



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, AICP, Director, City Planner

DATE: November 1, 2007

SUBJECT: CCZBA-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). City Council should review the proposed amendment to determine what impact it will have on the City and whether or not to issue a resolution of 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 November 29th CCZBA meeting, and it may be heard by the Champaign County Board as early as December. 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 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.
4. The Urbana Plan Commission voted 6 ayes to 0 nays to forward the case to City Council with a recommendation to defeat a resolution of protest for the proposed text amendment at their October 18th meeting.

Options

In CCZBA Case No. 583-AT-07, City Council has the following options:

- a. Defeat a resolution of protest for the proposed text amendments;
- b. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
- c. Adopt a resolution of protest for the proposed text amendments.

Recommendations

At its October 18th, 2007 meeting, the Urbana Plan Commission voted 6 ayes to 0 nays to forward the case to City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.

Staff concurs with the Plan Commission's recommendation that City Council **defeat a resolution of protest** for the proposed text amendment.

Prepared by:

Jeffrey Engstrom, Planner I

Exhibits: A. Memorandum to the Champaign County ZBA, September 27, 2007
 B. Minutes from the October 18, 2007 Urbana Plan Commission Meeting

cc: John Hall, Champaign County Zoning Administrator

H:\Planning Division\001-ALL CASES(and archive in progress)\06-CCZBA\CCZBA 583-AT-07

RESOLUTION NO. 2007-11-024R

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

(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")

Plan Case No. CCZBA 583-AT-07

WHEREAS, the Champaign County Zoning Administrator has petitioned the County of Champaign for a zoning text amendment to the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 583-AT-07 to amend Sections 3 to include definitions for the terms "Pipeline Impact Radius", "Pipeline, Gas", and "Pipeline, Hazardous Liquid"; and Section 4.3 to include regulations regarding the creation of new lots, structures, or uses within the "Pipeline Impact Radius"; and

WHEREAS, said 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-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"; and

WHEREAS, said amendment is consistent with the City of Urbana's 2005 Comprehensive Plan to the extent that it would not promote conversion of agricultural lands to a more intense use and would not allow for incompatible interfaces of residential uses and hazardous pipelines within the City's Extra-territorial jurisdiction; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of October 18, 2007, has recommended by a vote of six ayes to zero nays that the Urbana City Council

defeat a resolution of protest against the proposed text amendment to the Champaign County Zoning Ordinance; and

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 interests 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 adopt a Resolution of Protest against the proposed omnibus text amendment as presented in CCZBA-583-AT-07.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this 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 the 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 _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: October 18, 2007

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Michael Pollock, James Ward, Don White

MEMBERS EXCUSED: Lew Hopkins, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Susan Taylor

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Grosser moved to approve both sets of minutes from the September 20, 2007 meeting and the October 4, 2007 meeting. Mr. Ward seconded the motion.

Mr. Grosser moved to amend the October 4, 2007 minutes by a requesting a change in the second paragraph from the bottom on Page 11 to read, "*Mr. Grosser commented that he appreciated his conversation earlier in the day with Mr. Krchak. He stated that Mr. Krchak accurately represented their conversation during his testimony. He also said that he appreciated Mr. Krchak's providing him with case citations. Mr. Grosser took the time to read each of those cases. However, he remains unconvinced about the Special Use Permit process being*

unlawful.” Mr. Ward seconded the motion to amend. The motion to amend was approved unanimously by hand vote.

Chair Pollock called for a voice vote on the motion to approve both sets of minutes as amended. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

- ◆ Press Release regarding the community Planning Month Film Festival
- ◆ Annexation and Extra-Territorial Jurisdiction Workshop Flyer

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

CCZBA Case No. CCZBA-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”.

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He gave a brief introduction of the proposed Champaign County text amendment noting the main changes to the County Zoning Ordinance. He talked about the history and reason for the proposed text amendment. He discussed the City of Urbana’s policies and goals from the 2005 Comprehensive Plan pointing out that the City has jurisdiction to review proposed subdivisions within a mile and a half of the City boundaries and County Zoning Ordinance changes. He pointed out that there currently are not any transmission pipelines in Urbana’s Extra Territorial Jurisdiction (ETJ) area. He read the options of the Plan Commission and presented staff’s recommendation, which is as follows:

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 staff findings.

Mr. Fitch inquired if the liquid requirements dealt with specific kinds of liquids or is the 150-foot requirement for all types of liquids. Mr. Engstrom said that there is a 150-foot requirement

regardless of the type of liquid. He believed that natural gas is the only type that has a formula to determine the impact radius.

Robert Myers, Planning Manager, pointed out that the proposed ordinance defines “Gas Pipeline” as any pipeline used for the transmission of natural gas, including within a storage field. There are gas pipelines everywhere served by natural gas. He assumes the County intends to use the definition of “transmission” in a narrow sense (long distance) as opposed to distribution of gas within a local area. Mr. Engstrom added that he understands that the County distinguishes between pipelines and service lines. Service lines are the ones that distribute it throughout, and pipelines are for transmission.

Mr. Grosser inquired if the County had indicated a diameter of the pipeline under the streets. Mr. Engstrom replied no. Mr. White pointed out that these pipelines are not transmission lines, and Mr. Pollock added that they are distribution lines. He stated that any pipeline that a person could think of that we have in the City of Urbana is not one of the pipelines mentioned in the proposed text amendment.

Mr. White moved that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest. Mr. Grosser seconded the motion.

Mr. Fitch believes the proposed text amendment is great. It is certainly better than what we have now, which is nothing. However, he did some research and found that the 150-foot requirement comes from a study by the American Petroleum Institute. They cited in the study that 67% of all property damage and 77% of all injuries happen within 150 feet. This means that about a third of the property damage and about a quarter of the injuries happen beyond 150 feet. Although he will support the motion on the table, he would be open to an amendment but would not know how much to increase the requirement.

Roll call on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Pollock	-	Yes
Mr. Ward	-	Yes	Mr. White	-	Yes

The motion was passed by unanimous vote. Mr. Engstrom noted that the proposed County text amendment would go before the City Council on November 5, 2007.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following topics:

OASS Text Amendment – The City Council deferred the Sign and Billboard Ordinance to the Committee of the Whole agenda for the October 22, 2007 meeting for discussion. They could then vote on this item at the November 5, 2007 City Council meeting.

Demolition Delay Ordinance – This will also be presented to the City Council on November 5, 2007. This item did not come to the Plan Commission because it is not part of the Zoning Ordinance.

Historic District Nomination for the 800 Block of West Main Street – This will be presented again to the City Council on November 5, 2007. Although the process is part of the Zoning Ordinance, the Plan Commission did not review this because the Historic Preservation Commission is the designated review body.

Upcoming Plan Commission Cases – There will likely be a Historic Preservation Ordinance text amendment presented to the Plan Commission at an upcoming meeting. The City Council and the Historic Preservation Commission met in a joint meeting to discuss ways to encourage more nominations for historic landmarks and historic districts. One of the items discussed was changing the rules so that a member of the Historic Preservation Commission could make a nomination, but then they would need to abstain from all discussion and voting.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission