be allowed by Special Use Permit in the AG-1, AG-2, or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
- h. In Section 5.2, add RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed by Special Use Permit in the B-3, B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
- i. In Section 5.2, add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
- j. In Section 5.2, revise LANDSCAPE WASTE COMPOSTING FACILITY to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
- k. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Exhibit A: CCDPZ Preliminary Memo (dated July 5, 2022)

Case 030-17-22, EB-17-1472, Attachment C, Page 1

Item e.

Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

Note: A handout containing an updated version of Attachment A will be provided at the upcoming May ELUC meeting. The update will include additional content to address the remaining comments received to date.

Existing Zoning Ordinance text to be removed is indicated with strike-out. Text proposed to be added to the Zoning Ordinance is indicated with underlining.

1) Add, revise, or remove defined terms to Section 3.0

SECTION 3.0 DEFINITIONS

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The humus-like product of the process of COMPOSTING waste, which may be used as a soil conditioner.

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ESTABLISHMENTS that receive and process GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for recycling.

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~~A LOT or tract of land or part thereof used for the disposal by abandonment, burial, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.~~

FOOD SCRAP

GARBAGE that is (i) capable of being decomposed into COMPOST by COMPOSTING, (ii) separated by the generator from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST by COMPOSTING, and (iii) managed separately from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOSTING.

FOOD SCRAP COMPOSTING FACILITY

An entire FOOD SCRAP COMPOSTING OPERATION that is not considered to be a POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY.

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Proposed Omnibus Text Amendments for Material Management/Waste-Related Uses

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

Non-hazardous, uncontaminated materials resulting from the CONSTRUCTION, remodeling, repair and demolition of utilities, STRUCTURES, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; asphalt roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

HOUSEHOLD WASTE DROP-OFF POINT

The portion of a site or facility used solely for the receipt and temporary STORAGE of household waste and in accordance with Section 22.55 of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

LANDSCAPE WASTE

All accumulations of grass or shrubbery cuttings, leaves, tree limbs and trucks, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees,; excluding vegetative by-products from agricultural activities onsite.

LANDSCAPE WASTE COMPOST FACILITY

An entire LANDSCAPE WASTE COMPOSTING OPERATION that is not considered to be a POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY.

LANDSCAPE WASTE PROCESSING FACILITY

An establishment for grinding, chipping, splitting, or sawing or composting of LANDSCAPE WASTE including the temporary stockpiling, spreading, disposal or wholesale and/or retail sale of landscape waste materials processed on the site. The processing of LANDSCAPE WASTE on the same lot on which it was generated is excluded from this definition.

POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY: Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, defined as such in the Illinois Environmental Protection Act (415 ILCS 5/3.330 et seq.).

RECYCLING CENTER: A site or facility that collects, stores, or processes only segregated, nonhazardous, nonspecial, homogenous, non-putrescible materials, such as dry paper, glass, cans or plastics, for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

SANITARY LANDFILL: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the

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~~refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary and to provide a final cover following final placement of refuse.~~

SPECIFIC MATERIAL COLLECTION SITE A site that serves an integral part of needed infrastructure for a specific material reuse or recycle OPERATION. The site receives scheduled deliveries of a specific nonhazardous or non-putrescible material (e.g., glass containers/bottles) up to a limited maximum capacity, for temporary STORAGE on site until it is picked up for transport to an off-site processing facility.

2) Amend Section 4.3.7 to also exempt POLLUTION CONTROL FACILITY and NEW POLLUTION CONTROL FACILITY

4.3.7 Exemptions from Regulations and Standards

The following STRUCTURES and USES are exempted by this ordinance and permitted in any DISTRICT:

- A. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment of a public utility as defined in Public Utilities Act (220 ILCS 5/1-101 *et seq.*); provided that the installation shall conform, where applicable, to the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and other public authorities having jurisdiction; ~~and~~
- B. AGRICULTURE except BUILDINGS and STRUCTURES used for ~~AGRICULTURAL~~ agricultural purposes shall be required to conform to SETBACK LINES. In the event that land and STRUCTURES cease to be used for ~~AGRICULTURAL~~ agricultural purposes, then and only then shall the remaining provisions of the ordinance apply.
- C. POLLUTION CONTROL FACILITIES and NEW POLLUTION CONTROL FACILITIES, provided that the following provisions have been met:
 - 1. The GOVERNING BODY has granted siting approval for a POLLUTION CONTROL FACILITY or a NEW POLLUTION CONTROL FACILITY in accordance with the Illinois Environmental Protection Act (415 ILCS 5/39.2 *et seq.*).
 - 2. All permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits and state permit applications are submitted to the COUNTY.

3) Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- a. Revise “JUNK YARD or AUTOMOBILE SALVAGE YARD ~~Salvage Yard (junkyard)~~” as a listed PRINCIPAL USE.

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- b. Add ~~Recycling of non-hazardous materials (all storage and processing indoors)~~ RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed by SPECIAL USE Permit in the B-3 Zoning District, and By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- c. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by SPECIAL USE Permit in the B-3, B-4, or B-5 Zoning Districts, and By Right in the I-1 or I-2 Zoning Districts.
- d. Add FOOD SCRAP COMPOSTING FACILITY to be allowed by SPECIAL USE Permit in the AG-1, AG-2, or I-2 Zoning Districts.
- e. Add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by SPECIAL USE Permit in the I-1 or I-2 Zoning Districts.
- f. Revise “LANDSCAPE WASTE COMPOSTING ~~PROCESSING FACILITIES~~” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in the AG-2, I-1, or I-2 Zoning Districts.
- g. Add COMPOSTABLE WASTE COLLECTION POINT as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-3, B-4, B-5, I-1, or I-2 Zoning Districts.

4) Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

- a. FOOD SCRAP COMPOSTING FACILITY
 1. Minimum Fencing Required shall be 6’ wire mesh, with specific location and area to be enclosed by required fencing to be determined by the ZBA.
 2. Minimum LOT Size and Maximum HEIGHT standards shall be the same as applicable zoning DISTRICT.
 3. Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 7.
 4. A FOOD SCRAP COMPOSTING FACILITY shall be eligible to apply for a SPECIAL USE Permit only if the facility is intended to operate within the exemptions outlined in Section 3.330(a)(19) of the Illinois Environmental Protection Act.
 5. The operation of the FOOD SCRAP COMPOSTING FACILITY shall include site-specific dust, odor, and noise control measures, including the following:
 - (i) An Odor Impact Minimization Plan that provides guidance to onsite operation personnel by describing, at a minimum, the following items. If the operator will

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not be implementing any of these procedures, the plan shall explain why it is not necessary.

(I) An odor monitoring and data collection protocol for onsite odor sources, which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and

(II) A description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and

(III) A complaint response and record-keeping protocol; and

(IV) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site-specific concerns as applicable; and

(V) A description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping as applicable.

6. Any use of livestock waste will be restricted. There must not be more than a total of 30,000 cubic yards of livestock waste in raw form or in the process of being composted at the site or facility at any one time.

7. All FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, and paper waste must, by the end of each operating day, be processed and placed into an enclosed vessel in which air flow and temperature are controlled, or all of the following additional requirements must be met:

(i) The portion of the site or facility used for the COMPOSTING OPERATION must include a setback of at least 200 feet from the nearest potable water supply well.

(ii) The portion of the site or facility used for the COMPOSTING OPERATION must be located outside the boundary of the 10-year floodplain or floodproofed.

(iii) The portion of the site or facility used for the COMPOSTING OPERATION must be located at least one-eighth of a mile from the nearest residence, other than a residence located on the same PROPERTY as the site or facility.

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(iv) The portion of the site or facility used for the COMPOSTING OPERATION must be located at least one-eighth of a mile from the PROPERTY line of all of the following areas:

(I) Facilities that primarily serve to house or treat people that are immunocompromised or immunosuppressed, such as cancer or AIDS patients; people with asthma, cystic fibrosis, or bioaerosol allergies; or children under the age of one year.

(II) Primary and secondary schools and adjacent areas that the schools use for recreation.

(III) Any facility for childcare licensed under Section 3 of the Child Care Act of 1969; preschools; and adjacent areas that the facilities or preschools use for recreation.

(v) By the end of each operating day, all FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, and paper waste must be (i) processed into windrows or other piles and (ii) covered in a manner that prevents scavenging by birds and animals and that prevents other nuisances.

8. FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, paper waste, and COMPOST must not be placed within 5 feet of the water table.

9. The site or facility must meet all of the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

10. The site or facility must not (i) restrict the flow of a 100-year flood, (ii) result in washout of FOOD SCRAP, livestock waste, crop residue, uncontaminated wood waste, or paper waste from a 100-year flood, or (iii) reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity, such as by providing lagoons, holding tanks, or drainage around STRUCTURES at the facility.

11. The site or facility must not be located in any area where it may pose a threat of harm or destruction to the features for which:

(i) An irreplaceable historic or archaeological site has been listed under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or the Illinois Historic Preservation Act;

(ii) A natural landmark has been designated by the National Park Service or the Illinois State Historic Preservation Office; or

(iii) A natural area has been designated as a Dedicated Illinois Nature Preserve under the Illinois Natural Areas Preservation Act.

12. A narrative must be provided describing how the FOOD SCRAP COMPOSTING FACILITY will operate, including:

(i) A description of proposed recordkeeping procedures that will be used at the facility; and

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- (ii) Measurement methods to be used and estimates of weights (tons) and volume (cubic yards) of materials accepted at the site; and
 - (iii) End uses of COMPOST (e.g., nurseries, landscapers, general public, forest preserve, etc.
13. A completed Closure Plan and Post-Closure Care Plan that includes cost estimates must be provided for the FOOD SCRAP COMPOSTING FACILITY.
14. An Illinois EPA permit showing conformance to all applicable regulations of Illinois Administrative Code Part 807 shall be presented to the Zoning Administrator prior to issuance of a COUNTY Zoning Use Permit.

b. CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

1. The CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY (CDDR FACILITY) must be equipped with a fence of at least eight feet in height located to secure the operating areas of the CDDR FACILITY during non-operating hours as well as assist in minimizing the potential for litter to leave the CDDR FACILITY.
2. Minimum LOT AREA shall be five acres, and the minimum LOT width and maximum HEIGHT standards shall be the same as applicable zoning DISTRICT.
3. Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 4.
4. A CDDR FACILITY must be located at least 500 feet from any residential zoning district unless otherwise expressly approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.
5. GENERAL CONSTRUCTION OR DEMOLITION DEBRIS receiving/tipping areas must be CONSTRUCTED of a low permeability material (e.g., Portland cement concrete, asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.
6. All loads containing putrescible materials must be tipped, processed and stored indoors or under cover until sent offsite for reuse, recycling, or disposal. Wood may be stored outside if sorted within 72 hours of receipt and immediately processed.
7. Any leachate or runoff from waste/recyclable material must be contained onsite.
8. All state discharge permits, or other applicable permits must be acquired prior to commencing operations.

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9. All necessary permits must be acquired to store fuel or other regulated material onsite.
10. The SPECIAL USE Permit application must be accompanied by:
 - a). A site plan and architectural drawing depicting BUILDING and STRUCTURE elevations and descriptions of such BUILDINGS and STRUCTURES necessary to convey the architectural appearance and physical magnitude of the proposed improvements;
 - b). A narrative description of the activities proposed to be conducted indoors or under cover within the CDDR FACILITY boundaries;
 - c). A narrative description of other proposed USES (such as, but not limited to truck storage, maintenance, fueling, and container STORAGE) and a demonstration that other such USES can be conducted in a safe and unobtrusive manner without interference with safe recycling activities on the site; and
 - d). A plan describing how incoming material will be handled (both under cover and outdoors), areas for sorting, processing, storing, baling and container STORAGE and all equipment that will be used.
 - e). A spill plan must be submitted for review and approval by the county as a condition of the SPECIAL USE Permit.
 - f). The site plan must include at least the following information:
 - i. A legal description of the subject property; access/egress point(s);
 - ii. Parking areas;
 - iii. Any BUILDINGS, STRUCTURES or fixed equipment;
 - iv. The extent of paved or impervious surfaces; material tipping/receiving areas;
 - v. Material processing areas;
 - vi. Areas of proposed material stockpiling (by material type);
 - vii. Material loading areas; and
 - viii. Fencing, berm or screening features.
11. The applicant must provide with a SPECIAL USE Permit application a proposed operating plan that contains at least all of the following information:
 - a). Number of employees anticipated at the facility;
 - b). Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;
 - c). Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the CDDR FACILITY. The minimum amount

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of recyclable material shipped offsite must be at least 75% of the total incoming material on a quarterly basis, or more frequently if applicable regulations are more stringent;

d) The types of material tracking methods and recordkeeping to be employed to demonstrate compliance with applicable recycling thresholds. Records must be kept in accordance with regulatory standards. A daily record of incoming/outgoing material or waste must be kept and reported no less than quarterly to the Champaign County Recycling Coordinator or designee. All records must be maintained by the operator at the CDDR FACILITY for a period of at least three years or longer in the event of a dispute. The operator must allow reasonable access to inspect the CDDR FACILITY during operating hours for compliance with applicable approvals, permits and regulations;

e) The procedures by which all non-recyclable general construction or demolition debris will be removed and disposed within 72 hours of receipt. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition material prior to shipment from the CDDR FACILITY;

f) The end-use markets for separated general construction or demolition debris to demonstrate compliance with meeting applicable recycling thresholds;

g) A closure plan for the CDDR FACILITY;

h) The maximum number of vehicles (by vehicle type) proposed to utilize the CDDR FACILITY on a daily basis;

i) All processing equipment proposed to be utilized to prepare the recyclable general construction or demolition debris for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts;

j) Operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter. Any and all air permits from the IEPA, USEPA, or other applicable regulatory authorities must be obtained as necessary;

k) The method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the CDDR FACILITY; and

l) Typical and maximum anticipated height of stockpiled recyclable GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land USES.

12. The SPECIAL USE Permit will become effective upon receipt of a permit from the Illinois Environmental Protection Agency in accordance with Section 22.38 of the Illinois Environmental Protection Act ("The IEPA Act"). It must be a condition of the SPECIAL USE Permit that the CDDR FACILITY continues to

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operate in accordance with Section 22.38 of the IEPA Act and all other regulations and applicable permits.

c. COMPOSTABLE WASTE COLLECTION POINT

1. All provisions of Subsection (d-6) of Section 22.55 of the Illinois Environmental Protection Act shall be met (415 ILCS 5/22.55).

5) Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

1. Remove the 'Public or Commercial SANITARY LANDFILL' standard conditions.

6) Amend Section 7.1.2 RURAL HOME OCCUPATION HOME Standards

1. Revise Item 3 under Paragraph J to provide that JUNK YARD or AUTOMOBILE SALVAGE are prohibited as STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

04/28/22 memo

Attachment D: LRMP Goals, Objectives and Policies

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

PRELIMINARY DRAFT

058-AT-22

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

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

Date: ***{July 14, 2022}***

Petitioner: **Zoning Administrator**

- Request: **1. Revise, add, or remove defined terms to Section 3.0 as follows:**
- A. Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.**
 - B. Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.**
 - C. Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.**
- 2. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.**
- 3. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.**
- 4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:**
- A. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.**
 - B. Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no**

Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.**
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.**
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.**
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.**
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.**
 - 7. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 14, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to amend the requirements for materials management and waste-related uses in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

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 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 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 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. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, 4.9 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

- A. Objective 4.1 states as follows: **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”**

The proposed amendment will **HELP ACHIEVE** Objective 4.1 for the following reasons:

- (1) The proposed amendment **WILL NOT IMPEDE** the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states: **“Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.1 for the following reasons:

- a. The proposed uses are regulated by the Illinois Environmental Protection Agency in addition to having standard conditions regulated by the County through the Zoning Ordinance.

- (3) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
- i. Suitability of the site for the proposed use;**
 - ii. Adequacy of infrastructure and public services for the proposed use;**
 - iii. Minimizing conflict with agriculture;**
 - iv. Minimizing the conversion of farmland; and**
 - v. Minimizing the disturbance of natural areas; then**
- a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.2 regarding no interference with agricultural operations.
- b. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.3 regarding location at a suitable site and adequacy of infrastructure and public services.
- c. The proposed amendment will **HELP ACHIEVE** the County’s policies regarding minimizing the conversion of best prime farmland as follows:
 - (a) The only policy regarding conversion of best prime farmland by non-residential discretionary development is Policy 4.1.6b., which states, “On best prime farmland the County may authorize non-residential development.” Policy 4.1.6.b. has no limit on the conversion of best prime farmland for non-residential discretionary development and is merely a statement of fact and therefore, the proposed amendment does help achieve Policy 4.1.6b.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - b. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY requires a minimum of five acres in lot area, which generally makes it infeasible for a CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be located inside a municipality.
 - c. A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) The location of a site for a LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY must be located a minimum of 500 feet from any existing residence or residential DISTRICT, which is more available in a rural area.
 - d. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
 - e. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
 - f. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5 zoning districts, which is a discretionary review that will allow for site specific review.
 - (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
 - b. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
 - c. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
 - d. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5 zoning districts, which is a discretionary review that will allow for site specific review.
 - (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.
- (3) Policy 4.2.3 states, **“The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. A special condition can be added to any discretionary review regarding the County’s Right to Farm resolution.
- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.4 for the following reason:

- a. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY has a standard condition requiring an eight foot tall fence, and also must be located at least 500 feet from any residential zoning district.
- b. A LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY has a standard condition that the compost area be located at least 500 feet from any residential zoning district.

- c. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.1 for the following reasons:

- a. See the discussion under Policy 4.3.2 regarding achievement of Policy 4.3.2. If the proposed amendment achieves Policy 4.3.2, it will also achieve Policy 4.3.1.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a proposed site is well suited overall.
- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a

discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**

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

The proposed amendment will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. As reviewed for Policy 4.2.1 in this Finding of Fact:
(a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY **IS** a service better provided in a rural area.
(b) A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY **IS** a service better provided in a rural area.
b. Materials management and waste-related uses serve an important public need because they help decrease several types of pollution.

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 amendment will **NOT IMPEDE** 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 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. Objective 7.2 and its policies do not appear to be relevant to the proposed text amendment. The proposed amendment will *HELP ACHIEVE* Goal 7 for the following reasons:

- A. Objective 7.1 states, “**Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.**”

The proposed amendment will *HELP ACHIEVE* Objective 7.1 for the following reasons:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed amendment will *HELP ACHIEVE* Policy 7.1.1 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a traffic impact analysis is warranted.

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 amendment will *NOT IMPEDE* the achievement of Goal 8.

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 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 amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

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

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with 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 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 is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

- A. A classification which allows materials management and waste-related uses to be developed while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.

- B. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 14, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 4 and 7.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, 3, 5, 6, 8 and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

Exhibit A: CDPZ Preliminary Memo (dated July 5, 2022)

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DOCUMENTS OF RECORD

1. Legal advertisement for Case 058-AT-22
2. Preliminary Memorandum for Case 058-AT-22, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated February 28, 2022
 - Exhibit A: Proposed Amendment dated February 28, 2022
 - C ELUC Memorandum dated June 2, 2022, with attachments:
 - ELUC Memorandum dated April 28, 2022
 - Exhibit A: Proposed Amendment dated April 28, 2022
 - D Land Resource Management Plan (LRMP) Goals & Objectives
(*provided on the ZBA meetings website*)
 - E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 14, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated June 15, 2022

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 recommends that:

The Zoning Ordinance Amendment requested in **Case 058-AT-22** 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:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

PROPOSED AMENDMENT DATED JUNE 15, 2022

The proposed omnibus text amendment includes the following provisions:

- a. Add defined terms to Section 3.0

COMPOST

COMPOSTABLE WASTE

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

FOOD SCRAP

GARBAGE

GARDEN COMPOST OPERATION

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

HOUSEHOLD WASTE DROP-OFF POINT

LANDSCAPE WASTE COMPOST FACILITY

ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT

PERMANENT COMPOSTABLE WASTE COLLECTION POINT

POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY

RECYCLING CENTER

SPECIFIC MATERIAL COLLECTION SITE

- b. Revise defined terms in Section 3.0

LANDSCAPE WASTE

LANDSCAPE WASTE PROCESSING FACILITY

- c. Remove defined terms from Section 3.0

DUMP, REFUSE

SANITARY LANDFILL

- d. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.

- e. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.

- f. In Section 5.2, add PERMANENT COMPOSTABLE WASTE COLLECTION POINT to be allowed by Special Use Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts, and add Special Use Standards to Table 6.1.3.

- g. In Section 5.2, amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- h. In Section 5.2, add RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.

- i. In Section 5.2, add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.

- j. In Section 5.2, revise LANDSCAPE WASTE COMPOSTING FACILITY to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts and amend Special Use Standards to Table 6.1.3.
- k. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Existing Zoning Ordinance text to be removed is indicated with strike-out.

Text proposed to be added to the Zoning Ordinance is indicated with underlining.

1) Add, revise, or remove defined terms to Section 3.0

SECTION 3.0 DEFINITIONS

COMPOST

The humus-like product of the process of composting waste, which may be used as a soil conditioner.

COMPOSTABLE WASTE

Household waste that consists of only FOOD SCRAP, household waste that consists of only LANDSCAPE WASTE, or a mixture of both.

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

ESTABLISHMENTS that receive and process GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for recycling.

DUMP, REFUSE

~~A LOT or tract of land or part thereof used for the disposal by abandonment, burial, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.~~

FOOD SCRAP

GARBAGE that is (i) capable of being decomposed into COMPOST by composting, (ii) separated by the generator from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST by composting, and (iii) managed separately from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST.

GARBAGE

Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

GARDEN COMPOST OPERATION

An operation which (1) has no more than 25 cubic yards of LANDSCAPE WASTE, composting material or end-product COMPOST on-site at any one time and (2) is not engaging in commercial activity.

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

Non-hazardous, uncontaminated materials resulting from the CONSTRUCTION, remodeling, repair and demolition of utilities, STRUCTURES, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; asphalt roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

Exhibit A: CDPZ Preliminary Memo (dated July 5, 2022)

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HOUSEHOLD WASTE DROP-OFF POINT

The portion of a site or facility used solely for the receipt and temporary STORAGE of household waste and in accordance with Section 22.55 of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

LANDSCAPE WASTE

All accumulations of grass or shrubbery cuttings, leaves, tree limbs and trucks, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees., ~~excluding vegetative by-products from agricultural activities onsite.~~

LANDSCAPE WASTE COMPOST FACILITY

An entire LANDSCAPE WASTE COMPOSTING OPERATION with the exception of a GARDEN COMPOST OPERATION.

LANDSCAPE WASTE PROCESSING FACILITY

An establishment for grinding, chipping, splitting, or sawing or composting of LANDSCAPE WASTE including the temporary stockpiling, ~~spreading~~, disposal or wholesale and/or retail sale of landscape waste materials processed on the site. The processing of LANDSCAPE WASTE on the same lot on which it was generated is excluded from this definition.

ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT

A household waste drop-off point approved by the COUNTY and in accordance with Subsection (d-5) of the Illinois Environmental Protection Act (415 ILCS) 5.22.55).

PERMANENT COMPOSTABLE WASTE COLLECTION POINT

A HOUSEHOLD WASTE DROP-OFF POINT approved by the COUNTY and in accordance with Subsection (d-6) of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY

Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, defined as such in the Illinois Environmental Protection Act (415 ILCS 5/3.330 et seq.).

RECYCLING CENTER

A site or facility that collects, stores, or processes only segregated, nonhazardous, nonspecial, homogenous, non-putrescible materials, such as dry paper, glass, cans or plastics, for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

SANITARY LANDFILL

~~A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary and to provide a final cover following final placement of refuse.~~

SPECIFIC MATERIAL COLLECTION SITE

A site that serves an integral part of needed infrastructure for a specific material reuse or recycle OPERATION. The site receives scheduled deliveries of a specific nonhazardous or non-putrescible material (e.g., glass containers/bottles) up to a limited maximum capacity, for temporary STORAGE on site until it is picked up for transport to an off-site processing facility.

2) Amend Section 4.2.1C to add SPECIFIC MATERIAL COLLECTION SITE

- a. Add Item 8. “A SPECIFIC MATERIAL COLLECTION SITE may be authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in the AG-1 Agriculture and AG-2 Agriculture DISTRICTS.”

3) Amend Section 4.3.7 to also exempt POLLUTION CONTROL FACILITY and NEW POLLUTION CONTROL FACILITY

The following STRUCTURES and USES are exempted by this ordinance and permitted in any DISTRICT:

- A. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment of a public utility as defined in Public Utilities Act (220 ILCS 5/1-101 *et. seq.*); provided that the installation shall conform, where applicable, to the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and other public authorities having jurisdiction.; and
- B. AGRICULTURE except BUILDINGS and STRUCTURES used for ~~AGRICULTURAL~~ agricultural purposes shall be required to conform to SETBACK LINES. In the event that land, and STRUCTURES cease to be used for ~~AGRICULTURAL~~ agricultural purposes, then and only then shall the remaining provisions of the ordinance apply.
- C. POLLUTION CONTROL FACILITIES and NEW POLLUTION CONTROL FACILITIES, provided that the following provisions have been met:
 1. The GOVERNING BODY has granted siting approval for a POLLUTION CONTROL FACILITY or a NEW POLLUTION CONTROL FACILITY in accordance with the Illinois Environmental Protection Act (415 ILCS 5/39.2 *et seq.*).
 2. All permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits, and state permit applications are submitted to the COUNTY.

4) Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- a. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.
- b. Add ~~Recycling of non-hazardous materials (all storage and processing indoors)~~ “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- c. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by SPECIAL USE Permit in the B-4, or B-5 Zoning Districts, and By Right in the I-1 or I-2 Zoning Districts.
- d. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by SPECIAL USE Permit in the I-1 or I-2 Zoning Districts.

Exhibit A: CDPZ Preliminary Memo (dated July 5, 2022)

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- e. Revise “LANDSCAPE WASTE COMPOSTING PROCESSING FACILITIES” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in the AG-2, I-1, or I-2 Zoning Districts.
- f. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- g. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.

As shown in the table below:

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
AUTOMOBILE Salvage Yard (junkyard) JUNK YARD or AUTOMOBILE SALVAGE YARD															
Recycling of non-hazardous materials (all storage and processing indoors) RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS															
RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS												S	S		
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY														S	S
LANDSCAPE WASTE COMPOSTING PROCESSING FACILITIES			S											S	S
PERMANENT COMPOSTABLE WASTE COLLECTION POINT			S						S			S	S	S	S
SPECIFIC MATERIAL COLLECTION SITE		S	S						S			S	S	S	S

5) Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below 1. The CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY (CDDR FACILITY) must be equipped with a fence of at least eight feet in height located to secure the operating areas of the CDDR FACILITY during non-operating hours as well as assist in minimizing the potential for litter to leave the CDDR FACILITY. 2. Minimum LOT AREA shall be five acres, and the minimum LOT width and maximum HEIGHT standards shall be the same as applicable zoning DISTRICT. 3. Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 4. 4. A CDDR FACILITY must be located at least 500 feet from any residential zoning district unless otherwise expressly

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)				Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE		REAR
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
		<p><u>approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.</u></p> <p>5. <u>GENERAL CONSTRUCTION OR DEMOLITION DEBRIS receiving/tipping areas must be CONSTRUCTED of a low permeability material (e.g., Portland cement concrete, asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.</u></p> <p>6. <u>All loads containing putrescible materials must be tipped, processed and stored indoors or under cover until sent offsite for reuse, recycling, or disposal. Wood may be stored outside if sorted within 72 hours of receipt and immediately processed.</u></p> <p>7. <u>Any leachate or runoff from waste/recyclable material must be contained onsite.</u></p> <p>8. <u>All state discharge permits, or other applicable permits must be acquired prior to commencing operations.</u></p> <p>9. <u>All necessary permits must be acquired to store fuel or other regulated material onsite.</u></p> <p>10. <u>The SPECIAL USE Permit application must be accompanied by:</u></p> <p>a. <u>A site plan and architectural drawing depicting BUILDING and STRUCTURE elevations and descriptions of such BUILDINGS and STRUCTURES necessary to convey the architectural appearance and physical magnitude of the proposed improvements;</u></p> <p>b. <u>A narrative description of the activities proposed to be conducted indoors or under cover within the CDDR FACILITY boundaries;</u></p> <p>c. <u>A narrative description of other proposed USES (such as, but not limited to truck storage, maintenance, fueling, and container STORAGE) and a demonstration that other such USES can be conducted in a safe and unobtrusive manner without interference with safe recycling activities on the site; and</u></p> <p>d. <u>A plan describing how incoming material will be handled (both under cover and outdoors), areas for sorting, processing, storing, baling and container STORAGE and all equipment that will be used.</u></p> <p>e. <u>A spill plan must be submitted for review and approval by the county as a condition of the SPECIAL USE Permit.</u></p> <p>f. <u>The site plan must include at least the following information:</u></p> <p>i. <u>A legal description of the subject property; access/egress point(s);</u></p> <p>ii. <u>Parking areas;</u></p> <p>iii. <u>Any BUILDINGS, STRUCTURES or fixed equipment;</u></p> <p>iv. <u>The extent of paved or impervious surfaces; material tipping/receiving areas;</u></p> <p>v. <u>Material processing areas;</u></p> <p>vi. <u>Areas of proposed material stockpiling (by material type);</u></p> <p>vii. <u>Material loading areas; and</u></p> <p>viii. <u>Fencing, berm or screening features.</u></p> <p>11. <u>The applicant must provide with a SPECIAL USE Permit application a proposed operating plan that contains at least all of the following information:</u></p> <p>a. <u>Number of employees anticipated at the facility;</u></p> <p>b. <u>Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;</u></p> <p>c. <u>Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the CDDR FACILITY. The minimum amount of recyclable material shipped offsite must be at least 75% of the total incoming material on a quarterly basis, or more frequently if applicable regulations are more stringent;</u></p> <p>d. <u>The types of material tracking methods and recordkeeping to be employed to demonstrate compliance with applicable recycling thresholds. Records must be kept in accordance with regulatory standards. A daily record of incoming/ outgoing material or waste must be kept and reported no less than quarterly to the Champaign County Recycling Coordinator or designee. All records must be maintained by the operator at the CDDR FACILITY for a period of at least three years or longer in the event of a dispute. The operator must allow reasonable access to inspect the CDDR FACILITY during operating hours for compliance with applicable approvals, permits and regulations;</u></p> <p>e. <u>The procedures by which all non-recyclable general construction or demolition debris will be removed and disposed within 72 hours of receipt. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition material prior to shipment from the CDDR FACILITY;</u></p> <p>f. <u>The end-use markets for separated general construction or demolition debris to demonstrate compliance with meeting applicable recycling thresholds;</u></p> <p>g. <u>A closure plan for the CDDR FACILITY;</u></p> <p>h. <u>The maximum number of vehicles (by vehicle type) proposed to utilize the CDDR FACILITY on a daily basis;</u></p> <p>i. <u>All processing equipment proposed to be utilized to prepare the recyclable general construction or demolition debris for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts;</u></p> <p>j. <u>Operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter. Any and all air permits from the IEPA, USEPA, or other applicable regulatory authorities must be obtained as necessary;</u></p> <p>k. <u>The method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the CDDR FACILITY; and</u></p> <p>l. <u>Typical and maximum anticipated height of stockpiled recyclable GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land USES.</u></p>									

Exhibit A: CDPZ Preliminary Memo (dated July 5, 2022)

Case 058-AT-22, ZDA 07/04/22, Attachment E, Page

Item e.

Case 058-AT-22

PRELIMINARY DRAFT

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SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)				Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE		REAR
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
	12. The SPECIAL USE Permit will become effective upon receipt of a permit from the Illinois Environmental Protection Agency in accordance with Section 22.38 of the Illinois Environmental Protection Act ("The IEPA Act"). It must be a condition of the SPECIAL USE Permit that the CDDR FACILITY continues to operate in accordance with Section 22.38 of the IEPA Act and all other regulations and applicable permits.										
PERMANENT COMPOSTABLE WASTE COLLECTION POINT	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
	<div>1. All provisions of Subsection (d-6) of Section 22.55 of the Illinois Environmental Protection Act shall be met (415 ILCS 5/22.55). These include:</div> <div><div>1. Waste accepted at the collection point must be limited to the types of compostable waste authorized to be accepted under the approval.</div><div>2. Information promoting the collection point and signs at the collection point must clearly indicate the types of compostable waste approved for collection. To discourage the receipt of other waste, information promoting the collection point and signs at the collection point must also include (A) examples of compostable waste being collected and (B) examples of waste that is not being collected.</div><div>3. Compostable waste must be accepted only from private individuals. It may not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where it was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.</div><div>4. Compostable waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Compostable waste must be properly secured to prevent it from being accessed by the public at any time, including, but not limited to, during the collection point's non-operating hours. Permanent compostable waste collection points must be adequately supervised during their operating hours.</div><div>5. Compostable waste must be secured in non-porous, rigid, leak-proof containers that:<div><div>a. Are no larger than 10 cubic yards in size;</div><div>b. Are covered, except when the compostable waste is being added to or removed from the container or it is otherwise necessary to access the compostable waste;</div><div>c. Prevent precipitation from draining through the compostable waste;</div><div>d. Prevent dispersion of the compostable waste by wind;</div><div>e. Contain spills or releases that could create nuisances or otherwise harm human health or the environment;</div><div>f. Limit access to the compostable waste by vectors;</div><div>g. Control odors and other nuisances; and</div><div>h. Provide for storage, removal, and off-site transfer of the compostable waste in a manner that protects its ability to be composted.</div></div></div><div>6. No more than a total of 10 cubic yards of compostable waste shall be located at the permanent compostable waste collection site at any one time.</div><div>7. Management of the compostable waste must be limited to the following: (A) acceptance, (B) temporary storage before transfer, and (C) off-site transfer.</div><div>8. All compostable waste received at the permanent compostable waste collection point must be transferred off-site to a permitted compost facility not less frequently than once every 7 days.</div><div>9. If a permanent compostable waste collection point receives waste other than compostable waste, then that waste must be disposed of not less frequently than once every 7 days.</div></div>										
LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
	<div>The operation of a LANDSCAPE WASTE DISPOSAL FACILITY COMPOST FACILITY or a LANDSCAPE WASTE PROCESSING FACILITY shall not be allowed unless all permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits and state permit applications are submitted.</div> <div>The location of any portion of the site where composting of the landscape waste is taking place shall be:<div><div>1) located a minimum of 500 feet from any existing residence or residential DISTRICT;</div><div>2) located a minimum of 200 feet from any potable water supply well;</div><div>3) operated to control runoff from the site and collect and manage any leachate that is generated on the site.</div></div></div> <div>The location of the portion of any site where composting of the landscape waste is taking place and any area where landscape waste is stored or stockpiled shall be located outside the boundary of the 100-year floodplain or floodproofed pursuant to the requirements of Ordinance No. 209, An Ordinance Regulating Development in Special Flood Hazard Areas as amended.</div>										

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)				Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE		REAR
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
		The operation of the facility shall include appropriate dust, odor and noise control measures, and shall be consistent with all applicable requirements of 35 Ill. Adm. Code Part 830. <ul style="list-style-type: none">Section 830.202 Minimum Performance Standards and Reporting Requirements for Landscape Waste Compost Facilities.Section 830.203 Location Standards for landscape Waste Compost Facilities.Section 830.204 Additional Stormwater and Landscape Waste Leachate Controls at Permitted Landscape Waste Compost Facilities, andSection 830.205 Additional Operating Standards for Permitted Landscape Waste Compost Facilities.									

6) Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

- a. Remove the 'Public or Commercial SANITARY LANDFILL' standard conditions.

7) Amend Section 7.1.2 RURAL HOME OCCUPATION HOME Standards

- a. Revise Item 3 under Paragraph J to provide that JUNK YARD or AUTOMOBILE SALVAGE are prohibited as STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Champaign County
Department of

**PLANNING &
ZONING**

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

CASE 058-AT-22

SUPPLEMENTAL MEMORANDUM #1

JULY 27, 2022

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Revise, add, or remove defined terms to Section 3.0 as listed in the full legal advertisement.
2. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.
 - B. Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
 - C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.

5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.
6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.
7. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
 John Hall, Zoning Administrator

STATUS

Several revisions have been made in a Revised Finding of Fact, Summary Finding of Fact, and Final Determination for this case. All changes are shown in red underline or strikethrough text in Attachment B. Most notably, P&Z Staff added justification for each proposed amendment part under Item 4.

The original version of the text amendment in Exhibit A called for revising the “Landscape Waste Facility” that is already in the Zoning Ordinance to “Landscape Waste Composting Facility.” P&Z Staff recommend adding “Landscape Waste Composting Facility” in addition to keeping “Landscape Waste Facility” and revisions have been made to reflect that. In Section 3.0, the definition of “Landscape Waste Facility” would be revised to exclude composting activities.

The amendment includes a Specific Material Collection Site in the AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts. P&Z Staff have since discussed whether a Specific Material Collection Site would be appropriate in the AG-1 Zoning District given the types of uses that are generally allowed in that district. Staff has added a proposed footnote under Section 5.2 to only allow a Specific Material Collection Site in AG-1 as a second principal use in addition to a Township Highway Maintenance Garage.

No questions or comments have been received for this case.

ATTACHMENTS

- A Legal advertisement
- B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 28, 2022, with attachment:
 - Revised Exhibit A: Proposed Amendment dated July 28, 2022

LEGAL PUBLICATION: WEDNESDAY, JUNE 29, 2022**CASE: 058-AT-22****NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASE 058-AT-22

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, July 14, 2022 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

1. Revise, add, or remove defined terms to Section 3.0 as follows:
 - A. Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.
 - B. Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.
 - C. Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.
2. Add "SPECIFIC MATERIAL COLLECTION SITE" authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add "POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY" as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change "AUTOMOBILE Salvage Yard (junkyard)" to "JUNK YARD or AUTOMOBILE SALVAGE YARD" as a listed PRINCIPAL USE.
 - B. Amend "Recycling of non-hazardous materials (all storage and processing indoors)" to be "RECYCLING CENTER with no Outdoor STORAGE nor

Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”, “PERMANENT COMPOSTABLE WASTE COLLECTION POINT”, and “LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY.”
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL
 - 7. Revise Section 7.1.2(J)3 to indicate “JUNK YARD or AUTOMOBILE SALVAGE YARD” as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JUNE 29, 2022, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

REVISED DRAFT 07/28/22

058-AT-22

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

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

Date: ***{July ~~14~~²⁸, 2022}***

Petitioner: **Zoning Administrator**

- Request:
1. **Revise, add, or remove defined terms to Section 3.0 as follows:**
 - A. **Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.**
 - B. **Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.**
 - C. **Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.**
 2. **Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.**
 3. **Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.**
 4. **Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:**
 - A. **Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.**
 - B. **Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no**
-

Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.**
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.**
 - E. ~~Revise~~ Add “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.**
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.**
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.**
 - 7. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.**

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Case 058-AT-22

REVISED DRAFT 07/28/22

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 14, 2022** and July 28, 2022, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to amend the requirements for materials management and waste-related uses in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

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

A. Regarding justification for the proposed amendment:

- (1) The SPECIFIC MATERIAL COLLECTION SITE is intended to allow greater flexibility in recycling. For example, the current limited system of glass bottle recycling combines glass bottles with all recyclable materials into one bin. Estimates are that a very minimal percentage of collected glass actually may be recycled effectively. A SPECIFIC MATERIAL COLLECTION SITE would facilitate the recycling of glass separately from other materials so as to reduce the amount of glass that goes in a landfill.
- (2) Regarding the addition of defined terms for “POLLUTION CONTROL FACILITY” and “NEW POLLUTION CONTROL FACILITY”: the Illinois Environmental Protection Act (415 ILCS 5/39.2) allows these facilities to be exempt from County zoning and instead authorizes the County to conduct a separate comprehensive siting approval review and public hearing process for a proposed new pollution control facility.
- (3) Regarding the proposed change from “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE: the change adds appropriate capitalization so that this land use is linked to a matching definition in Section 3.0, which is: “A LOT, land, BUILDING, or STRUCTURE, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.”
- (4) Regarding the proposed amendment to the “Recycling of non-hazardous materials (all storage and processing indoors)” land use: The existing zoning provisions allow for one kind of recycling center—one with all storage and processing indoors. The proposed amendment expands the range of types of recycling facilities to allow for: (1) a RECYCLING CENTER with no outdoor STORAGE Nor outdoor OPERATIONS; (2) a RECYCLING CENTER with limited outdoor STORAGE and/or outdoor OPERATIONS.

- (5) Regarding the addition of “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”: this is an important modern use that diverts materials away from the landfill. The only known operating and permitted construction and demolition debris recycling facility in Champaign County is Henson Disposal and Recycling. In 2016, Henson Disposal & Recycling opened its permitted C&D Recycling Facility in Urbana to accept all construction and demolition debris (wood, shingles, bricks, concrete, rock, asphalt, metal, cardboard and paper, glass, bulk and clear plastics, drywall and plaster, vinyl siding, carpet, pad, tile and flooring).
- (6) Regarding the addition of “LANDSCAPE WASTE COMPOSTING FACILITY”: currently, the Zoning Ordinance includes a “LANDSCAPE WASTE PROCESSING” land use. The proposed addition of “LANDSCAPE WASTE COMPOSTING FACILITY” adds more flexibility to the Ordinance. The current “LANDSCAPE WASTE PROCESSING” land use would need to be revised to exclude composting materials.
- (7) Regarding the addition of a “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” land use: this proposed use adds flexibility in the collection of landscape waste and food scraps.
- (8) Regarding the removal of Standard Conditions to Section 6.1.3 for “Public or Commercial SANITARY LANDFILL”: The proposed amendment removes the ‘Public or Commercial SANITARY LANDFILL’ standard conditions. The definition of SANITARY LANDFILL would be removed as part of the amendment. A sanitary landfill is considered to be a type of “pollution control facility” and is not subject to zoning ordinance provisions.
- (9) Regarding the revision to Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION: this revision seeks to reduce blight that can be a result of allowing inoperable vehicles to accumulate, especially in residential settings.

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 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 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 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. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, 4.9 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:

- A. Objective 4.1 states as follows: **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.”**

The proposed amendment will ***HELP ACHIEVE*** Objective 4.1 for the following reasons:

- (1) The proposed amendment ***WILL NOT IMPEDE*** the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states: “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed amendment will ***HELP ACHIEVE*** Policy 4.1.1 for the following reasons:

- a. The proposed uses are regulated by the Illinois Environmental Protection Agency in addition to having standard conditions regulated by the County through the Zoning Ordinance.
- (3) Policy 4.1.6 states: “**Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
- a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
- b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
- c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed amendment will ***HELP ACHIEVE*** Policy 4.1.6 for the following reasons:

- a. The ZBA has recommended that the proposed amendment will ***HELP ACHIEVE*** Objective 4.2 regarding no interference with agricultural operations.
- b. The ZBA has recommended that the proposed amendment will ***HELP ACHIEVE*** Objective 4.3 regarding location at a suitable site and adequacy of infrastructure and public services.
- c. The proposed amendment will ***HELP ACHIEVE*** the County’s policies regarding minimizing the conversion of best prime farmland as follows:
 - (a) The only policy regarding conversion of best prime farmland by non-residential discretionary development is Policy 4.1.6b., which

states, “On best prime farmland the County may authorize non-residential development.” Policy 4.1.6.b. has no limit on the conversion of best prime farmland for non-residential discretionary development and is merely a statement of fact and therefore, the proposed amendment does help achieve Policy 4.1.6b.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY requires a minimum of five acres in lot area, which generally makes it infeasible for a CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be located inside a municipality.
- c. A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) The location of a site for a LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY must be located a minimum of 500 feet from any existing residence or residential DISTRICT, which is more available in a rural area.
- d. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
- e. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
- f. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5

zoning districts, which is a discretionary review that will allow for site specific review.

- (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.

(2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**

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

The proposed amendment will ***HELP ACHIEVE*** Policy 4.2.2 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- b. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
- c. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
- d. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5 zoning districts, which is a discretionary review that will allow for site specific review.
 - (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.

(3) **Policy 4.2.3 states, “The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will ***HELP ACHIEVE*** Policy 4.2.3 for the following reason:

- a. A special condition can be added to any discretionary review regarding the County’s Right to Farm resolution.

- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.4 for the following reason:

- a. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY has a standard condition requiring an eight foot tall fence, and also must be located at least 500 feet from any residential zoning district.
 - b. A LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY has a standard condition that the compost area be located at least 500 feet from any residential zoning district.
 - c. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.1 for the following reasons:

- a. See the discussion under Policy 4.3.2 regarding achievement of Policy 4.3.2. If the proposed amendment achieves Policy 4.3.2, it will also achieve Policy 4.3.1.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL

COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a proposed site is well suited overall.

- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. As reviewed for Policy 4.2.1 in this Finding of Fact:
- (a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY **IS** a service better provided in a rural area.

- (b) A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY *IS* a service better provided in a rural area.

- b. Materials management and waste-related uses serve an important public need because they help decrease several types of pollution.

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 amendment will *NOT IMPEDE* 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 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. Objective 7.2 and its policies do not appear to be relevant to the proposed text amendment. The proposed amendment will *HELP ACHIEVE* Goal 7 for the following reasons:

- A. Objective 7.1 states, “**Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.**”

The proposed amendment will *HELP ACHIEVE* Objective 7.1 for the following reasons:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed amendment will *HELP ACHIEVE* Policy 7.1.1 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a traffic impact analysis is warranted.

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 amendment will **NOT IMPEDE** the achievement of Goal 8.

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 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 amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

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

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with 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 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 is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

Exhibit B: CCDPZ Supplemental Memos (dated July 27 and September 30, 2022)

Case 058-AT-22, ZBA 07/28/22, Supp. Memo 1, Attachment B, Page

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17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
 - A. A classification which allows materials management and waste-related uses to be developed while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on July 14, 2022 and July 28, 2022, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 4 and 7.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, 3, 5, 6, 8 and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

Exhibit B: CCDPZ Supplemental Memos (dated July 27 and September 30, 2022)

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DOCUMENTS OF RECORD

1. Legal advertisement for Case 058-AT-22
 2. Preliminary Memorandum for Case 058-AT-22, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated February 28, 2022
 - Exhibit A: Proposed Amendment dated February 28, 2022
 - C ELUC Memorandum dated June 2, 2022, with attachments:
 - ELUC Memorandum dated April 28, 2022
 - Exhibit A: Proposed Amendment dated April 28, 2022
 - D Land Resource Management Plan (LRMP) Goals & Objectives
(*provided on the ZBA meetings website*)
 - E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 14, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated June 15, 2022
2. Supplemental Memorandum #1 dated July 27, 2022, with attachments:
- A Legal advertisement
 - B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 28, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated July 28, 2022

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 recommends that:

The Zoning Ordinance Amendment requested in **Case 058-AT-22** 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:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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PROPOSED AMENDMENT DATED ~~JUNE 15~~JULY 28, 2022

The proposed omnibus text amendment includes the following provisions:

a. Add defined terms to Section 3.0

COMPOST

COMPOSTABLE WASTE

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

FOOD SCRAP

GARBAGE

GARDEN COMPOST OPERATION

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

HOUSEHOLD WASTE DROP-OFF POINT

LANDSCAPE WASTE COMPOST FACILITY

ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT

PERMANENT COMPOSTABLE WASTE COLLECTION POINT

POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY

RECYCLING CENTER

SPECIFIC MATERIAL COLLECTION SITE

b. Revise defined terms in Section 3.0

LANDSCAPE WASTE

LANDSCAPE WASTE PROCESSING FACILITY

c. Remove defined terms from Section 3.0

DUMP, REFUSE

SANITARY LANDFILL

d. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.

e. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.

f. In Section 5.2, add PERMANENT COMPOSTABLE WASTE COLLECTION POINT to be allowed by Special Use Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts, and add Special Use Standards to Table 6.1.3.

g. In Section 5.2, amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

h. In Section 5.2, add RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.

i. In Section 5.2, add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.

- j. In Section 5.2, revise LANDSCAPE WASTE COMPOSTING FACILITY to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts and amend Special Use Standards to Table 6.1.3.
- k. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Existing Zoning Ordinance text to be removed is indicated with strike-out.

Text proposed to be added to the Zoning Ordinance is indicated with underlining.

1) Add, revise, or remove defined terms to Section 3.0

SECTION 3.0 DEFINITIONS

COMPOST

The humus-like product of the process of composting waste, which may be used as a soil conditioner.

COMPOSTABLE WASTE

Household waste that consists of only FOOD SCRAP, household waste that consists of only LANDSCAPE WASTE, or a mixture of both.

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

ESTABLISHMENTS that receive and process GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for recycling.

DUMP, REFUSE

~~A LOT or tract of land or part thereof used for the disposal by abandonment, burial, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.~~

FOOD SCRAP

GARBAGE that is (i) capable of being decomposed into COMPOST by composting, (ii) separated by the generator from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST by composting, and (iii) managed separately from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST.

GARBAGE

Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

GARDEN COMPOST OPERATION

An operation which (1) has no more than 25 cubic yards of LANDSCAPE WASTE, composting material or end-product COMPOST on-site at any one time and (2) is not engaging in commercial activity.

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

Non-hazardous, uncontaminated materials resulting from the CONSTRUCTION, remodeling, repair and demolition of utilities, STRUCTURES, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non- hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; asphalt roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

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HOUSEHOLD WASTE DROP-OFF POINT

The portion of a site or facility used solely for the receipt and temporary STORAGE of household waste and in accordance with Section 22.55 of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

LANDSCAPE WASTE

All accumulations of grass or shrubbery cuttings, leaves, tree limbs and trucks, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees., ~~excluding vegetative by-products from agricultural activities onsite.~~

LANDSCAPE WASTE COMPOST FACILITY

An entire LANDSCAPE WASTE COMPOSTING OPERATION with the exception of a GARDEN COMPOST OPERATION.

LANDSCAPE WASTE PROCESSING FACILITY

An establishment for grinding, chipping, splitting, or sawing or composting of LANDSCAPE WASTE including the temporary stockpiling, spreading, disposal or wholesale and/or retail sale of landscape waste materials processed on the site. The processing of LANDSCAPE WASTE on the same lot on which it was generated ~~and composting areis~~ excluded from this definition.

ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT

A household waste drop-off point approved by the COUNTY and in accordance with Subsection (d-5) of the Illinois Environmental Protection Act (415 ILCS) 5.22.55).

PERMANENT COMPOSTABLE WASTE COLLECTION POINT

A HOUSEHOLD WASTE DROP-OFF POINT approved by the COUNTY and in accordance with Subsection (d-6) of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY

Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, defined as such in the Illinois Environmental Protection Act (415 ILCS 5/3.330 et seq.).

RECYCLING CENTER

A site or facility that collects, stores, or processes only segregated, nonhazardous, nonspecial, homogenous, non-putrescible materials, such as dry paper, glass, cans or plastics, for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

SANITARY LANDFILL

~~A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary and to provide a final cover following final placement of refuse.~~

SPECIFIC MATERIAL COLLECTION SITE

A site that serves an integral part of needed infrastructure for a specific material reuse or recycle OPERATION. The site receives scheduled deliveries of a specific nonhazardous or non-putrescible material (e.g., glass containers/bottles) up to a limited maximum capacity, for temporary STORAGE on site until it is picked up for transport to an off-site processing facility.

2) Amend Section 4.2.1C to add SPECIFIC MATERIAL COLLECTION SITE

- a. Add Item 8. "A SPECIFIC MATERIAL COLLECTION SITE may be authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in the AG-1 Agriculture and AG-2 Agriculture DISTRICTS."

3) Amend Section 4.3.7 to also exempt POLLUTION CONTROL FACILITY and NEW POLLUTION CONTROL FACILITY

The following STRUCTURES and USES are exempted by this ordinance and permitted in any DISTRICT:

- A. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment of a public utility as defined in Public Utilities Act (220 ILCS 5/1-101 *et. seq.*); provided that the installation shall conform, where applicable, to the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and other public authorities having jurisdiction; ~~and~~
- B. AGRICULTURE except BUILDINGS and STRUCTURES used for ~~AGRICULTURAL~~ agricultural purposes shall be required to conform to SETBACK LINES. In the event that land, and STRUCTURES cease to be used for ~~AGRICULTURAL~~ agricultural purposes, then and only then shall the remaining provisions of the ordinance apply.
- C. POLLUTION CONTROL FACILITIES and NEW POLLUTION CONTROL FACILITIES, provided that the following provisions have been met:
 1. The GOVERNING BODY has granted siting approval for a POLLUTION CONTROL FACILITY or a NEW POLLUTION CONTROL FACILITY in accordance with the Illinois Environmental Protection Act (415 ILCS 5/39.2 *et seq.*).
 2. All permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits, and state permit applications are submitted to the COUNTY.

4) Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- a. Change "AUTOMOBILE Salvage Yard (junkyard)" to "JUNK YARD or AUTOMOBILE SALVAGE YARD" as a listed PRINCIPAL USE.
- b. Add ~~Recycling of non-hazardous materials (all storage and processing indoors)~~ "RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS" to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- c. Add "RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS" to be allowed by SPECIAL USE Permit in the B-4, or B-5 Zoning Districts, and By Right in the I-1 or I-2 Zoning Districts.
- d. Add "CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY" to be allowed by SPECIAL USE Permit in the I-1 or I-2 Zoning Districts.

Exhibit B: CCDPZ Supplemental Memos (dated July 27 and September 30, 2022)

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- e. ~~Revise-Add~~ “LANDSCAPE WASTE COMPOSTING ~~PROCESSING FACILITYIES~~” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in the AG-2, I-1, or I-2 Zoning Districts.
- f. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- g. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.

As shown in the table below:

Principal USES	Zoning DISTRICTS															
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
AUTOMOBILE Salvage Yard (junkyard) JUNK YARD or AUTOMOBILE SALVAGE YARD																
Recycling of non-hazardous materials (all storage and processing indoors) RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS																
RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS												S	S			
<u>CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY</u>														S	S	
<u>LANDSCAPE WASTE COMPOSTING FACILITY</u>			S											S	S	
<u>PERMANENT COMPOSTABLE WASTE COLLECTION POINT</u>			S						S			S	S	S	S	
<u>SPECIFIC MATERIAL COLLECTION SITE</u>		S ³⁰	S						S			S	S	S	S	

FOOTNOTES:

30. May only be authorized on property where there is also a Township Highway Maintenance Garage.

5) Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
<u>CONSTRUCTION AND</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below

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SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)				Explanatory or Special Provisions			
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE		REAR		
						STREET Classification MAJOR COLLECTOR MINOR							
<u>DEMOLITION DEBRIS RECYCLING FACILITY</u>													
													<div><div>1. <u>The CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY (CDDR FACILITY) must be equipped with a fence of at least eight feet in height located to secure the operating areas of the CDDR FACILITY during non-operating hours as well as assist in minimizing the potential for litter to leave the CDDR FACILITY.</u></div><div>2. <u>Minimum LOT AREA shall be five acres, and the minimum LOT width and maximum HEIGHT standards shall be the same as applicable zoning DISTRICT.</u></div><div>3. <u>Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 4.</u></div><div>4. <u>A CDDR FACILITY must be located at least 500 feet from any residential zoning district unless otherwise expressly approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.</u></div><div>5. <u>GENERAL CONSTRUCTION OR DEMOLITION DEBRIS receiving/tipping areas must be CONSTRUCTED of a low permeability material (e.g., Portland cement concrete, asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.</u></div><div>6. <u>All loads containing putrescible materials must be tipped, processed and stored indoors or under cover until sent offsite for reuse, recycling, or disposal. Wood may be stored outside if sorted within 72 hours of receipt and immediately processed.</u></div><div>7. <u>Any leachate or runoff from waste/recyclable material must be contained onsite.</u></div><div>8. <u>All state discharge permits, or other applicable permits must be acquired prior to commencing operations.</u></div><div>9. <u>All necessary permits must be acquired to store fuel or other regulated material onsite.</u></div><div>10. <u>The SPECIAL USE Permit application must be accompanied by:</u><div><div>a. <u>A site plan and architectural drawing depicting BUILDING and STRUCTURE elevations and descriptions of such BUILDINGS and STRUCTURES necessary to convey the architectural appearance and physical magnitude of the proposed improvements;</u></div><div>b. <u>A narrative description of the activities proposed to be conducted indoors or under cover within the CDDR FACILITY boundaries;</u></div><div>c. <u>A narrative description of other proposed USES (such as, but not limited to truck storage, maintenance, fueling, and container STORAGE) and a demonstration that other such USES can be conducted in a safe and unobtrusive manner without interference with safe recycling activities on the site; and</u></div><div>d. <u>A plan describing how incoming material will be handled (both under cover and outdoors), areas for sorting, processing, storing, baling and container STORAGE and all equipment that will be used.</u></div><div>e. <u>A spill plan must be submitted for review and approval by the county as a condition of the SPECIAL USE Permit.</u></div><div>f. <u>The site plan must include at least the following information:</u><div><div>i. <u>A legal description of the subject property; access/egress point(s);</u></div><div>ii. <u>Parking areas;</u></div><div>iii. <u>Any BUILDINGS, STRUCTURES or fixed equipment;</u></div><div>iv. <u>The extent of paved or impervious surfaces; material tipping/receiving areas;</u></div><div>v. <u>Material processing areas;</u></div><div>vi. <u>Areas of proposed material stockpiling (by material type);</u></div><div>vii. <u>Material loading areas; and</u></div><div>viii. <u>Fencing, berm or screening features.</u></div></div></div></div></div><div>11. <u>The applicant must provide with a SPECIAL USE Permit application a proposed operating plan that contains at least all of the following information:</u><div><div>a. <u>Number of employees anticipated at the facility;</u></div><div>b. <u>Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;</u></div><div>c. <u>Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the CDDR FACILITY. The minimum amount of recyclable material shipped offsite must be at least 75% of the total incoming material on a quarterly basis, or more frequently if applicable regulations are more stringent;</u></div><div>d. <u>The types of material tracking methods and recordkeeping to be employed to demonstrate compliance with applicable recycling thresholds. Records must be kept in accordance with regulatory standards. A daily record of incoming/ outgoing material or waste must be kept and reported no less than quarterly to the Champaign County Recycling Coordinator or designee. All records must be maintained by the operator at the CDDR FACILITY for a period of at least three years or longer in the event of a dispute. The operator must allow reasonable access to inspect the CDDR FACILITY during operating hours for compliance with applicable approvals, permits and regulations;</u></div><div>e. <u>The procedures by which all non-recyclable general construction or demolition debris will be removed and disposed within 72 hours of receipt. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition material prior to shipment from the CDDR FACILITY;</u></div><div>f. <u>The end-use markets for separated general construction or demolition debris to demonstrate compliance with meeting applicable recycling thresholds;</u></div><div>g. <u>A closure plan for the CDDR FACILITY;</u></div><div>h. <u>The maximum number of vehicles (by vehicle type) proposed to utilize the CDDR FACILITY on a daily basis;</u></div><div>i. <u>All processing equipment proposed to be utilized to prepare the recyclable general construction or demolition debris for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating</u></div></div></div></div>

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SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
											<p><u>controls to minimize noise impacts;</u></p> <p>j. <u>Operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter. Any and all air permits from the IEPA, USEPA, or other applicable regulatory authorities must be obtained as necessary;</u></p> <p>k. <u>The method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the CDDR FACILITY; and</u></p> <p>l. <u>Typical and maximum anticipated height of stockpiled recyclable GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land USES.</u></p> <p>12. <u>The SPECIAL USE Permit will become effective upon receipt of a permit from the Illinois Environmental Protection Agency in accordance with Section 22.38 of the Illinois Environmental Protection Act ("The IEPA Act"). It must be a condition of the SPECIAL USE Permit that the CDDR FACILITY continues to operate in accordance with Section 22.38 of the IEPA Act and all other regulations and applicable permits.</u></p>
PERMANENT COMPOSTABLE WASTE COLLECTION POINT	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
											<p>1. <u>All provisions of Subsection (d-6) of Section 22.55 of the Illinois Environmental Protection Act shall be met (415 ILCS 5/22.55). These include:</u></p> <p>1. <u>Waste accepted at the collection point must be limited to the types of compostable waste authorized to be accepted under the approval.</u></p> <p>2. <u>Information promoting the collection point and signs at the collection point must clearly indicate the types of compostable waste approved for collection. To discourage the receipt of other waste, information promoting the collection point and signs at the collection point must also include (A) examples of compostable waste being collected and (B) examples of waste that is not being collected.</u></p> <p>3. <u>Compostable waste must be accepted only from private individuals. It may not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where it was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.</u></p> <p>4. <u>Compostable waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Compostable waste must be properly secured to prevent it from being accessed by the public at any time, including, but not limited to, during the collection point's non-operating hours. Permanent compostable waste collection points must be adequately supervised during their operating hours.</u></p> <p>5. <u>Compostable waste must be secured in non-porous, rigid, leak-proof containers that:</u></p> <p>a. <u>Are no larger than 10 cubic yards in size;</u></p> <p>b. <u>Are covered, except when the compostable waste is being added to or removed from the container or it is otherwise necessary to access the compostable waste;</u></p> <p>c. <u>Prevent precipitation from draining through the compostable waste;</u></p> <p>d. <u>Prevent dispersion of the compostable waste by wind;</u></p> <p>e. <u>Contain spills or releases that could create nuisances or otherwise harm human health or the environment;</u></p> <p>f. <u>Limit access to the compostable waste by vectors;</u></p> <p>g. <u>Control odors and other nuisances; and</u></p> <p>h. <u>Provide for storage, removal, and off-site transfer of the compostable waste in a manner that protects its ability to be composted.</u></p> <p>6. <u>No more than a total of 10 cubic yards of compostable waste shall be located at the permanent compostable waste collection site at any one time.</u></p> <p>7. <u>Management of the compostable waste must be limited to the following: (A) acceptance, (B) temporary storage before transfer, and (C) off-site transfer.</u></p> <p>8. <u>All compostable waste received at the permanent compostable waste collection point must be transferred off-site to a permitted compost facility not less frequently than once every 7 days.</u></p> <p>9. <u>If a permanent compostable waste collection point receives waste other than compostable waste, then that waste must be disposed of not less frequently than once every 7 days.</u></p>
LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below

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SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
WASTE PROCESSING FACILITY		The operation of a LANDSCAPE WASTE DISPOSAL FACILITY COMPOST FACILITY or a LANDSCAPE WASTE PROCESSING FACILITY shall not be allowed unless all permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits and state permit applications are submitted. The location of any portion of the site where composting of the landscape waste is taking place shall be: 1) located a minimum of 500 feet from any existing residence or residential DISTRICT; 2) located a minimum of 200 feet from any potable water supply well; 3) operated to control runoff from the site and collect and manage any leachate that is generated on the site. The location of the portion of any site where composting of the landscape waste is taking place and any area where landscape waste is stored or stockpiled shall be located outside the boundary of the 100-year floodplain or floodproofed pursuant to the requirements of Ordinance No. 209, <i>An Ordinance Regulating Development in Special Flood Hazard Areas</i> as amended. The operation of the facility shall include appropriate dust, odor and noise control measures, <u>and shall be consistent with all applicable requirements of 35 Ill. Adm. Code Part 830.</u> <ul style="list-style-type: none">• <u>Section 830.202 Minimum Performance Standards and Reporting Requirements for Landscape Waste Compost Facilities.</u>• <u>Section 830.203 Location Standards for landscape Waste Compost Facilities.</u>• <u>Section 830.204 Additional Stormwater and Landscape Waste Leachate Controls at Permitted Landscape Waste Compost Facilities, and</u>• <u>Section 830.205 Additional Operating Standards for Permitted Landscape Waste Compost Facilities.</u>									

6) Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

- a. Remove the 'Public or Commercial SANITARY LANDFILL' standard conditions.

7) Amend Section 7.1.2 RURAL HOME OCCUPATION HOME Standards

- a. Revise Item 3 under Paragraph J to provide that JUNK YARD or AUTOMOBILE SALVAGE are prohibited as STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Champaign County
Department of

**PLANNING &
ZONING**

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

CASE 058-AT-22

SUPPLEMENTAL MEMORANDUM #2

SEPTEMBER 30, 2022

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Revise, add, or remove defined terms to Section 3.0 as listed in the full legal advertisement.
2. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.
 - B. Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
 - C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.

5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.
6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.
7. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

STATUS

This case was continued from the July 14, 2022 ZBA meeting. No questions or comments have been received for this case.

REVISION TO SPECIFIC MATERIAL COLLECTION SITE

The amendment includes a Specific Material Collection Site in the AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts. P&Z Staff discussed whether a Specific Material Collection Site would be appropriate in the AG-1 Zoning District given the types of uses that are generally allowed in that district. At the July 14, 2022, the Board and Staff agreed that a Specific Material Collection Site should only be allowed in the AG-1 district at a Township Highway Maintenance Garage or other government-owned facility such as a fire station.

REVISION TO CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING (CDDR) FACILITY STANDARD CONDITION

Standard condition 4 for a CDDR facility states:

- “4. A CDDR FACILITY must be located at least 500 feet from any residential zoning district unless otherwise expressly approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.”

This standard condition comes from Will County’s Code for recycling facilities, and is less than the 1,320 feet the State statute 415 ILCS 5/22.38 provides for:

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Zoning Administrator

SEPTEMBER 30, 2022

“General construction or demolition debris recovery facilities shall be subject to local zoning, ordinance, and land use requirements. General construction or demolition debris recovery facilities shall be located in accordance with local zoning requirements or, in the absence of local zoning requirements, shall be located so that no part of the facility boundary is closer than 1,320 feet from the nearest property zoned for primarily residential use.”

P&Z Staff recommend considering a longer separation of 1,320 feet and for that separation to be not only to any residentially zoned district but also to any dwelling conforming as to use.

REVISION TO LANDSCAPE WASTE PROCESSING FACILITY STANDARD CONDITIONS

The proposed amendment combined Landscape Waste Processing Facility and Landscape Waste Compost Facility standard conditions in Section 6.1.3. P&Z Staff propose separating those two uses in Section 6.1.3 as shown in the proposed amendment at the end of Attachment B.

NOISE LEVELS

At the July 14th meeting, the Board discussed whether a Construction and Demolition Debris Recycling (CDDR) facility should have noise requirements added. The proposed amendment includes a minimum 500 feet separation between the facility and any residential zoning district, but otherwise there are no proposed requirements concerning noise.

P&Z Staff searched online for other Illinois counties and municipalities that have a noise requirement for CDDR facilities and found many had no noise limits. Others limited noise to certain hours of the day, typically 7:00 a.m. to 10:00 p.m. Some required compliance with Illinois Pollution Control Board noise limits.

The State of Illinois statute *415 ILCS 5/22.38* for CDDR facilities requires that a CDDR facility “shall be located in accordance with local zoning requirements or, in the absence of local zoning requirements, shall be located so that no part of the facility boundary is closer than 1,320 feet from the nearest property zoned for primarily residential use.”

In a Special Use Permit case from 2020, the Board heard evidence that much of the noise coming from a site that accepted construction and demolition debris was from trucks dumping the materials. The witness testified, “Mr. Jacobson said currently, there is a lot of semi-truck traffic bringing material onto the property. He said that when the concrete is dumped, it doesn’t always come out of the truck until the trailer is extended all the way up, thus the concrete comes out all at once, and it sounds like an explosion when this happens. He said that the dumping, in itself, is a lot of noise, and then the movement of that concrete by the tractors and skid-steers is very noisy, and the most annoying noise is the jackhammer, which the neighbors who are one mile away can hear. He said that it doesn’t matter what he is doing inside, but when the Blocks run the jackhammer, he can hear it inside of his home with the windows and doors shut and the television or radio on.” Mr. Jacobson’s house is approximately 600 feet from where the dumping occurs and is not in a residential zoning district.

SOURCE OF PROPOSED STANDARD CONDITIONS

At the July 14th meeting, a Board member asked if the proposed standard conditions in Section 6.1.3 came from State of Illinois statutes.

- Construction and Demolition Debris Recycling Facility conditions came from Will County, IL Code for recycling facilities and are more specific than the State statutes for CCDD facilities *415 ILCS 5/22.38* but also require compliance with *415 ILCS 5/22.38*.
- Permanent Compostable Waste Collection Point conditions are from State statute *415 ILCS 5/22.55*.
- Landscape Waste Compost Facility conditions are from our own Zoning Ordinance's Landscape Waste Processing Facility standard conditions, with revisions noted in the proposed amendment at the end of Attachment B.

ATTACHMENTS

- A Legal advertisement
- B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated October 13, 2022, with attachment:
 - Revised Exhibit A: Proposed Amendment dated October 13, 2022

LEGAL PUBLICATION: WEDNESDAY, JUNE 29, 2022**CASE: 058-AT-22****NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF
THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASE 058-AT-22

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, July 14, 2022 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

1. Revise, add, or remove defined terms to Section 3.0 as follows:
 - A. Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.
 - B. Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.
 - C. Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.
2. Add "SPECIFIC MATERIAL COLLECTION SITE" authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add "POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY" as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change "AUTOMOBILE Salvage Yard (junkyard)" to "JUNK YARD or AUTOMOBILE SALVAGE YARD" as a listed PRINCIPAL USE.
 - B. Amend "Recycling of non-hazardous materials (all storage and processing indoors)" to be "RECYCLING CENTER with no Outdoor STORAGE nor

Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”, “PERMANENT COMPOSTABLE WASTE COLLECTION POINT”, and “LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY.”
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL
 - 7. Revise Section 7.1.2(J)3 to indicate “JUNK YARD or AUTOMOBILE SALVAGE YARD” as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JUNE 29, 2022, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

REVISED DRAFT 10/13/22

058-AT-22

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

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

Date: ***{~~July 14²⁸, 2022~~October 13, 2022}***

Petitioner: **Zoning Administrator**

- Request:
- 1. Revise, add, or remove defined terms to Section 3.0 as follows:**
 - A. Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.**
 - B. Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.**
 - C. Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.**
 - 2. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.**
 - 3. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.**
 - 4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:**
 - A. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.**
 - B. Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no**
-

Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.**
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.**
 - E. ~~Revise~~ Add “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.**
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.**
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.**
 - 7. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 14, 2022, July 28, 2022 and October 13, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to amend the requirements for materials management and waste-related uses in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

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

A. Regarding justification for the proposed amendment:

- (1) The SPECIFIC MATERIAL COLLECTION SITE is intended to allow greater flexibility in recycling. For example, the current limited system of glass bottle recycling combines glass bottles with all recyclable materials into one bin. Estimates are that a very minimal percentage of collected glass actually may be recycled effectively. A SPECIFIC MATERIAL COLLECTION SITE would facilitate the recycling of glass separately from other materials so as to reduce the amount of glass that goes in a landfill.
- (2) Regarding the addition of defined terms for “POLLUTION CONTROL FACILITY” and “NEW POLLUTION CONTROL FACILITY”: the Illinois Environmental Protection Act (415 ILCS 5/39.2) allows these facilities to be exempt from County zoning and instead authorizes the County to conduct a separate comprehensive siting approval review and public hearing process for a proposed new pollution control facility.
- (3) Regarding the proposed change from “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE: the change adds appropriate capitalization so that this land use is linked to a matching definition in Section 3.0, which is: “A LOT, land, BUILDING, or STRUCTURE, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.”
- (4) Regarding the proposed amendment to the “Recycling of non-hazardous materials (all storage and processing indoors)” land use: The existing zoning provisions allow for one kind of recycling center—one with all storage and processing indoors. The proposed amendment expands the range of types of recycling facilities to allow for: (1) a RECYCLING CENTER with no outdoor STORAGE Nor outdoor OPERATIONS; (2) a RECYCLING CENTER with limited outdoor STORAGE and/or outdoor OPERATIONS.

- (5) Regarding the addition of “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”: this is an important modern use that diverts materials away from the landfill. The only known operating and permitted construction and demolition debris recycling facility in Champaign County is Henson Disposal and Recycling. In 2016, Henson Disposal & Recycling opened its permitted C&D Recycling Facility in Urbana to accept all construction and demolition debris (wood, shingles, bricks, concrete, rock, asphalt, metal, cardboard and paper, glass, bulk and clear plastics, drywall and plaster, vinyl siding, carpet, pad, tile and flooring).
- (6) Regarding the addition of “LANDSCAPE WASTE COMPOSTING FACILITY”: currently, the Zoning Ordinance includes a “LANDSCAPE WASTE PROCESSING” land use. The proposed addition of “LANDSCAPE WASTE COMPOSTING FACILITY” adds more flexibility to the Ordinance. The current “LANDSCAPE WASTE PROCESSING” land use would need to be revised to exclude composting materials.
- (7) Regarding the addition of a “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” land use: this proposed use adds flexibility in the collection of landscape waste and food scraps.
- (8) Regarding the removal of Standard Conditions to Section 6.1.3 for “Public or Commercial SANITARY LANDFILL”: The proposed amendment removes the ‘Public or Commercial SANITARY LANDFILL’ standard conditions. The definition of SANITARY LANDFILL would be removed as part of the amendment. A sanitary landfill is considered to be a type of “pollution control facility” and is not subject to zoning ordinance provisions.
- (9) Regarding the revision to Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION: this revision seeks to reduce blight that can be a result of allowing inoperable vehicles to accumulate, especially in residential settings.

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 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 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 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. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, 4.9 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:

- A. Objective 4.1 states as follows: **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.”**

The proposed amendment will ***HELP ACHIEVE*** Objective 4.1 for the following reasons:

- (1) The proposed amendment ***WILL NOT IMPEDE*** the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states: “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed amendment will ***HELP ACHIEVE*** Policy 4.1.1 for the following reasons:

- a. The proposed uses are regulated by the Illinois Environmental Protection Agency in addition to having standard conditions regulated by the County through the Zoning Ordinance.
- (3) Policy 4.1.6 states: “**Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
- a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
- b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
- c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed amendment will ***HELP ACHIEVE*** Policy 4.1.6 for the following reasons:

- a. The ZBA has recommended that the proposed amendment will ***HELP ACHIEVE*** Objective 4.2 regarding no interference with agricultural operations.
- b. The ZBA has recommended that the proposed amendment will ***HELP ACHIEVE*** Objective 4.3 regarding location at a suitable site and adequacy of infrastructure and public services.
- c. The proposed amendment will ***HELP ACHIEVE*** the County’s policies regarding minimizing the conversion of best prime farmland as follows:
 - (a) The only policy regarding conversion of best prime farmland by non-residential discretionary development is Policy 4.1.6b., which

states, “On best prime farmland the County may authorize non-residential development.” Policy 4.1.6.b. has no limit on the conversion of best prime farmland for non-residential discretionary development and is merely a statement of fact and therefore, the proposed amendment does help achieve Policy 4.1.6b.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY requires a minimum of five acres in lot area, which generally makes it infeasible for a CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be located inside a municipality.
- c. A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) The location of a site for a LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY must be located a minimum of 500 feet from any existing residence or residential DISTRICT, which is more available in a rural area.
- d. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
- e. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
- f. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5

zoning districts, which is a discretionary review that will allow for site specific review.

- (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.

- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed amendment will ***HELP ACHIEVE*** Policy 4.2.2 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
 - b. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
 - c. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
 - d. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5 zoning districts, which is a discretionary review that will allow for site specific review.
 - (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.
- (3) **Policy 4.2.3 states, “The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will ***HELP ACHIEVE*** Policy 4.2.3 for the following reason:

- a. A special condition can be added to any discretionary review regarding the County’s Right to Farm resolution.

- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.4 for the following reason:

- a. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY has a standard condition requiring an eight foot tall fence, and also must be located at least 500 feet from any residential zoning district.
 - b. A LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY has a standard condition that the compost area be located at least 500 feet from any residential zoning district.
 - c. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.1 for the following reasons:

- a. See the discussion under Policy 4.3.2 regarding achievement of Policy 4.3.2. If the proposed amendment achieves Policy 4.3.2, it will also achieve Policy 4.3.1.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL

COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a proposed site is well suited overall.

- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.3 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.4 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.5 for the following reasons:

- a. As reviewed for Policy 4.2.1 in this Finding of Fact:
- (a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY *IS* a service better provided in a rural area.

- (b) A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY *IS* a service better provided in a rural area.

- b. Materials management and waste-related uses serve an important public need because they help decrease several types of pollution.

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 amendment will *NOT IMPEDE* 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 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. Objective 7.2 and its policies do not appear to be relevant to the proposed text amendment. The proposed amendment will *HELP ACHIEVE* Goal 7 for the following reasons:

- A. Objective 7.1 states, “**Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.**”

The proposed amendment will *HELP ACHIEVE* Objective 7.1 for the following reasons:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed amendment will *HELP ACHIEVE* Policy 7.1.1 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a traffic impact analysis is warranted.

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 amendment will **NOT IMPEDE** the achievement of Goal 8.

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 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 amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

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

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with 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 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 is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

Exhibit B: CCDPZ Supplemental Memos (dated July 27 and September 30, 2022)

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17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
 - A. A classification which allows materials management and waste-related uses to be developed while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 14, 2022, July 28, 2022, and October 13, 2022** the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 4 and 7.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, 3, 5, 6, 8 and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

DOCUMENTS OF RECORD

1. Legal advertisement for Case 058-AT-22
2. Preliminary Memorandum for Case 058-AT-22, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated February 28, 2022
 - Exhibit A: Proposed Amendment dated February 28, 2022
 - C ELUC Memorandum dated June 2, 2022, with attachments:
 - ELUC Memorandum dated April 28, 2022
 - Exhibit A: Proposed Amendment dated April 28, 2022
 - D Land Resource Management Plan (LRMP) Goals & Objectives
(*provided on the ZBA meetings website*)
 - E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 14, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated June 15, 2022
2. Supplemental Memorandum #1 dated July 27, 2022, with attachments:
 - A Legal advertisement
 - B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 28, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated July 28, 2022
3. Supplemental Memorandum #2 dated September 30, 2022, with attachments:
 - A Legal advertisement
 - B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated October 13, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated October 13, 2022

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 recommends that:

The Zoning Ordinance Amendment requested in **Case 058-AT-22** 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:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

PROPOSED AMENDMENT DATED ~~JUNE 15~~JULY 28 ~~OCTOBER 13~~, 2022

The proposed omnibus text amendment includes the following provisions:

a. Add defined terms to Section 3.0

COMPOST

COMPOSTABLE WASTE

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

FOOD SCRAP

GARBAGE

GARDEN COMPOST OPERATION

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

HOUSEHOLD WASTE DROP-OFF POINT

LANDSCAPE WASTE COMPOST FACILITY

ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT

PERMANENT COMPOSTABLE WASTE COLLECTION POINT

POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY

RECYCLING CENTER

SPECIFIC MATERIAL COLLECTION SITE

b. Revise defined terms in Section 3.0

LANDSCAPE WASTE

LANDSCAPE WASTE PROCESSING FACILITY

c. Remove defined terms from Section 3.0

DUMP, REFUSE

SANITARY LANDFILL

d. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.

e. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.

f. In Section 5.2, add PERMANENT COMPOSTABLE WASTE COLLECTION POINT to be allowed by Special Use Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts, and add Special Use Standards to Table 6.1.3.

g. In Section 5.2, amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

h. In Section 5.2, add RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.

i. In Section 5.2, add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.

- j. In Section 5.2, revise LANDSCAPE WASTE COMPOSTING FACILITY to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts and amend Special Use Standards to Table 6.1.3.
- k. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Existing Zoning Ordinance text to be removed is indicated with strike-out.

Text proposed to be added to the Zoning Ordinance is indicated with underlining.

1) Add, revise, or remove defined terms to Section 3.0

SECTION 3.0 DEFINITIONS

COMPOST

The humus-like product of the process of composting waste, which may be used as a soil conditioner.

COMPOSTABLE WASTE

Household waste that consists of only FOOD SCRAP, household waste that consists of only LANDSCAPE WASTE, or a mixture of both.

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

ESTABLISHMENTS that receive and process GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for recycling.

DUMP, REFUSE

~~A LOT or tract of land or part thereof used for the disposal by abandonment, burial, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.~~

FOOD SCRAP

GARBAGE that is (i) capable of being decomposed into COMPOST by composting, (ii) separated by the generator from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST by composting, and (iii) managed separately from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST.

GARBAGE

Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

GARDEN COMPOST OPERATION

An operation which (1) has no more than 25 cubic yards of LANDSCAPE WASTE, composting material or end-product COMPOST on-site at any one time and (2) is not engaging in commercial activity.

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

Non-hazardous, uncontaminated materials resulting from the CONSTRUCTION, remodeling, repair and demolition of utilities, STRUCTURES, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non- hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; asphalt roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

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HOUSEHOLD WASTE DROP-OFF POINT

The portion of a site or facility used solely for the receipt and temporary STORAGE of household waste and in accordance with Section 22.55 of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

LANDSCAPE WASTE

All accumulations of grass or shrubbery cuttings, leaves, tree limbs and trucks, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees., ~~excluding vegetative by-products from agricultural activities onsite.~~

LANDSCAPE WASTE COMPOST FACILITY

An entire LANDSCAPE WASTE COMPOSTING OPERATION with the exception of a GARDEN COMPOST OPERATION.

LANDSCAPE WASTE PROCESSING FACILITY

An establishment for grinding, chipping, splitting, or sawing or composting of LANDSCAPE WASTE including the temporary stockpiling, ~~spreading~~, disposal or wholesale and/or retail sale of landscape waste materials processed on the site. The processing of LANDSCAPE WASTE on the same lot on which it was generated ~~and composting are~~ is excluded from this definition.

ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT

A household waste drop-off point approved by the COUNTY and in accordance with Subsection (d-5) of the Illinois Environmental Protection Act (415 ILCS) 5.22.55).

PERMANENT COMPOSTABLE WASTE COLLECTION POINT

A HOUSEHOLD WASTE DROP-OFF POINT approved by the COUNTY and in accordance with Subsection (d-6) of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY

Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, defined as such in the Illinois Environmental Protection Act (415 ILCS 5/3.330 et seq.).

RECYCLING CENTER

A site or facility that collects, stores, or processes only segregated, nonhazardous, nonspecial, homogenous, non-putrescible materials, such as dry paper, glass, cans or plastics, for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

SANITARY LANDFILL

~~A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary and to provide a final cover following final placement of refuse.~~

SPECIFIC MATERIAL COLLECTION SITE

A site that serves an integral part of needed infrastructure for a specific material reuse or recycle OPERATION. The site receives scheduled deliveries of a specific nonhazardous or non-putrescible material (e.g., glass containers/bottles) up to a limited maximum capacity, for temporary STORAGE on site until it is picked up for transport to an off-site processing facility.

2) Amend Section 4.2.1C to add SPECIFIC MATERIAL COLLECTION SITE

- a. Add Item 8. "A SPECIFIC MATERIAL COLLECTION SITE may be authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in the AG-1 Agriculture and in the AG-2 Agriculture DISTRICTS."

3) Amend Section 4.3.7 to also exempt POLLUTION CONTROL FACILITY and NEW POLLUTION CONTROL FACILITY

The following STRUCTURES and USES are exempted by this ordinance and permitted in any DISTRICT:

- A. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment of a public utility as defined in Public Utilities Act (220 ILCS 5/1-101 *et. seq.*); provided that the installation shall conform, where applicable, to the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and other public authorities having jurisdiction.; ~~and~~
- B. AGRICULTURE except BUILDINGS and STRUCTURES used for ~~AGRICULTURAL~~ agricultural purposes shall be required to conform to SETBACK LINES. In the event that land, and STRUCTURES cease to be used for ~~AGRICULTURAL~~ agricultural purposes, then and only then shall the remaining provisions of the ordinance apply.
- C. POLLUTION CONTROL FACILITIES and NEW POLLUTION CONTROL FACILITIES, provided that the following provisions have been met:
 1. The GOVERNING BODY has granted siting approval for a POLLUTION CONTROL FACILITY or a NEW POLLUTION CONTROL FACILITY in accordance with the Illinois Environmental Protection Act (415 ILCS 5/39.2 *et seq.*).
 2. All permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits, and state permit applications are submitted to the COUNTY.

4) Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- a. Change "AUTOMOBILE Salvage Yard (junkyard)" to "JUNK YARD or AUTOMOBILE SALVAGE YARD" as a listed PRINCIPAL USE.
- b. Add ~~Recycling of non-hazardous materials (all storage and processing indoors)~~ "RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS" to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- c. Add "RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS" to be allowed by SPECIAL USE Permit in the B-4, or B-5 Zoning Districts, and By Right in the I-1 or I-2 Zoning Districts.
- d. Add "CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY" to be allowed by SPECIAL USE Permit in the I-1 or I-2 Zoning Districts.

Exhibit B: CCDPZ Supplemental Memos (dated July 27 and September 30, 2022)

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- e. ~~Revise-Add~~ “LANDSCAPE WASTE COMPOSTING ~~PROCESSING FACILITYIES~~” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in the AG-2, I-1, or I-2 Zoning Districts.
- f. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- g. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.

As shown in the table below:

Principal USES	Zoning DISTRICTS															
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
AUTOMOBILE Salvage Yard (junkyard) JUNK YARD or AUTOMOBILE SALVAGE YARD																
Recycling of non hazardous materials (all storage and processing indoors) RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS																
RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS												S	S			
<u>CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY</u>														S	S	
<u>LANDSCAPE WASTE COMPOSTING FACILITY</u>			S											S	S	
<u>PERMANENT COMPOSTABLE WASTE COLLECTION POINT</u>			S						S			S	S	S	S	
<u>SPECIFIC MATERIAL COLLECTION SITE</u>		S ³⁰	S						S			S	S	S	S	

FOOTNOTES:

30. ~~May only be authorized on property where there is also a Township Highway Maintenance Garage government facility.~~

5) Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
<u>CONSTRUCTION AND</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)			Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			
						STREET Classification MAJOR COLLECTOR MINOR			
DEMOLITION DEBRIS RECYCLING FACILITY		<div>1. <u>The CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY (CDDR FACILITY) must be equipped with a fence of at least eight feet in height located to secure the operating areas of the CDDR FACILITY during non-operating hours as well as assist in minimizing the potential for litter to leave the CDDR FACILITY.</u></div> <div>2. <u>Minimum LOT AREA shall be five acres, and the minimum LOT width and maximum HEIGHT standards shall be the same as applicable zoning DISTRICT.</u></div> <div>3. <u>Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 4.</u></div> <div>4. <u>A CDDR FACILITY must be located at least 500 1,320 feet from any residential zoning district or any DWELLING conforming as to USE unless otherwise expressly approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.</u></div> <div>5. <u>GENERAL CONSTRUCTION OR DEMOLITION DEBRIS receiving/tipping areas must be CONSTRUCTED of a low permeability material (e.g., Portland cement concrete, asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.</u></div> <div>6. <u>All loads containing putrescible materials must be tipped, processed and stored indoors or under cover until sent offsite for reuse, recycling, or disposal. Wood may be stored outside if sorted within 72 hours of receipt and immediately processed.</u></div> <div>7. <u>Any leachate or runoff from waste/recyclable material must be contained onsite.</u></div> <div>8. <u>All state discharge permits, or other applicable permits must be acquired prior to commencing operations.</u></div> <div>9. <u>All necessary permits must be acquired to store fuel or other regulated material onsite.</u></div> <div>10. <u>The SPECIAL USE Permit application must be accompanied by:</u><div><div>a. <u>A site plan and architectural drawing depicting BUILDING and STRUCTURE elevations and descriptions of such BUILDINGS and STRUCTURES necessary to convey the architectural appearance and physical magnitude of the proposed improvements;</u></div><div>b. <u>A narrative description of the activities proposed to be conducted indoors or under cover within the CDDR FACILITY boundaries;</u></div><div>c. <u>A narrative description of other proposed USES (such as, but not limited to truck storage, maintenance, fueling, and container STORAGE) and a demonstration that other such USES can be conducted in a safe and unobtrusive manner without interference with safe recycling activities on the site; and</u></div><div>d. <u>A plan describing how incoming material will be handled (both under cover and outdoors), areas for sorting, processing, storing, baling and container STORAGE and all equipment that will be used.</u></div><div>e. <u>A spill plan must be submitted for review and approval by the county as a condition of the SPECIAL USE Permit.</u></div><div>f. <u>The site plan must include at least the following information:</u><div><div>i. <u>A legal description of the subject property; access/egress point(s);</u></div><div>ii. <u>Parking areas;</u></div><div>iii. <u>Any BUILDINGS, STRUCTURES or fixed equipment;</u></div><div>iv. <u>The extent of paved or impervious surfaces; material tipping/receiving areas;</u></div><div>v. <u>Material processing areas;</u></div><div>vi. <u>Areas of proposed material stockpiling (by material type);</u></div><div>vii. <u>Material loading areas; and</u></div><div>viii. <u>Fencing, berm or screening features.</u></div></div></div></div><div>11. <u>The applicant must provide with a SPECIAL USE Permit application a proposed operating plan that contains at least all of the following information:</u><div><div>a. <u>Number of employees anticipated at the facility;</u></div><div>b. <u>Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;</u></div><div>c. <u>Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the CDDR FACILITY. The minimum amount of recyclable material shipped offsite must be at least 75% of the total incoming material on a quarterly basis, or more frequently if applicable regulations are more stringent;</u></div><div>d. <u>The types of material tracking methods and recordkeeping to be employed to demonstrate compliance with applicable recycling thresholds. Records must be kept in accordance with regulatory standards. A daily record of incoming/ outgoing material or waste must be kept and reported no less than quarterly to the Champaign County Recycling Coordinator or designee. All records must be maintained by the operator at the CDDR FACILITY for a period of at least three years or longer in the event of a dispute. The operator must allow reasonable access to inspect the CDDR FACILITY during operating hours for compliance with applicable approvals, permits and regulations;</u></div><div>e. <u>The procedures by which all non-recyclable general construction or demolition debris will be removed and disposed within 72 hours of receipt. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition material prior to shipment from the CDDR FACILITY;</u></div><div>f. <u>The end-use markets for separated general construction or demolition debris to demonstrate compliance with meeting applicable recycling thresholds;</u></div><div>g. <u>A closure plan for the CDDR FACILITY;</u></div><div>h. <u>The maximum number of vehicles (by vehicle type) proposed to utilize the CDDR FACILITY on a daily basis;</u></div><div>i. <u>All processing equipment proposed to be utilized to prepare the recyclable general construction or demolition debris</u></div></div></div></div>							

Exhibit B: CCDPZ Supplemental Memos (dated July 27 and September 30, 2022)

Case 058-AT-22, ZBA

Supp Memo #2, Attachment B Page

Item e.

Case 058-AT-22

REVISED DRAFT 10/13/22

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SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
		<p><u>for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts;</u></p> <p>j. <u>Operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter. Any and all air permits from the IEPA, USEPA, or other applicable regulatory authorities must be obtained as necessary;</u></p> <p>k. <u>The method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the CDDR FACILITY; and</u></p> <p>l. <u>Typical and maximum anticipated height of stockpiled recyclable GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land USES.</u></p> <p>12. <u>The SPECIAL USE Permit will become effective upon receipt of a permit from the Illinois Environmental Protection Agency in accordance with Section 22.38 of the Illinois Environmental Protection Act ("The IEPA Act"). It must be a condition of the SPECIAL USE Permit that the CDDR FACILITY continues to operate in accordance with Section 22.38 of the IEPA Act and all other regulations and applicable permits.</u></p>									
PERMANENT COMPOSTABLE WASTE COLLECTION POINT	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
		<p>1. <u>All provisions of Subsection (d-6) of Section 22.55 of the Illinois Environmental Protection Act shall be met (415 ILCS 5/22.55). These include:</u></p> <p>1. <u>Waste accepted at the collection point must be limited to the types of compostable waste authorized to be accepted under the approval.</u></p> <p>2. <u>Information promoting the collection point and signs at the collection point must clearly indicate the types of compostable waste approved for collection. To discourage the receipt of other waste, information promoting the collection point and signs at the collection point must also include (A) examples of compostable waste being collected and (B) examples of waste that is not being collected.</u></p> <p>3. <u>Compostable waste must be accepted only from private individuals. It may not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where it was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.</u></p> <p>4. <u>Compostable waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Compostable waste must be properly secured to prevent it from being accessed by the public at any time, including, but not limited to, during the collection point's non-operating hours. Permanent compostable waste collection points must be adequately supervised during their operating hours.</u></p> <p>5. <u>Compostable waste must be secured in non-porous, rigid, leak-proof containers that:</u></p> <p>a. <u>Are no larger than 10 cubic yards in size;</u></p> <p>b. <u>Are covered, except when the compostable waste is being added to or removed from the container or it is otherwise necessary to access the compostable waste;</u></p> <p>c. <u>Prevent precipitation from draining through the compostable waste;</u></p> <p>d. <u>Prevent dispersion of the compostable waste by wind;</u></p> <p>e. <u>Contain spills or releases that could create nuisances or otherwise harm human health or the environment;</u></p> <p>f. <u>Limit access to the compostable waste by vectors;</u></p> <p>g. <u>Control odors and other nuisances; and</u></p> <p>h. <u>Provide for storage, removal, and off-site transfer of the compostable waste in a manner that protects its ability to be composted.</u></p> <p>6. <u>No more than a total of 10 cubic yards of compostable waste shall be located at the permanent compostable waste collection site at any one time.</u></p> <p>7. <u>Management of the compostable waste must be limited to the following: (A) acceptance, (B) temporary storage before transfer, and (C) off-site transfer.</u></p> <p>8. <u>All compostable waste received at the permanent compostable waste collection point must be transferred off-site to a permitted compost facility not less frequently than once every 7 days.</u></p> <p>9. <u>If a permanent compostable waste collection point receives waste other than compostable waste, then that waste must be disposed of not less frequently than once every 7 days.</u></p>									

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<p>The operation of a LANDSCAPE WASTE DISPOSAL FACILITY COMPOST FACILITY or a LANDSCAPE WASTE PROCESSING FACILITY shall not be allowed unless all permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits and state permit applications are submitted.</p> <p>The location of any portion of the site where composting of the landscape waste is taking place shall be:</p> <p>1) located a minimum of 500 feet from any existing residence or residential DISTRICT;</p> <p>2) located a minimum of 200 feet from any potable water supply well;</p> <p>3) operated to control runoff from the site and collect and manage any leachate that is generated on the site.</p> <p>The location of the portion of any site where composting of the landscape waste is taking place and any area where landscape waste is stored or stockpiled shall be located outside the boundary of the 100-year floodplain or floodproofed pursuant to the requirements of Ordinance No. 209, <i>An Ordinance Regulating Development in Special Flood Hazard Areas</i> as amended.</p> <p>The operation of the facility shall include appropriate dust, odor and noise control measures, <u>and shall be consistent with all applicable requirements of 35 Ill. Adm. Code Part 830.</u></p> <ul style="list-style-type: none">Section 830.202 Minimum Performance Standards and Reporting Requirements for Landscape Waste Compost Facilities;Section 830.203 Location Standards for landscape Waste Compost Facilities;Section 830.204 Additional Stormwater and Landscape Waste Leachate Controls at Permitted Landscape Waste Compost Facilities; andSection 830.205 Additional Operating Standards for Permitted Landscape Waste Compost Facilities;.											
LANDSCAPE WASTE PROCESSING FACILITY	<p>The location of any portion of the site where processing of the landscape waste is taking place shall be as follows:</p> <p>1) <u>located a minimum of 500 feet from any existing residence or residential DISTRICT;</u></p> <p>2) <u>not located below the base flood elevation in the Special Flood Hazard Area (100-year floodplain);</u></p> <p>3) <u>the operation of the facility shall be consistent with all applicable requirements of 35 Ill. Adm. Code Part 830.</u></p>										

6) Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

- a. Remove the 'Public or Commercial SANITARY LANDFILL' standard conditions.

7) Amend Section 7.1.2 RURAL HOME OCCUPATION HOME Standards

- a. Revise Item 3 under Paragraph J to provide that JUNK YARD or AUTOMOBILE SALVAGE are prohibited as STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

SECTION 5 ZONING DISTRICTS AND MAP**5.1 General Intent of Zoning DISTRICTS****5.1.1 AG-1 Agriculture**

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

5.1.2 AG-2 Agriculture

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

5.1.3 CR Conservation-Recreation

The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.

5.1.4 R-1 Single Family Residence

The R-1, Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.

5.1.5 R-2 Single Family Residence

The R-2, Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.

5.1.6 R-3 Two Family Residence

The R-3, Two Family Residence DISTRICT is intended to provide areas for SINGLE and TWO FAMILY DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.

5.1.7 R-4 Multiple Family Residence

The R-4, Multiple Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.

5.1.8 R-5 MANUFACTURED HOME Park

The R-5, MANUFACTURED HOME Park DISTRICT is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.

5.1.9 B-1 Rural Trade Center

The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.

5.1.10 B-2 Neighborhood Business

The B-2, Neighborhood Business DISTRICT is intended to provide areas for the convenience of adjacent residential areas, and to permit only such USES as are necessary to satisfy limited basic shopping needs which occur daily or frequently.

5.1.11 B-3 Highway Business

The B-3, Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.

5.1.12 B-4 General Business

The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.

5.1.13 B-5 Central Business

The B-5, Central Business DISTRICT is intended to provide for needs of a larger consumer population than served by the Neighborhood Business DISTRICT and is located generally in the business DISTRICTS of the unzoned municipalities in the COUNTY.

5.1.14 I-1 Light Industry

The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.

5.1.15 I-2 Heavy Industry

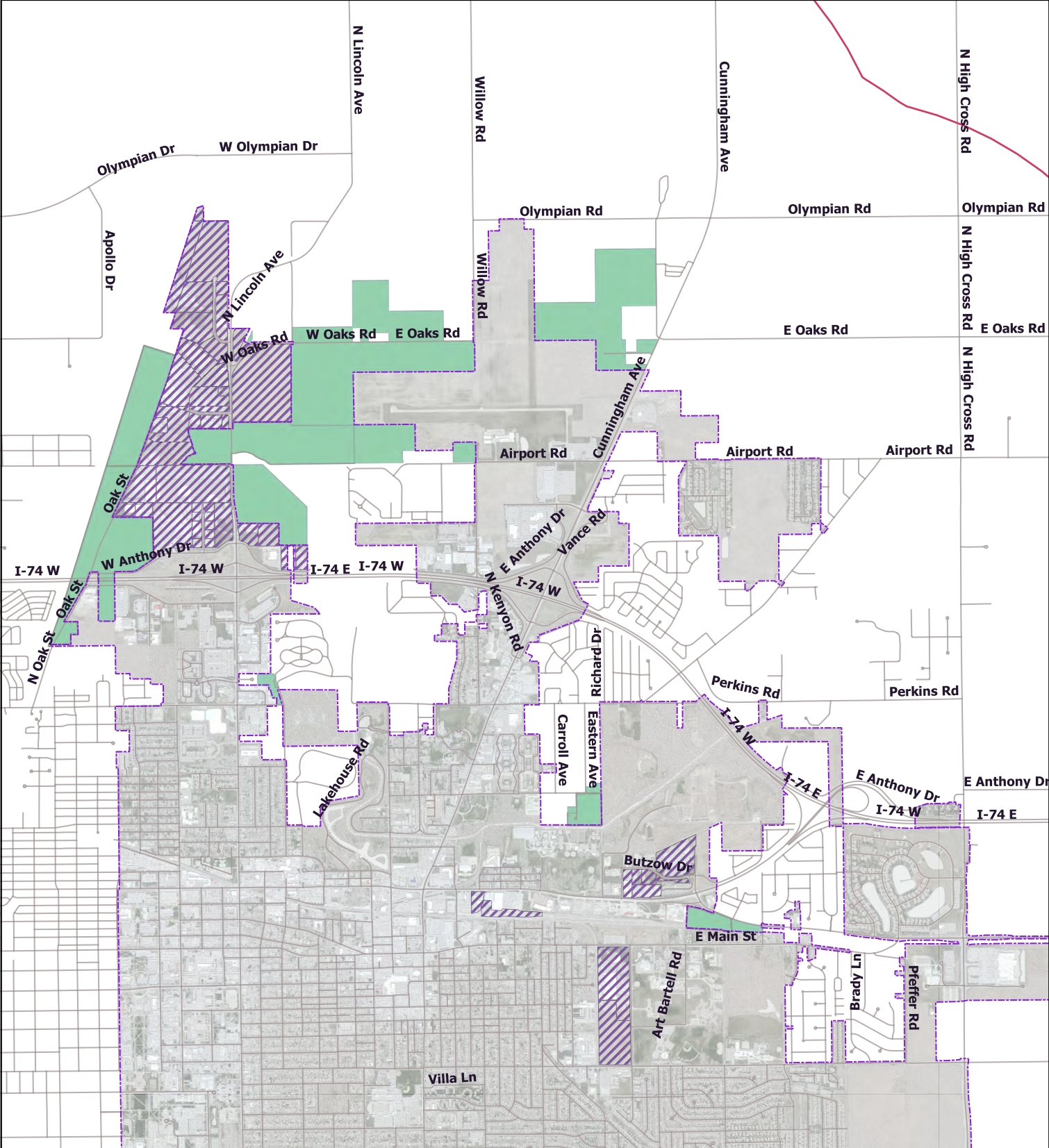
The I-2, Heavy Industry DISTRICT is established to accommodate those manufacturing USES that have moderate environmental effects and are located in areas relatively remote from residential and prime retail development.

5.1.16 RRO Rural Residential OVERLAY

The RRO, Rural Residential OVERLAY DISTRICT is intended to provide rural areas that are suitable for residential development and whose development will not significantly interfere with AGRICULTURAL pursuits in neighboring areas.

Exhibit D: Proposed Junk Yard Districts: County I-1, I-2

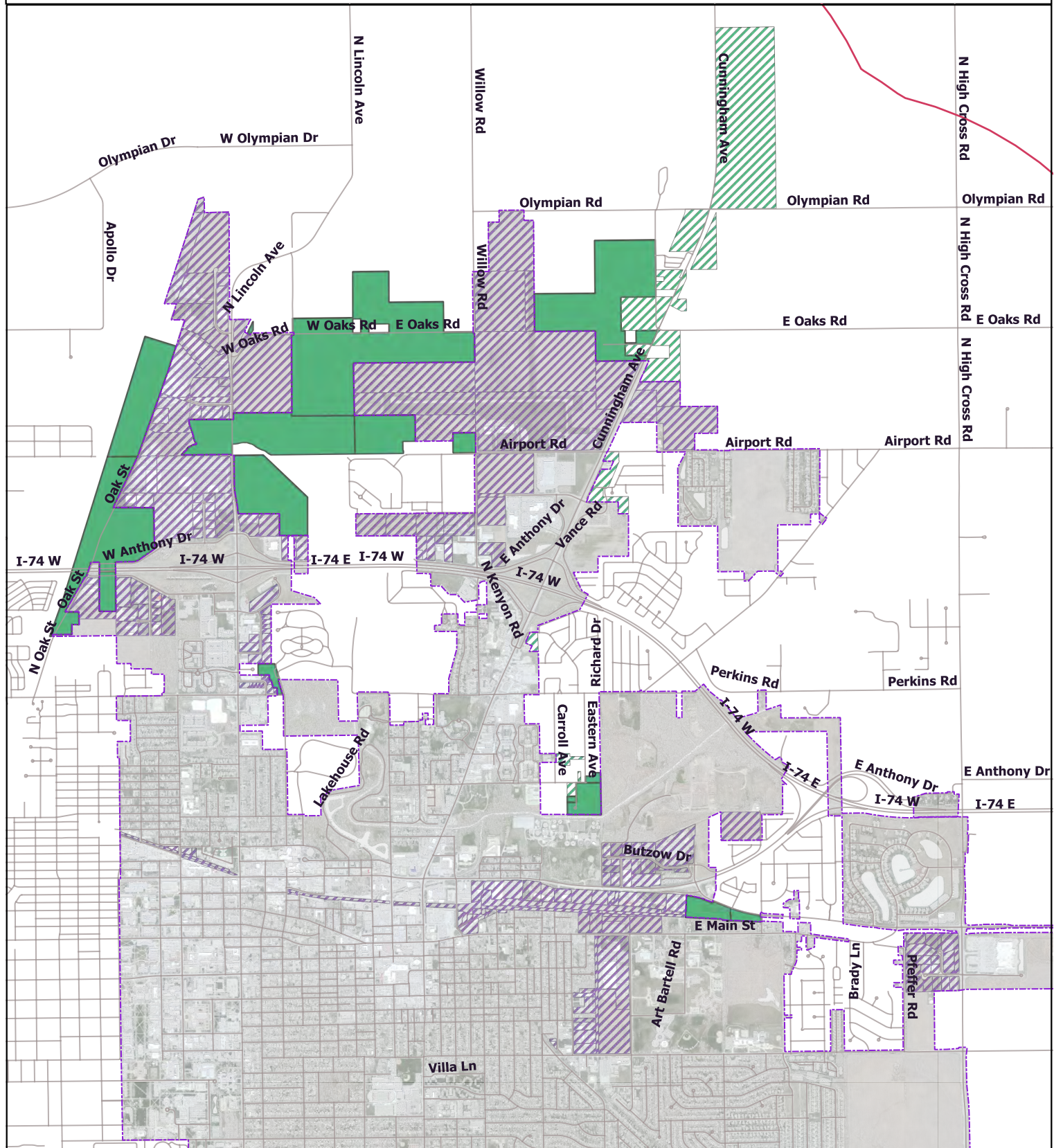
Item e.



Case No.: CCZBA-058-AT-22
Subject: Waste-Related Uses
Location: Champaign County
Petitioners: Champaign County
Zoning Administrator



- Urbana ETJ
- Urbana
- City: Special
- County Zoning
- County: Special
- County: Permitted

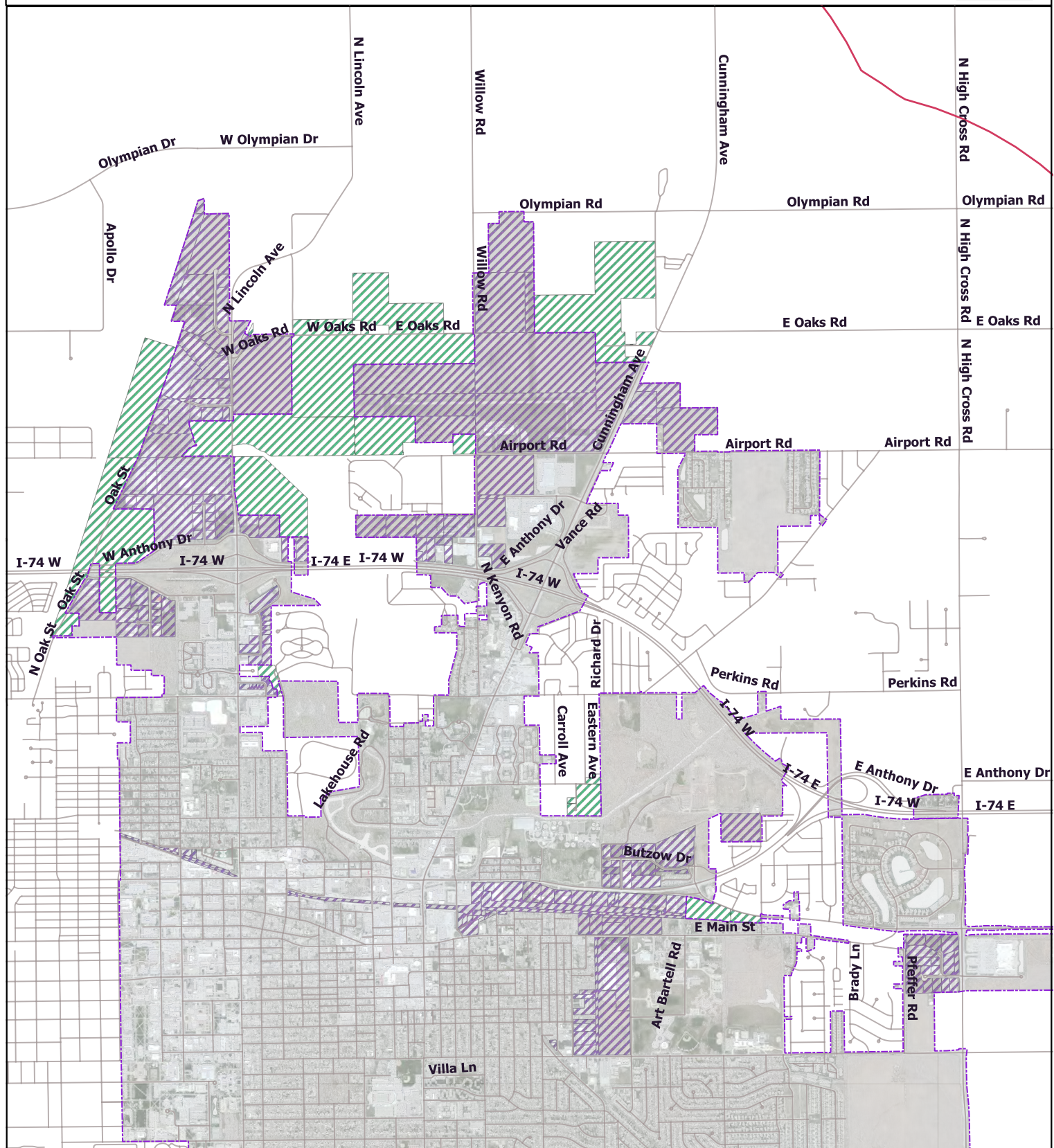


Case No.: CCZBA-058-AT-22
 Subject: Waste-Related Uses
 Location: Champaign County
 Petitioners: Champaign County
 Zoning Administrator



- Urbana ETJ
- Urbana
- City: Special
- County: Special

Item e.



Case No.: CCZBA-058-AT-22
Subject: Waste-Related Uses
Location: Champaign County
Petitioners: Champaign County
Zoning Administrator







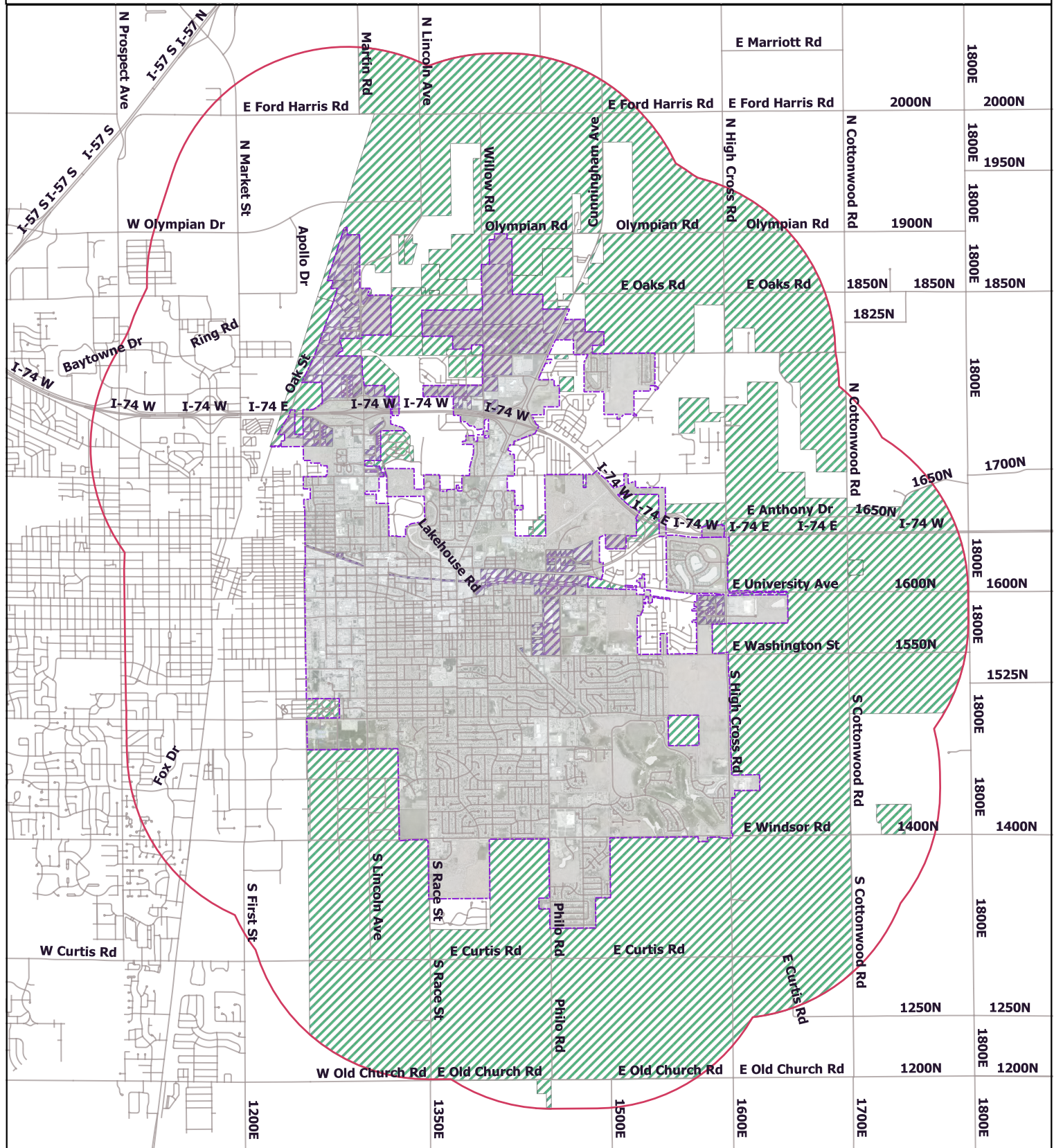
-  Urbana ETJ
 Urbana
 City: Special
 County Zoning
 County: Special

Exhibit G: Proposed Landscape Waste Composting Facility Districts: County AG-2, I-1, Item e.



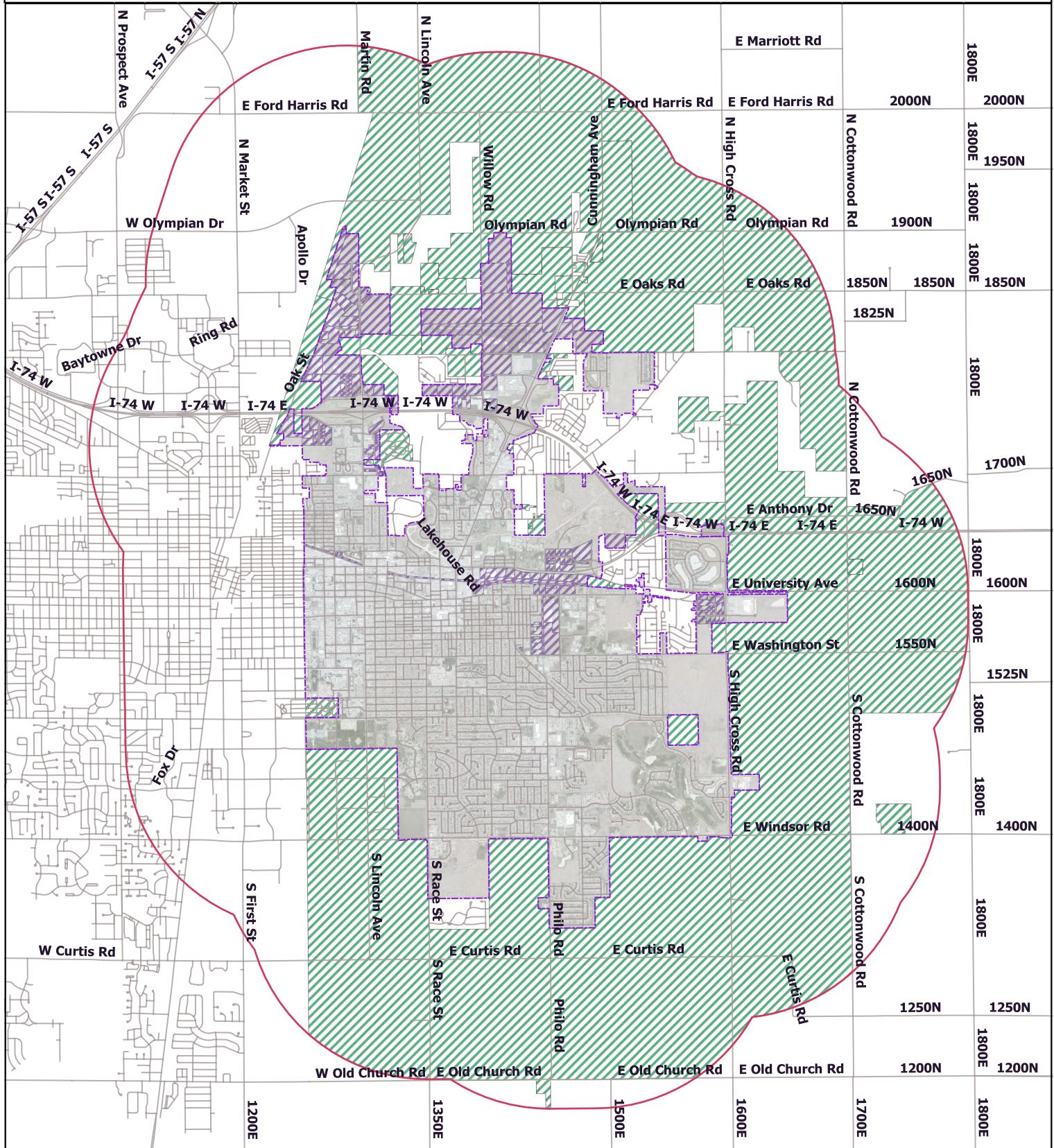
Case No.: CCZBA-058-AT-22
 Subject: Waste-Related Uses
 Location: Champaign County
 Petitioners: Champaign County
 Zoning Administrator



- Urbana ETJ
- Urbana
- City: Special
- County Zoning
- County: Special

Exhibit H: Proposed Permanent Compostable Waste Collection Point Districts: County AG-2, B-1, B-4, B-5, I-1 and I-2

Item e.



Case No.: CCZBA-058-AT-22
Subject: Waste-Related Uses
Location: Champaign County
Petitioners: Champaign County
Zoning Administrator



- Urbana ETJ
- Urbana
- City: Special
- County Zoning
- County: Special

Item e.



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DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Sheila Dodd, Interim Community Development Services Director
Marcus Ricci, AICP, Planner II

DATE: January 12, 2023

SUBJECT: **AN ORDINANCE AMENDING THE URBANA ZONING MAP** (R-3 to B-3 at 1009 Cunningham Avenue / Plan Case No. 2466-M-22)

Introduction & Background

Nabil Messai requests to rezone 1009 Cunningham Avenue from R-3, Single and Two-Family Residential to B-3, General Business. There was a duplex on the property that was demolished in 2021. The property is now vacant, and the applicant would like to redevelop the property and run a catering service. A “Catering Service” is not allowed in the R-3 district and is permitted by-right in the B-3 zoning district.

At its January 5, 2023, meeting, the Plan Commission held a public hearing on this case. No members of the public spoke regarding the case. **The Plan Commission voted unanimously, with four ayes and zero nays, to recommend that City Council approve the zoning map amendment.** Staff request that this case be placed on the City Council Consent Agenda.

Description of Site and Area

The site is approximately 16,000 square feet and is located on the west side of Cunningham Avenue, between Kerr Avenue and Oakland Avenue. The property is zoned R-3, Single and Two-Family Residential. The adjacent properties are zoned B-3, General Business (north, south, and east) and R-3, Single and Two-Family Residential (west). The following table identifies the current zoning and the existing and future land uses of the subject property and surrounding properties (see Exhibits A, B and C).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use	Future Land Use
West	R-3, Single and Two-Family Residential	Vacant	Community Business
North	B-3, General Business	Used Car Dealership	Community Business
South	B-3, General Business	Audio Visual Equipment Repair Service	Community Business
East	B-3, General Business	Auto Repair Shop	Community Business
West	R-3, Single and Two-Family Residential	Residential	Residential

Discussion

The requested rezoning would allow the applicant to redevelop the vacant lot and run a catering business at this location. The R-3, Single and Two-Family Residential zoning was consistent with the former use on the property, a duplex, which was demolished in 2021. However, the requested B-3 zoning better aligns with the commercial character of the Cunningham Avenue corridor. The applicant states that, “this is the only residential lot left among its surrounding lots facing the street, and all of the surrounding lots facing the street are active businesses.” All other properties along Cunningham Avenue, with the exception of the Cunningham Township Nursing Home and the Eastlawn Burial Park, are zoned B-3, General Business. The requested rezoning would bring this property into conformity with the surrounding area, as well as the Comprehensive Plan, which identifies the Future Land Use for the property as “Community Business”:

Community Business centers are designed to serve the overall community as well as the immediate neighborhood but are less intense than regional commercial centers. Located along principal arterial routes or at major intersections. Community Business centers contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods. Encourage planned-unit developments to create a variety of uses, and to transition intensities to adjoining neighborhoods. Design facilities to permit pedestrian, bicycle, and transit access as well as automobile traffic.

The Comprehensive Plan also identifies Cunningham Avenue as “a corridor for commercial growth,” designed to serve the surrounding residential neighborhoods, as well as the community as a whole.¹ The rezoning would also allow for the commercial redevelopment of a vacant property in the Cunningham Avenue Corridor Redevelopment Plan TIF District and Urbana and Champaign County Enterprise Zone.

If the property is rezoned, a 10-foot buffer yard would apply to the west rear yard, as the adjacent property on the west side is zoned R-3, Single and Two-Family Residential.² A landscape buffer with a minimum depth of five feet would also be required on the west side³.

Rezoning Criteria

In the case of *La Salle National Bank v. County of Cook*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. In addition to the six La Salle Criteria, the court developed two more factors in the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. Together, all eight factors are discussed below to compare the current zoning to the proposed zoning.

1. The existing land uses and zoning of the nearby property.

The proposed rezoning to B-3, General Business, is compatible with the existing land uses and zoning of the immediate area (see Exhibits A and B). Cunningham Avenue, with the exception of the Cunningham Township Nursing Home (R-5, Medium High Density Multiple-Family Residential) and Eastlawn Burial Park (AG, Agriculture) properties, is zoned B-3, General Business, from University Avenue north to Interstate 74. The current R-3 zoning is not conducive to the future development of the site. Single- or two-family residential development would not be consistent or compatible with the existing development along Cunningham Avenue. The

¹ Comprehensive Plan, Community Profile pg. 15

² Table VI-1. Buffer Yards

³ Table VI-2. Landscaping Buffer

proposed B-3 zoning would allow for future commercial development in line with the zoning and land uses in the surrounding area.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

The R-3 zoning district restricts the permitted uses for the property to only residential and some public uses (school or park)⁴. The duplex that was on the property was demolished in 2021, and it has been vacant since then. The proposed B-3 zoning district allows for commercial uses consistent throughout the Cunningham Avenue Corridor. The applicant has plans to develop the property and run a catering service there. Without the rezoning, the property would likely remain vacant.

3. *The extent to which the ordinance promotes the health, safety, morals, or general welfare of the public.*

The proposed rezoning could have a positive effect on the general welfare of the public, as it would allow for the redevelopment of a currently-vacant property.

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

Both the public and the property owner would benefit from the proposed rezoning. The public would likely see no gain if the property remains zoned R-3, Single and Two-Family Residential. It is unlikely that the property would be redeveloped for single- or two-family residential use, and any future residential development along Cunningham Avenue would likely be incompatible with the existing surrounding uses. For the property owner, the restrictions of the R-3 zoning district impose a hardship, as the vacant lot could only be developed for small-scale residential or public uses. Granting the request would bring the property into conformity with the Cunningham Avenue Corridor, and would allow for commercial development consistent with the surrounding area.

5. *The suitability of the subject property for the zoned purposes.*

The property is suitable for B-3 zoning and commercial uses, as the property is located in the Cunningham Avenue corridor, which is characterized by commercial uses. The R-3 zoning was suitable for the property before the duplex was demolished. However, the neighboring properties to the north, south and east are all zoned B-3, and the rezoning would bring the property into conformance with the surrounding area. The rezoning from R-3 to B-3 would increase the allowable floor area ratio and decrease the required open space ratio. The lot size, lot width and yard requirements would remain the same.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The property has been vacant for one year, which was before the applicants purchased the property. The duplex that was on the property since at least 1973⁵ was demolished in 2021.

7. *The community's need for more of the proposed use.*

The applicant requests a rezoning to allow for a catering service. There are a mix of commercial uses along the Cunningham Avenue Corridor: auto sales and service, restaurants, retail shops, a bank, a grocery store, etc. It is unclear if there is a need for more of the types of uses that would

⁴ Zoning Ordinance Table V-1. Table of Uses

⁵ CCGISC Aerial Imagery <http://www.maps.ccgisc.org/public/>

be allowed if the rezoning is granted. However, the proposed zoning would allow for commercial uses in general, which better aligns with the zoning and land uses in the surrounding area.

8. *The care with which the community has planned its land use development.*

In the Comprehensive Plan, the properties are identified as part of the "Community Business" Future Land Use designation. The proposed rezoning to B-3, General Business zoning district would comply with the description of community business centers to "contain a variety of business and service uses at scales and intensities that make them generally compatible with surrounding neighborhoods."

Public Input

Staff published a legal ad in the News-Gazette to notify the public of the request and public hearing 15 days prior to the Plan Commission meeting. Staff also sent letters to 34 neighboring property owners (within 300 feet of the subject property), notifying them of the request, and posted a public hearing sign on the property. Staff did not receive any public input regarding the requested zoning map amendment.

Plan Commission

The Urbana Plan Commission discussed the proposed zoning map amendment at its January 5, 2023, meeting (Exhibit F – Plan Commission Meeting Minutes – DRAFT). Discussion focused on the reason that the parcel was originally zoned residential rather than commercial. The commission voted unanimously, with four ayes and zero nays, to recommend that City Council approve the proposed zoning map amendment.

Summary of Findings

1. Nabil Messai requests a rezoning of 1009 Cunningham Avenue from R-3, Single and Two-Family Residential to B-3, General Business.
2. The proposed rezoning to B-3, General Business zoning district would be compatible with the "Community Business" future land use designation by the Urbana Comprehensive Plan.
3. The proposed rezoning would match the zoning to the north, south and east along the Cunningham Avenue Corridor.
4. The public would likely see a positive gain if the property is rezoned from the R-3 to the B-3 zoning district, as the property is currently vacant, and the rezoning would allow for new development consistent with the surrounding area.
5. The property has been vacant for one year since the previous owner demolished the duplex. It has been vacant since the applicants have owned the property.
6. It is unclear if there is a need for more of the types of uses that would be allowed if the rezoning is granted. However, the proposed zoning would allow for commercial uses in general, which better aligns with the zoning and land uses in the surrounding area.
7. At the January 5, 2023, meeting, the Urbana Plan Commission held a public hearing and voted unanimously, with four ayes and zero nays, to forward the case to the City Council with a recommendation to approve the zoning map amendment.

Options

City Council has the following options in **Plan Case 2466-M-22**:

1. **Approve** the zoning map amendment based on the findings in this memo and place on the consent agenda; or
2. **Deny** the zoning map amendment, and if so, articulate findings supporting the denial.

Recommendation

At its January 5, 2023, meeting, the Urbana Plan Commission voted four ayes to zero nays to forward this case to Urbana City Council with a recommendation to APPROVE the request. City staff likewise recommends approval.

Attachments: Exhibit A: Location Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: R-3 District Description Sheet
 Exhibit E: B-3 District Description Sheet
 Exhibit F: Site Photos
 Exhibit G: Application for Zoning Map Amendment
 Exhibit H: Plan Commission Meeting Minutes – DRAFT (dated January 5, 2023)

cc: Nabil Messai, Applicant

AN ORDINANCE AMENDING THE URBANA ZONING MAP
(1009 Cunningham Avenue / Plan Case No. 2466-M-22)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, Nabil Messai Holdings, has requested a rezoning from the R-3, Single and Two-Family Residential to B-3, General Business, zoning district at 1009 Cunningham Avenue; and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on January 5, 2023, and voted with four (4) ayes and zero (0) nays to forward Plan Case 2466-SU-22 to the Urbana City Council with a recommendation to approve the request for a zoning map amendment; and

WHEREAS, the City Council finds that the requested rezoning is consistent with the criteria contained in *La Salle Nat. Bank of Chicago v. Cook County*, 12 Ill. 2d 40, 145 N.E.2d 65 (1957) and *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370 (1960); and

WHEREAS, the City Council finds that the requested rezoning is consistent with the goals, objectives, and generalized land use designations of the City of Urbana 2005 Comprehensive Plan; and

WHEREAS, the City Council, after due consideration, finds that an amendment to the Urbana Zoning Map as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City’s government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The Official Zoning Map of Urbana, Illinois, is herewith and hereby amended to change the zoning classification of the following described property:

The subject property to be rezoned from the R-3, Single and Two-Family Residential to the B-3, General Business, zoning district at 1009 Cunningham Avenue, more particularly described as follows:

Lot 1 and Lot 2 of William F. Tipton Replat, as per Plat Recorded June 28, 1948 as Document Number 429170, per Plat Book “H”, Page 12, Situated in Champaign County, Illinois.

Item f.

Commonly known as 1009 Cunningham Avenue, Urbana, Illinois 61802
P.I.N.: 91-21-08-278-018

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2023.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2023.

Diane Wolfe Marlin, Mayor

Exhibit A - Location Map

Item f.



Case No. 2466-M-22
Subject Zoning Map Amendment (R-3 to B-3)
Address 1009 Cunningham Avenue
Petitioner Rafik and Nabil Messai


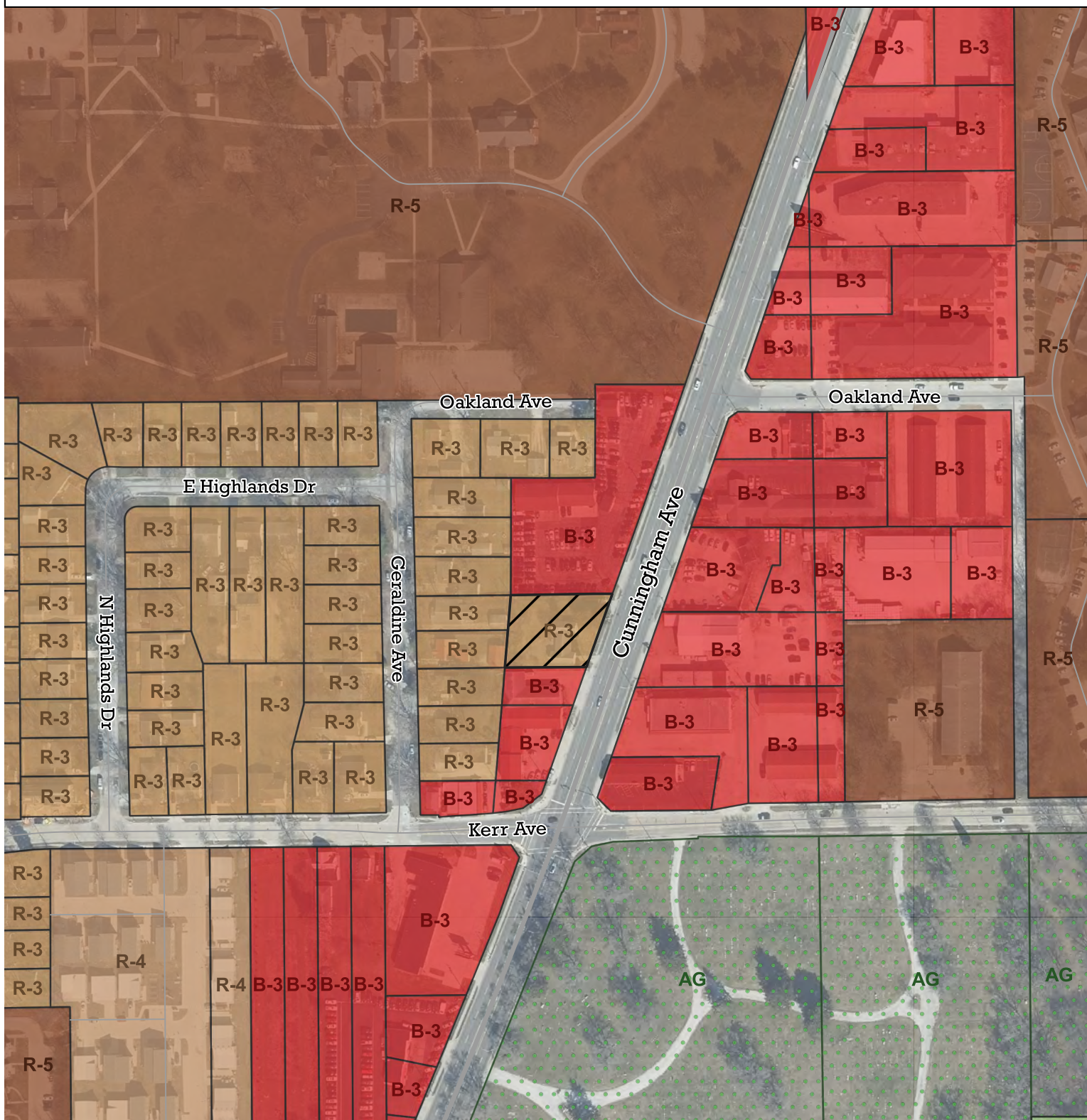
Legend
 Subject Property
Aerial_2020

Exhibit B - Zoning Map

Item f.



Case No.
Subject
Address
Petitioner

2466-M-22
Zoning Map Amendment (R-3 to B-3)
1009 Cunningham Avenue
Rafik and Nabil Messai

Legend

 Subject Property

Zoning

 AG

 B-3

 R-3

 R-4

 R-5

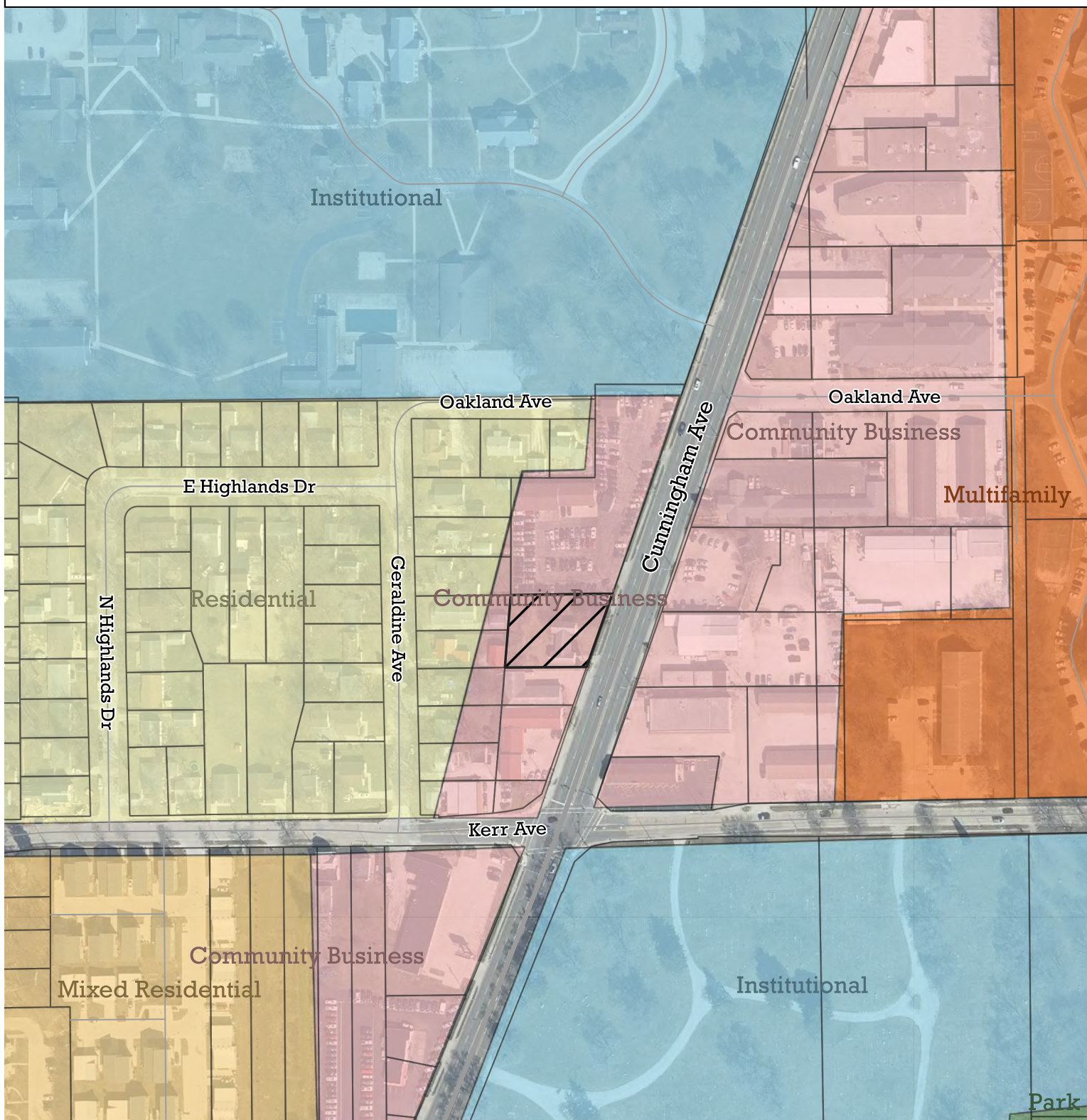
Aerial_2020

264

0 250 500 ft







Exhibit C - Future Land Use Map

Item f.



Case No. 2466-M-22
 Subject Zoning Map Amendment (R-3 to B-3)
 Address 1009 Cunningham Avenue
 Petitioner Rafik and Nabil Messai

Legend

-  Subject Property
- Future Land Use
 -  Community Business
 -  Institutional
 -  Mixed Residential
 -  Multifamily
 -  Residential

Aerial_2020

265

0 250 500 ft

EXHIBIT D – SITE PHOTOS

Item f.





R-3 – SINGLE AND TWO-FAMILY RESIDENTIAL ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the R-3 Zoning District is as follows:

"The R-3, Single and Two-Family Residential District is intended to provide areas for low-density residential development, including single-family attached and detached dwellings and two-family dwellings."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the R-3 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Agriculture, Cropping

Business - Recreation

Country Club or Golf Course

Public and Quasi-Public

Elementary, Junior High School or Senior High School
Park

Residential

Dwelling, Community Living Facility, Category I and Category II
Dwelling, Duplex***
Dwelling, Duplex (*Extended Occupancy*)***
Dwelling, Single Family
Dwelling, Single Family (*Extended Occupancy*)
Dwelling, Two-Unit Common-Lot-Line***

SPECIAL USES:

Public and Quasi-Public

Church, Temple or Mosque
Electrical Substation
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Police or Fire Station

Residential

Dwelling, Transitional Home, Category II

PLANNED UNIT DEVELOPMENT USES:

Residential

Residential Planned Unit Development (*See Section XIII-3*)

CONDITIONAL USES:

Agriculture

Artificial Lake of One (1) or More Acres

Business - Recreation

Lodge or Private Club

Business - Miscellaneous

Day Care Facility (*Non-Home Based*)

Public and Quasi-Public

Municipal or Government Building

CONDITIONAL USES CONTINUED:

Residential

Bed and Breakfast, Owner Occupied
Dwelling, Transitional Home, Category I

Table V-1 Notes:

*** See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units.

DEVELOPMENT REGULATIONS IN THE R-3 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
R-3	6,000 ¹³	60 ¹³	35 ¹⁷	0.40	0.40	15 ⁹	5	10

FAR = Floor Area Ratio

OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote⁹ – In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Section VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Section VI-5.D.1. (*Ordinance No. 9596-58, 11-20-95*) (*Ordinance No. 9697-154*) (*Ordinance No. 2001-03-018, 03-05-01*)

Footnote¹³ – In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.

Footnote¹⁷ – Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.

For more information on zoning in the City of Urbana call or visit:

City of Urbana

Community Development Services Department

Planning Division

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone | Email: Planning@urbanailinois.us

City Website: www.urbanailinois.us



B-3 – GENERAL BUSINESS ZONING DISTRICT

ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3 Zoning District is as follows:

"The B-3, General Business District is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-3 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

PERMITTED USES:

Agriculture

Farm Equipment Sales and Service
Feed and Grain (*Sales Only*)
Garden Shop
Plant Nursery or Greenhouse
Roadside Produce Sales Stand

Business - Adult Entertainment

Adult Entertainment Uses

Business – Cannabis

Craft Grower
Dispensary (*Medical & Non-Medical*)
Infuser

Business - Food Sales and Services

Bakery (*Less than 2,500 square feet*)
Banquet Facility
Café or Deli
Catering Service
Confectionery Store
Convenience Store
Fast-Food Restaurant
Liquor Store
Meat and Fish Market
Restaurant
Supermarket or Grocery Store
Tavern or Night Club

Business - Miscellaneous

Auction Sales (*Non-Animal*)
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)
Day Care Facility (*Non-Home Based*)
Lawn Care and Landscaping Service
Mail Order Business
Radio or TV Studio
Shopping Center – Convenience
Shopping Center – General
Wholesale Business

Business - Personal Services

Ambulance Service
Barber/ Beauty Shop
Dry Cleaning or Laundry Establishment
Health Club/ Fitness
Laundry and/or Dry Cleaning Pick-up
Massage Therapist
Medical Carrier Service
Mortuary
Movers
Pet Care/ Grooming
Self-Service Laundry
Shoe Repair Shop
Tailor and Pressing Shop

PERMITTED USES Continued:

Business - Professional and Financial Services

Bank/ Savings and Loan Association
Check Cashing Service
Copy and Printing Service
Packaging/ Mailing Service
Professional and Business Office
Vocational, Trade or Business School

Business - Retail Trade

Antique or Used Furniture Sales and Service
Appliance Sales and Service
Art and Craft Store and/or Studio
Bicycle Sales and Service
Building Material Sales (*All Indoors Excluding Concrete or Asphalt Mixing*)
Clothing Store
Department Store
Drugstore
Electronic Sales and Services
Florist
Hardware Store
Heating, Ventilating, Air Conditioning Sales and Service
Jewelry Store
Monument Sales (*Excluding Stone Cutting*)
Music Store
Office Supplies/ Equipment Sales and Service
Pawn or Consignment Shop
Pet Store
Photographic Studio and Equipment Sales and Service
Shoe Store
Sporting Goods
Stationery, Gifts, or Art Supplies
Tobacconist
Variety Store
Video Store
All Other Retail Stores

Business - Vehicular Sales and Service

Automobile Accessories (*New*)
Automobile, Truck, Trailer or Boat Sales or Rental
Automobile/ Truck Repair
Car Wash
Gasoline Station
Mobile Home Sales
Truck Rental

Business - Recreation

Athletic Training Facility
Bait Sales
Bowling Alley
Dancing School
Driving Range
Gaming Hall*****
Lodge or Private Club
Miniature Golf Course
Outdoor Commercial Recreation Enterprise
(*Except Amusement Park*)****
Pool Hall
Private Indoor Recreational Development
Theater, Indoor

Business - Transportation

Motor Bus Station
Taxi Service

Industrial

Microbrewery

Public and Quasi-Public

Church, Temple or Mosque
Electrical Substation
Farmer's Market
Institution of an Educational or Charitable Nature
Library, Museum or Gallery
Methadone Treatment Facility
Municipal or Government Building
Park
Police or Fire Station
Principle Use Parking Garage or Lot
Public Maintenance and Storage Garage
University/College
Utility Provider

Residential

Bed and Breakfast Inn
Bed and Breakfast Inn, Owner Occupied
Dwelling, Community Living Facility, Category II or Category III
Dwelling, Home for Adjustment
Dwelling, Loft
Dwelling, Transitional Home, Category I or II
Hotel or Motel

SPECIAL USES:**Business – Retail**

Firearm Store†

Business – Vehicular Sales and Service

Towing Service

Truck Stop

Public and Quasi-Public

Correctional Institution or Facility

Hospital or Clinic

Residential

Dwelling, Multifamily

PLANNED UNIT DEVELOPMENT USES:**Business – Miscellaneous**Commercial Planned Unit Development (*See Section XIII-3*)Mixed-Use Planned Unit Development (*See Section XIII-3*)**CONDITIONAL USES:****Business - Miscellaneous**

Crematorium

Self-Storage Facility

Veterinary Hospital (*Small Animal*)******Public and Quasi-Public**Nonprofit or Governmental, Educational and
Research Agencies

Radio or Television Tower and Station

Residential

Assisted Living Facility

Nursing Home

Industrial

Bookbinding

Confectionery Products Manufacturing and
PackagingElectronics and Related Accessories - Applied
Research and Limited ManufacturingEngineering, Laboratory, Scientific and Research
Instruments Manufacturing

Motion Picture Production Studio

Printing and Publishing Plants for Newspapers,
Periodicals, Books, Stationery and Commercial
Printing

Surgical, Medical, Dental and Mortuary

Instruments and Supplies Manufacturing

Table V-1 Notes:

**** See Table VII-1 for Standards for Specific Conditional Uses

***** The establishment requesting a license for a principal use gaming hall shall be a minimum of five hundred feet from any other licensed gaming hall or pre-existing Day Care Facility, Day Care Home, School, or Place of Worship, as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). The establishment requesting a license for a principal use gaming hall shall also be a minimum of two hundred and fifty feet away from any previously existing establishment containing a licensed video gaming terminal. Said distances shall be measured as the intervening distance between business frontages.

† See Section VII-5.D for Standards for Firearm Stores

DEVELOPMENT REGULATIONS IN THE B-3 DISTRICT

ZONE	MIN LOT SIZE (square feet)	MIN AVERAGE WIDTH (in feet)	MAX HEIGHT (in feet)	MAX FAR	MIN OSR	MIN FRONT YARD (in feet) ¹	MIN SIDE YARD (in feet) ¹	MIN REAR YARD (in feet) ¹
B-3	6,000	60	None ³	4.00	None	15	5	10

FAR = Floor Area Ratio

OSR = Open Space Ratio

Footnote¹ – See Section VI-5 and Section VIII-4 for further information about required yards.

Footnote³ – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; however, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

For more information on zoning in the City of Urbana call or visit:

City of Urbana

Community Development Services Department

Planning Division

400 South Vine Street, Urbana, Illinois 61801

(217) 384-2440 phone | Email: Planning@urbanailinois.us

City Website: www.urbanailinois.us



Application for Zoning Map Amendment

PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanainillinois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ Plan Case No. _____
Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Nabil Messai** Phone: **2177210171**
Address (street/city/state/zip code): **1504 S Abercorn Street ,Urbana , IL , 61802**
Email Address: **nblmessai@yahoo.com**
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **brother and power of attorney of owner**

2. OWNER INFORMATION

Name of Owner(s): **Rafik Messai** Phone: **01197150512226**
Address (street/city/state/zip code): **United Arab Emirates**
➔ Email Address: **rafikmessai@yahoo.com**

Is this property owned by a Land Trust? ☐ Yes ☒ No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Address/Location of Subject Site: **1009 N Cunningham Ave , Urbana , IL, 61801**
PIN # of Location: **912108278018**
Lot Size: **0.36 acre**
Current Zoning Designation: **R3**
Proposed Zoning Designation: **B3**
Current Land Use (vacant, residence, grocery, factory, etc): **Vacant**
Proposed Land Use: **Commercial**
Present Comprehensive Plan Designation: **Will be the next move after the lot zoning become commercial**

How does this request conform to the Comprehensive Plan? It's the first step in the plan.

Legal Description *(If additional space is needed, please submit on separate sheet of paper):*

LOT 1 AND LOT 2 OF WILLIAM F. TIPTON REPLAT, AS PER PLAT RECORDED JUNE 28, 1948 AS DOCUMENT NUMBER 429170, PLAT BOOK "H", PAGE 12, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS..

Commonly known as 1009 N Cunningham Ave, Urbana, IL.

PIN: 91-21-08-278-018

4. CONSULTANT INFORMATION

Name of Architect(s):

Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Engineers(s):

Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Surveyor(s):

Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Professional Site Planner(s):

Phone:

Address *(street/city/state/zip code):*

Email Address:

Name of Attorney(s):

Phone:

Address *(street/city/state/zip code):*

Email Address:

5. REASONS FOR MAP AMENDMENT:

What error in the existing Zoning Map would be corrected by the Proposed Amendment?

New owner wants to start a business on the lot. The zoning map will show B3 instead of R3.

What changed or changing conditions warrant the approval of this Map Amendment?

New owner wants to use the lot for business purposes.

Explain why the subject property is suitable for the proposed zoning.

It's the only residential lot left among its surrounding lots facing the city street. All surrounding lots facing the city street are active businesses. Another business will potentially create jobs and more tax revenue for the city.

What other circumstances justify the zoning map amendment

New job creation, and more tax revenue.

Time schedule for development (if applicable)

N/A

Additional exhibits submitted by the petitioner.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

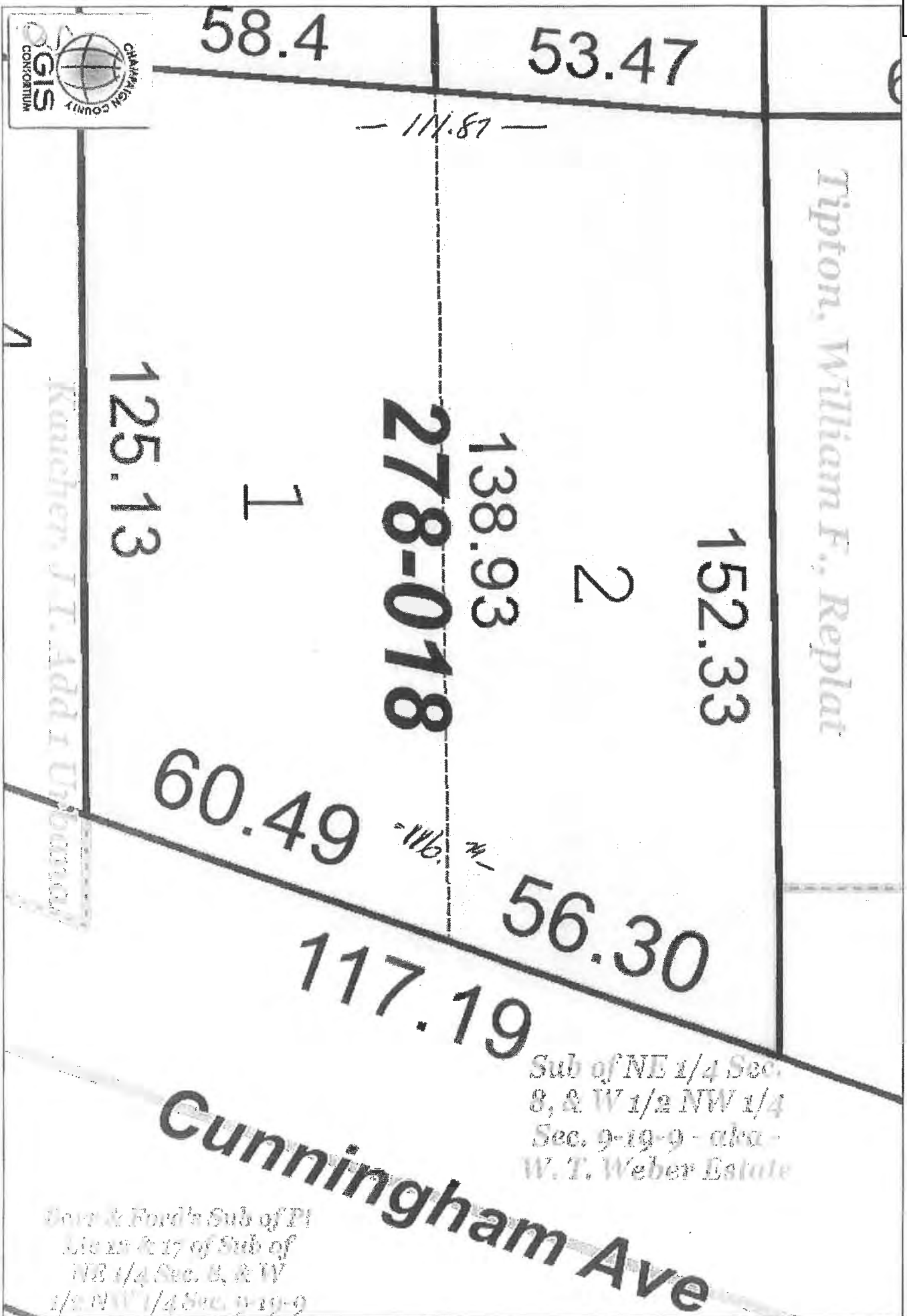

Applicant's Signature

12-02-2022
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

GIS Webmap Public Interface Champaign County, Illinois



This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Sheila Dodd, Interim Community Development Services Director
 Marcus Ricci, AICP, Planner II

DATE: January 12, 2023

SUBJECT: **AN ORDINANCE APPROVING A SPECIAL USE PERMIT** (Solar Farm at 1210 E. University Ave. / Plan Case 2465-SU-22)

Introduction

Scott Tess, on behalf of the City of Urbana, requests a special use permit to allow TotalEnergies Renewable USA (TotalEnergies) to install, operate, and maintain a 15-acre Solar Farm. The City of Urbana owns the closed landfill at 901 North Smith Road, which extends westward to the proposed site, generally located at 1210 East University Avenue. The City and TotalEnergies have entered into an agreement giving the company the option to lease all or part of the property to install, operate, and maintain a ground-mounted solar energy system at this site. According to Table V-1, Table of Uses, a Solar Farm is permitted with a special use permit in the AG – Agriculture and the CRE – Conservation-Recreation-Education zoning districts, which make up the site.

At its January 5, 2023, meeting, the Plan Commission held a public hearing on this case. No members of the public spoke regarding the case. **The Plan Commission voted unanimously, with four ayes and zero nays, to recommend that City Council approve the special use permit with one condition.** Staff request that this case be placed on the City Council Consent Agenda.

Background

Description of the Site and Surrounding Properties

The project site is located between East Perkins Road and Butzow Drive, west of Interstate 74 and east of the Landfill Recycling Center access drive. It is on a portion of the closed municipal landfill complex, which operated from the 1920's until it was closed in 1988 (Exhibit A). Table 1 on the following page identifies the current zoning, existing land uses, and Comprehensive Plan future land use designations of the site and surrounding properties (Exhibits A, B, and C).

Proposed Use

The proposed solar farm is the second phase of the development of solar energy systems at the closed City landfill. According to Scott Tess, Urbana's Sustainability and Resiliency Officer, the City solicits vendors to develop solar arrays on the closed landfill to help replace fossil fuels with clean, renewable energy. The State of Illinois has ambitious goals to expand renewable energy production, and closed

landfills are ideal locations for such developments since they have few other uses. TotalEnergies would design, install, operate, and maintain the solar farm, and put the electricity produced directly onto the electrical grid to be sold to the commercial electricity market. In 2018, Council approved a special use permit allowing the construction and operation of a 20-acre solar farm approximately 500 feet east of the proposed project site (see Figure 1).¹ Construction of that solar farm is complete and it is fully operational.

Table 1. Zoning, Current Land Use, and Future Land Use Designation

	Zoning	Existing Land Use	Future Land Use
Site	AG, Agriculture (south) & CRE, Conservation-Recreation-Education (north)	Closed landfill	Heavy Industrial
North	AG, Agriculture; CRE, Conservation-Recreation-Education	Perkins Road Park; Judge Webber Park	Park; Heavy Industrial
East	AG, Agriculture	Landscape Recycling Center; solar farm	Heavy Industrial
South	IN-1, Industrial; IN-2, Heavy Industrial; B-3, General Business; County R-4, Multiple Family Residence	Guardian West/Flex-n-Gate manufacturing; undeveloped land	Heavy Industrial
West	AG, Agriculture	Municipal police firing range and fire services training range; undeveloped land	Heavy Industrial; then Institutional

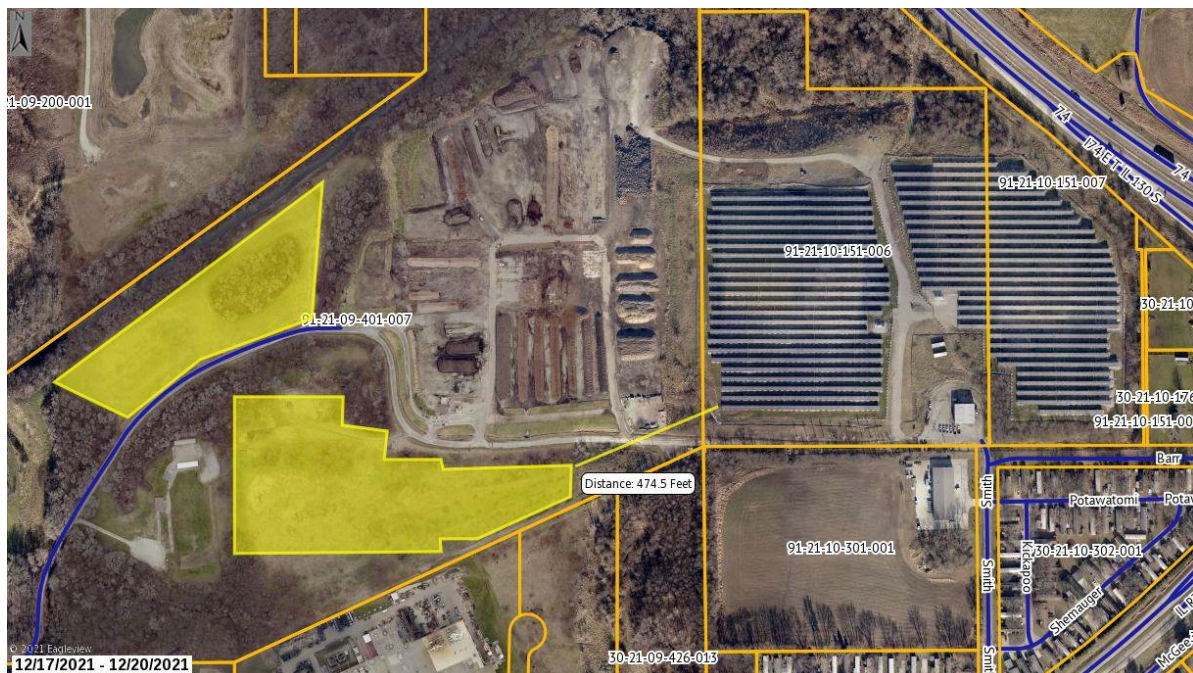


Figure 1. Proposed and Existing Solar Farms

¹ Ordinance No. 2019-01-008, Plan Case 2365-SU-18

The current special use permit request is for 15 acres. This area includes the total project site which includes two solar arrays designed to produce a total of approximately 4.3 MW DC (megawatts direct current) of electricity (Exhibit D – Site Plan):

- north array of 4.6 acres, 1.4 MW DC production, located north of the landfill access drive, with one inverter and transformers, and approximately 2,500 solar panels in nine-foot-tall strings
- south array of 10 acres, 2.9 MW DC production, located south of the landfill access drive, with one inverter and transformers and 5,048 solar panels in nine-foot-tall strings
- seven-foot-tall perimeter chain-link fence around each array, with access gates around the panels and inverter cabinets
- access the two arrays from the LRC private access drive

The City passed a Solar Energy Text Amendment to the Urbana Zoning Ordinance on May 23, 2022, with the stated purpose to “encourage the use and development of solar energy systems as a clean, renewable energy source and to help promote local, clean jobs.” The Ordinance requires the following:²

- inverters shall be at least 150 feet from all property lines,
- compliance with State and local regulations including the Urbana Code of Ordinances,
- compliance with setback and height requirements of its zoning district.

Screening would not be required, as the proposed solar farm is more than 500 feet from the nearest residential use. Glare from the panels should be minimal, as the pebbled surface of the solar panels is designed to absorb light, not reflect it. In addition, it should not pose any aviation threat, as the project site is at least 500 feet from any public or private airport or restricted landing area. Staff recommend that the north array be at least 80 feet from the centerline of the Saline Branch Drainage Ditch, in accordance with an unrecorded 160-foot maintenance easement held by the Saline Drainage District. There will be no impacts to farmland, and the ballast-mounting installation for the panels will allow the site to be decommissioned and returned to its current condition with minimal permanent damage.

Construction and operation of the site would be regulated by existing relevant City and State codes. Operational noise, including that from the inverters and transformers, would be regulated by Chapter 16 “Noise and Vibrations” of the City’s Code of Ordinances, which requires that “mechanical stationary noise” be no louder than 55 dB during 10 p.m. – 7 a.m. and no louder than 60 dB during 7 a.m. – 10 p.m.. The proposed inverters are specified to operate at a peak of 69 decibels (dB) (Exhibit D – Specifications). They will be located at least 150 feet from property lines, allowing noise to dissipate to below the threshold level. Vegetation will be regulated by Chapter 25 “Vegetation” of the City’s Code, which addresses nuisance vegetation and maximum height.

Discussion

Requirements for a Special Use Permit

According to Section VII-4.A of the Urbana Zoning Ordinance, an application for a special use permit shall demonstrate the following:

² Ordinance No. 2022-05-018, Plan Case 2425-T-21

1. *That the proposed use is conducive to the public convenience at that location.*

Similar to the nearby 20-acre solar farm, the proposed solar farm is conducive to the public convenience at the proposed location in three ways:

- The proposed system would redevelop 15 acres of a closed municipal landfill that would otherwise have very little opportunity for reuse. It would not consume any current or potential farmland or commercially-viable property.
- The proposed project would be self-contained on the site: construction would have a short-term impact on neighboring properties as materials are delivered to the site; operation should not affect neighboring properties.
- The project site's proximity to the interstate would allow easy access for construction materials and labor, and for maintenance.

2. *That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.*

The proposed solar farm would be designed, constructed, operated and maintained similarly to the nearby solar farm, and include characteristics to minimize unreasonably injurious or detrimental impacts to the public:

- A seven-foot-tall, galvanized chain link gated fence around the array perimeter would prevent unauthorized access to the Solar Farm.
- The selected inverters generate noise levels below 69 decibels and will be located at least 150 feet from all property lines. Existing trees and vegetation along much of the project perimeter would further mitigate noise.
- No occupied structures or buildings are proposed.
- Access roads are designed to minimize use of external roads for internal circulation.
- No new lighting is expected to be installed, to avoid light pollution.
- Tenant will exercise reasonable diligence to not unreasonably block or hamper traffic.
- Scheduled site work is only expected to occur during 7:00 a.m. – 5:00 p.m.
- Very few consumables are used during operations, and very little waste is generated.

3. *That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.*

The proposed solar farm would conform to the applicable regulations and standards of the AG and CRE districts and would not be out of character with the AG and CRE districts, especially given the proximity of the nearby 20-acre solar farm. As the proposed use will not require extension or expansion of any City infrastructure, installation and operation should have minimal impact on the natural and built environments, and the project site should be able to be restored to its current condition with minimal permanent damage.

Overview

The redevelopment of the subject property with the proposed solar farm would be beneficial to the City and meet the criteria for special use permit approval. It would be an infill redevelopment of the closed City of Urbana Landfill: a much higher and better use of the subject property than its current use as vacant land with few potential opportunities for reuse. In addition to providing a source of

revenue for the City, the proposed solar farm would bring the City another step closer to implementing its Climate Action Plan, which includes Goal 3: Increase Renewable Energy Purchasing and Installation, by generating electricity without generating carbon. The proposed solar farm would be compatible with the surrounding complex of natural areas, agricultural production, municipal operations, and renewable energy generation. The required buffers and existing landscaping would mitigate noise and visual impacts to nearby uses. Overall, the proposed solar farm would be a benefit to the community if it were granted a special use permit.

In addition to the requirements in Section VII-4.A. of the Zoning Ordinance, the Plan Commission shall make a recommendation to the City Council for or against the proposed special uses, and may also recommend such additional conditions and requirements on the operation of the proposed uses as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to conditions that:

1. Regulate the location, extent, and intensity of such uses;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;
5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting; and
8. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

Public Input

As required by the Zoning Ordinance, staff published Legal Notice in *The News-Gazette* 15 days prior to the Plan Commission meeting, to notify the public of the request and public hearing. Staff also sent letters to 18 neighboring property owners notifying them of the request, and posted two public hearing signs on the property. Staff received no inquiries regarding the requested permit.

Plan Commission

The Urbana Plan Commission discussed the proposed special use permit at its January 5, 2023, meeting (Exhibit F – Plan Commission Meeting Minutes – DRAFT). Discussion focused on the extent of floodplain on the property and the recommended condition to the permit. The commission voted unanimously, with four ayes and zero nays, to recommend that City Council approve the proposed special use permit.

Summary of Findings

1. The City of Urbana has requested a special use permit to allow a Solar Farm on the property near 1210 East University Avenue.
2. The proposal calls for an approximately 15-acre renewable energy system to generate electricity via a system of solar photovoltaic panels, inverters, and transformers. A Solar Farm is permitted in the AG, Agriculture and CRE, Conservation-Recreation-Education zoning district with a Special Use Permit.
3. The proposed use is conducive to the public convenience at that location, because it would

redevelop the closed municipal landfill – a site with few other redevelopment opportunities – while creating very little impact on transportation and other infrastructure.

4. The proposed use would be designed, located, and operated so that it will not be unreasonably injurious or detrimental to the districts in which it shall be located, or otherwise injurious to the public welfare, because road access will be maintained, little waste will be generated, vegetation and noise management will comply with City regulations, site security will be implemented, and no structures other than the solar arrays, inverters, and associated peripherals will be built.
5. The character of the district would be preserved with the proposed use because installation and operation of the proposed solar farm – similar in scope and scale to the nearby solar farm – would have minimal impact on the natural and built environments, and the project site should be able to be restored to its current condition with minimal permanent damage.
6. At the January 5, 2023, meeting, the Urbana Plan Commission held a public hearing and voted unanimously, with four ayes and zero nays, to forward the case to the City Council with a recommendation to approve the special use permit with one condition.

Options

City Council has the following options in **Plan Case No. 2465-SU-22**:

1. **Approve** the special use permit based on the findings in this memo; or
2. **Approve** the special use permit with certain terms and conditions, and if so, articulate all terms and conditions, and findings; or
3. **Deny** the special use permit, and if so, articulate findings supporting the denial.

Recommendation

At its January 5, 2023, meeting, the Urbana Plan Commission voted four ayes to zero nays to forward this case to Urbana City Council with a recommendation to APPROVE the request, with one condition. City staff likewise recommends approval with the following condition:

- The proposed construction and use must generally conform to the site plan submitted in this application as shown in Exhibit D: Application – Site Plan, including a minimum 80-foot buffer to the centerline of the Saline Branch Drainage Ditch, except where modified to meet City regulation.

Attachments: Exhibit A: Location & Land Use Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: SUP Application with Site Plan
 Exhibit E: Site Photos & Satellite Renderings
 Exhibit F: Plan Commission Meeting Minutes – DRAFT (dated January 5, 2023)

CC: Scott Tess, City of Urbana, Applicant
 Chad Tady, TotalEnergies Renewable USA, Developer

Exhibit A - Location & Land Use

Item g.



Parcel - Activity

- Residential
- Shopping, business, or trade
- Industrial, manufacturing, and waste-related
- Social, institutional, or infrastructure-related
- Travel or movement
- Mass assembly of people
- Leisure
- Natural resources-related
- No human activity or unclassifiable

Legend

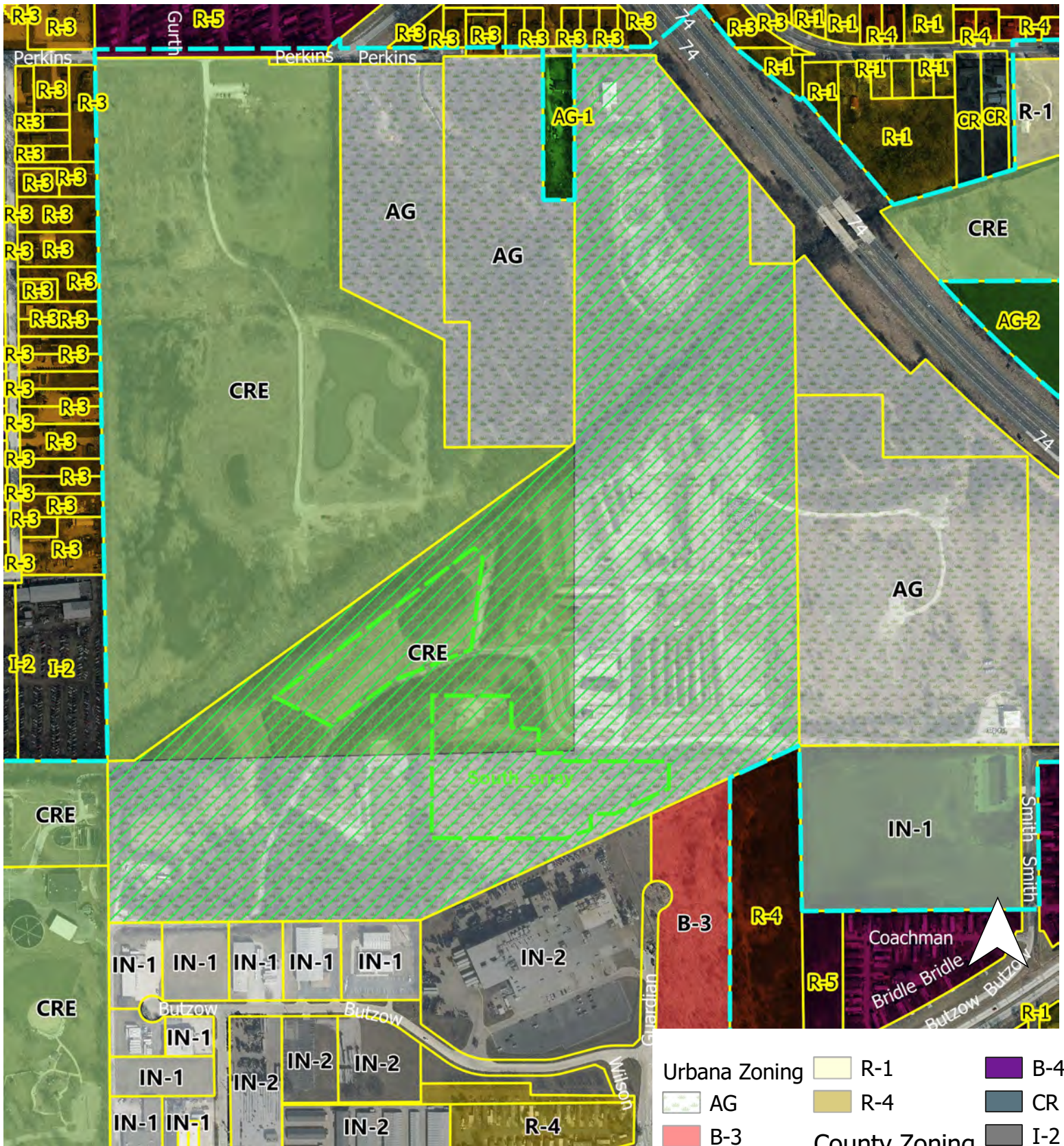
- SUBJECT PROPERTY



Case: 2465-SU-22
Subject: Special Use Permit - Solar Farm
Location: 1210 East University Avenue
Applicant: City of Urbana

Exhibit B - Current Zoning

Item g.



Case: 2465-SU-22
 Subject: Special Use Permit - Solar Farm
 Location: 1210 East University
 Applicant: City of Urbana

Legend

SUBJECT PROPERTY

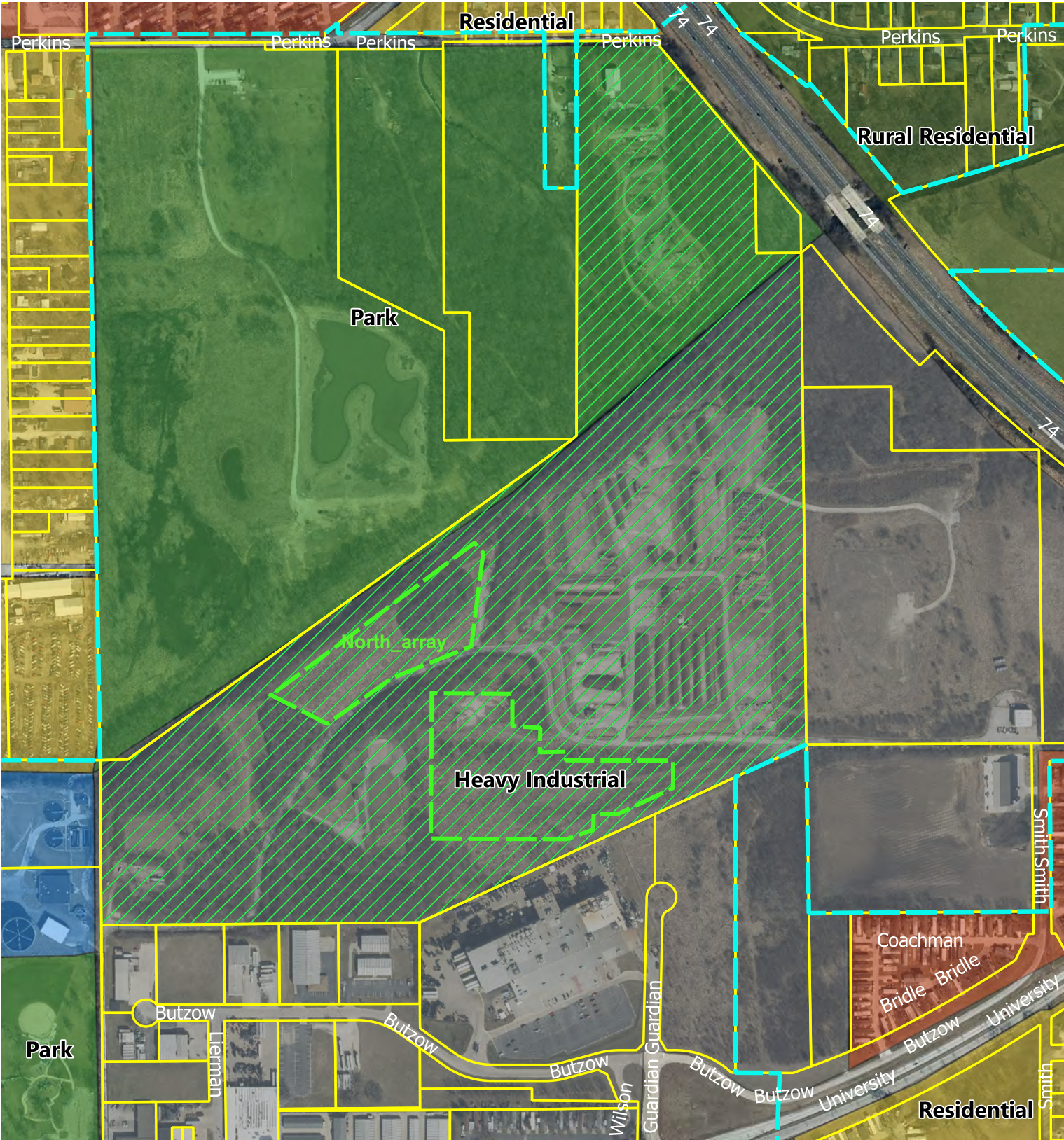
Urbana Zoning	AG	R-1	B-4
	B-3	R-4	CR
	CRE	County Zoning	I-2
	IN-1	AG-1	R-3
	IN-2	AG-2	R-4
		B-2	R-5

0 250 500 750 1,000

284

Exhibit C - Future Land Use

Item g.



0 250 500 750 1,000 ft



Legend

 SUBJECT PROPERTY

285



Case: 2465-SU-22
Subject: Special Use Permit - Solar Farm
Location: 1210 East University Avenue
Applicant: City of Urbana

Ex D - SUP Application with Site Plan

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City of Urbana Planning Division – SUP Application for Solar Farm

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TotalEnergies Distributed Generation USA, LLC

1414 Harbour Way South, Ste 1901

Richmond, CA 94804

November 22, 2022

City of Urbana

Community Development Department

Planning Division

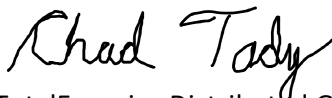
400 South Vine Street

Urbana, IL 61801

Dear Planning Division:

The City of Urbana is pursuing a solar photovoltaic project at the City's landfill site and submits this enclosed Application for a Special Use Permit along with relevant attachments on behalf of the project. The Subject Site is located near 1210 E University, Urbana, IL 61802 on Property Index Number 91-21-09-401-007. This Subject Site is approximately 10 acres and comprised of a vacant land on a closed landfill. The proposed land use is for the installation, operation, and maintenance of a distributed energy ballasted fixed tilt ground mount solar photovoltaic energy system ("Solar Farm"). The City's tenant under a lease with the developer, Solar Star Urbana Landfill South, LLC. ("Tenant" or "Developer") is responsible for the turn-key development including design, engineering, installation, interconnection, operations and maintenance.

Sincerely,



TotalEnergies Distributed Generation USA, LLC

Chad.Tady@totalenergies.com

312-841-2423

Ex D - SUP Application with Site Plan

City of Urbana Planning Division – SUP Application for Solar Farm

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Contents

- 1. Application for Special Use Permit**
- 2. Supplemental Responses**
- 3. Technical Exhibits**
 - a. Preliminary Site Plan**
 - b. Preliminary Elevation Schematic**
 - c. Preliminary Component Specifications**



Application for Special Use Permit

PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanailinois.us/fees> for the current fee associated with this application. The Applicant is also responsible for paying the cost of legal publication fees. Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 11-22-2022 Plan Case No. 2465-SU-22
Fee Paid - Check No. 9395 Amount \$200.00 Date 11-23-2022

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section VII-4 of the Urbana Zoning Ordinance to allow *(Insert proposed use)* Solar Farm on the property described below.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Solar Star Urbana Landfill South, LLC (attn: Scott Tess) Phone: (217) 384-2381
Address (street/city/state/zip code): 706 S. Glover Ave. Urbana, IL 61802
Email Address: srtess@urbanailinois.us

2. PROPERTY INFORMATION

Address/Location of Subject Site: 1210 E University Ave, Urbana, IL 61802
PIN # of Location: 91-21-09-401-007
Lot Size: approximately 93.02 acres
Current Zoning Designation: CRE (north part) and AG (south part)
Current Land Use (vacant, residence, grocery, factory, etc): Vacant, closed landfill
Proposed Land Use: Installation, operation, & maintenance of a distributed-energy, ballasted, fixed-tilt, ground-mounted solar photovoltaic energy system
Legal Description (If additional space is needed, please submit on separate sheet of paper):
Part of the south half of the northeast quarter and part of the north half of the southeast quarter, Section 9, Township 19 North, Range 9 East, of the Third Principal Meridian, Champaign County, Illinois.

3. CONSULTANT INFORMATION

Name of Architect(s):

Address (*street/city/state/zip code*):

Email Address:

Name of Engineers(s): Chad Tady, Total Energies Renewables USA **Phone:** 312-841-2423

Address (*street/city/state/zip code*): 1414 Harbour Way South, Suite 1901, Richmond CA 94804

Email Address: Chad.Tady@totalenergies.com

Name of Surveyor(s):

Address (*street/city/state/zip code*): Email Address:

Name of Professional Site Planner(s): Address (*street/city/state/zip code*): Email Address:

Name of Attorney(s):

Address (*street/city/state/zip code*): Email Address:

4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

Please see enclosed Supplemental Responses

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

Please see enclosed Supplemental Responses

Explain how the proposed use conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

Please see enclosed Supplemental Responses

NOTE: *If additional space is needed to accurately answer any question, please attach extra pages to the application.*

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.

Scott Frazee
Applicant's Signature

11/22/22
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Ex D - SUP Application with Site Plan

City of Urbana Planning Division – SUP Application for Solar Farm

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Supplemental Responses

The following are responses to Section 4. Reasons for Special Use Permit of the application.

Explain how the proposed use is conducive to the public convenience at the location of the property.

The proposed use of a Solar Farm at this Subject Site is conducive to the public in several direct and indirect ways. Indirectly, this Solar Farm Special Use Permit would allow the City to benefit from additional lease revenues and reduced electricity operating costs which will benefit the public tax payers and those who receive services from the City. Directly, the proposed use of the Solar Farm at this Subject Site is conducive to the public because of the minimal impact at the Subject Site and surrounding area. The preliminary design and arrangement with the Developer of the Solar Farm includes the following attributes which result in little impact to the public.

- A seven (7) foot tall galvanized, nine (9) gauge, two (2) inch mesh fencing and chain link fence-with gate around the array perimeter is included to prevent access to the Solar Farm.
- Inverter selection has considered noise levels and the preliminary inverters noise level will be below 69 decibels based on sound pressure level at a distance of 1 meter. Inverters have strategically been located towards the center of the Subject Site center of the Subject Site, approximately 300 ft or more from public areas beyond the Subject Site and the existing Landscape Recycling Center. Furthermore, there are existing trees and vegetation along much of the perimeter of the site to eliminate any noise.
- The Solar Farm preliminary design includes a ballasted ground mount system with the height of approximately nine (9) feet from the ground surface and with no moving parts.
- No occupied structures or buildings are included in the Solar Farm which minimizes impact to the Subject Site and surrounding area.
- Access roads in the preliminary design have been designed to minimize use of external roads for access within the Solar Farm.
- No new lighting is expected to be installed to avoid light pollution.

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

The Solar Farm design, commercial arrangements, installation, operations and maintenance include the following characteristics which will result in no unreasonably injurious or detrimental impacts to the public.

Ex D - SUP Application with Site Plan

City of Urbana Planning Division – SUP Application for Solar Farm

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- Tenant will exercise reasonable diligence not to unreasonably block any such road or otherwise hamper or encumber any vehicular, bicycle or pedestrian traffic on any such road, except as reasonably necessary.
- Scheduled site work is only expected to occur during the hours of 7:00 AM to 5:00 PM.
- During installation, the Tenant will provide a temporary portable toilet and temporary dumpster for all Solar Farm installation waste. During operations, very few consumables are used and very little waste is generated. Operational waste will be handled and disposed of by the Tenant if and when it is resulting from Solar Farm use.
- Tenant may remove, trim, prune, top or otherwise control the growth of any tree, shrub, plant or other vegetation located on the Subject Site. Vegetation management within the array area of the Solar Farm will be the responsibility of the Tenant and will include manual means (e.g. mowing and cutting), and chemical or other means.

Explain how the proposed use conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

The proposed use of the Solar Farm will satisfy and conform with the following codes and standards.

- City of Urbana 2021 Zoning Ordinance
- City of Urbana Building, Fire, and Flood Safety Codes - Chapter 5 Urbana City Code
- City of Urbana Electrical Code Requirements - The 2008 National Electrical Code
- City of Urbana Fence Requirements - Chapter 7 Urbana City Code
- IEEE 929-2000, “Recommended Practice for Utility Interface of Photovoltaic Systems”; and
- UL Subject 1741, “Standard for Static Inverters and Charge Controllers for use in Photovoltaic Power Systems”
- ANSI C12.1-2008; (electricity metering)
- ASME PTC 50 (solar PV performance)
- ANSI Z21.83 (solar PV performance and safety)
- NFPA 70 (including NFPA 70E Arc flash)
- IEEE 1547 (interconnections)

Furthermore, the proposed use of the Solar Farm’s design, products, and installation will comply with the following industry standards, wherever applicable:

- Electronic Industries Association (EIA) Standard 569

Ex D - SUP Application with Site Plan

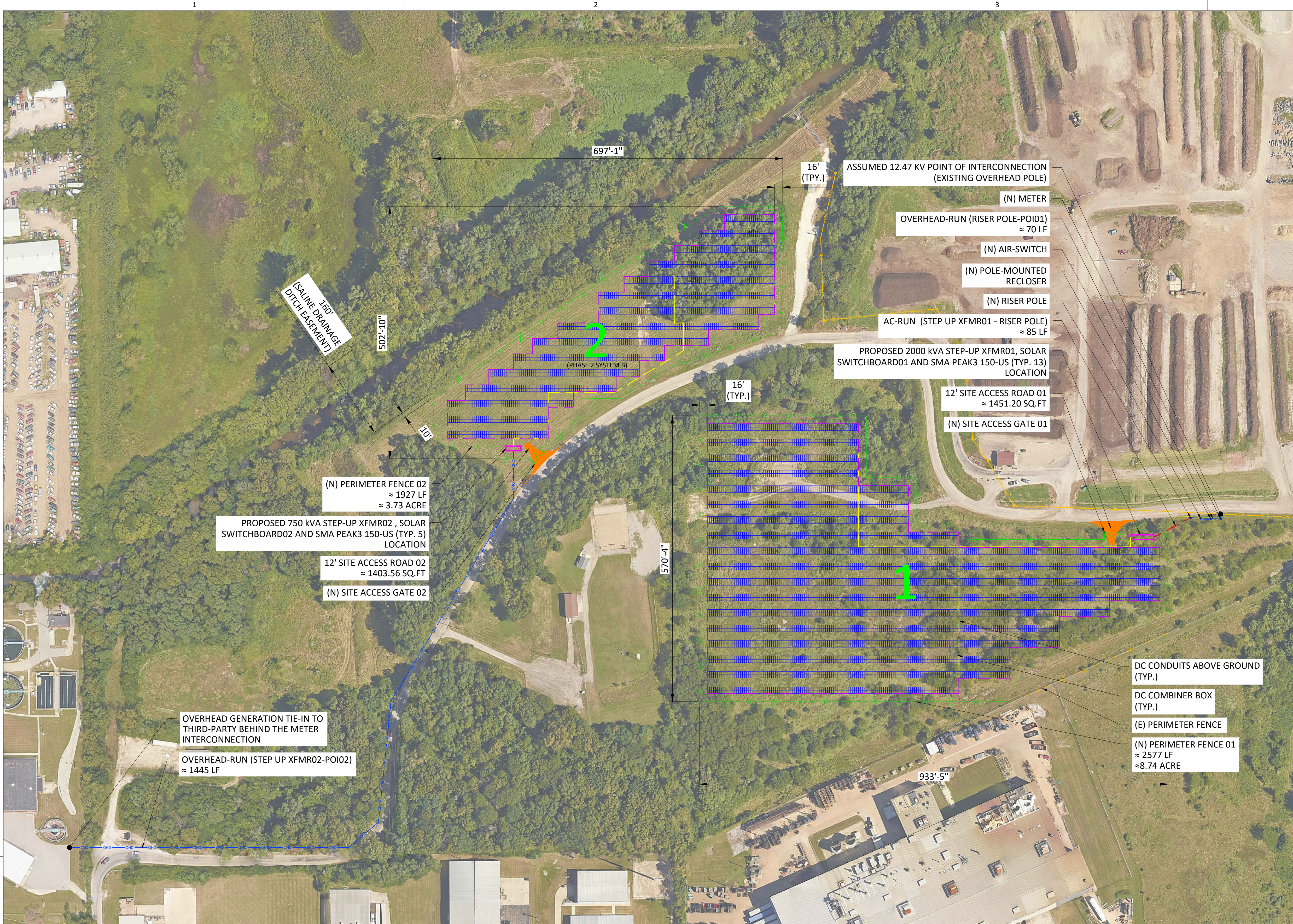
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- Illumination Engineering Society of North America (IESNA) Lighting Standards
- Institute of Electrical and Electronics Engineers (IEEE) Standards
- National Electrical Manufacturers Association (NEMA)
- National Electric Code (NEC)
- Insulated Power Cable Engineers Association (IPCEA)
- Certified Ballast Manufacturers Association (CBMA)
- Underwriters Laboratories, Inc. (UL)
- National Fire Protection Association (NFPA)
- Utility(s) Requirements
- American National Standards Institute (ANSI)
- Occupational Health and Safety Administration (OSHA)
- American Disabilities Act (ADA)
- American Society for Testing and Materials (ASTM)
- National Electrical Contractors Association (NECA)
- National Electrical Testing Association (NETA)



- NOTES:
- 105 MPH WIND ZONE (ASCE 7-10) CATEGORY I, EXPOSURE C
 - SNOWLOAD 20 PSF, ELEVATION 749'
 - ARRAY SHOWN ON : AERIAL IMAGE
 - BALLASTED FOUNDATIONS FOR RACKING REQUIRED
 - ALL TREES WITHIN ARRAY BOUNDARY, AND THOSE WHICH WILL SHADE THE ARRAY, NEED TO BE REMOVED PRIOR TO INSTALLATION
 - MAXIMUM PANEL HEIGHT FROM GRADE: 8'-10"
 - TOTAL NO. OF NEW UTILITY POLES: 4
 - NEW UTILITY POLE-TO-POLE DISTANCE: 20 FT

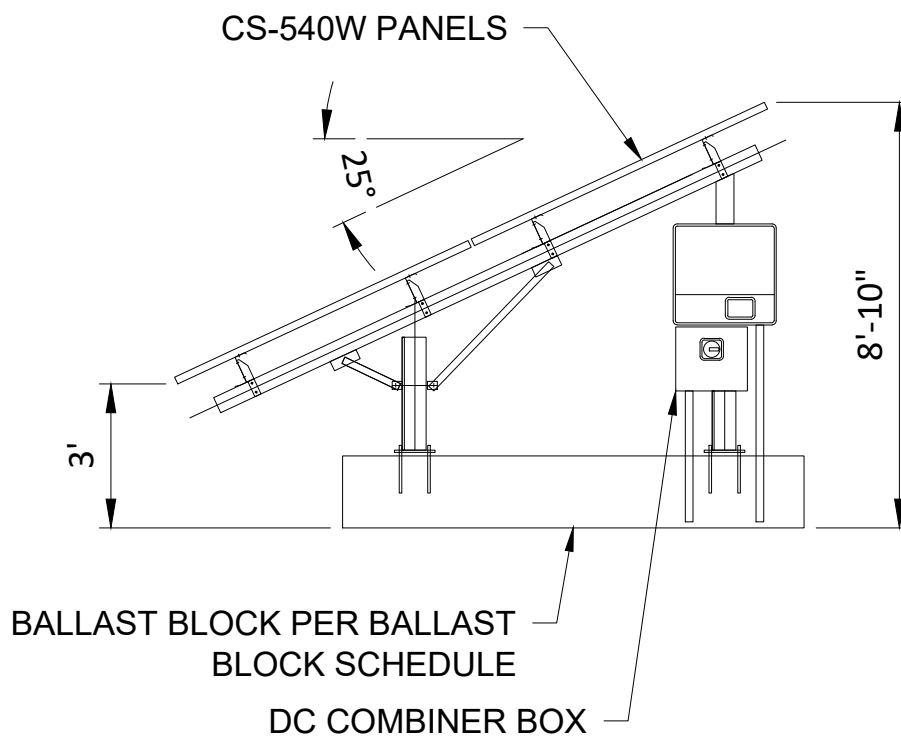


1 ARRAY LAYOUT
SCALE: 1/100" = 1'-0"

POI	SOLAR SWITCHBOARD	# MODULE	#STRING	KW (DC)	36 INPUT CB (W/ 16 STR)	SHP_150_US_20	AC SYSTEM SIZE (KW)	TILT (°)	GCR	CSI AZIMUTH (°)	PLANE AZIMUTH (°)	DC RUN (CB-INV)	
POI01	SSB01	5408	208	2920.32	13	13	1950	25	0.44	180	0	745, 680, 620, 640, 575, 545, 515, 485, 455, 425, 390, 360, 390	
POI02	SSB02	2080	80	1123.2	5	5	750	25	0.44	180	0	640, 575, 495, 385, 100	
	TOTAL	7488	288	4043.52	18	18	2700.00						



VICINITY MAP:
LATITUDE: 40.121152°
LONGITUDE: -88.185529°



SCHEMATIC DIAGRAM

LEGEND:

- PROPOSED AC STATION
- PROPOSED POINT OF INTERCONNECTION
- AC CONDUITS (SSB-POI)
- DC CONDUITS (CB-INV)
- EXISTING OVERHEAD LINE
- NEW OVERHEAD LINE
- EXISTING UTILITY POLE
- NEW UTILITY POLE

PROJECT SUMMARY		GFT
TOTAL # OF MODULE		7488
STRING LENGTH		26
MODULE TYPE		3RD PARTY 540W
# OF SMA PEAK 3 INVERTER		18
DC SYSTEM SIZE (kW)		4043.52
AC SYSTEM SIZE (KW)		2700.00

THE PROPOSED ARRAY LAYOUT SHOWN IS DESIGNED TO FIT EXISTING CONDITIONS AS THEY ARE DESCRIBED ON THIS DRAWING. LAYOUT AND QUANTITIES ARE SUBJECT TO CHANGE BASED ON TOTAL ENERGIES VERIFICATION OF ACTUAL SITE CONDITIONS.

TIER 1

URBANA PHASE 2 - RFQ #2122-11
CITY OF URBANA LANDFILL PH2

1210 E UNIVERSITY AVE
URBANA, IL 61802

ARRAY LAYOUT

REVISIONS		DATE	DB	CB	AR	TC	INC	TC	DG	TC
DESCRIPTION		04-22-22								
PROPOSAL		11-02-22								
CHANGE MODULE TYPE		12-19-22								
NEW SITE INFORMATION										

DESIGN #	D-0120691									
REV	A	B	C							
OPPORTUNITY		0002496695								
PROJECT		---								

0 1/2" 1"

IF BAR IS NOT ONE INCH, DRAWING IS NOT TO SCALE

SHEET

AL1

PROJECT DEVELOPER



TOTALENERGIES RENEWABLES, USA
1201 LOUISIANA STREET, SUITE 1800
77002 - HOUSTON - USA

ENGINEER'S STAMP

Ex D - SUP Application with Site Plan

City of Urbana Planning Division – SUP Application for Solar Farm

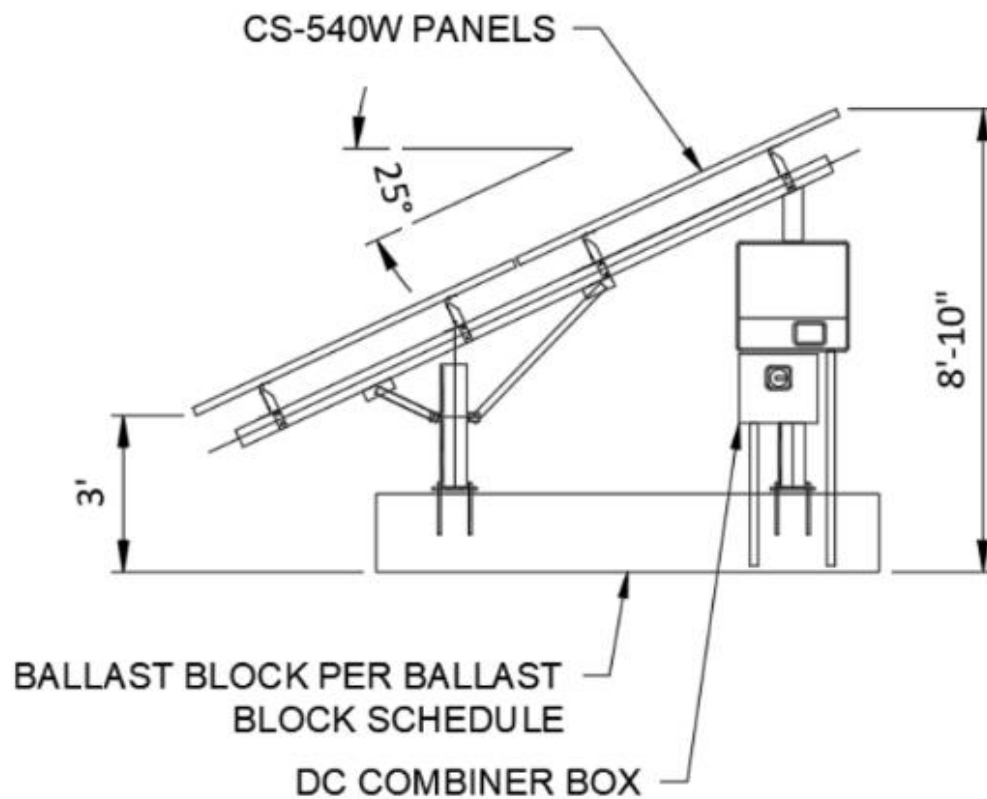
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Preliminary Elevation Schematic

Components, dimensions, structures and design subject to change





BiHiKu6

520 W ~ 545 W

BIFACIAL MONO PERC

CS6W-520 | 525 | 530 | 535 | 540 | 545MB-AG



MORE POWER



Module power up to 545 W
Module efficiency up to 21.2 %



Up to 12.3 % lower LCOE
Up to 5.2 % lower system cost



Comprehensive LID / LeTID mitigation technology, up to 50% lower degradation



Compatible with mainstream trackers, cost effective product for utility power plant



Better shading tolerance

MORE RELIABLE



Minimizes micro-crack impacts



Heavy snow load up to 5400 Pa, wind load up to 2400 Pa*

12
Years

Enhanced Product Warranty on Materials and Workmanship*

30
Years

Linear Power Performance Warranty*

1st year power degradation no more than 2%

Subsequent annual power degradation no more than 0.45%

*According to the applicable Canadian Solar Limited Warranty Statement.

MANAGEMENT SYSTEM CERTIFICATES*

ISO 9001:2015 / Quality management system
ISO 14001:2015 / Standards for environmental management system
ISO 45001: 2018 / International standards for occupational health & safety

PRODUCT CERTIFICATES*

IEC 61215 / IEC 61730 / CE / INMETRO / MCS / UKCA
CEC listed (US California)
UL 61730 / IEC 61701 / IEC 62716 / IEC 60068-2-68
Take-e-way



* The specific certificates applicable to different module types and markets will vary, and therefore not all of the certifications listed herein will simultaneously apply to the products you order or use. Please contact your local Canadian Solar sales representative to confirm the specific certificates available for your Product and applicable in the regions in which the products will be used.

CSI SOLAR (USA) CO., LTD. is committed to providing high quality solar photovoltaic modules, solar energy and battery storage solutions to customers. The company was recognized as the No. 1 module supplier for quality and performance/price ratio in the IHS Module Customer Insight Survey. Over the past 20 years, it has successfully delivered over 63 GW of premium-quality solar modules across the world.

* For detailed information, please refer to Installation Manual.

CSI SOLAR (USA) CO., LTD.

1350 Treat Blvd. Suite 500, Walnut Creek, CA 94598, USA | www.csisolar.com/na | service.ca@csisolar.com

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SUNNY HIGHPOWER PEAK3 125-US / 150-US

SHP 125-US-20 / SHP 150-US-20



Cost effective

- Modular architecture reduces BOS and maximizes system uptime
- Compact design and high power density maximize transportation and logistical efficiency

Maximum flexibility

- Scalable 1,500 VDC building block with best-in-class performance
- Flexible architecture creates scalability while maximizing land usage

Simple install, commissioning

- Ergonomic handling and simple connections enable quick installation
- Centralized commissioning and control with SMA Data Manager

Highly innovative

- SMA Smart Connected reduces O&M costs and simplifies field-service
- Powered by award winning ennexOS cross sector energy management platform

SUNNY HIGHPOWER PEAK3 125-US / 150-US

A superior modular solution for large-scale power plants

The PEAK3 1,500 VDC inverter offers high power density in a modular architecture that achieves a cost-optimized solution for large-scale PV integrators. With fast, simple installation and commissioning, the Sunny Highpower PEAK3 is accelerating the path to energization. SMA has also brought its field-proven Smart Connected technology to the PEAK3, which simplifies O&M and contributes to lower lifetime service costs. The PEAK3 power plant solution is powered by the ennexOS cross sector energy management platform, 2018 winner of the Intersolar smarter E AWARD.

Ex D - SUP Application with Site Plan

Technical Data		Sunny Highpower PEAK3 125-US	Sunny Highpower PEAK3 150-US
Input (DC)			
Maximum array power		187500 W _p STC	225000 W _p STC
Maximum system voltage		1500 VDC	
Rated MPP voltage range		705 V ... 1450 V	880 V ... 1450 V
MPPT operating voltage range		684 V ... 1500 V	855 V ... 1500 V
MPP trackers		1	
Maximum operating input current		180 A	
Maximum input short-circuit current		325 A	
Output (AC)			
Nominal AC power		125000 W	150000 W
Maximum apparent power		125000 VA	150000 VA
Output phases / line connections		3 / 3-PE	
Nominal AC voltage		480 V	600 V
Compatible transformer winding configuration		Wye-grounded	
Maximum output current		151 A	
Rated grid frequency		60 Hz	
Grid frequency / range		50 Hz, 60 Hz / -6 Hz ... +6 Hz	
Power factor at rated power / adjustable displacement		1 / 0.0 leading ... 0.0 lagging	
Harmonics (THD)		<3%	
Efficiency			
CEC efficiency		98.5 %	99.0 %
Protection and safety features			
Ground fault monitoring: Riso / Differential current		● / ●	
DC reverse polarity protection		●	
AC short circuit protection		●	
Monitored surge protection (Type 2): DC / AC		● / ●	
Protection class / overvoltage category (as per UL 840)		I / IV	
General data			
Device dimensions (W / H / D)		770 / 830 / 444 mm (30.3 / 32.7 / 17.5 in.)	
Device weight		98 kg (216 lbs)	
Operating temperature range		-25°C ... +60°C (-13°F ... +140°F)	
Storage temperature range		-40°C ... +70°C (-40°F ... +158°F)	
Audible noise emission (full power @ 1m and 25°C)		< 69 dB(A)	
Internal consumption at night		< 5 W	
Topology		Transformerless	
Cooling concept		OptiCool (forced convection, variable speed fans)	
Enclosure protection rating		Type 4X (as per UL 50E)	
Maximum permissible relative humidity (non-condensing)		100%	
Additional information			
Mounting		Rack mount	
DC connection		Terminal lugs - up to 600 kcmil CU/AL	
AC connection		Screw terminals - up to 300 kcmil CU/AL	
LED indicators (Status/Fault/Communication)		●	
SMA Speedwire (Ethernet network interface)		● (2 x RJ45 ports)	
Data protocols: SMA Modbus / SunSpec Modbus		● / ●	
Integrated Plant Control / Q on Demand 24/7		● / ●	
Off-grid capable / SMA Hybrid Controller compatible		- / ●	
SMA Smart Connected (proactive monitoring and service)		●	
Certifications			
Certifications and approvals		UL 62109, UL 1998, CAN/CSA-C22.2 No.62109	
FCC compliance		FCC Part 15, Class A	
Grid interconnection standards		IEEE 1547, UL 1741 SA - CA Rule 21, HECO Rule 14H	
Advanced grid support capabilities		L/HFRT, L/HVRT, Volt-VAr, Volt-Watt, Frequency-Watt, Ramp Rate Control, Fixed Power Factor	
Warranty			
Standard		5 years	
Optional extensions		10 / 15 / 20 years	
Type designation		SHP 125-US-20	SHP 150-US-20

SHRUSDS-17

Changes to products and services, including those resulting from country-specific requirements, as well as deviations from technical data are subject to change at any time without notice. SMA assumes no liability for transcriptional or other errors. Please visit www.sma.com for the latest information.



Figure 1. Project site from north (GoogleMaps)



Figure 2. Project site from north; Flex-n-Gate in background.

ORDINANCE NO. _____**AN ORDINANCE APPROVING A SPECIAL USE PERMIT****(Solar Farm at 1210 E. University Ave. / Plan Case 2465-SU-22 – City of Urbana)**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the City of Urbana has petitioned the City for approval of a Special Use Permit to allow TotalEnergies Renewable USA to construct, operate, and maintain a Solar Energy System in the AG, Agriculture and CRE, Conservation-Recreation-Education Zoning Districts, which is permitted in said districts with a Special Use Permit; and

WHEREAS, the proposed use is conducive to the public convenience at this location because it would redevelop the closed municipal landfill while creating very little impact on transportation and other infrastructure; and

WHEREAS, the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare; and

WHEREAS, the proposed development is consistent with the development regulations for properties in the AG, Agriculture, and CRE, Conservation-Recreation-Education, Zoning Districts and preserves the essential character of the districts, in which it shall be located; and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on January 5, 2023, and voted with four (4) ayes and zero (0) nays to forward Plan Case 2465-SU-22 to the Urbana City Council with a recommendation to approve the request for a special use permit, subject to the condition specified in Section 1 herein; and

WHEREAS, approval of the special use permit, with the condition set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that section of the ordinance; and

WHEREAS, the City Council, after due consideration, finds that approving a special use permit as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

An Ordinance is hereby enacted and a special use permit is hereby approved to allow construction and operation of a Solar Farm in the AG, Agriculture, and CRE, Conservation-Recreation-Education, Zoning Districts with the following condition:

- Construction and use must generally conform to the attached site plan entitled “Urbana Phase 2 – RFQ #2122-11 City of Urbana Landfill PH2” dated 12/19/2022 (Attachment 1), including a minimum 80-foot buffer to the centerline of the Saline Branch Drainage Ditch, except where modified to meet City regulation.

Legal Description for the land commonly known as 1210 East University Avenue:

Part of the south half of the northeast quarter and part of the north half of the southeast quarter, Section 9, Township 19 North, Range 9 East, of the Third Principal Meridian, Champaign County, Illinois.

Part of P.I.N. 91-21-09-401-007

Commonly known as 810 East Perkins Road

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this

Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this date day of Month, Year.

Diane Wolfe Marlin, Mayor

