

**FILED**

**MAY 17 2006**

*Mark Shelton*  
CHAMPAIGN COUNTY CLERK

RESOLUTION NO. 2006-05-014R

**A RESOLUTION OF PROTEST  
AGAINST A PROPOSED TEXT AMENDMENT  
TO THE CHAMPAIGN COUNTY ZONING ORDINANCE**

(Request by the Champaign County Zoning Administrator to Amend Sections 5.2 and 6.1 of the Champaign County Zoning Ordinance to Authorize "Ethanol Manufacturing" by Special Use Permit with Standard Conditions in the I-2, Heavy Industry, Zoning District - CCZBA Case No. 523-AT-05)

WHEREAS, Mr. John Hall, Champaign County Zoning Administrator, has petitioned the County of Champaign for an amendment to the text of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 523-AT-05 to authorize "Ethanol Manufacturing" by Special Use Permit with standard conditions in the I-2, Heavy Industry Zoning District; and

WHEREAS, the Urbana Plan Commission, after considering the matters pertaining to the proposed zoning text amendment at their April 20, 2006 meeting, has recommended by a vote of 5-0 that the City Council pass a resolution of protest against said proposed amendment with conditions:

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is not in the best interest of the City of Urbana because the standard conditions proposed for "Ethanol Manufacturing" do not fully address the potential negative impacts of such a facility on the City, the City's extraterritorial jurisdictional area.

WHEREAS, the proposed text amendment would allow a zoning use that could have a potential adverse impact on the Mahomet Aquifer, a vital resource for the City, the region and East-Central Illinois.

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 of Protest against the proposed text amendment as presented in Champaign County ZBA Case No. 523-AT-05.

Section 3. This protest is withdrawn, however, if the text to the proposed amendment is revised to do the following:

1. Add a standard condition to read as follows: "The petitioner is required to provide a water study on the potential impacts of any proposed ethanol production facility on the Mahomet Aquifer, or other groundwater source if applicable, in terms of adverse impacts to the aquifer; rate of draw down, including analysis of drawdown rate and the effect on shallow wells; capacity analysis; and seasonality impacts. The water study shall be based on the following:

- a) A review of relevant well records, hydrogeologic reports, and other pertinent correspondence; and
- b) Determination of existing ground water levels in neighboring wells provided that access is permitted by the well owner; and
- c) Exploratory test hole drilling and geophysical exploration as required including possible geophysical logging of test holes; and
- d) If adequate aquifer hydraulic property information is not otherwise available, test data shall be provided from a test well, monitoring well, and other observation wells, or other appropriate existing wells, sufficient to serve as the basis for estimating a distance-drawdown relationship; and
- e) An estimated distance-drawdown relationship shall also be included in the water study.

Such water study shall be performed by either an Illinois Licensed Geologist or an Illinois professional Engineer. No Special Use Permit for an ethanol facility shall be approved unless said water study determines no significant adverse impact with mitigation measures on the Mahomet Aquifer or other groundwater source. The County reserves the right to have the report reviewed by a similarly competent Illinois Licensed Geologist or an Illinois Professional Engineer."

2. Add a standard condition to read as follows: "The petitioner is required to provide a traffic impact analysis (TIA)

performed by a professional engineer licensed in Illinois who is prequalified for traffic studies by IDOT and approved by the County and that the petitioner be required to make the necessary improvements identified by the TIA."

3. Add a standard condition to read as follows: "Only ethanol production facilities utilizing a dry mill process shall be permitted."

4. Add a standard condition to read as follows: "Fuel ethanol plants shall be required to install thermal oxidizers or other similar technology to remove the volatile organic compounds (VOCs) to reduce odors."

5. Add a standard condition to read as follows: "When a fuel ethanol plant is not proposed to be connected to a public sanitary sewer system, sufficient information shall be provided in the Special Use Permit application to prove that an adequate drainage outlet is available for all anticipated discharges to surface waters."

6. Add a standard condition to read as follows: "The petitioner is required to file with the County Zoning Administrator the following:

- (a) Emergency Action Plan which meets OSHA standards with written approval from the responding service providers.
- (b) Sewer Connection Permit from the sanitary district and any required Connection Permit from the IEPA if the manufacturing facility discharges into a municipal sanitary sewer
- (c) Certificate of Compliance or Letter of Approval as a result of the application under the Clean Water Act
- (d) Air Permit issued by the IEPA"

7. Add a standard condition to read as follows: "The petitioner shall provide a letter from a Registered Illinois Professional Engineer indicated, based on the proposed design, the factory is not expected to violate the Illinois Noise Statute. Post construction, the petitioner shall place on file a letter from a Registered Illinois Professional Engineer indicated that while operating, the plat does not violate the Illinois Noise Statute."

8. Revise Section 6.1.3 Schedule of Requirements and Standard Conditions for Fuel Ethanol Manufacturing to require that the Required Yards are the same as the applicable zoning district, unless appropriate variances are approved by the appropriate county authorities.

Section 4. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of the Resolution of Protest with the

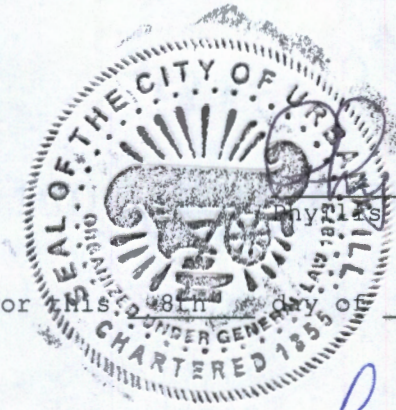
County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. John Hall at 1776 East Washington, Urbana, Illinois, 61801 and to Ms. Julia Reitz, State's Attorney for Champaign County and Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois, 61801.

PASSED by the City Council this 1st day of May,  
2006 .

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor Ms. Prussing 1st day of May,  
2006 .

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor