CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE AGENDA
County of Champaign, Urbana, Illinois
Thursday, October 8, 2026 - 6:30 p.m.

Shields-Carter Meeting Room
Bennett Administrative Center, 102 E. Main Street, Urbana, IL 61801
Committee Members: Jennifer Locke, Chair, Aaron Esry, Vice Chair, John Farney, Emily Rodriguez, Jilmala Rogers, Monique Settles and William Schoell

Agenda **Page #**

I. Call to Order

II. Roll Call

III. Approval of Agenda/Addendum

IV. Approval of Minutes
A. September 10, 2026 – Regular Meeting 1 - 4

V. Public Input

VI. Communications

VII. New Business: Items to be Recommended to the County Board
A. **Nuisance Ordinance Amendment to Add Prohibited Burn Area to areas within 1,000 feet of the Village of Mahomet** 5 - 62

B. **Zoning Case 212-AT-26.** Amend the Champaign County Zoning Ordinance by deleting Section 5.5 Safety Moratorium on Carbon Sequestration Activity and adding "Carbon Dioxide Sequestration Facility" to be allowed by a County Board Special Use Permit in all Zoning Districts except R-5 Manufactured Home Park and adding requirements for Carbon Dioxide Sequestration Facility as summarized in the legal advertisement. 63 - 113

VIII. Other Business
A. Monthly Reports - None

IX. Chair's Report

X. Designation of Items to be Placed on the Consent Agenda

XI. Adjournment

All meetings are at the Bennett Administrative Center – 102 E Main Street in Urbana – unless otherwise noted. Champaign County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities. Please contact Administrative Services, 217-384-3776, as soon as possible but no later than 48 hours before the scheduled meeting.

CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE MINUTES
County of Champaign, Urbana, Illinois
Thursday, September 10, 2026 - 6:30 p.m.

Shields-Carter Meeting Room
Bennett Administrative Center, 102 E. Main Street, Urbana, IL 61801

MINUTES – *Subject to Approval*

Committee Members

Present: Aaron Esry, John Farney, Jennifer Locke, Emily Rodriguez, Jilmala Rogers, and William Schoell

Absent: Monique Settles

County Staff: John Hall (Zoning Administrator) and Mary Ward (Recording Secretary)

Others Present: None

Agenda

I. Call to Order

Chair Locke called the meeting to order at 6:30 p.m.

II. Roll Call

Roll call was taken, and a quorum was declared present.

III. Approval of Agenda/Addendum

MOTION by Mr. Esry to approve the agenda; seconded by Mr. Farney. **MOTION to AMEND** the agenda by moving items VIII. A. and B. to just after communications was made by Mr. Schoell; seconded by Mr. Esry. Upon vote the **MOTION to AMEND** passed unanimously. Upon vote, the **MOTION CARRIED** unanimously.

IV. Approval of Minutes

A. August 6, 2026 – Regular Meeting

MOTION by Mr. Esry to approve the minutes of the August 6, 2026 meeting; seconded by Mr. Schoell. Upon vote, the **MOTION CARRIED** unanimously.

V. Public Input

William Schriver, Mahomet, spoke about the Nuisance Ordinance Amendment to add a prohibited burn area to areas within 1,000 feet of the Village of Mahomet. He is on the Village board and has spoken with the mayor. They would like the rule for Mahomet to be written the same as the one for Champaign/Urbana. As is currently written, it names and excludes several sub-divisions from the ordinance no matter what happens with future annexation and development.

Kim Chronic spoke against AI data centers. She does not want them to come to Champaign County and mentioned the negative effects of the data centers. There is no positive benefit from it being developed here.

Lorien Carsey also spoke against AI data centers. She had concerns regarding water use and protecting the Mahomet Aquifer and wondered how that all fit in with water use goals. She would like transparency at every stage. There should be no secret meetings or agreements, and monthly reports should be made available.

Danna Seiden, Champaign, said that data centers are a detriment to the environment and to people's health. We need to stop or really slow down any projects.

Chris Powers spoke against data centers. He spoke of the former employee from Anthropic and Open AI who warned of the risk of human extinction. There is an immediate need for more regulations. We will regret it if we don't slow this down.

Barbara Peacock asked what possible benefit is there to the community from AI data centers. Why should we host something that could go rogue. We have two things that are valuable to the developers – the land and the aquifer. She feels this is something we should have a referendum on.

VI. Communications

Ms. Rodriguez shared that no board members have signed NDA's concerning data centers or have been approached to sign one. We have just had the one initial contact. We do not have authority from the state to ban them.

Mr. Esry reminded everyone it's fall and harvest time. Watch for farmers and slow-moving equipment. Slow down and be patient. Hoping for a safe harvest.

Ms. Locke said regarding data centers, there is nothing proposed or planned on data centers. It was made clear to the one contact we've had, that we are not interested. That was our warning and proactively put together the Data Center Task Force. We have looked at state law to see if we could outright ban data centers and we cannot.

Ms. Rodriguez reminded everyone that meeting agendas are posted on the website ahead of meetings.

VII. <u>New Business: Items to Receive and Place on File by ELUC to Allow 30-Day Review Period</u>

A. Zoning Case 212-AT-26. Amend the Champaign County Zoning Ordinance by deleting Section 5.5 Safety Moratorium on Carbon Sequestration Activity and adding "Carbon Dioxide Sequestration Facility" to be allowed by a County Board Special Use Permit in all Zoning Districts except R-5 Manufactured Home Park and

Adding requirements for Carbon Dioxide Sequestration Facility as summarized in the legal advertisement.

MOTION by Mr. Farney to receive and place on file for a 30-Day Review Period Zoning Case 212-AT-26 amending the Champaign County Zoning Ordinance; seconded by Mr. Esry.

Mr. Hall updated the committee on changes that were made at ZBA. The ZBA recommended this unanimously. It now needs to sit with ELUC for 30 days. Mr. Schoell asked, as a new member, if it is just placed to be reviewed for 30 days. Ms. Locke said that if a Carbon Dioxide Sequestration Facility involves the aquifer, it is a no go.

Upon vote, the **MOTION CARRIED** unanimously.

B. **Nuisance Ordinance Amendment to Add Prohibited Burn Area to areas within 1,000 feet of the Village of Mahomet**

MOTION by Ms. Rodriguez to receive and place on file for a 30-Day Review Period a Nuisance Ordinance Amendment to Add Prohibited Burn Area to areas within 1,000 feet of the Village of Mahomet; seconded by Mr. Schoell.

Mr. Hall stated he felt this is much different than Champaign and Urbana. Mahomet has large areas of no development and forest preserve parks and it wasn't clear why some of those areas would benefit from a prohibited burn area. With some sub-divisions the nearest residence in the Village is three-quarters to a mile away.

Mr. Farney asked if we have received any comments, besides from the Village of Mahomet, on this that would be in the affected areas. We have not. We do get complaints about burning from some areas. Mr. Farney asked if they came from the sub-division or from the Village. Mr. Hall did not have that level of detail with him.

Ms. Locke asked for clarification how the ordinance would be amended. Her understanding was that since the ordinance is referencing Appendix D, it would just be every time the map is updated, they could file a new map with us and that would update the appendix. Mr. Hall said that it does not grow automatically as the Village grows. It has to be amended. It takes one month at ELUC to amend the map. We just need to know where did the growth happen and we can update the map provided the County Board is willing to update it.

Mr. Farney said his initial thought is, we have not heard any comments/complaints from the areas that will be affected by this. The Village should be working to annex some of these sub-divisions.

Mr. Schriver, with the Village, said there are rules they have to follow for annexation and they cannot annex some of those rural sub-divisions.

Mr. Esry said he agrees with Mr. Farney. He has less issue with it as presented rather than extending to those sub-divisions. Ms. Locke agreed with Mr. Esry.
Upon vote, the **MOTION CARRIED** by a vote of 5 yeas to 1 nay (Farney).

VIII. New Business: Items to be Approved by ELUC

A. **Recreation & Entertainment License.** Taylor Feldkamp for Demo Derby at the Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana. 4/15/27-4/16/27.

MOTION by Mr. Farney to approve the Recreation & Entertainment License for Taylor Feldkamp for a Demo Derby; seconded by Ms. Rogers. Upon vote, the **MOTION CARRIED** unanimously.

B. **Recreation & Entertain License.** VIP Nights Co. at 502 South Staley Road, Champaign. 10/24/2026–10/25/2026

MOTION by Ms. Rodriguez to approve the Recreation & Entertainment License for VIP Nights Co.; seconded by Mr. Farney.

Mr. Hall stated that this was for a Fall Festival to be held on private property. He also said that while working with them, they found there was an unauthorized building on the property. They have applied for a permit to rectify that situation. Ms. Locke asked about the issue with the exit point that was discussed earlier. He said that issue had been resolved.

Upon vote, the **MOTION CARRIED** unanimously.

IX. Other Business

A. Monthly Reports - None

There were no monthly reports.

X. Chair's Report

There was no Chair's report.

XI. Designation of Items to be Placed on the Consent Agenda

There were no items to be placed on the Consent Agenda.

XII. Adjournment

Chair Locke adjourned the meeting at 7:30 p.m.

Champaign County
Department of
PLANNING &
ZONING

Bennett Administrative Center
102 East Main Street
Urbana, Illinois 61801

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

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**
Trevor Partin, Planner

DATE: **October 01, 2026**

RE: **Amending the Nuisance Ordinance To Add Proposed Mahomet Prohibited Burn Area**

BACKGROUND

ELUC reviewed the draft proposed "prohibited burn area" within 1,000 feet of the Village of Mahomet at the 9/10/2026 meeting.

Several emails have been received from rural residents in opposition to the proposed amendment. See Attachment G.

REVISED AMENDMENT

The proposed "prohibited burn area" within 1,000 feet of the Village of Mahomet has been reduced in area based on the Committee comments at the 9/10/2026 meeting. See Attachment B.

Attachments C, D, E, and F overlay the proposed Prohibited Burn Area with aerial photography.

VILLAGE OF MAHOME MEMORANDUM

A memorandum from the Village of Mahomet has been received and is included as Attachment G.

MAHOMET AREA LANDSCAPE WASTE BURNING COMPLAINTS SINCE 2016

At the 9/10/2026 meeting the Committee asked about the number of landscape waste burning complaints in the Mahomet area. Since 2016 there have been five complaints received by the Department about burning of landscape waste in rural Mahomet. Three complaints were received in 2022, one complaint was received in 2024, and one complaint has so far been received in 2026.

ATTACHMENTS

A **Proposed Amendment text**
B **Map of Revised Proposed Prohibited Burn Area Around the Village of Mahomet**
C **Proposed Prohibited Burn Area Map with aerial photography for Southwest Mahomet**
D **Proposed Prohibited Burn Area Map with aerial photography for Northwest Mahomet**
E **Proposed Prohibited Burn Area Map with aerial photography for Northeast Mahomet**
F **Proposed Prohibited Burn Area Map with aerial photography for Southeast Mahomet**
G **Village of Mahomet Memorandum dated September 29, 2026**
H **Emails and Statements regarding the Proposed Amendment**
1. **Formal Opposition to Proposed Public Nuisance Ordinance Amendment (Mahomet 1,000-foot Prohibited Burn Area) by Greg and Carole Tempel, 1509 W. Brookside Lane, Mahomet**
2. **Email from Doris Foster, 802 Deer Run, Mahomet**
3. **Email from Jason Norton, 1605 Spring Creek Drive, Mahomet**
4. **Email from Karen Murray, 405 Deer Run Drive, Mahomet**
5. **Email from Tom Ferguson**

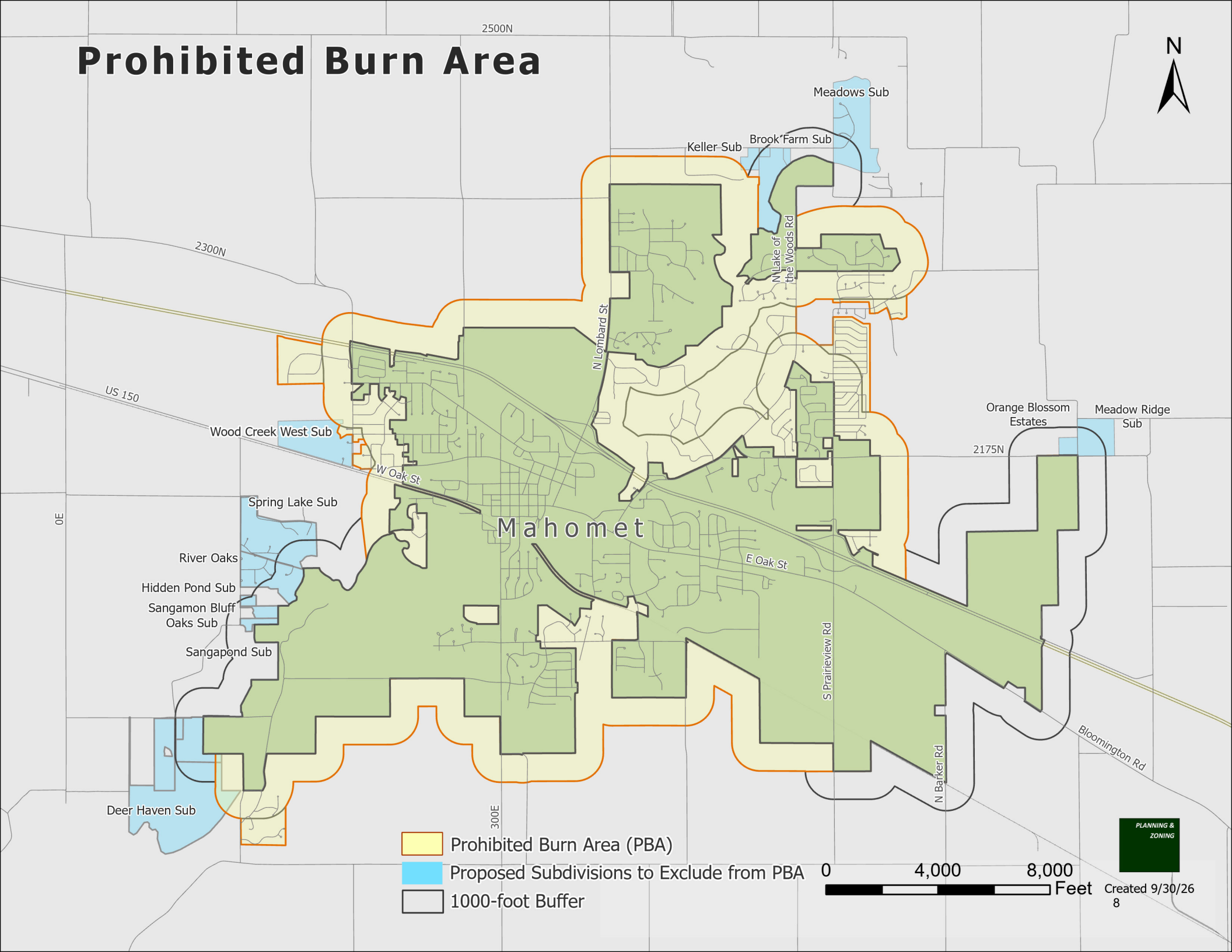
ATTACHMENTS (continued)

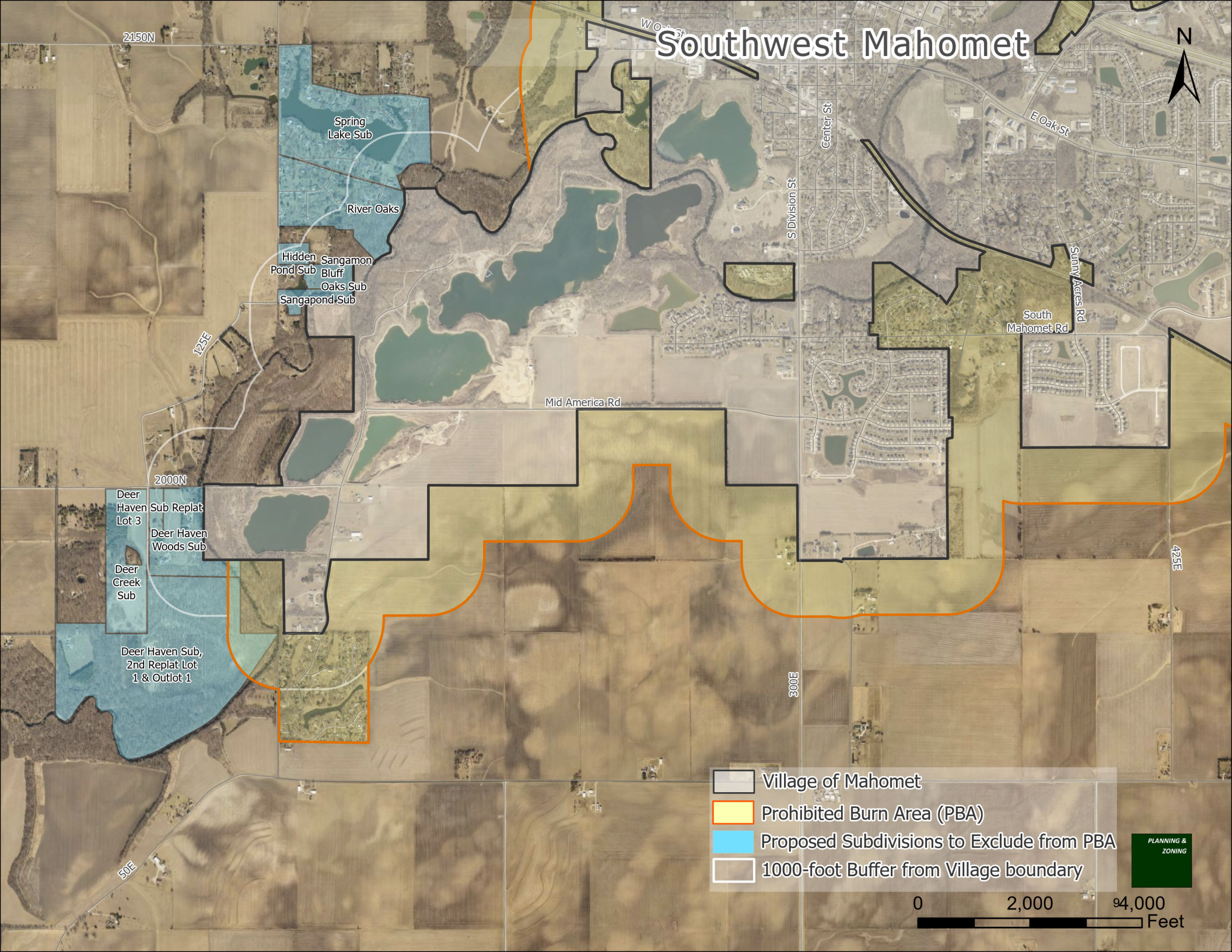
6. **Email from Casey Terry, 1305 West Oak, Mahomet**
7. **Email from LeeAnn Bustard**
8. **Email from Steve and Stacie Vogelsang, 607 Deer Run, Mahome**
9. **Formal Opposition to Proposed Public Nuisance Ordinance Amendment (Mahomet 1,000-foot Prohibited Burn Area) by Christine Gunther, 1003 Oakwood Drive, Mahomet**
10. **Email from Rich Warren, POB 58, Mahomet**
11. **Email from Tim and Lynn Gilles, 1702 Golf Drive, Mahomet**
12. **Email from Lesley Ferguson**
13. **Letter from Debbie and Gary Tooker**
14. **Email from David and Carole Sinow, 506 Deer Run Drive, Mahomet**
15. **Email from Angelo Arnott**
16. **Email from Patrick Murray, 405 Deer Run Drive, Mahomet**
17. **Email from Jerry Foster, 802 Deer Run Drive, Mahomet**
18. **Email from Robert and Donna Yardy**
19. **Email from Brian Andersen**
20. **Email from Kevin Byers**
21. **Letter from Dr. Mark R. and Pam Hudson**
22. **Email from Charles J. and Janet L. Francisco, 401b CR 2425 N, Mahomet**
23. **Email from Bill and April Bailey, 801 N. Westbrook Drive, Mahomet**
24. **Email from Elizabeth Burgener-Patton, 1009 Forestview Drive, Mahomet**
25. **Letter from Robert and Susan Welke, 1406 Woodfield Drive, Mahomet**
26. **Email from Justin Stanton**
27. **Email from Tim Culver, 1214 N. Lombard Street, Mahomet**

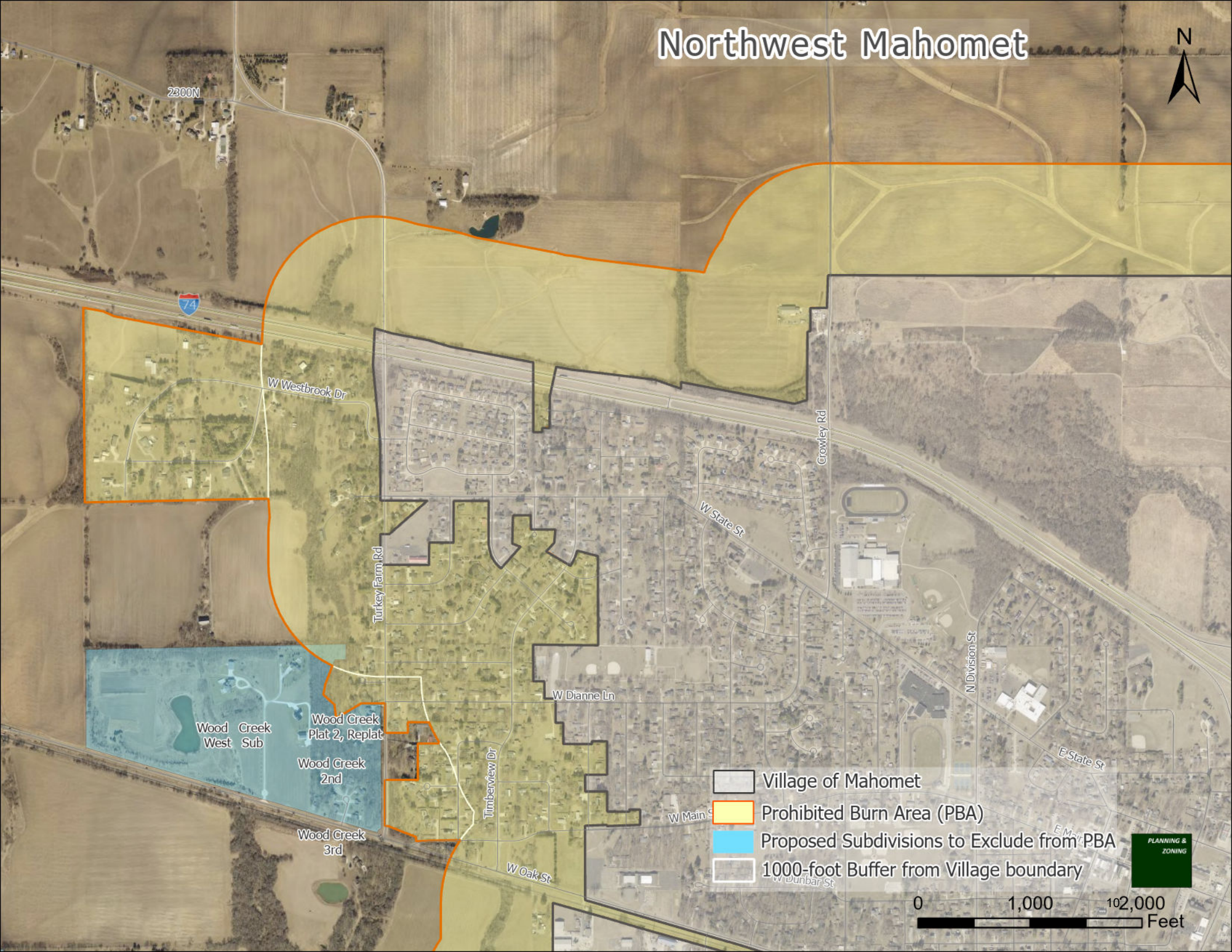
ATTACHMENT A. Proposed Amendment Text

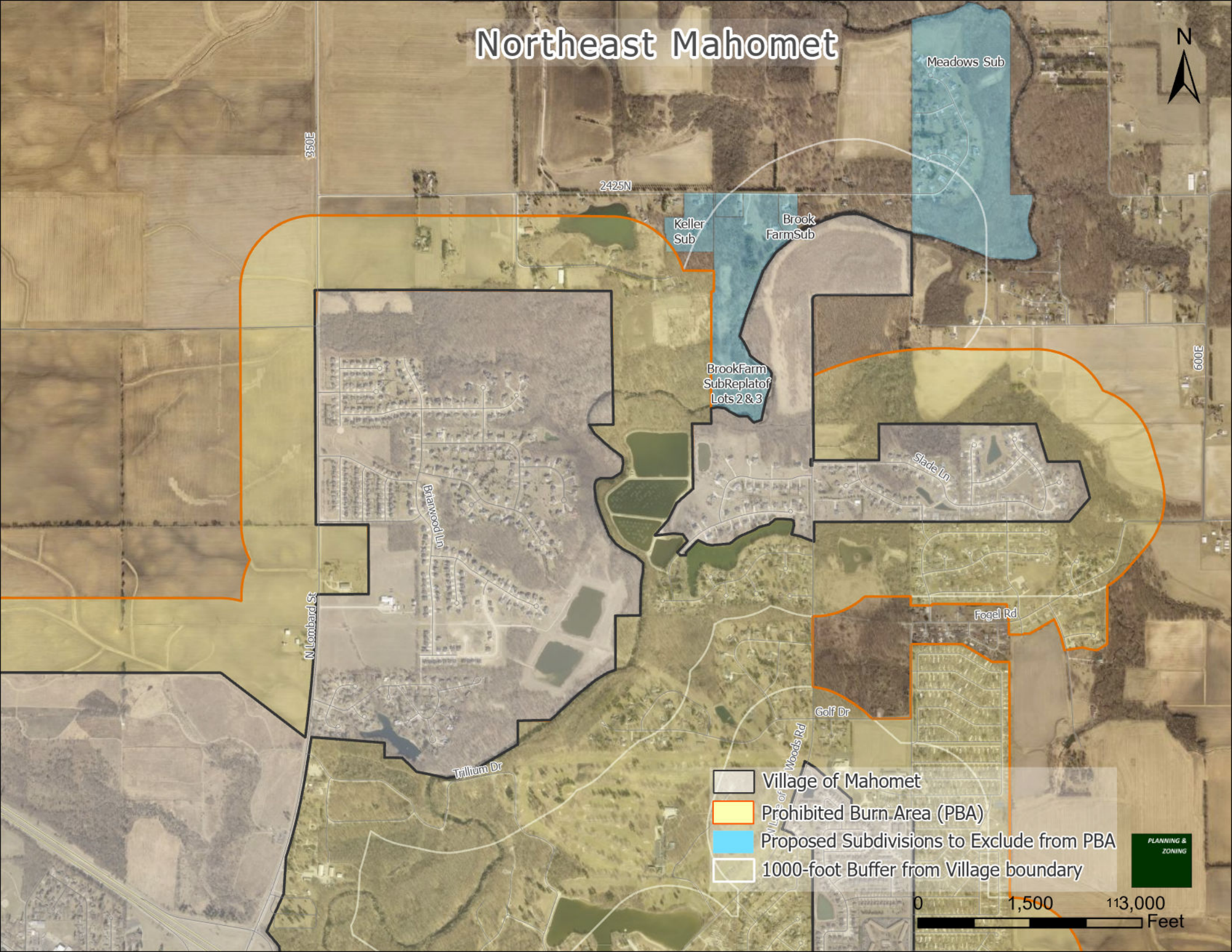
1. Amend the definition of "PROHIBITED BURN AREA" in Section 2. Definitions as follows (yellow highlight is proposed amendment):

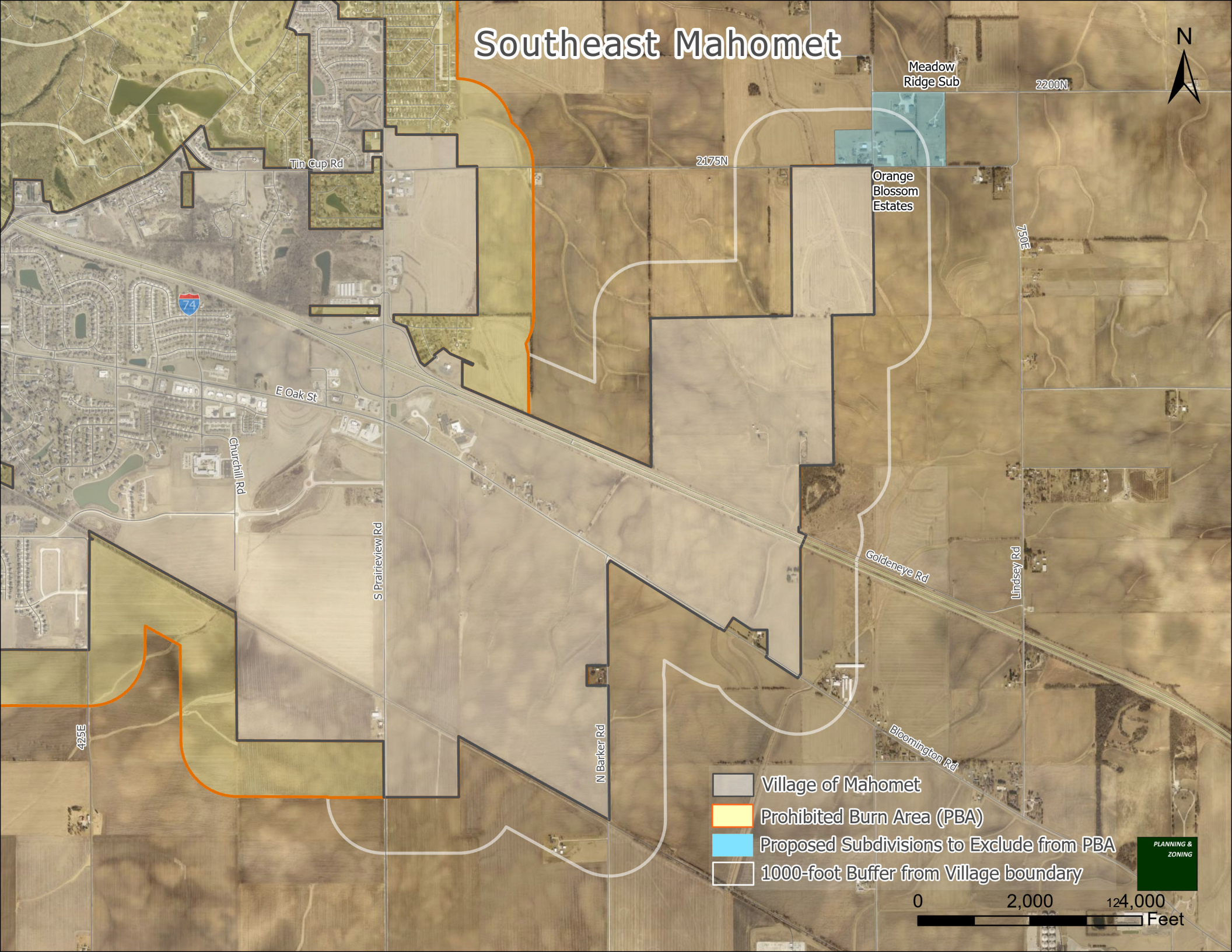
PROHIBITED BURN AREA: The unincorporated area extending 1,000 feet beyond the boundaries of the City of Champaign and the City of Urbana and the Village of Mahomet including the entirety of any residential subdivision and/or residential subdivision phase that intersects the 1,000-foot distance and all areas completely surrounded by the City of Champaign and/or the City of Urbana and/or the Village of Mahomet and/or all areas completely surrounded by the 1,000 feet PROHIBITED BURN AREA around the City of Champaign and/or the City of Urbana and/or the Village of Mahomet except for certain areas within 1,000 feet of the Village of Mahomet which have not been included due to the separation distance between those areas and residential areas within the Village of Mahomet. See the map of the PROHIBITED BURN AREA in Appendix D.


Prohibited Burn Area
N
2500N
Meadows Sub
Keller Sub
Brook Farm Sub
2300N
N Lake of the Woods Rd
N Lombard St
US 150
Wood Creek West Sub
W Oak St
Orange Blossom Estates
Meadow Ridge Sub
2175N
Spring Lake Sub
0E
Mahomet
River Oaks
E Oak St
Hidden Pond Sub
Sangamon Bluff Oaks Sub
Sangapond Sub
S Prairieview Rd
Bloomington Rd
N Barker Rd
Deer Haven Sub
300E
Prohibited Burn Area (PBA)
Proposed Subdivisions to Exclude from PBA
1000-foot Buffer
0
4,000
8,000
Feet
PLANNING & ZONING
Created 9/30/26
8


Southwest Mahomet
N
2150N
Spring Lake Sub
River Oaks
Hidden Pond Sub
Sangamon Bluff Oaks Sub
Sangapond Sub
125E
Mid America Rd
2000N
Deer Haven Sub Replat Lot 3
Deer Haven Woods Sub
Deer Creek Sub
Deer Haven Sub, 2nd Replat Lot 1 & Outlot 1
50E
300E
425E
S Division St
Center St
E Oak St
Sunny Acres Rd
South Mahomet Rd
Village of Mahomet
Prohibited Burn Area (PBA)
Proposed Subdivisions to Exclude from PBA
1000-foot Buffer from Village boundary
PLANNING & ZONING
0
2,000
4,000
Feet


Northwest Mahomet
N
2300N
74
W Westbrook Dr
Crowley Rd
W State St
Turkey Farm Rd
N Division St
W Dianne Ln
Timberview Dr
W Main St
E State St
W Oak St
W Dunbar St
Wood West Creek Sub
Wood Creek Plat 2, Replat
Wood Creek 2nd
Wood Creek 3rd
Village of Mahomet
Prohibited Burn Area (PBA)
Proposed Subdivisions to Exclude from PBA
1000-foot Buffer from Village boundary
PLANNING & ZONING
0
1,000
2,000
Feet


Northeast Mahomet
N
Meadows Sub
350E
2425N
Keller Sub
Brook FarmSub
BrookFarm SubReplatof Lots 2 & 3
600E
Slade Ln
Brianwood Ln
N Lombard St
Fogel Rd
Golf Dr
Trillium Dr
Village of Mahomet
Prohibited Burn Area (PBA)
Proposed Subdivisions to Exclude from PBA
1000-foot Buffer from Village boundary
PLANNING & ZONING
0
1,500
3,000
Feet


Southeast Mahomet
N
Meadow Ridge Sub
2200N
2175N
Orange Blossom Estates
Tin Cup Rd
750E
74
E Oak St
Churchill Rd
S Prairieview Rd
Goldeneye Rd
Lindsey Rd
425E
N Barker Rd
Bloomington Rd
Village of Mahomet
Prohibited Burn Area (PBA)
Proposed Subdivisions to Exclude from PBA
1000-foot Buffer from Village boundary
PLANNING & ZONING
0
2,000
4,000
Feet

MEMORANDUM

To: Champaign County Environment and Land Use Committee

From: The Village of Mahomet

cc: John Hall, Zoning Administrator
Trevor Partin, Planner

Date: September 29, 2026

Re: Prohibited Burn Area Around the Village of Mahomet

We appreciate the Committee's taking up the request from the Village of Mahomet to amend the County Nuisance Ordinance (the "**Ordinance**") to implement a prohibited burn area ("**PBA**") around the Village consistent with the prohibited burn areas around Champaign and Urbana. This memorandum reflects our comments on the materials published by County staff on September 4, 2026 in the agenda packet (the "**County Memo**") for the September 10, 2026 meeting of the Environment and Land Use Committee.

I. The Mahomet PBA should be determined in the same manner as the Champaign and Urbana PBAs.

As we wrote in our letter dated April 28, 2026, a copy of which is attached as Exhibit A, our request is that the County apply with respect to the Village of Mahomet the same prohibited burn area rule that it has applied with respect to the Cities of Champaign and Urbana for the past decade. The request is simply for equal treatment. As we wrote at that time, "we are asking for nothing more than the same protection the County has already seen fit to provide to residents of those communities."

The County Memo proposes instead a more limited PBA for the Village, with the stated reason that "there are large portions of the Village where there are no residents." Specifically, the County Memo excludes certain subdivisions that would be included by application of the existing Ordinance where County staff was of the opinion that "a prohibited burn area seems to offer no benefit to Village residents but would impose burdens on unincorporated residents."

For Champaign and Urbana, the Ordinance itself defines the PBA. The definition is tied to municipal boundaries, and the map in Appendix D is merely illustrative.[1] The Champaign and Urbana PBAs expand automatically as land is annexed, and the map is updated by staff, without action by the Committee or the County Board.[2]

The proposed amendment would treat Mahomet differently. It would carve out "certain areas within 1,000 feet of the Village of Mahomet which have not been included due to the separation between those areas and residential areas within the Village." That language supplies no rule: it does not say how much separation is enough, from what point it is measured, or whether parks or schools are treated as "residential areas" as they should be. For the excluded subdivisions, the map (rather than the formula in the Ordinance) would determine whether they are in the PBA. And because the amendment would incorporate that map by reference, those exclusions would be frozen in place even as the Village grows toward them, a problem we address in Part II below.

The Village's request is therefore a narrow one. The Ordinance amendment should consist only of adding "and the Village of Mahomet" in the two places shown in Attachment A to the County Memo. That result requires no new mapping methodology and no ongoing judgment calls by County staff. It simply applies to Mahomet the same formula that the County has administered since 2016.

Even on its own terms, the County Memo does not establish that the subdivisions it would exclude are in fact remote from Village residents, that they will remain so, or that unincorporated residents near the Village would be burdened more than unincorporated residents near Champaign or Urbana.

The County has applied its formula around Champaign and Urbana without exception, and the north side of Urbana shows what that means in practice. The map below shows several rural residential subdivisions included in the Urbana PBA. The adjoining City land is industrial and airport property; the nearest City of Urbana residence is well over a mile from one of these subdivisions and nearly a mile from the others.[3] The County did not exclude them.

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[1] While the Prohibited Burn Area definition in the Ordinance directs the reader to "see" the map in Appendix D, the operative language is the text itself, which is tied to the municipal boundaries and not to the map. Past map updates have been made administratively by staff rather than through amendment by the Committee and the County Board, confirming that the map is illustrative.

[2] The current map is dated November 2023 and did not appear on a meeting agenda for the Committee or the County Board.

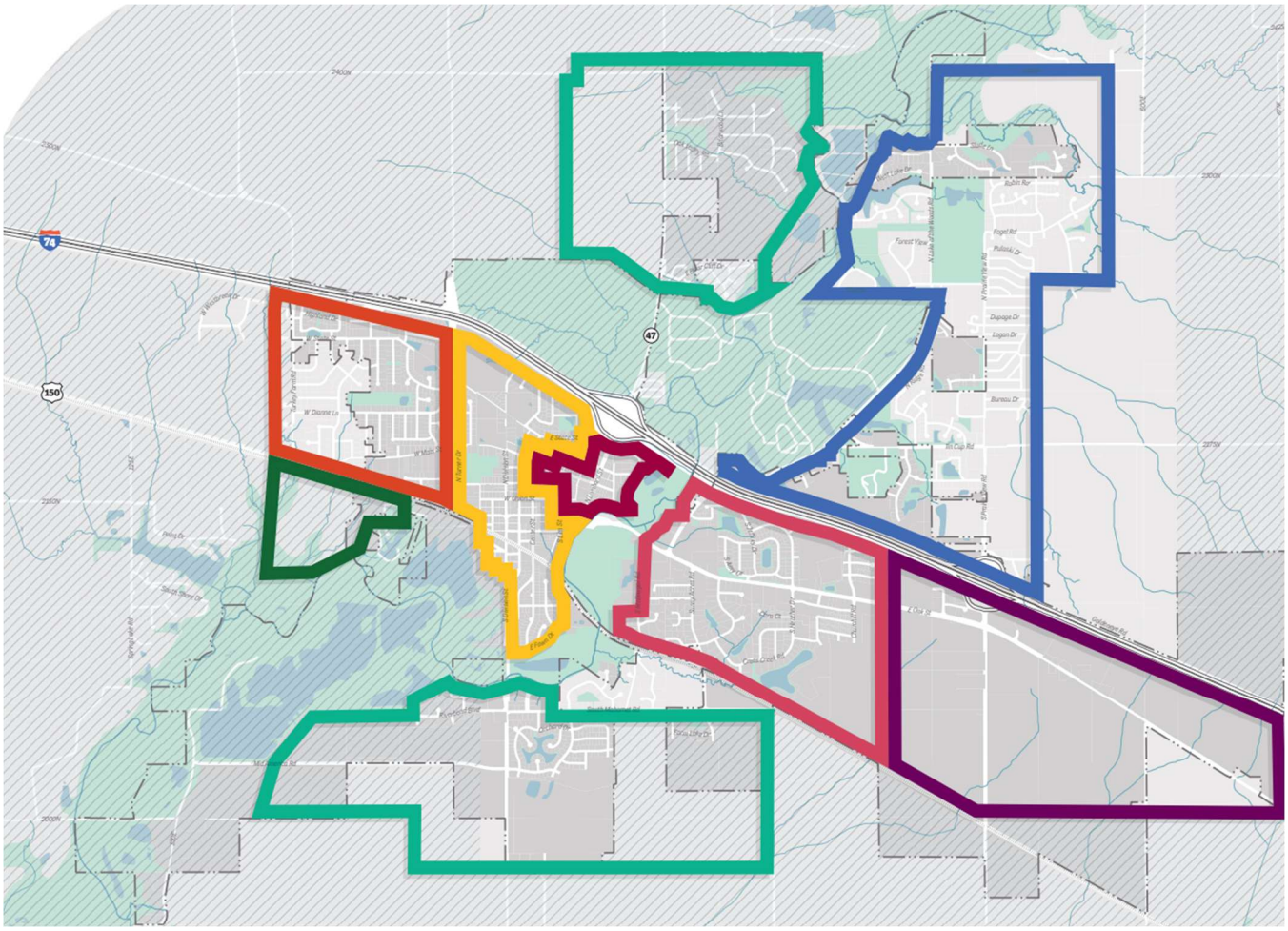
[3] These measurements, as well as all other measurements cited below, are from the nearest municipal residence to the nearest point in the applicable rural residential subdivision(s).

II. If the Ordinance excludes any residential subdivision from the Mahomet PBA, the exclusion ought to apply only for so long as the circumstances underlying the exclusion continue to exist.

The Village of Mahomet is, and for decades has been, one of the fastest growing municipalities in the State of Illinois.[4] This makes excluding specified rural subdivisions from the PBA especially problematic, because any "nearest Village residence" analysis takes aim at a moving target. Notably, many of the proposed exclusions are near, and in some cases directly adjacent to, our planned residential growth areas. On the following page is an excerpt from the Village's Comprehensive Plan:[5]

[4] Between 2010 and 2024, the Village grew by 46.3%, making it the eighth-fastest-growing of the 1,293 municipalities in the State over that period. That growth is not merely a recent phenomenon: from 1970 to 2024, Village population increased from 1,296 to 10,619 — a growth rate of 719.4%.

[5] See https://www.mahomet-il.gov/documents/departments/community-development-department/planning-documents/comprehensive-plan/782923. This plan was enacted in 2016. A new plan is in the works, but there is no expectation residential development will cease to be the primary intended use of these areas indicated in light green.



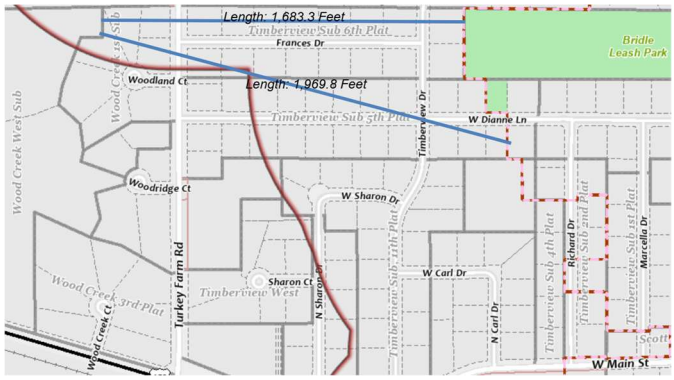
According to the Comprehensive Plan, future development of the areas outlined in light green "should consist primarily of residential with some neighborhood commercial uses." These are the primary future residential growth areas in and around the Village. If any rural subdivision near them is excluded from the PBA, the purported justification for that exclusion is likely to be obsolete in the near future.

To the extent any subdivision is excluded, the exclusion should end when its factual premise ends. If the Ordinance provides for exclusions, then the Village proposes that it also provide as follows: when a certificate of occupancy is issued for a Village dwelling closer to an excluded subdivision than any Village dwelling existing on the amendment's effective date, the Village may so notify the Zoning Administrator; the Zoning Administrator mails the notice to owners of record in the excluded subdivision; and the exclusion terminates ninety days later unless the County Board adopts a resolution

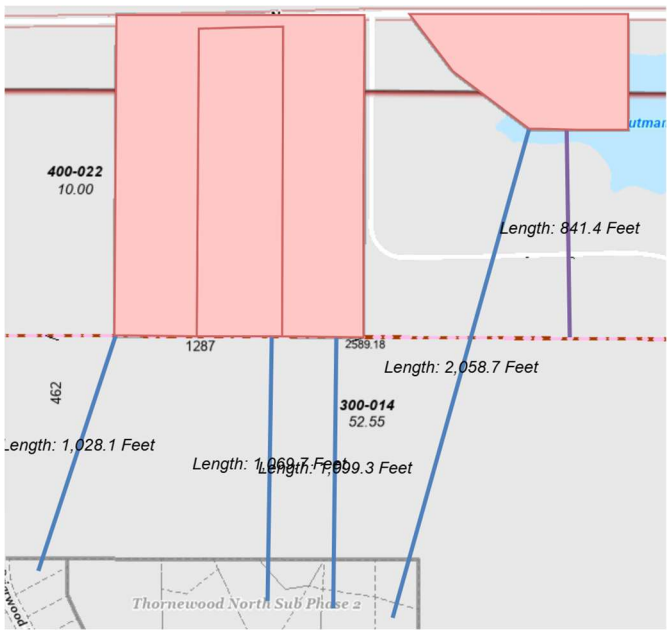
continuing it.[6] This places the monitoring burden on the Village rather than County staff, preserves the County Board's control over every exclusion, and gives the affected residents notice and an opportunity to be heard. Without such a mechanism, the Ordinance would produce the incoherent result described above: subdivisions farther from the Village would enter the PBA automatically as annexations bring them within 1,000 feet, while the excluded subdivisions would remain excluded even after they are directly adjacent to Village homes.

III. If the Ordinance provides for the exclusion of certain residential subdivisions from the Mahomet PBA, some of the proposed exclusions are especially inappropriate.

Every proposed exclusion discussed below is closer to the nearest Village of Mahomet residence than the rural Urbana subdivisions described above are to the nearest City of Urbana residence – and many of them are substantially closer. For the reasons stated above, we reiterate our request that the concept of excluded subdivisions be omitted from the Ordinance amendment. However, if certain subdivisions are to be excluded, then we request that those below not be excluded due to their proximity to (i) existing parks and recreation areas in the Village, (ii) existing Village residences, and/or (iii) existing Village residential-zoned land that has not developed but is in a planned residential growth area.

Map	Village response to proposed exclusion
	**Wood Creek West Subdivision** Wood Creek West lies about 1,970 feet from the nearest Village residence (903 West Dianne Lane), which is part of a substantial Village residential subdivision. Wood Creek West also lies about 1,683 feet from a Village park (Bridle Leash). Wood Creek West should not be an excluded subdivision.

[6] This could be drafted into the Ordinance as follows: "Any area shown on the map in Appendix D as excluded from the PROHIBITED BURN AREA around the Village of Mahomet shall cease to be excluded, and shall become part of the PROHIBITED BURN AREA, on the ninetieth day after the Zoning Administrator receives written notice from the Village of Mahomet certifying that a certificate of occupancy has been issued for a residential dwelling within the Village located closer to that excluded area than any residential dwelling within the Village as of [effective date], unless before that day the County Board has adopted a resolution continuing the exclusion. Within fifteen days of receipt, the Zoning Administrator shall mail a copy of the notice to the owner of record of each parcel within the excluded area. Upon termination of an exclusion, the Zoning Administrator shall update the map in Appendix D."

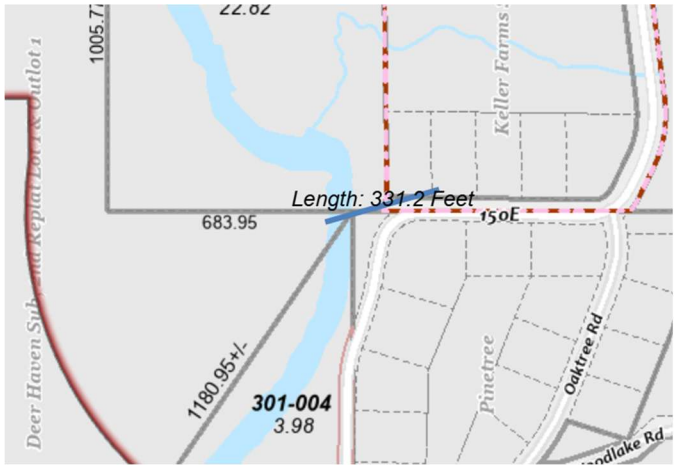


Trautman Subdivisions

Trautman Section 34 Subdivision (shaded on the left) is just under 1100 feet from the nearest Village residence. It is also directly adjacent to existing Village zoned residential that has not yet developed (one of the light green shaded future residential growth areas shown in the Comprehensive Plan).

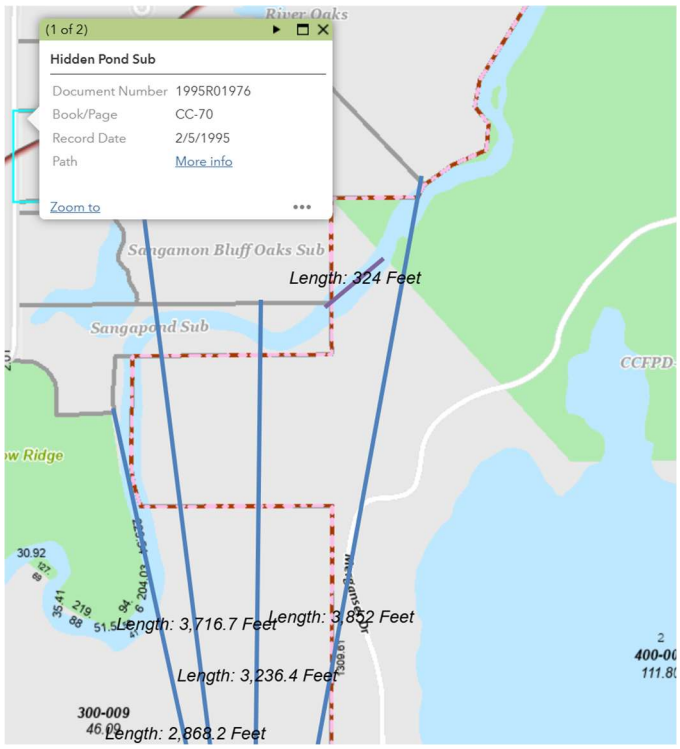
Trautman Section 35 Subdivision (shaded on the right) is about 2,059 feet from the nearest Village residence, and about 841 feet from the same existing Village zoned residential.

These Trautman subdivisions should not be excluded.



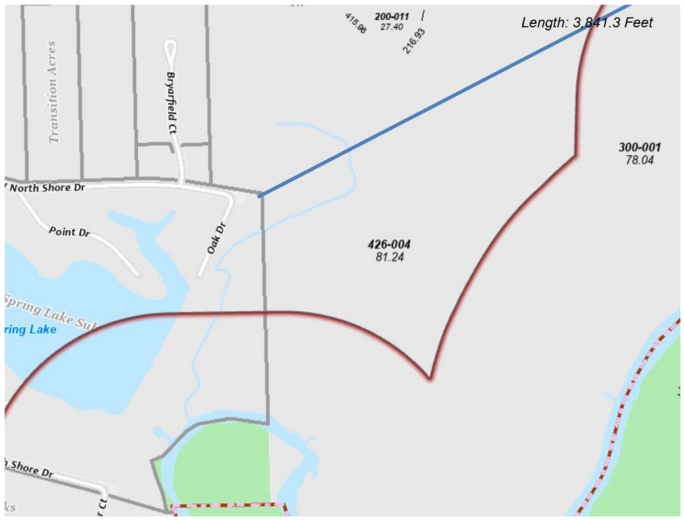
Deer Haven Subdivision

Deer Haven Subdivision (2nd Replat Lot 1 & Outlot 1 shown highlighted) is only about 331 feet from the nearest Village residence. That is about *one third* of the 1,000-foot minimum buffer that the PBA was designed to provide. Deer Haven Subdivision (including all of its phases) should not be an excluded subdivision.

<table>
<tr>
<td> 
</td>
<td>River Oaks, Hidden Pond, Sangamon Bluffs Oaks, and Sangapond Subdivisions

These subdivisions are 2,868 to 3,852 feet from the nearest Village residence (2003 County Road 150E).

Each of them is also within 1,000 feet of the River Bend Forest Preserve (River Oaks abuts it directly), which is in the Village and frequented by Village residents.

These should not be excluded subdivisions.</td>
</tr>
<tr>
<td> 
</td>
<td>Spring Lake Subdivision

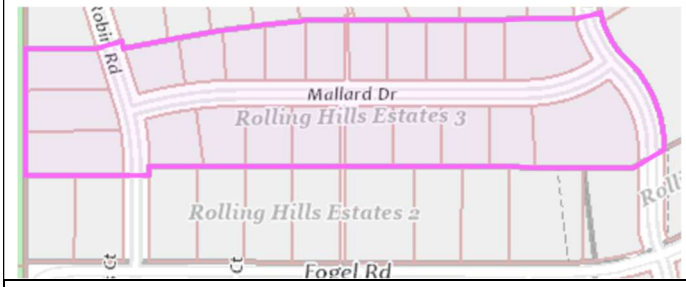
Spring Lake lies about 3,841 feet from the nearest Village residence (801 West Main Street). It also directly abuts River Bend Forest Preserve, which is in the Village and frequented by Village residents. Spring Lake should not be an excluded subdivision.</td>
</tr>
</table>

IV. Regardless of whether the Ordinance provides for exclusion of certain residential subdivisions around Mahomet, the map in the County Memo fails to show as included certain parcels that are included based on the Ordinance text.

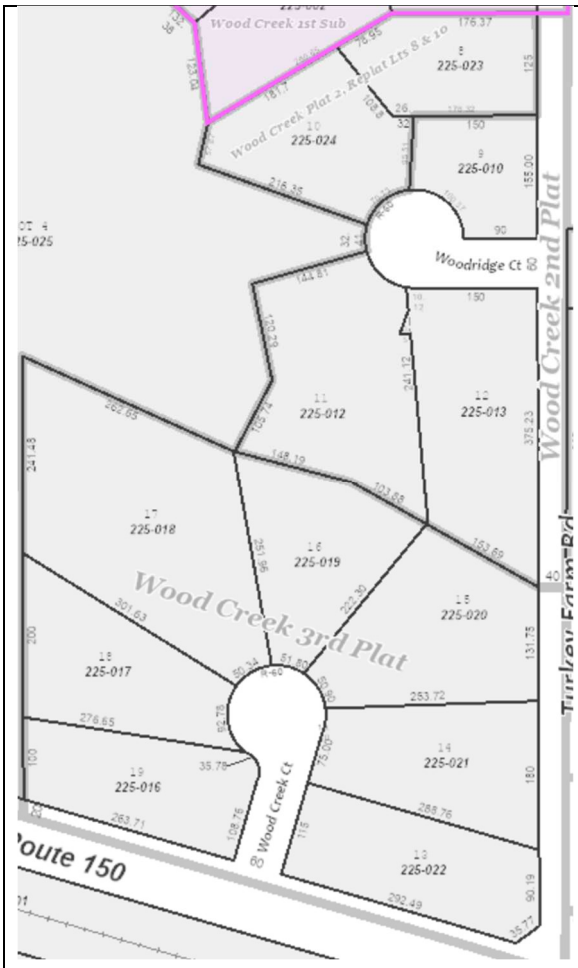
The Ordinance defines the existing PBAs around Champaign and Urbana as follows: "the unincorporated area extending 1,000 feet beyond the boundaries of the City of Champaign and the City of Urbana ***including the entirety of any residential subdivision and/or***

residential subdivision phase that intersects the 1,000-foot distance[7] and all areas completely surrounded by the City of Champaign and/or the City of Urbana and/or all areas completely surrounded by the 1,000 feet PROHIBITED BURN AREA around the City of Champaign and/or the City of Urbana (emphasis added).

Applying the bolded text above requires the following edits to the draft map contained in the County Memo:

Map	Village-requested additional inclusions
	**Rolling Hills Estates 2** Rolling Hills Estates 3 (highlighted) is included (as are Rolling Hills Estates to the East and Rolling Hills Estates 4 and 5 to the North). Rolling Hills Estates 2 should be included as an additional phase of the same subdivision.
	Westbrook Estates, Replat of Lot 18 The Westbrook Estates subdivision (highlighted) is included. The replatted lot 18 did not cease to be part of Westbrook Estates on account of a replat.

[7] The Ordinance's approach of including the "entirety" of a residential subdivision in the PBA is good policy. It reflects a deliberate choice not to draw enforcement lines through the middle of a neighborhood. Residents of Rolling Hills Estates, for example, know that they live in Rolling Hills Estates. Few of them know, or have reason to know, whether their lot was recorded in the second, third, or fourth plat. A rule under which burning is prohibited in some phases but not others would confuse residents, complicate enforcement, and produce exactly the inconsistency the "entirety" language was written to prevent.

	**Wood Creek 2nd Plat, Wood Creek Plat 2, Replat of Lots 8 and 10, and Wood Creek 3rd Plat** Wood Creek 1st Sub (highlighted) is included. Wood Creek 2nd Plat and Wood Creek 3rd Plat should be included as additional phases of the same residential subdivision. Wood Creek Plat 2, Replat of Lots 8 and 10 did not cease to be a part of Wood Creek on account of a replat.

V. Conclusion.

For the reasons stated above, the Village respectfully requests that the Committee:

1. Recommend adoption of the amendment in the form of the first two insertions shown in Attachment A to the County Memo — adding "and the Village of Mahomet" to the existing definition of Prohibited Burn Area — and omit the exception clause, so that the Mahomet PBA is determined by the same rule that governs the Champaign and Urbana PBAs.

2. In the alternative, if the Committee is inclined to exclude any subdivision, (a) provide, as described in Part II, that any exclusion terminates ninety days after the Village certifies that a Village dwelling has been occupied closer to the excluded subdivision than any Village dwelling existing on the amendment's effective date, unless the County Board adopts a resolution continuing it, and (b) decline to exclude the subdivisions identified in Part III.

3. In either case, direct staff to correct the map as described in Part IV.

The Village welcomes County staff's proposal to meet with Village staff. Our Village Planner, Abby Heckman, will coordinate scheduling on the Village's behalf, and the Village is prepared to meet at staff's earliest convenience so that the Committee has the benefit of that discussion before it takes up this item again at its October 8, 2026 meeting. In the meantime, we would be glad to answer any questions from the Committee or from staff.

Exhibit A

Letter from the Village of Mahomet dated April 28, 2026

[See attached.]

Village Board of Trustees
Jason S. Tompkins, Village President
Bruce Colravy, Trustee
Andy Harpst, Trustee
Bill Oliger, Trustee
Brian Metzger, Trustee
William Schriver, Trustee
Toby Willard, Trustee

Village Administrator
Patrick Brown

April 28, 2026

Champaign County Board
1776 East Washington Street
Urbana, Illinois 61802

Dear Members of the Champaign County Board:

On behalf of the Village of Mahomet, I write to formally request that the Champaign County Board amend its Nuisance Ordinance to extend its prohibited burn area to include land within 1,000 feet of the Village of Mahomet's boundaries, as well as any residential subdivision located within 1,000 feet of those boundaries. This request is grounded in the same public health principles that have long guided both the Village's own policies and the County's existing ordinance. The Village banned the burning of landscape waste in 2009, and Champaign County established 1000-foot prohibited burn areas around the Cities of Champaign and Urbana in 2016. We are asking for nothing more than the same protection the County has already seen fit to provide to residents of those communities.

The health case for this request is well-established and long recognized by both Village and County. Smoke from burning leaves causes asthma, chronic obstructive pulmonary disease, and other serious respiratory and cardiovascular conditions — effects that fall hardest on the most vulnerable members of our community, including young children and older adults.

Smoke does not respect municipal boundaries. The impacts of burning in rural areas around Mahomet are felt in both Village and rural neighborhoods, as well as in our parks and schools. Implementing a prohibited burn area around Mahomet would be a straightforward and reasonable application of the same principle the County has already applied elsewhere: that residents should be protected from avoidable smoke exposure where municipal boundaries are adjacent to unincorporated residential areas.

We understand that questions of leaf disposal alternatives and enforcement are important practical considerations. On both counts, experience in the Village and the County strongly supports moving forward. Mahomet-area residents have access to the same alternatives — mulching, composting, private waste haulers, and nearby landscape recycling facilities — that the County deemed sufficient when establishing the prohibited burn area around Champaign and Urbana. As for enforcement, the record in both the Village and the County demonstrates that burn bans are manageable: in the nine years since the County's prohibited burn area took effect, the County Planning and Zoning Department has received an

average of fewer than four relevant complaints per year. The Village's own experience mirrors this. Enforcement has not been a significant burden, and there is no reason to expect it would be in rural areas around Mahomet.

The Village of Mahomet respectfully urges the Champaign County Board to take up this matter and extend the prohibited burn area to the rural areas surrounding our community. This action would extend the work both the Village and the County began years ago and would ensure that Mahomet residents and their neighbors enjoy the same air quality protections already afforded to the residents of Champaign and Urbana.

Sincerely,

Jason S. Vompkins
Village President, Village of Mahomet

Cc: Steve Summers, County Executive
Jennifer Locke, County Board Chair
John Hall, Director of Planning & Zoning

September 17, 2026

TO:
Champaign County Board
Champaign County Environmental and Land Use Committee (ELUC)
Champaign County Planning & Zoning Department
102 E. Main St.
Urbana, IL 61801

Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment (Mahomet 1,000-foot Prohibited Burn Area)

Dear Members of the Champaign County Board & the Environment and Land Use Committee,

We are writing to formally state our strong opposition to the Village of Mahomet's recent request (Resolution 26-04-06) asking for Champaign County to amend its Public Nuisance Ordinance to create a 1,000 foot "Prohibited Burn Area" outside Mahomet's village limits.

As residents and property owners in unincorporated Champaign County, we ask that the Committee and the Full Board reject this proposed text amendment based on the following reasonable and critical concerns:

- **Jurisdictional Overreach & Property Rights:** Residents in unincorporated areas intentionally choose to live outside the municipal boundaries. Imposing village style regulations on county residents – who have no voting voice or representation in Mahomet's Local Government – is an unfair infringement on rural property rights.

- **Lack of Practical Disposal Alternative:** Unlike residents inside the village limits, rural households do not have access to municipal leaf collection or curbside yard waste pickup. Rural property owners rely on open burning for routine yard waste and natural debris management on larger parcels where space allows. Pushing municipal style restrictions into unincorporated areas punishes responsible landowners.

- **Minimal Municipal Issues:** Within Mahomet's municipal borders where burning has been banned since 2009, the Mahomet Police Department logged a total of only 17 complaints. Averaging 1.9 per year. And local officials note it is unclear if all of those even involved landscape waste.

- **A Glaring Regulatory Double Standard:** The proposed amendment creates a profound contradiction by continuing to allow public entities like the Champaign County Forest Preserve to conduct large scale prescribed ecological burns directly bordering Mahomet (such as Lake of the Woods, River Bend and Buffalo Trace) while simultaneously criminalizing rural private citizens for burning small, managed piles of yard waste on their own adjacent property. If smoke mitigation is a critical public health issue, the county should not arbitrarily exempt government agencies while penalizing taxpaying landowners.

The data clearly demonstrates that the existing regulations are working and that rural burning does not constitute a widespread public nuisance requiring a major policy expansion. We urge the County Board to vote against expanding the 1,000-foot burn prohibition area.

Thank you for your time, public service and consideration of rural perspectives.

Sincerely,

Greg Tempel
1509 W. Brookside Ln
Mahomet, IL 61853
timberroll48@yahoo.com

Carole Tempel
1509 W. Brookside Ln
Mahomet, IL 61853
carole.tempel@yahoo.com

John Hall

From: Doris Foster <jerry.doris.foster@gmail.com>
Sent: Sunday, September 27, 2026 6:48 PM
To: John Hall
Subject: Proposed Burn Ban for Village of Mahomet

CAUTION: External email, be careful when opening.

John, I am writing because it was brought to our attention that the Village of Mahomet is trying to ban all burning outside the Village limits without most of us being aware they are doing this. I find it very concerning that they feel they have jurisdiction over areas that they do not govern. I am opposed to their trying to ban our burning in a neighborhood that has many giant oak trees but they are not willing to allow us to have leaf and brush pick up as the Village does. I live at 802 Deer Run Dr, Mahomet, IL 61853 and we have many trees that drop tons of leaves as well as many branches and twigs after storms. If the proposal goes through, we have no where to dispose of this yard waste.
I am asking that when you have your meeting that you reconsider allowing this proposal to be pushed through. It is interesting that there are several small areas around the town that for some unknown reason are exempt from this ban. A political reason perhaps?
Please help us avoid this being pushed through. Doris Foster

John Hall

From: Charles W. Campo
Sent: Monday, September 28, 2026 8:14 AM
To: John Hall
Subject: FW: Burning Ban outside the Village of Mahomet

fyi

From: Jason Norton <jason.norton87@gmail.com>
Sent: Sunday, September 27, 2026 9:08 PM
To: zoningdept <zoningdept@champaigncountyil.gov>
Subject: Burning Ban outside the Village of Mahomet

CAUTION: External email, be careful when opening.

To Whom It May Concern,

It has come to my attention that the Village of Mahomet desires to ban all burning outside the village limits, including my own neighborhood.

I am opposed to such a ban. We have large lots in our neighborhood with many mature trees. These are characteristics that add value to our properties and make it a desirable place to live.

We value the ability to burn not only to dispose of leaves, but also to dispose of branches and simply to enjoy a campfire on our own property.

We are mindful at our neighborhood association meetings to promote burning only dry leaves and branches in order to minimize smoke.

We have no landscape recycling pickup service available and quite a large volume of leaves and branches so that burning is the only viable alternative.

Please do not allow the village to impose a burning ban on non-village residents.

Thank you.

Jason L Norton
1605 Spring Creek Dr.
Mahomet

John Hall

From: Trevor Partin
Sent: Monday, September 28, 2026 10:59 AM
To: John Hall
Subject: FW: Proposed Amendment to Mahomet Burn Area

From: Karen Murray <ickstadt59@gmail.com>
Sent: Monday, September 28, 2026 10:57 AM
To: zoningdept <zoningdept@champaigncountyil.gov>
Subject: Proposed Amendment to Mahomet Burn Area

CAUTION: External email, be careful when opening.

Dear Mr. Hall and Mr. Partin,

I strongly object to the proposed amendment extending the prohibited burn area to 1000 ft beyond the boundaries of the Village of Mahomet.

I reside in the township of Mahomet in an area that would be affected by this decision. A burn ban in my area would impose a burden on myself and my fellow neighbors. This amendment provides no benefit to Village residents.

I do not feel the Village of Mahomet should be able to impose their wishes upon my property.

Thank you for your consideration.

Karen Murray
405 Deer Run Drive
Mahomet, IL 61853

217-649-7109

John Hall

From: Charles W. Campo
Sent: Monday, September 28, 2026 11:05 AM
To: John Hall
Subject: FW: Mahomet burning ban

-----Original Message-----
From: Tom Ferguson <tomferg63@icloud.com>
Sent: Monday, September 28, 2026 10:47 AM
To: zoningdept <zoningdept@champaigncountyil.gov>
Subject: Mahomet burning ban

CAUTION: External email, be careful when opening.

I am reaching out in regards to the proposed burning ban outside of the Mahomet city limits. I have some concerns about the underhanded way the Village of Mahomet are trying to implement the restrictions. They didn't reach out to any of the residents who would be affected in advance with possible burn alternatives such as brush removal and leaf pickup. Instead they are trying to implement the ban without notice then notify us of the restrictions.
I also find their proposed map very interesting. Their 1000 feet boundary extends beyond that distance to include whole subdivisions in a couple spots, Pine Tree and Westbrook Drive but doesn't include entire subdivisions in numerous other areas. I have heard rumors that the map is politically motivated as far as who is out and who is in.
Also I feel the Champaign county sheriff has more pressing issues to enforce other than a rural burning ban outside of Mahomet.
In closing, I would like to ask that the Champaign county board postpone indefinitely the Village of Mahomet proposed burning ban.

Best regards
Tom Ferguson
Sent from my iPhone

John Hall

From: Megan R. Robison
Sent: Monday, September 28, 2026 2:25 PM
To: Mary A. Ward; John Hall
Subject: FW: Burning 1000 feet village of Mahomet

Good afternoon,

I am forwarding this message in case you would like to share it with the ELUC members.

Thank you,

Megan Robison
Administrative Assistant
Champaign County Administrative Services Bennett Administrative Center
102 E. Main Street
Urbana, IL 61801
www.champaigncountyil.gov
mrobison@champaigncountyil.gov
(217)384-3776 ext. 2127
(217)384-3896 Fax

-----Original Message-----
From: Casey Terry <softsource@mchsi.com>
Sent: Monday, September 28, 2026 1:37 PM
To: County Board <CountyBoard@champaigncountyil.gov>
Subject: Burning 1000 feet village of Mahomet

CAUTION: External email, be careful when opening.

Good Afternoon,

My name is casey terry, i live at 1305 w oak mahomet il. I have 29 acres, i would like to continue to burn my leafs & trees, I have never been to a champaign county board meeting.... even thought my entire property borders the new solar farm west of mahomet, because I think people should be able to do what they want within reason on there own property. Please vote no!

Thanks Casey
217-841-0236

John Hall

From: Trevor Partin
Sent: Monday, September 28, 2026 2:35 PM
To: John Hall
Subject: FW: Leaf Burning Ban outside Mahomet Village Limits

From: Leeann Bustard <leeann.bustard59@gmail.com>
Sent: Monday, September 28, 2026 2:34 PM
To: zoningdept <zoningdept@champaigncountyil.gov>
Subject: Leaf Burning Ban outside Mahomet Village Limits

CAUTION: External email, be careful when opening.

Zoning Administrator,
I am writing to ask that homeowners outside of the village limits be allowed to continue the responsible burning of leaves and brush. We have lived in Woodfield West Subdivision for 40 years and rely on burning to dispose of our yard waste. We have many large oak trees in our neighborhood and have a massive amount of leaves in late October and November. Our homeowners association reminds us every year to be considerate to our neighbors and burn responsibly. We have all done so with no issues. If the ban is approved, we would respectfully ask to be provided with a leaf removal service or other options to dispose of our leaves, as there are too many to bag or mulch.

thank you for your consideration,
LeeAnn Bustard

John Hall

From: Stacie Vogelsang <illinivogie@gmail.com>
Sent: Monday, September 28, 2026 3:27 PM
To: John Hall
Cc: zoningdept
Subject: Proposed Amendment to Prohibited Burn Area in Mahomet

CAUTION: External email, be careful when opening.

Subject: Proposed Amendment to Prohibited Burn Area – Woodfield West

Dear Mr. Hall and Mr. Partin,

We are writing as residents of **Woodfield West** regarding the proposed expansion of the Prohibited Burn Area to include our neighborhood.

While we understand the intent of the proposed change, it would create a significant hardship for our neighborhood because the Village of Mahomet does not currently provide a practical way for residents to dispose of yard waste.

Woodfield West is a mature, heavily wooded neighborhood with a substantial amount of leaves, branches, and brush—particularly in the fall. Without the ability to burn, homeowners will have very limited options for managing this volume of yard waste.

We respectfully ask that the County and Village consider providing an adequate yard-waste disposal or collection option before expanding the prohibited burn area to include our neighborhood.

Thank you for considering our concerns.

Sincerely,

Steve and Stacie Vogelsang

607 Deer Run Dr., Mahomet, IL

John Hall

From: Chris Gunther <chrisgunther21@aol.com>
Sent: Monday, September 28, 2026 4:45 PM
To: John Hall
Subject: Opposition to Proposed Public Nuisance Ordinance Amendment Mahomet
Attachments: Letter Opposition to Proposed Public Nuisance Ordinance Amendment.docx

CAUTION: External email, be careful when opening.

To: John Hall, Zoning Administrator

Please see attached letter and a copy in this email

September 28, 2026

Champaign County Board
Champaign County Environmental and Land Use Committee (ELUC)
Champaign County Planning & Zoning Department
102 E. Main St.
Urbana, IL 61801

Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment
(Mahomet 1,000-foot Prohibited Burn Area)

Dear Members of the Champaign County Board & the Environment and Land Use Committee,

I am writing to formally state our strong opposition to the Village of Mahomet's recent request (Resolution 26-04-06) asking for Champaign County to amend its Public Nuisance Ordinance to create a 1,000 foot "Prohibited Burn Area" outside Mahomet's village limits.
As residents and property owners in unincorporated Champaign County, we ask that the Committee and the Full Board reject this proposed text amendment based on the following reasonable and critical concerns:

• Jurisdictional Overreach & Property Rights: Residents in unincorporated areas intentionally choose to live outside the municipal boundaries. Imposing village style regulations on county residents — who have no voting voice or representation in Mahomet's Local Government — is an unfair infringement on rural property rights.

• Lack of Practical Disposal Alternative: Unlike residents inside the village limits, rural households do not have access to municipal leaf collection or curbside yard waste pickup. Rural property owners rely on open burning for routine yard waste and natural debris management on larger parcels where space allows. Pushing municipal style restrictions into unincorporated areas punishes responsible landowners.

• Minimal Municipal Issues: Within Mahomet's municipal borders where burning has been banned since 2009, the Mahomet Police Department logged a total of only 17 complaints. Averaging 1.9 per year. And local officials note it is unclear if all of those even involved landscape waste.

A Glaring Regulatory Double Standard: The proposed amendment creates a profound contradiction by continuing to allow public entities like the Champaign County Forest Preserve to conduct large scale prescribed ecological burns directly bordering Mahomet (such as Lake of the Woods, River Bend and Buffalo Trace) while simultaneously criminalizing rural private citizens for burning small, managed piles of yard waste on their own adjacent property. If smoke mitigation is a critical public health issue, the county should not arbitrarily exempt government agencies while penalizing taxpaying landowners. The data clearly demonstrates that the existing regulations are working and that rural burning does not constitute a widespread public nuisance requiring a major policy expansion. I urge the County Board to vote against expanding the 1,000-foot burn prohibition area.

I have lived on my property for 27 years, and during that time I have responsibly maintained a large lot with many mature trees that produce significant limb, branch, and leaf debris throughout the year. This amendment and a burning ban would substantially limit my ability to manage this material safely and responsibly, as burning has historically been the only practical method for handling the volume of natural waste generated on my property. Without the option to burn, I would face considerable challenges in maintaining my property and reducing potential fire hazards created by accumulated debris.

Thank you for your time, public service and consideration of rural perspectives.

Sincerely,

Christine Gunther

Christine Gunther

Homeowner, Parkhills Subdivision
1003 Oakwood Dr.
Mahomet, IL 61853

John Hall

From: Rich Warren <biz@richwarren.com>
Sent: Monday, September 28, 2026 5:15 PM
To: zoningdept
Cc: John Hall
Subject: Mahomet Village burning ordinance

CAUTION: External email, be careful when opening.

Dear Zoning Department:

I live in the Woodfield West subdivision, one of the areas adjacent to the Village of Mahomet, that would be affected by Mahomet's leaf burning ban.

I *support* the ban. It's not fair that smoke from our subdivision should blow across the road to village residents who are not permitted to burn. Also, leaf smoke in general is bad for my lungs.
There are days we can't even walk the dog through the smoke.

However, some consideration should be given to residents of affected areas for leaf removal in lieu of burning. Our Woodfield West home owners association has attempted to *pay* the Village of Mahomet to have its leaf vacuum truck come down our street to remove leaves. The Village refused. Nearly all jurisdictions with a leaf burning van instituted a leaf removal policy. We should be provided an alternative to burning.

Sincerely,
Rich Warren

Rich Warren
PO Box 58, Mahomet, IL 61853
biz@richwarren.com

John Hall

Subject: FW: Opposition to Mahomet request for burn zone

From: Gilles Family <tgilles88@yahoo.com>
Sent: Monday, September 28, 2026 7:26 PM
To: zoningdept <zoningdept@champaigncountyil.gov>
Cc: Lynn Gilles <lk.gilles@yahoo.com>
Subject: Opposition to Mahomet request for burn zone

CAUTION: External email, be careful when opening.

Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment
(Mahomet 1,000-foot Prohibited Burn Area)

To the members of the Champaign County Board & the Environment and Land Use Committee,

My wife and I strongly object to the Village of Mahomet's recent request to create a 1,000 foot burn area outside Mahomet's village limits. As residents and property owners in unincorporated Champaign County, we ask that this amendment be rejected.

We intentionally chose to live outside the Mahomet city limits with all that means, both positive and negative. To let Mahomet impose rules on us residents outside it's limits while not extending corresponding benefits or services is clearly unfair.

We have a large lot with mature trees and therefore must manage a not-insignificant amount of yard waste without the alternatives provided in some areas such as a municipal yard waste pickup or a convenient common disposal area.

We and all our neighbors (to my knowledge) burn responsibly and with consideration. We mulch rather than burn leaves, greatly reducing the need to burn. We don't burn on windy days and we limit the size of our burn pile. Consequently, we only burn about six or so times a summer. In fact, it has been my experience that the large burns done by the forest preserve are much more of a nuisance than any fire by my neighbors.

Thank you for your time and you're careful consideration of this issue and its impact on all of your constituents.

Sincerely,

Tim and Lynn Gilles
1702 Golf Dr., Mahomet

John Hall

Subject: FW: Mahomet proposed burn ban zones

-----Original Message-----
From: steve.etch@gmail.com <steve.etch@gmail.com>
Sent: Tuesday, September 29, 2026 6:42 AM
To: zoningdept <zoningdept@champaigncountyil.gov>
Cc: jhall@champaincounty.gov
Subject: Mahomet proposed burn ban zones

CAUTION: External email, be careful when opening.

Sent from my iPhone
I was just today informed of the Village of Mahomet's request for Champaign County to add a 1000 foot extension around Mahomet City borders to incorporate many areas, including my subdivision of Woodfield West into their new burn ban district.
Our subdivision made up of larger lot sizes have many large primarily oak trees, but others as well. This results in a large quantity of sticks, leaves and other debris which falls in our yards after every storm or windy day. I yearly have a large amount of yard waste piled up, which I wait to burn one time per year. Unless the city is offering without charge to pick up my large pile of yard debris (which they aren't doing)I urgently request that you deny their ability to arbitrarily prevent me from burning it each year.
Thank you
Steve Etcheson
1604 Spring Creek Dr
Mahomet, IL.

John Hall

From: Lesley Ferguson <lferg408@gmail.com>
Sent: Tuesday, September 29, 2026 8:36 AM
To: zoningdept; John Hall
Subject: Opposition to Proposed Burning Ban in Our Neighborhood

CAUTION: External email, be careful when opening.

Dear Dept of Planning and Zoning,

I am writing to express my opposition to the proposed burning ban in our neighborhood.

Because our neighborhood is located outside the city limits, I believe it is important to recognize the differences between our area and properties within the city. Residents who live outside the city have different circumstances, needs, and expectations regarding the use and maintenance of their properties.

I understand and support the importance of responsible burning and appropriate safety measures. However, I do not believe that a complete burning ban is necessary or appropriate for our neighborhood. There are responsible ways for residents to conduct permitted burning while taking reasonable precautions to protect people, property, and the surrounding area.

I respectfully ask that the proposed ban be reconsidered and that any regulations focus instead on reasonable safety requirements, such as appropriate weather conditions, supervision, allowable materials, and adequate clearance from structures.

I appreciate your consideration of the concerns of those of us who live outside the city limits. I hope the County will consider a balanced approach that addresses legitimate safety concerns without unnecessarily restricting responsible property owners.

Thank you for your time and consideration.

Sincerely,

Lesley Ferguson

September 28, 2026

Champaign County Board

Champaign County Environmental and Land Use Committee (ELUC)

Champaign County Planning & Zoning Department

102 E. Main St.

Urbana, IL 61801

Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment

(Mahomet 1,000-foot Prohibited Burn Area)

Dear Members of the Champaign County Board & the Environment and Land Use Committee,

We are writing to formally state our strong opposition to the Village of Mahomet's recent request (Resolution 26-04-06) asking for Champaign County to amend its Public Nuisance Ordinance to create a 1,000 foot "Prohibited Burn Area" outside Mahomet's village limits.

As residents and property owners in unincorporated Champaign County, we ask that the Committee and the Full Board reject this proposed text amendment based on the following reasonable and critical concerns:

• Jurisdictional Overreach & Property Rights: Residents in unincorporated areas intentionally choose to live outside the municipal boundaries. Imposing village style regulations on county residents — who have no voting voice or representation in Mahomet's Local Government — is an unfair infringement on rural property rights.

• Lack of Practical Disposal Alternative: Unlike residents inside the village limits, rural households do not have access to municipal leaf collection or curbside yard waste pickup. Rural property owners rely on open burning for routine yard waste and natural debris management on larger parcels where space allows. Pushing municipal style restrictions into unincorporated areas punishes responsible landowners.

• Minimal Municipal Issues: Within Mahomet's municipal borders where burning has been banned since 2009, the Mahomet Police Department logged a total of only 17 complaints. Averaging 1.9 per year. And local officials note it is unclear if all of those even involved landscape waste.

A Glaring Regulatory Double Standard: The proposed amendment creates a profound contradiction by continuing to allow public entities like the Champaign County Forest

Preserve to conduct large scale prescribed ecological burns directly bordering Mahomet (such as Lake of the Woods, River Bend and Buffalo Trace) while simultaneously criminalizing rural private citizens for burning small, managed piles of yard waste on their own adjacent property. If smoke mitigation is a critical public health issue, the county should not arbitrarily exempt government agencies while penalizing taxpaying landowners.

The data clearly demonstrates that the existing regulations are working and that rural burning does not constitute a widespread public nuisance requiring a major policy expansion. We urge the County Board to vote against expanding the 1,000-foot burn prohibition area.

Thank you for your time, public service and consideration of rural perspectives.

Sincerely,

Debbie and Gary Tooker

John Hall

Subject: FW: Proposed Burn Ban Ordinance for Mahomet

From: David Sinow <davidsinow@gmail.com>
Sent: Tuesday, September 29, 2026 9:59 AM
To: zoningdept <zoningdept@champaigncountyil.gov>
Subject: Proposed Burn Ban Ordinance for Mahomet

CAUTION: External email, be careful when opening.

To Whom it May Concern:

We are residents of Woodfield West, a subdivision outside of the Village limits of Mahomet, but within the proposed 1,000 foot burn ban area.

WE FULLY SUPPORT THIS PROPOSED ORDINANCE! Of the 40+ homeowners in the subdivision, less than a handful currently burn leaves, etc. However, the smoke is often horrendous leading to respiratory problems for our household and other residents.. The smoke permeates the residential space of immediate neighbors and most of the neighborhood. In fact, there are times of the year (both Spring & Fall) the smoke is so noxious that my out of town children and grandchildren will not visit us. We have visited with other neighbors, who share our view, but are reluctant to get involved.

Those who oppose the ban, argue freedom of choice. That is not the essential issue. Rather, the essential issue is: should a handful of residents be allowed to impact the health of a majority of surrounding residents?

Thank you for your consideration,

David & Carole Sinow
506 Deer Run DR
Mahomet, Il 61853

John Hall

Subject: FW: Mahomet Village proposed burn ban

From: Angela Arnott <aarnott1984@gmail.com>
Sent: Tuesday, September 29, 2026 10:52 AM
To: zoningdept <zoningdept@champaigncountyil.gov>
Subject: Mahomet Village proposed burn ban

CAUTION: External email, be careful when opening.

To whom it may concern,

I am writing today to voice my opposition to the proposed burn ban for areas outside village limits.

My house is on a large lot with mature trees and vegetation that is constantly producing yard waste and necessary clean up. The village provides yard waste haul away for properties within their limits, even houses that share a property line with us, but, as we are not within village limits, these services are not provided to our property. We knew this when we bought our house, and a major deciding factor for moving into this subdivision was that we were outside of village limits and could burn yard waste or enjoy a fire with the privacy of the trees on our lot. We already recognize burn limits provided to us due to weather and other conditions, so I don't see a need for the village to reach outside it's limits to stop burning. It will put unnecessary burden on us to pay for haul away services and to enjoy our property.

I am aware that no reason was given by the village for the proposed ban, but I can understand how some people within the village may complain of asthma and breathing problems, as I have both. However, I still support my neighbor's right to burn within the limitations of weather related restrictions. My medical conditions do not and should not hinder them in the use of their own property and maintenance of it. Please support us in voting no to proposed burn ban.

Angela Arnott

John Hall

From: dad5476@aol.com
Sent: Tuesday, September 29, 2026 1:57 PM
To: John Hall
Subject: Mahomet burn ban

CAUTION: External email, be careful when opening.

I am writing in reference to the burning ban in Mahomet. My name is Pat Murray and I live at 405 Deer run dr. in Mahomet. Our subdivision is not in Mahomet proper, because of this we really don't get city services. If you band burning out here it would create a hardship. The cost of buying bags for leaves, branches and other yard waste. Then there is the cost of someone picking up the bags, we do not have a truck to take to the dump. From what I was told the city of Mahomet has stated that they would not come out here to vacuum up debris at the curb. They are asking a lot from us but not willing to help out. As I understand it, we are considered county, and as such I don't want the city of Mahomet to dictate what we can do.

