



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

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TO: The Urbana Plan Commission

FROM: Jeffrey Engstrom, Planner I

DATE: October 12, 2007

SUBJECT: CZBA-583-AT-07: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance to add definitions and regulations related to “Gas Pipeline”, “Hazardous Liquid Pipeline”, and “Pipeline Impact Radius”.

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-583-AT-07. The purpose of this amendment is to address safety concerns near pipelines that carry gas or hazardous liquids. The proposed amendment would prohibit new buildable lots and uses from being created within an “impact radius” of any pipeline. The Champaign County Environment and Land Use Committee (ELUC) in March 2007 directed County staff to prepare a text amendment related to subdivision and land use near pipelines. County staff is now bringing the amendment forward to the Champaign County Zoning Board of Appeals (CCZBA). The Plan Commission should review the proposed amendment to determine what impact it will have on the City, and recommend to City Council whether or not to protest.

If adopted, the following changes would be made to the Champaign County Zoning Ordinance:

1. Amend Section 3.0 Definitions to add “GAS PIPELINE”; “HAZARDOUS LIQUIDS PIPELINE”; and “PIPELINE IMPACT RADIUS”.
2. Add a new paragraph that defines the “Pipeline Impact Radius” for liquid and gas pipelines. The impact radius for liquid pipelines is 150 feet, the radius for gas pipelines is based on a formula; the expected average in Champaign County is 350 feet.

3. Prohibits creation of a new buildable lot or structure, or establishment of a new use within any Pipeline Impact Radius, excepting uses related to agriculture and structures related to the pipeline.

The proposed amendment came about as a response to a request for a Rural Residential Overlay (RRO) subdivision for an area that contains a pipeline. That case was deferred while the ELUC pursued a text amendment to specifically address RROs in areas that contain pipelines. Champaign County staff reported back to the ELUC in March of 2007 with four options for potential amendments to the Champaign County Zoning Ordinance. The four options, as outlined in the March 8, 2007 ELUC memo (page 69 of Exhibit "A"), representing progressively more stringent requirements, included:

- 1) Increased levels of noticing about the pipeline to prospective property owners;
- 2) Minimal setbacks requirements (50 feet) from pipelines;
- 3) Larger separations between structures and pipelines (150 feet);
- 4) Not allowing any new lots or structures near hazardous pipelines.

A fifth option was not to make any amendment at all.

Ultimately, the Environmental and Land Use Committee recommended the most restrictive option. The case was scheduled for the Champaign County Zoning Board of Appeals meeting on September 27, 2007. It was postponed until the October 11th CCZBA meeting, and it may be heard by the Champaign County Board as early as November. If forwarded, the amendment must be approved by a simple majority of the Champaign County Board. Under state law, a municipal protest of the proposed amendment would require a three-fourths super majority of affirmative votes for approval of the request at the County Board.

The proposed text amendment is of interest to the City of Urbana as it may affect zoning and land use development decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City's corporate limits, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation;

- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect our ability to grow according to our shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to the County Zoning Ordinance to ensure compatibility with our existing ordinances. By State law, the City has an obligation to review zoning decisions within its ETJ area for consistency with the City's comprehensive plan.

The Champaign County Planning & Zoning Department has yet to complete a map of hazardous pipelines for the entire County, but they have determined that there are no pipelines within Urbana's current ETJ.

Issues and Discussion

City of Urbana Policies

Champaign County's proposed Zoning Ordinance should be reviewed for consistency with the City of Urbana's *2005 Comprehensive Plan*. Specifically, Urbana's comprehensive plan includes the following pertinent goals and objectives:

Goal 17.0 Minimize incompatible land uses.

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

Objective 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).

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

Objective 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed changes appear to be generally consistent with these goals and objectives. It allows for continued agricultural use in areas outside of the City's extra-territorial jurisdiction, and prevents incompatible land use interfaces, such as residences within the "impact radius" of pipelines transporting hazardous liquids and gasses.

Zoning Impacts

Urbana's Zoning and Subdivision Ordinances do not currently address the impacts of gas or hazardous liquid pipelines. Since there are no hazardous pipelines within the City's extra-territorial jurisdiction, the text amendment would not affect any potential developments that fall under Urbana's subdivision regulations.

Summary of Staff Findings

1. Champaign County Zoning Case No. CCZBA 583-AT-07 would establish definitions for gas and liquid pipelines and pipeline impact radii, and would prohibit the establishment of new lots, structures, or uses within the pipeline impact radius;
2. The proposed zoning ordinance text amendment is generally consistent with the City of Urbana's *2005 Comprehensive Plan's* goals and objectives;
3. The proposed zoning ordinance text amendment will have no impact on current development within the City's extra-territorial jurisdiction.

Options

In CCZBA Case No. 583-AT-07, the Plan Commission has the following options for recommendations to the City Council:

- a. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendments;
- b. Forward the plan case to the City Council with a recommendation to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
- c. Forward the plan case to the City Council with a recommendation to adopt a resolution of protest for the proposed text amendments.

Staff Recommendation

Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above.

Prepared by:

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Exhibits: A. Memorandum to the Champaign County ZBA, September 27, 2007

cc: John Hall, Champaign County Zoning Administrator

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