



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Maximillian Mahalek, Planning Intern

DATE: April 17, 2015

SUBJECT: CCZBA Case Nos. 769-AT-13 and 773-AT-14: A request from the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance regarding regulations of stormwater, erosion and sedimentation controls.

Introduction and Background

The Champaign County Zoning Administrator is requesting two related text amendments in regards to the Champaign County Zoning Ordinance and the Champaign County Stormwater Management Policy.

CCZBA Case No. 769-AT-13 amends the Champaign County Zoning Ordinance through amending the Champaign County Stormwater Management Policy by changing its name to Storm Water Management and Erosion Control Ordinance and amending its reference in Section 4.3.10 of the Champaign County Zoning Ordinance. Additional amendments are requested, including adding erosion and sedimentation controls to meet the requirements of the National Pollutant Discharge Elimination System (NPDES), as it is applied to the Municipal Separate Storm Sewer System (MS4); and to make other changes and add other requirements related to erosion and sedimentation control.

CCZBA Case No. 773-AT-14 amends the Champaign County Stormwater Management and Erosion Control Ordinance (that is the subject of the case above), by adding a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land, or for any grading or demolition that is part of a larger common plan of development (in which one acre or more of land disturbance will occur, and that is not related to any proposed construction), and to add fees and other requirements for Grading and Demolition Permits.

At the March 26, 2015 meeting of the Champaign County Zoning Board of Appeals, Case No. 769-AT-13 was recommended for approval. An explanation of the finding of fact and final determination for this proposed amendment as completed at the March 26, 2015 meeting, can be found online at <http://www.co.champaign.il.us/COUNTYBD/zbaagenda.htm>. The Champaign County Zoning Board of Appeals was required to recommend approval of a basic version of the amendment proposed in Case No. 769-AT-13 to maintain conformance with regulations set by the Illinois Environmental Protection Agency (IEPA). Two portions of the amendment were considered optional, and these also had the Champaign County Zoning Board of Appeal's

Recommendation of Approval: 1) Optional/Minimum Requirements/Standards in regards to water quality and erosion and 2) a \$50 fee for Minor LDEC Permits.

At the same March 26, 2015 meeting of the Champaign County Zoning Board of Appeals, Case No. 773-AT-14 was likewise recommended for approval. An explanation of the finding of fact and final determination for this proposed amendment, as completed at the March 26, 2015 meeting, can also be found online at <http://www.co.champaign.il.us/COUNTYBD/zbaagenda.htm>.

Both cases will be heard by the Champaign County Board Environment and Land Use Committee on May 7, 2015. If approved, both cases could be voted on for final approval at the full County Board on May 21, 2015.

Proposed Amendments

The County Zoning Administrator is proposing to add the following amendments to the current Champaign County Stormwater Management Policy. The full text of the revised amendments are attached as Exhibits A and B.

CCZBA Case No. 769-AT-13:

- 1. Amend the Champaign County Zoning Ordinance through amending the Champaign County Stormwater Management Policy by changing its name to the Storm Water Management and Erosion Control Ordinance and amending its reference in Zoning Ordinance Section 4.3.10., and by amending the ordinance as follows:*
 - A. Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to have authority to prevent pollution of any stream or body of water.*
 - B. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be the new Section 2 and add purpose statements related to 1) preventing soil erosion and preventing water pollution and 2) fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.*
 - C. Add a new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit.*
 - D. Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and add new Appendices C, D and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit (including Minor and Major classes of Permits that are required within the Campaign County MS4 Jurisdictional Area); add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirement (within the MS4 Jurisdictional area); add Fees and time limits for each class of Permit; add requirements for administration and enforcement of Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits.*

- E. Revise existing Section 7 to be the new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion control and water quality requirements that are required for all construction or land disturbance.*
- F. Revise existing Section 5 to be the new Section 8 and add a Preferred Hierarchy of Best Management Practices.*
- G. Revise and reformat existing Sections 6, 8, 9, 10, 11, 12, and the Appendices and add a new Section 18.*

CCZBA Case No. 773-AT-14:

- 1. Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject of the case described above by adding the following:*
 - A. Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demotion that is part of a larger common plan of development in which one acre or more or land disturbance will occur, and that is not related to any proposed construction.*
 - B. Add fees for Grading and Demolition Permits.*
 - C. Add required information to be provided in the application for a Grading and Demolition Permit.*
 - D. Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR I0 General Storm Water Permit for Construction.*
 - E. Add a requirement than any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.*
 - F. Add prohibitions against changing the flow of water and blocking the flow of water.*
 - G. Add other requirements related to Grading and Demolition Permits.*

Applicability to City

The proposed text amendments are of interest to the City of Urbana to the extent that they will 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, unless an annexation agreement is in effect. 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

eventually be annexed into the City's corporate limits, some level of consistency in zoning regulations is also desirable.

For these reasons, the City should examine the proposed text amendments to the Champaign County Zoning Ordinance to ensure compatibility with existing City ordinances. It is the Plan Commission's responsibility to review the proposed amendment to determine what impact it will have on the City, and recommend to City Council whether or not to protest the proposed text amendments. 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.

Urbana 2005 Comprehensive Plan

By State law, the City has an obligation to review zoning decisions within its extra-territorial jurisdiction area for consistency with the City's comprehensive plan. Champaign County's proposed Zoning Ordinance text amendment should therefore 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 6.0 Preserve natural resources (including air, water, and land) and environmentally sensitive areas in the community.

Objective 6.1- *Protect groundwater and surface water sources from flood and storm-related pollution.*

Objective 6.4- *Preserve natural amenities in new development through innovative development regulations and design.*

Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.

Objective 15.4- *Promote intergovernmental cooperation on development and growth issues.*

Goal 17.0 Minimize incompatible land uses.

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.*

Goal 33.0 Provide maximum service and dependable utilities.

Objective 33.2- Correct areas of stormwater infiltration-inflow into the sanitary sewer system.

Goal 36.0 Protect both developed and undeveloped areas from increases in runoff and localized flooding.

Objective 36.2- Reduce the impacts of development on stormwater conditions through regulations, including appropriate provisions for detention and conveyance.

Discussion

Both the City of Urbana’s Engineering and Planning Divisions have reviewed the proposed text amendments to the Champaign County Stormwater Management Policy. The amended ordinance, as proposed, addresses stormwater management and erosion controls. The City of Urbana has a separate Erosion and Sediment Control Ordinance, while stormwater management is regulated under the City’s Subdivision and Land Development Code Ordinance.

The City’s erosion control and sediment control regulations are enforceable within the City’s corporate limits and for properties that have annexation agreements with the City per Section 1.02 of Article 1 of the City’s ordinance. Properties within the ETJ are not regulated under the City’s Erosion and Sediment Control Ordinance.

Stormwater management regulations are enforceable for properties within the City’s corporate limits, for properties that have annexation agreements with the City, and properties located within the City’s ETJ per Section 21-6 of the Subdivision and Land Development Code.

The applicability of the County’s amended ordinance, as proposed, is established in Section 4.1, with exemptions provided in Sections 4.2, 4.3, and 4.4. In Section 4.2, an exemption from the stormwater management and erosion control regulations is provided for properties subject to municipal annexation agreements. However no exemption is provided for stormwater management within the City’s ETJ, creating a potential conflict between the City’s and County’s ordinances. Properties within the City’s ETJ would be subject to both the City’s and County’s stormwater regulations. The Assistant City Engineer has proposed language to be added to Section 4.3 of the County’s ordinance exempting properties within the City’s ETJ from the County’s proposed stormwater regulations when the City’s Subdivision Ordinance requirements for a stormwater management plan apply.

The County’s stormwater regulations, as proposed in the amended ordinance, differ from the City’s regulations on the following key points:

- Types of exemptions offered.
- Design details for detention facilities (slopes, freeboard, etc.).
- No requirement of detention maintenance agreement.

The County’s stormwater regulations, as proposed, match the City’s detention basin volume,

release rate, and storm sewer system design storm requirements.

The County's erosion control regulations, as proposed in the amended ordinance, differ from the City's on the following minor points:

- Types of exemptions offered – the City of Urbana regulates down to 2,000 square-feet of disturbed area while the County's proposed ordinance regulates down to 10,000 square-feet.
- Types of permits – the City of Urbana has three classes of permits including one for utility work in ROW, while the County's proposed regulations provide for two classes of permits.
- Erosion control details – the City of Urban has its own standard details, while the County's proposed regulations rely on details from the Illinois Urban Manual.

According to the Assistant City Engineer, the County's proposed erosion control regulations generally match the City's enforcement, inspections, and erosion control permit submittal processes. The City of Urbana's Engineering Division does not have any issues with the County's proposed erosion control regulations and no substantial conflicts between the two ordinances were identified.

Jurisdiction Clarification

The City of Urbana's Subdivision and Land Development Ordinance contains regulations for stormwater management that apply to all properties within the one and a half mile ETJ. Stormwater management plans are required upon subdivision or upon development of all properties, depending on the size of the property and the amount of impervious surface. Urbana's ordinance defines the term "development" as any activity which requires a stormwater management plan. This includes any improvements which:

- increase the amount of impervious surface to more than 50% of the lot area;
- involve construction on a residential lot that is five or more acres in area; or
- involve construction on a non-residential lot that is two or more acres in area.

"Development" also includes plats, mobile home park changes, Planned Unit Development changes, mining, or any new activity which requires extension of sanitary sewer service.

Urbana's Engineering Division recommends insertion of language into Section 4.3 of the County's proposed ordinance exempting properties within the City's ETJ from the County's stormwater management regulations in order to eliminate the overlapping jurisdictions. Without this clarification, two sets of rules would apply to properties in the ETJ.

The Champaign County Zoning Administrator has agreed to insert the following language as Section 4.3.B of the proposed ordinance as the County Environmental and Land Use Committee reviews the ordinance.

4.3 B Construction on lots in subdivisions or other developments that are subject to municipal subdivision regulations containing standards for the detention and controlled release of stormwater, for provision of adequate site drainage, and for the protection of existing drainage facilities or on lots subject to the application of such standards by means of an annexation agreement.

The introduction of this exemption into Section 4.3 would directly impact Case No. 769-AT-13. By eliminating this difference in regulations, it will avoid any conflict between the City of Urbana's Subdivision and Land Development Code Ordinance and Champaign County's proposed ordinance. Elimination of such conflict would further enhance intergovernmental cooperation between Champaign County and the City of Urbana (**achieving Goal 15.0 of the Urbana 2005 Comprehensive Plan**), minimize incompatible development and design controls (**Goal 17.0**), and address any potential issue of overlapping jurisdictions within the ETJ (**Goal 21.0**). In areas where its regulations are applicable, the proposed ordinance would also ensure enhanced protection of water resources from storm-related pollution and help to preserve local water quality (**Goal 6.0**), as well as better regulate stormwater infiltration-inflow and reduce the impacts of development on stormwater conditions (**Goals 33.0 and 36.0**).

Summary of Staff Findings

1. As established by state law, the City of Urbana has the ability to protest changes, additions, and modifications to Champaign County's land-use and zoning regulations; and
2. The adoption of the proposed amendment in Case No. 769-AT-13 ensures the County's conformance with regulations set by the Illinois Environmental Protection Agency (IEPA);
3. The changes to the county's stormwater and erosion practices, as proposed in Case Nos. 769-AT-13 and 773-AT-14, would not conflict with the City's practices in the area of erosion control; and
4. The changes to the county's stormwater and erosion practices, as proposed in Case Nos. 769-AT-13 and 773-AT-14, are generally compatible with the City's practices in the area of stormwater management within the City's ETJ; and
5. The Champaign County Zoning Administrator has agreed to modify the proposed ordinance changes in order to avert a conflict of jurisdiction within one and a half miles of the City boundary.

Options

The Plan Commission has the following options in CCZBA Case Nos. 769-AT-13 and 773-AT-14:

The Urbana Plan Commission may:

- a. Forward either or both plan cases case to the City Council with a recommendation of “no protest”; or
- b. Forward either or both plan cases to the City Council with a recommendation of "no protest", contingent upon specific provisions to be identified; or
- c. Forward either or both plan cases to the City Council with a recommendation of “protest”.

Staff Recommendation

Based upon the findings above, Staff recommends that the Plan Commission forward Case Nos. 769-AT-13 and 773-AT-14 to the City Council with a recommendation of “NO PROTEST”, contingent upon the following condition:

- That the County amends paragraph 4.3.B of the proposed ordinance in Case No. 769-AT-13 with the following language, or similar as approved by the Urbana Zoning Administrator, in order to exempt land within the City’s ETJ from the county’s proposed stormwater regulations and controls:

“Construction on lots in subdivisions or other developments that are subject to municipal subdivision regulations containing standards for the detention and controlled release of stormwater, for provision of adequate site drainage, and for the protection of existing drainage facilities or on lots subject to the application of such standards by means of an annexation agreement.”

Attachments:

Exhibit A: Summary of Major Text Changes Included in Case No. 769-AT-13 as of the April 9, 2015 Meeting of the Champaign County Environment and Land Use Committee (Received and Placed on File)

Exhibit B: Text Changes Included in Case No. 773-AT-14 as of the March 26, 2015 Meeting of the Champaign County Zoning Board of Appeals (Recommended for Approval)

Exhibit C: The complete proposed Storm Water Management and Erosion Control Ordinance, which can be found online at:
<http://www.co.champaign.il.us/countybd/zba/2015/150326769AT13DRAFTAmentasapprovedwithannotations.pdf>

cc: John Hall, Director, Champaign County Planning and Zoning

**Attachment A. Summary of Major Text Changes Included in Case No. 769-AT-13 as of the
April 9, 2015 Meeting of the Champaign County Environment and Land Use Committee
(Received and Placed on File)**

- A. A new “Land Disturbance Erosion Control (LDEC) Permit” is proposed for any non-exempt land disturbance in the Champaign County MS4 Jurisdictional Area.** See Section 12. Important points to consider are the following:
1. **Two types of LDEC Permits** are proposed, the **Minor** (Section 12.2) and the **Major** (see Section 12.3) depending upon the amount of land disturbance:
 - **The Major LDEC Permit is for one or more acres of land disturbance.** This much land disturbance is already required to have an ILR10 permit from the Illinois Environmental Protection Agency and the only new requirement in the Major LDEC Permit is to copy the County on all IEPA reports.
 - **The Minor LDEC Permit is required for less than an acre of impervious area. This will be a significant change** for those who must apply, but **professional preparation will not be required for the Minor LDEC Permit.**
 2. **Exemptions are as broad as possible** so as to limit applicability to only what is absolutely required for compliance with the IEPA requirements (see Sections 4.2 and 4.4).
 3. **The proposed LDEC Permit will be required prior to approval of any required Zoning Use Permit** (see Section 5.2). The Zoning Use Permit authorizes construction and the required erosion controls must be in place before construction can be authorized.
 4. **Demolition and/or Grading not related to other construction** will be required to have an LDEC Permit.
 5. **New Administrative and Enforcement rules** are also proposed for the LDEC Permit (see Sections 13, 14, and 15) to supplement what is already in the Zoning Ordinance.
 6. **New “technical appendices”** are proposed to help applicants prepare the necessary “Erosion and Sediment Control Plan (ESCP)” (see Appendices D, E, and F). These Appendices are based on those adopted by the Cities of Champaign and Urbana.
 7. **Cost impacts to landowners** for the erosion controls are anticipated to vary as follows:
 - **Very little cost impact for the proposed Major Permit** (1 acre or more of land disturbance). The IEPA already requires erosion and sediment controls and the only new requirement is to copy the Department of Planning and Zoning on all reports sent to the IEPA.
 - **A Very significant cost impact for the Minor Permit.** Item 16.B.(3) in the Finding of Fact summarizes an evaluation of the estimated cost for a similar ordinance prepared by the City of Bloomington Engineering Department in 2004, and includes certain adjustments for differences in the proposed Draft Ordinance. The Minor LDEC Permit is expected to have the following impact:
 - **\$2,322 to \$3,093 of added cost for 10,400 square feet of land disturbance** (comparable to the disturbance caused by constructing a new dwelling served by sewer and public water).
 - **\$3,898 to \$5,493 of added cost for 20,000 square feet of land disturbance** (comparable to the disturbance caused by constructing a new dwelling in the RRO District).

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- No added requirement or cost for a new “by-right” dwelling in a rural zoning district in the MS4 area so long as there is no erosion or sedimentation on adjacent property.

8. **Impact on County staffing should be minimal**, as proposed. The new “Land Disturbance Erosion Control Permit” is only required in the MS4 Jurisdictional Area. Based on recent permitting trends, the number of new LDEC Permits in the MS4 Area should be no more than five per year. Provided that the number of LDEC Permits does not greatly exceed that amount, the staffing impact for the Department should be minimal and no additional staffing will be required.

B. New requirements are proposed for “Land Disturbance Erosion Control” that will apply to any “Land Disturbance Erosion Control Permit”. See Section 11.

1. **These requirements also apply to Storm Water Drainage Plans** but the Draft Ordinance is based on the same erosion control guidelines (the Illinois Urban Manual by the National Resources Conservation Service) as the current Storm Water Management Policy so this is not a substantive change for projects that would have been required to have a Storm Water Drainage Plan.
2. Other than the changes proposed in Section 6 (see the “Optional for Committee Consideration” below), the proposed Draft does not require erosion control to protect sensitive areas like Forest Preserve properties, streams, or drainage ditches outside of the MS4 Jurisdictional Area.

C. Other new requirements to protect drainage and prevent nuisance conditions that apply throughout the unincorporated area:

1. **Locational restrictions on sump pump and wastewater treatment system discharges that apply only to new principal uses** (par. 6.1 D.). The version previously reviewed by ELUC required a minimum 10 feet separation between any sump pump discharge or discharge from any private wastewater treatment system and a roadside ditch, off-site drainage swale, stream, property line, or in such a way that it creates a nuisance condition at any time of the year or contributes to erosion. The ZBA recommendation applies only to a discharge from a new principal use established after the adoption of this amendment but requires a 25 feet separation.
2. **Protections to existing drainage.** Existing protections to existing surface drainage have been strengthened (see paragraphs 6.2 C. and D.) and an existing Nuisance Ordinance prohibition against destruction of drainage improvements has been added (see paragraph 6.3G.).

D. ZBA RECOMMENDED OPTIONS. Two changes were previously reviewed by ELUC that were not required to meet IEPA requirements and were optional for the County Board. ELUC authorized these options to go to the public hearing even though such options might not be included in the final amendment. The ZBA recommended these options, as follows:

- **“Minimum Erosion Control Standards” in Section 6.1 F, 6.4, and 6.5.** These changes are not required by the IEPA outside of the MS4 Area and are otherwise optional for the County Board to adopt but are consistent with the Land Resource Management Plan. **These Standards must be made to apply in the MS4 Area if they do not apply everywhere.** The standards are as follows:
 - **Erosion and sedimentation onto adjacent properties shall be minimized** (paragraph 6.1 F.);

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- **If there is a valid complaint regarding erosion and sedimentation on adjacent property, the Zoning Administrator is authorized to require the installation of erosion and sedimentation controls** if necessary (Section 6.5 and Section 6.4).
 - **Construction waste and debris shall be disposed of properly and shall not be allowed to be blown or carried offsite by water** (paragraph 6.4 C.);
 - **All land disturbance and any large stockpile of earth (more than 150 cubic yards) must meet minimum separations from sensitive areas** (paragraphs 6.4 D. and E.).
 - **Any sediment deposited onto a public street must be cleaned up at the end of the work day** (paragraph 6.4 F.)
 - **A new \$50 fee is proposed for the “Minor LDEC Permit”.** See Section 12.4 of the proposed Ordinance. This small fee is to pay a portion of County costs for permitting and inspection. The required “erosion and sediment control plan” for the Minor Permit will not be required to be prepared by a Professional Engineer. County Zoning Staff will spend as much time as it takes to assist applicants for the Minor LDEC Permit. Inspections will be required every week until a permanent vegetative cover is established (Final Stabilization).

E. AN OPTION NOT RECOMMENDED BY THE ZBA: ILR 10 COMPLIANCE OUTSIDE THE MS4 AREA. The Illinois Environmental Protection Agency requires any land disturbance of an acre or more or less than an acre if it is part of a “common plan of development or sale of record” that ultimately disturbs one acre or more, to apply for and remain compliant with an “ILR10 General Construction Storm Water Permit”. The Draft Ordinance reviewed by ELUC in January 2014 did not adequately explain the ILR10 Permit requirement.

During the public hearing paragraph 4.1 A. of the Draft Ordinance was revised to make clear when the County is obligated to ensure that a land disturbance has an ILR10 Permit from the IEPA. Outside of the MS4 Area Champaign County is only required to ensure compliance with the ILR10 Permit requirement for Floodplain Development Permits. The County Board has the option of always ensuring that all relevant construction and land disturbance has an ILR10 Permit from the IEPA.

Paragraph 4.1 A. 4.c. of the Draft Ordinance is the paragraph which would have to be included in the amendment in order to require ILR10 compliance for all relevant projects but the ZBA did not recommend this option and that paragraph is not included in the proposed amendment at this time.

Revised Proposed Amendment (new text is underlined>

1. **Add the following to Sec. 3 Definitions of the Champaign County Storm Water Management and Erosion Control Ordinance:**
DEMOLITION PERMIT: A permit for DEMOLITION activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.

GRADING PERMIT: A permit for GRADING activities that are planned for areas outside of the MS4 JURISDICTIONAL AREA.
2. **Add the following to Sec. 4. of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 4.5 GRADING and DEMOLITION PERMIT Exemptions
All GRADING and DEMOLITION meeting the following conditions are exempt from the requirement for a GRADING PERMIT and/or a DEMOLITION PERMIT:
 - A. Any GRADING or DEMOLITION pursuant to any of the exempted activities listed in Section 4.2.
 - B. GRADING and/or DEMOLITION that is not part of or related to other CONSTRUCTION and that will result in less than one acre of LAND DISTURBANCE and that is not part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD.
 - C. GRADING and/or DEMOLITION that is related to and authorized in a ZONING USE PERMIT or a Floodplain Development Permit or a LDEC PERMIT.
3. **Add the following to 5.2 of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 5G. Approval of any required GRADING PERMIT or DEMOLITION PERMIT outside of the MS4 JURISDICTIONAL AREA.
4. **Add the following to Sec. 6 of the Champaign County Storm Water Management and Erosion Control Ordinance:**
 - 6.6 DEMOLITION PERMIT and GRADING PERMIT
 - A. DEMOLITION or GRADING that will result in one acre or more of LAND DISTURBANCE or that is part of a larger COMMON PLAN OF DEVELOPMENT OR SALE OF RECORD which will disturb one acre or more of land, and that is not part of or related to other CONSTRUCTION and that is not located in the Champaign County MS4 JURISDICTIONAL AREA shall be subject to the requirement for either a DEMOLITION PERMIT or a GRADING PERMIT, whichever is applicable.
 - B. Paragraph 6.6A. notwithstanding, the requirements of paragraph 6.1F., Section 6.4, Section 6.5, and paragraph 6.6 J. shall apply to any GRADING or DEMOLITION even though no DEMOLITION PERMIT or GRADING PERMIT may be required based on the amount of LAND DISTURBANCE.

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- C. GRADING that is related to DEMOLITION shall be authorized as part of a DEMOLITION PERMIT.
- D. Application for a DEMOLITION PERMIT or a GRADING PERMIT shall be filed in written form with the ZONING ADMINISTRATOR on such forms as the ZONING ADMINISTRATOR prescribes and shall include the following information:
1. Name and address of the OWNER, the APPLICANT, contractor, engineer and architect when applicable;
 2. Location, including township and section, street number, lot block and or tract comprising the legal description of the site;
 3. Permanent Index Number (PIN);
 4. LOT Area;
 5. ZONING DISTRICT;
 6. Special Flood Hazard Area, if applicable;
 7. USE of existing property and structures;
 8. Proposed USE and any proposed structures;
 9. Estimated cost of proposed construction, GRADING, and/or DEMOLITION;
 10. SITE PLAN indicating all existing and proposed USES and structures, water well, septic tank, septic tank leach field;
 11. Extent and nature of proposed LAND DISTURBANCE including a description of any proposed FILL and indication of the general location of any proposed FILL on the SITE PLAN.
- E. Any abandonment of a water well and/or septic tank (or anything similar to a septic tank) shall be in compliance with the Champaign County Health Ordinance and the Illinois Water Well Construction Code (415 ILCS 30) and/or the Illinois Private Sewage Disposal Code (77 ILCS 905.40).
- F. Any abandonment of an underground storage tank shall be in accordance with all applicable laws. This requirement shall not apply to any septic tank.
- G. Any permit for DEMOLITION of a PRINCIPAL BUILDING (as defined in the Champaign County Zoning Ordinance) not related to other CONSTRUCTION shall document the following:
1. Whichever of the following is applicable regarding the presence of a water well on the LOT:
 - a. a written statement that no water well exists on the LOT; or
 - b. a written statement that no water well on the LOT will be abandoned as defined in the Illinois Water Well Construction Code (415 ILCS 30) and the Champaign County Health Ordinance; or
 - c. in the event that a water well on the LOT will be abandoned, a copy of the Water Well Sealing Form pursuant to Public Act 85-0863.

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2. Whichever of the following is applicable regarding the presence of a septic tank or other similar thing on the LOT:
 - a. a written statement that no septic tank, cesspool, pit privy, aerobic treatment unit, or seepage pit exists on the LOT; or
 - b. a written statement certifying that a septic tank or aerobic treatment unit (or both) or a cesspool or pit privy or seepage pit exists on the LOT and will remain in use; or
 - c. a written statement certifying that a septic tank or aerobic treatment unit (or both), or a cesspool or pit privy or seepage pit exists on the LOT and will no longer be in use and shall be made to comply with the Illinois Private Sewage Disposal Code (77 ILCS 905.40) and the Champaign County Health Ordinance.

 - H. Any permit for DEMOLITION of anything other than a privately owned home or ACCESSORY BUILDING or related STRUCTURE or a multi-family DWELLING with four or less dwelling units and/or any ACCESSORY BUILDING shall provide the following to document compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP):
 1. a written statement by a qualified inspector that regulated removal of asbestos containing material is not necessary; or
 2. if a qualified inspector has determined that regulated removal of asbestos containing material is necessary, a copy of the completed State of Illinois Demolition/Renovation/Asbestos Project Notification Form. All DEMOLITION authorized under a DEMOLITION PERMIT or pursuant to a LDEC PERMIT shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.

 - I. The Applicant for any DEMOLITION is responsible for ending and turning off any relevant utility service prior to DEMOLITION.

 - J. Any Zoning Use Permit or Floodplain Development Permit or LDEC PERMIT and all GRADING or DEMOLITION shall comply with the following:
 1. All DEMOLITION debris shall be disposed of lawfully and no CONSTRUCTION or DEMOLITION debris may be buried on the LOT other than as follows:
 - a. Clean CONSTRUCTION or DEMOLITION debris consisting of uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or DEMOLITION activities may be used as a FILL material provided as follows:
 - (a) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall not be placed within any well setback zone established under the Illinois Groundwater Protection Act (415 ILCS 55/1).

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- (b) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall be placed no higher than the adjacent ground elevation that existed prior to the DEMOLITION.
 - (c) The Zoning Administrator may inspect any FILL prior to final grading and must inspect all FILL that is placed inside the MS4 JURISDICTIONAL AREA pursuant to a LDEC PERMIT.
 - (d) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall be covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of placing the FILL.
 - (e) FILL that includes clean CONSTRUCTION or DEMOLITION debris shall be in compliance with all other requirements of 415 ILCS 5/3.160 and 415 ILCS 5/22.51 or as authorized by the IEPA.
- 2. All other general CONSTRUCTION or DEMOLITION debris shall be removed from the LOT and taken to a duly approved disposal facility or reused in conformance with 415 ILCS 5/3.160 and 415 ILCS 5/22.51 or as otherwise authorized by the IEPA.
 - 3. The requirements of paragraph 6.6 G.1. and 6.6 G.2. notwithstanding, uncontaminated broken concrete without protruding metal bars may be used for erosion control consistent with all other standards of this Ordinance.
 - 4. No DEMOLITION debris shall be burned on the LOT unless all necessary approvals are received from the IEPA in which case a copy of said approval shall be provided with the application.
 - 5. Fugitive dust shall be minimized during GRADING or DEMOLITION activities.
 - 6. No open excavation or open basement or foundation more than four feet deep shall be left unfenced at any time and within 90 days shall be removed or filled in conformance with the requirements of this Ordinance so as to be less than four feet deep.
- K. At the time the application is filed for a DEMOLITION PERMIT or a GRADING PERMIT a fee of \$50 shall be paid except that this fee shall be waived provided that a Notice of Intent shall have been submitted to the IEPA and a copy of the Notice of Intent is submitted with the application.
 - L. The Applicant for any DEMOLITION PERMIT or any LDEC PERMIT for DEMOLITION not related to other CONSTRUCTION shall notify the Zoning Administrator when the DEMOLITION has been completed and the Zoning Administrator shall inspect the DEMOLITION for compliance with this Ordinance.

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- M. EROSION and SEDIMENT controls required by the ZONING ADMINISTRATOR pursuant to an enforcement action shall remain in place and shall be properly maintained in conformance with Section 12.8 until the DEMOLITION or GRADING has achieved FINAL STABILIZATION or until the EROSION and SEDIMENT controls are no longer needed. The ZONING ADMINISTRATOR shall then provide a letter documenting the achievement of FINAL STABILIZATION or that the EROSION and SEDIMENT control are no longer needed. EROSION and SEDIMENT controls required pursuant to the ILR10 shall remain in place until a NOTICE OF TERMINATION has been submitted to the IEPA and the County.
- N. In the event that DEMOLITION or GRADING occurs with no application having been made for a DEMOLITION PERMIT or a GRADING PERMIT, no DEMOLITION PERMIT or GRADING PERMIT shall be required after FINAL STABILIZATION.