Please take this into consideration at your next meeting. I'm sorry that this is not as eloquent as I would like it to be. Thank you for your time.

Sincerely yours,

Patrick Murray

John Hall

From: Jerry.Foster <Jerry.Foster@Carle.com>
Sent: Tuesday, September 29, 2026 7:03 PM
To: John Hall
Subject: regarding proposed leaf burn ban

CAUTION: External email, be careful when opening.

Recently the village of Mahomet has proposed a leaf burning ban on properties outside the village boundaries. When questioned as to how we were to dispose of said yard waste the only alternative proposed was that we transport them to the champaign county recycling center ourselves. For those which dont have a means to do so or those on a fixed income this proves difficult. It would seem the city is determined to force older people from their homes. We have worked hard to pay for our homes and in retirement would like to keep them. However, with recent property tax increases of almost 20% and the village determined to impose additional restrictions, it makes it difficult to do so. Please consider not imposing a ban on burning unless the Village of Mahomet provides a solution to remove yard waste as they have for the village.
Jerry Foster ,802 deer run drive, Mahomet Illinois

John Hall

From: RobertDonna Yardy <yardyrd@gmail.com>
Sent: Wednesday, September 30, 2026 10:21 AM
To: zoningdept; County Board; Ben Crane; John Hall
Subject: Mahomet burning ban

CAUTION: External email, be careful when opening.

Dear County Board Members,

We would respectfully ask you to vote against the proposal to prohibit burning in unincorporated areas around Mahomet. It is our understanding that this will come before the Champaign County Environment & Land Use Committee on October 8.

Of course, those of us who live in the affected area are sensitive to our neighbors and careful about burning. We understand reasonable considerations such as time of day and wind speed.

The Village of Mahomet has requested this ban, but does not provide pick up for our yard waste. This results in a practical and financial burden.

The proposed area includes Lake of the Woods park which occasionally does careful burns to control invasive species.

This proposal would create a new boundary for policing and control. It seems to us the only practical system is to be either in or out of the village.

Also, this is an example of government overreach into how we as land owners manage our property. It is an issue of minimal impact to others. We value our freedom.

Thank you for your consideration.

Robert and Donna Yardy

John Hall

From: Brian Andersen <brianandersen601@gmail.com>
Sent: Wednesday, September 30, 2026 10:29 AM
To: ale7496@yahoo.com; John Farney; Jennifer Locke; Emily Rodriguez; William W. Schoell; Jilmala Rogers; Monique M. Settles
Cc: zoningdept; County Board
Subject: Please Oppose the Proposed Burn Ban Around Mahomet

CAUTION: External email, be careful when opening.

Dear Members of the Champaign County Environment and Land Use Committee,

My name is Brian Andersen, and I am writing as a concerned Champaign County resident to respectfully urge the ELUC and the Champaign County Board to oppose the proposed ordinance expanding the prohibited burn area around the Village of Mahomet.

While I understand the concerns that have been raised regarding smoke and air quality, this proposal places a significant burden on residents living in unincorporated areas without providing any practical solutions. Many rural property owners rely on open burning as an affordable and effective way to manage leaves, branches, and other landscape waste generated on larger properties. The alternatives identified by the Village, such as private hauling, composting, and recycling facilities, all come with additional costs and time commitments for homeowners. Neither the Village nor the County has proposed any program to assist residents with these expenses, such as yard waste pickup or subsidized disposal services. Instead, this ordinance simply shifts the financial burden onto property owners and forces them to pay for expensive hauling and disposal options.

I am also concerned about the practical realities of enforcement. The County should carefully consider who will investigate complaints, how violations will be documented, and what additional demand this will place on County resources. Questions regarding enforcement remain largely unanswered, despite the fact that enforcement responsibilities would fall on County agencies rather than the Village.

In my opinion, County staff and law enforcement resources are already stretched thin addressing higher-priority public safety and quality-of-life concerns. Sheriff's deputies, emergency responders, and County personnel have far more important responsibilities than responding to complaints about residents burning yard waste on their own property. Creating a new ordinance that generates additional complaints and enforcement obligations seems counterproductive when existing County resources could be better utilized elsewhere.

Additionally, residents in unincorporated Champaign County intentionally chose to live outside municipal boundaries. The County already has regulations governing open burning, including requirements related to weather conditions, supervision, smoke control, and safety. Before imposing further restrictions, the County should demonstrate why those existing regulations are inadequate and provide evidence that a new geographic prohibition is necessary.

I respectfully ask the Committee to reject this proposal and instead focus on solutions that balance legitimate concerns with the practical realities faced by rural property owners. If eliminating burning is truly the goal, then

meaningful and affordable alternatives should be made available before imposing additional restrictions on residents.

Thank you for your time, consideration, and service to the citizens of Champaign County.

Sincerely,

Brian Andersen
Champaign County Resident

John Hall

From: Kevin Byers <byerskevi@gmail.com>
Sent: Wednesday, September 30, 2026 10:44 AM
To: Ben Crane; County Board; zoningdept; John Hall
Subject: Proposed burn ban from village of Mahomet

CAUTION: External email, be careful when opening.

September 30, 2026

Champaign County Board
Champaign County Environmental and Land Use Committee (ELUC)
Champaign County Planning & Zoning Department
102 E. Main St.
Urbana, IL 61801

Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment
(Mahomet 1,000-foot Prohibited Burn Area)

Dear Members of the Champaign County Board & the Environment and Land Use Committee,

I am writing to formally state my strong opposition to the Village of Mahomet's recent request (Resolution 26-04-06) asking for Champaign County to amend its Public Nuisance Ordinance to create a 1,000 foot "Prohibited Burn Area" outside Mahomet's village limits.
As a resident and property owner in unincorporated Champaign County, I ask that the Committee and the Full Board reject this proposed text amendment based on the following reasonable and critical concerns:

• Jurisdictional Overreach & Property Rights: Residents in unincorporated areas intentionally choose to live outside the municipal boundaries. Imposing village style regulations on county residents — who have no voting voice or representation in Mahomet's Local Government — is an unfair infringement on rural property rights.

• Lack of Practical Disposal Alternative: Unlike residents inside the village limits, rural households do not have access to municipal leaf collection or curbside yard waste pickup. Rural property owners rely on open burning for routine yard waste and natural debris management on larger parcels where space allows. Pushing municipal style restrictions into unincorporated areas punishes responsible landowners.

• Minimal Municipal Issues: Within Mahomet's municipal borders where burning has been banned since 2009, the Mahomet Police Department logged a total of only 17 complaints. Averaging 1.9 per year. And local officials note it is unclear if all of those even involved landscape waste.

A Glaring Regulatory Double Standard: The proposed amendment creates a profound contradiction by continuing to allow public entities like the Champaign County Forest Preserve to conduct large scale prescribed ecological burns directly bordering Mahomet (such as Lake of the Woods, River Bend and Buffalo Trace) while simultaneously criminalizing rural private citizens for burning small, managed piles of yard waste

on their own adjacent property. If smoke mitigation is a critical public health issue, the county should not arbitrarily exempt government agencies while penalizing taxpaying, property owners.
The data clearly demonstrates that the existing regulations are working and that rural burning does not constitute a widespread public nuisance requiring a major policy expansion. We urge the County Board to vote against expanding the 1,000-foot burn prohibition area.
Thank you for your time, public service and consideration of rural perspectives.

Kevin Byers

September 27, 2026

Champaign County Board
Champaign County Environmental and Land Use Committee (ELUC)
Champaign County Planning & Zoning Department
102 E. Main St.
Urbana, IL 61801

Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment
(Mahomet 1,000-foot Prohibited Burn Area)

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borders where burning has been banned since 2009, the Mahomet Police Department logged a total of only 17 complaints. Averaging 1.9 per year. And local officials note it is unclear if all of those even involved landscape waste.

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Thank you for your time, public service and consideration of rural perspectives.

Sincerely,

Pam Hudson

Mr. Mark Hudson

John Hall

From: Charles Francisco <cjfranciscoiii@gmail.com>
Sent: Wednesday, September 30, 2026 3:12 PM
To: John Hall
Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment (Mahomet 1,000-foot Prohibited Burn Area)

CAUTION: External email, be careful when opening.

September 30, 2026

Champaign County Board
Champaign County Environmental and Land Use Committee (ELUC)
Champaign County Planning & Zoning Department
102 E. Main St.
Urbana, IL 61801

Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment
(Mahomet 1,000-foot Prohibited Burn Area)

Dear Mr. Hall,

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As residents and property owners in unincorporated Champaign County, we ask that the Committee and the Full Board reject this proposed text amendment based on the following reasonable and critical concerns:

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• Lack of Practical Disposal Alternative: Unlike residents inside the village limits, rural households do not have access to municipal leaf collection or curbside yard waste pickup. Rural property owners rely on open burning for routine yard waste and natural debris management on larger parcels where space allows. Pushing municipal style restrictions into unincorporated areas punishes responsible landowners.

• Minimal Municipal Issues: Within Mahomet's municipal borders where burning has been banned since 2009, the Mahomet Police Department logged a total of only 17 complaints. Averaging 1.9 per year. And local officials note it is unclear if all of those even involved landscape waste.

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on their own adjacent property. If smoke mitigation is a critical public health issue, the county should not arbitrarily exempt government agencies while penalizing tax paying landowners.
The data clearly demonstrates that the existing regulations are working and that rural burning does not constitute a widespread public nuisance requiring a major policy expansion. We urge the County Board to vote against expanding the 1,000-foot burn prohibition area.
Thank you for your time, public service and consideration of rural perspectives.

Sincerely,

Charles J. Francisco

Janet L. Francisco

401b, County Road 2425N

Mahomet, IL 61853

John Hall

From: April Bailey <adbailey12.ab@gmail.com>
Sent: Thursday, October 1, 2026 9:51 AM
To: John Hall

CAUTION: External email, be careful when opening.

Dear County Board & ELUC Committee Members,
We are writing to oppose the Village of Mahomet's request to prohibit burning outside of Mahomet Village limits.

As a resident and property owner in unincorporated Champaign County, I became aware of Mahomet's recent proposal of banning burning outside the village limits. As the Village apparently had no intention of notifying county property owners of their proposal, I find it totally unacceptable. As well, the exempt areas make no sense. I can see Spring Lake Rd. from my back yard and that subdivision is exempt.

My property borders farm land to the south and the west with small areas of windbreak trees separating my property. The trees are old and constantly shedding limbs and many times entire trees. The Village doesn't come and help with the limbs or trees, and I burn this wood. These wood fires burn clean with little or no smoke.

This no burn proposal is a joke in regards to smoke nuisance and is politics at its worst. We hope and appreciate you vote no on this ridiculous proposal.

Regards,
Bill and April Bailey
801 N. Westbrook Dr.
Mahomet, IL 61853

John Hall

From: Elizabeth Patton <eabpatton@gmail.com>
Sent: Wednesday, September 30, 2026 10:09 AM
To: County Board
Subject: 1000 ft burn ban in Mahomet

CAUTION: External email, be careful when opening.

September 27, 2026
Champaign County Board
Champaign County Environmental and Land Use Committee (ELUC)
Champaign County Planning & Zoning Department
102 E. Main St.
Urbana, IL 61801
Subject: Formal Opposition to Proposed Public Nuisance Ordinance Amendment (Mahomet 1,000-foot Prohibited Burn Area)
Dear Members of the Champaign County Board & the Environment and Land Use Committee,
We are writing to formally state our strong opposition to the Village of Mahomet's recent request (Resolution 26-04-06) asking for Champaign County to amend its Public Nuisance Ordinance to create a 1,000 foot "Prohibited Burn Area" outside Mahomet's village limits.
As residents and property owners in unincorporated Champaign County, we ask that the Committee and the Full Board reject this proposed text amendment based on the following reasonable and critical concerns:
• Jurisdictional Overreach & Property Rights: Residents in unincorporated areas intentionally choose to live outside the municipal boundaries. Imposing village style regulations on county residents — who have no voting voice or representation in Mahomet's Local Government — is an unfair infringement on rural property rights.
• Lack of Practical Disposal Alternative: Unlike residents inside the village limits, rural households do not have access to municipal leaf collection or curbside yard waste pickup. Rural property owners rely on open burning for routine yard waste and natural debris management on larger parcels where space allows. Pushing municipal style restrictions into unincorporated areas punishes responsible landowners.
• Minimal Municipal Issues: Within Mahomet's municipal borders where burning has been banned since 2009, the Mahomet Police Department logged a total of only 17 complaints. Averaging 1.9 per year. And local officials note it is unclear if all of those even involved landscape waste.
A Glaring Regulatory Double Standard: The proposed amendment creates a profound contradiction by continuing to allow public entities like the Champaign County Forest Preserve to conduct large scale prescribed ecological burns directly bordering Mahomet (such as Lake of the Woods, River Bend and Buffalo Trace) while simultaneously criminalizing rural private citizens for burning small, managed piles of yard waste on their own adjacent property. If smoke mitigation is a critical public health issue, the county should not arbitrarily exempt government agencies while penalizing

taxpaying landowners.

The data clearly demonstrates that the existing regulations are working and that rural burning does not constitute a widespread public nuisance requiring a major policy expansion. We urge the County Board to vote against expanding the 1,000-foot burn prohibition area.

Thank you for your time, public service and consideration of rural perspectives.

Sincerely,

Elizabeth Burgener-Patton
1009 Forestview Dr
Mahomet, IL

ROBERT AND SUSAN WELKE

1406 WOODFIELD DRIVE

MAHOMET

September 25, 2026

Champaign County Board

Dear Members of the Board and The Enviornment and Land use Committee

The proposed 1000 foot burn restriction outside Mahomet Village Limits imposes a burden on us as owners of the 25 acre parcel on the NW corner of Sunny Acres and S Mahomet roads . We have maintained this wooded and natural grass parcel for many years. This produces a large volume of trimmed material that we have disposed of by burning. We would be severely impacted by the loss of the ability to burn as proposed.

If the proposed burn restriction is to be done, we respectfully request an exclusion from the prohibited area restrictions for our 25 acre parcel. This would allow us to maintain this property in an orderly and visually pleasing fashion in keeping with the surrounding properties.

Sincerely yours,

Robert Welke

Robert and Susan Welke

217 778 8303

rwelke@me.com

John Hall

From: no-reply@onboard.clerkbase.com on behalf of OnBoardGov by ClerkBase <no-reply@onboard.clerkbase.com>
Sent: Wednesday, September 30, 2026 10:50 AM
Subject: A message for Environment and Land Use Committee Committee member

CAUTION: External email, be careful when opening.

Environment and Land Use Committee has received a message via OnBoardGOV

Hi,

My name is Justin Stanton, a resident in the Pinetree subdivision just south of Mahomet. Ive recently been informed of the proposed 1000ft extension of burning restrictions. This appears to encompass Pinetree subdivision under new restrictions. Ultimately I am not in favor of these new provisions. I have also spoken with several neighbors in our subdivision and all agree that these provisions are unnecessary and unwanted. Our subdivision is far from what some would consider an urban area, and this proposal seems like arbitrary overreach.

Can you please more information as to what is being proposed (logistics of debris management should this be implemented), and why it's being proposed now?

Formally i would like to request these provisions not be implemented. Can you also clarify if/when this topic is open to debate?

Thank you for your time, and I look forward to hearing from you.

Best,

Justin

From: Justin Stanton (justin22stanton@gmail.com)

John Hall

From: Tim Culver <Tim@classicplumbinginc.com>
Sent: Thursday, October 1, 2026 2:58 PM
To: John Hall
Subject: Please do not institute a burn ban in Mahomet

CAUTION: External email, be careful when opening.

This email is to clearly state that I am in full opposition to a burn ban. I have over 200 trees on my property. I grew up as a farmer pruning trees. My fruit trees get pruned every year and being able to burn the branches is essential to maintain my fruit tree in good production order.

Thank you,
Tim Culver
President

O: 217-586-7473
C: 217-493-0433
Classic Plumbing & Air
1214 N Lombard St.
Mahomet, IL 61853

Champaign County
Department of

PLANNING & ZONING

Bennett Administrative Center
102 E. Main Street
Urbana, Illinois 61801

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

To: **Champaign County Environment & Land Use Committee**

From: **John Hall,** Zoning Administrator
Charlie Campo, Senior Planner

Date: **September 29, 2026**

RE: **Recommendation for rezoning case 212-AT-26**

Request: **Amend the Champaign County Zoning Ordinance by deleting Section 5.5 Safety Moratorium on Carbon Sequestration Activity and adding "Carbon Dioxide Sequestration Facility" to be allowed by a County Board Special Use Permit in the AG-1 Agriculture, AG-2 Agriculture, and I-2 Heavy Industry Zoning Districts and adding requirements for Carbon Dioxide Sequestration Facility as summarized in the attached legal advertisement.**

Petitioner: **Zoning Administrator**

STATUS

At the August 13, 2026, public hearing the Zoning Board of Appeals voted 5-0 with one member absent and one seat open to forward this case with a "RECOMMENDATION FOR APPROVAL".

The case was heard by the Environment and Land Use Committee at their September 10, 2026, meeting and was held over to the October 8, 2026, meeting to allow time for public comment. No comments have been received.

ATTACHMENTS

A Revised Legal Advertisement published July 29, 2026

B Proposed Amendment dated August 13, 2026

Attachment A. Legal Advertisement

LEGAL PUBLICATION: WEDNESDAY, JULY 29, 2026 CASE: 212-AT-26

NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE

CASE 212-AT-26

The Champaign County Zoning Administrator, 102 E. Main 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, 102 E. Main Street, Urbana, IL.

A public hearing will be held **Thursday, August 13, 2026, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Bennett Administrative Center, 102 East Main Street, Urbana, 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 to add Carbon Sequestration activities including but not limited to the following:

1. Add relevant definitions to Section 3.0 Definitions including but not limited to, Area of Review, Cap Rock, Carbon Dioxide Plume, Carbon Dioxide Sequestration Facility, Carbon Dioxide Sequestration Field, Class VI Underground Injection Well Permit, Mahomet Aquifer, and Major Sand and Gravel Aquifer.

2. Delete Section 5.5 Safety Moratorium on Carbon Sequestration Activity.

3. Amend Section 5.2 by adding "Carbon Dioxide Sequestration Facility" to be allowed by a County Board Special Use Permit in all Zoning Districts.

4. Add new Section 4.2.1 C.10. to provide that a Carbon Dioxide Sequestration Facility may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.

5. Add new Section 4.3.4H.4.j. to provide that a Carbon Dioxide Sequestration Facility is exempt from the Pipeline Impact Radius.

6. Add footnote 16 under the Special Provisions for the AG-1 and AG-2 Districts in Section 5.3 providing that lots in a Carbon Dioxide Sequestration Facility County Board Special Use Permit and intended for a Carbon Dioxide Sequestration Facility and related maintenance and management facilities are exempt from the requirements of Section 5.3 except as such regulations are required by Subsection 6.1.7.

7. Add new Section 5.4.3 H. that prohibits the Rural Residential Overlay Zoning District from being established within one-half mile of a Carbon Dioxide Sequestration Well in a Carbon Dioxide Sequestration Facility Special Use Permit.

8. Add new Section 6.1.7 Carbon Dioxide Sequestration Facility County Board Special Use Permit to establish requirements including but not limited to the following:

Attachment A. Legal Advertisement

a. No Carbon Dioxide Sequestration Facility or Area of Review shall be allowed over, penetrate through, or store carbon dioxide under the Mahomet Aquifer as mapped by the Prairie Research Institute.

b. No Carbon Dioxide Sequestration Facility (CDSF) or Area of Review shall be allowed over, penetrate through, or store carbon dioxide under a major sand and gravel aquifer. There must be geologic investigations to determine if there is a major sand and gravel aquifer where the CDSF or Area of Review is proposed.

c. No Carbon Dioxide Sequestration Facility (CDSF) shall be allowed to store carbon dioxide under an incorporated municipality nor shall a CDSF be allowed less than one-and-one-half miles from an incorporated municipality.

d. No Carbon Dioxide Sequestration Facility (CDSF) shall be allowed in an area where geologic strata has hazards including but not limited to faults and folds that could be fractured by carbon dioxide injection. The Zoning Administrator may require qualified third-party professionals to analyze and identify such risks at the expense of the applicant.

e. Any Special Use Permit application for a proposed Carbon Dioxide Sequestration Facility (CDSF) that has a Carbon Dioxide Plume that extends under another county shall include documentation that the other county has waived its authority to regulate the proposed CDSF in Champaign County.

f. No Carbon Dioxide Sequestration Facility shall be closer than ½ mile to a primary structure (a dwelling or business) or less than 2,000 feet from a public street.

g. A carbon dioxide injection well shall be at least 2,640 feet from the nearest principal structure and at least 2,000 feet from a public street or third-party power transmission line or communication tower and at least 5,000 feet from the end of any private air strip or airport runway.

h. Carbon Dioxide Sequestration Facility equipment shall be no less than 250 feet from a property line of a property more than 10 acres in area.

i. No part of a Carbon Dioxide Sequestration Field shall encroach beneath the property of any non-participating landowner, subject to any state statute that provides for the condemnation of land for purposes of a Carbon Dioxide Sequestration Field.

j. Any special use permit for a Carbon Dioxide Sequestration Facility that is outside of the Mahomet Aquifer and outside of any Major Sand And Gravel Aquifer shall be required to submit the following:
   (1) A project summary that includes a general description of the proposed project and plans for all proposed construction and the proposed underground storage of carbon dioxide including the Area of Review.

   (2) A Draft application for a Class VI well from the U.S. EPA and an application for carbon dioxide sequestration from the Illinois EPA.

(3) The results of geologic investigations to determine if a major sand and gravel aquifer is present at that location.

(4) The results of computational fluid dynamics modeling demonstrating the impact area and releases from a potential injection well blowout. The resulting impact area shall be reviewed and certified by qualified third-party professionals at the expense of the applicant.

(5) The applicant shall commit to providing equipment, training, and personnel to local jurisdictions to safely evacuate occupants of principal structures and outdoor gathering spaces that would be exposed to dangerous concentrations of carbon dioxide within 15 minutes and to limit exposure of principal structures and outdoor gathering spaces and livestock operations to dangerous concentrations of carbon dioxide.

(6) Consultations with the Endangered Species Program and the State Historic Preservation Officer of the Illinois Department of Natural Resources.

(7) Proposed mitigations for damage to farmland.

(8) Road use agreements with relevant highway jurisdictions.

(9) A noise study that documents compliance with the noise limits established by the Illinois Pollution Control Board.

(10) An Emergency and Remedial Response Plan.

(11) A Water Replacement Plan for any groundwater resources impacted by carbon dioxide injection.

(12) Liability insurance of $50 million in the aggregate.

(13) A requirement for the underground containment of carbon dioxide including the submission of annual reports.

(14) A requirement for notification of Champaign County whenever an injection well experiences subsurface leaks or malfunctions.

(15) Submission of semi-annual reports to the Zoning Administrator documenting the actual horizontal spread and rise of underground carbon dioxide until such time as the U.S. EPA determines that post-closure care of the project is complete or as otherwise determined by the Illinois EPA. When such reports show that the Carbon Dioxide Plume is within 90% of that which was approved, the injection of carbon dioxide shall cease and may only resume if it can be demonstrated that further injection will not risk trespass or pose a hazard to any major sand and gravel aquifer subject to review by qualified third-party professionals at the expense of the applicant. In the event that carbon dioxide has migrated beyond the approved underground plume the operator shall cease all injection of carbon dioxide and compensate the affected non-consenting landowners per the requirements of the SAFE CCS Act. In the event that the plume is moving

vertically toward the cap rock at a rate faster than anticipated the owner shall pay an approved and qualified third-party professional to perform studies to document the pace of rise and if conditions warrant the County Executive shall contact the U.S. EPA and request a halt to carbon dioxide injection.

(16) Submission of annual water quality reports highlighting any changes in groundwater chemistry and a written narrative explaining whether or not carbon dioxide has leaked from the Carbon Dioxide Sequestration Facility (CDSF) and migrated into groundwater that is a source of drinking water. Any groundwater that is contaminated by a carbon dioxide leak shall be replaced with an alternative water supply as provided for in the Water Replacement Plan.

(17) A Decommissioning and Site Reclamation Plan.

(18) A complaint hotline and report of complaints on a monthly basis.

9. Add new Section 6.1.7E.(3)a. requiring that any approved Carbon Dioxide Sequestration Facility County Board Special Use Permit shall be required to have a U.S. EPA Class VI Well Permit and a sequestration permit from the Illinois EPA prior to application for a Zoning Use Permit.

10. Add new Section 9.3.1L. requiring that a zoning use permit application fee to construct an approved Carbon Dioxide Sequestration Facility (CDSF) shall be $275 per ground surface acre of the underground carbon dioxide plume.

11. Add new Section 9.3.3B.(10) requiring that a special use permit application fee for a Carbon Dioxide Sequestration Facility (CDSF) special use permit shall be $250,000 to cover the County's cost for the review. If the County's actual costs exceed $250,000 the applicant shall be responsible for those additional costs. Any fees not spent by the County will be refunded to the applicant.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time. Meeting materials can be found online about one week before the meeting at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php. 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@ champaigncountyil.gov no later than 4:30 pm the day of the meeting.

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JULY 29, 2026 ONLY

EXHIBIT A

1. Add the following to Section 3.0 Definitions:

AREA OF REVIEW (AOR): The region surrounding the geologic sequestration project where underground sources of drinking water (USDWs) could potentially be endangered by the injection of carbon dioxide, as determined through computational modeling based on site characteristics and proposed operations. This has the same meaning as in 40 CFR 146.85.

CAP ROCK: the layer of impermeable rock that sits above the carbon dioxide injection zone for a CLASS VI UNDERGROUND INJECTION WELL. This layer acts as a barrier that prevents the injected carbon dioxide from escaping and mixing with drinking water aquifers.

CARBON DIOXIDE INJECTION WELL: A facility by which a stream of carbon dioxide is injected into underground geologic formations for long-term storage.

CARBON DIOXIDE SEQUESTRATION FIELD: All ground surface property under which carbon dioxide is reasonably likely to flow beneath from CARBON SEQUESTRATION ACTIVITY based on the planned capacity of the CARBON SEQUESTRATION ACTIVITY facility.

CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF): The carbon dioxide sequestration reservoir, underground equipment including but not limited to injection well penetrations, and ground surface facilities and equipment used or proposed to be used in carbon dioxide sequestration activities including all CARBON DIOXIDE INJECTION WELLS. This definition does not include pipelines used to transport carbon dioxide to a CDSF.

CARBON DIOXIDE PLUME (PLUME): The dispersing volume of carbon dioxide in the underground geological formation containing pore space.

CLASS VI UNDERGROUND INJECTION WELL PERMIT: The United States Environmental Protection Agency approved permit required for underground injection of carbon dioxide.

MAHOMET AQUIFER: The aquifer as mapped in the "Geophysical Mapping of the Mahomet Aquifer using Airborne Electromagnetic Method" by Kisa Mwakanyamale Gilkie, Donald A. Keefer, Jason F. Thomason, Steven Young, and Andrew J. Stumpf, Contract No. AJ586 report of the Illinois State Geological Survey Prairie Research Institute, University of Illinois at Urbana-Champaign submitted to the Champaign County Board February 2026 developed a new extent or boundary for the Mahomet aquifer. The report says that the aquifer includes 4 categories of sandy sediments starting at depths below 525 feet (160 m) elevation extending up to 570 feet (174 m) as the maximum elevation of the top of the Mahomet aquifer (Figure 26, page 55). The new boundary of the Mahomet aquifer in Champaign County is shown as blue lines based on analysis of the Helicopter Time-Domian Electromagnetics (HTEM) geophysics on Figure 24, Page 52 of that report.

OUTDOOR GATHERING SPACE: a venue that can accommodate a large number of people for events and gatherings. Examples include, but are not limited to, community or regional parks, beaches, and golf courses

NONCONSENTING PORE SPACE OWNER: a titleholder, as identified in the deed, or any surface estate that overlies pore space proposed to be used for sequestration of carbon dioxide, who does not consent to the use of their pore space for the sequestration of carbon dioxide.

PORE SPACE: The portion of geologic media that can store fluids such as carbon dioxide.

PORE SPACE OWNER: The person(s) who has or have title to PORE SPACE.

MAJOR SAND AND GRAVEL AQUIFER: Any underground source of potable water yielding at least 70 gallons of water per minute with less than 2,500 milligrams per liter of dissolved solids and that is at least 50 square miles in area including any area outside of Champaign County.

SAFE CCS ACT: Public Act 103-065 that is otherwise known as the Safety and Aid for the Environment in Carbon Capture and Sequestration Act.

WELL BLOWOUT: the uncontrolled high-velocity release of fluids including carbon dioxide during injection activities due to well integrity failure that can pose risks to human health and the environment.

2. Amend Section 5.2 as follows:

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

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
Industrial Uses: Miscellaneous Manufacturing and Industries															
CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF)		~~M~~ **B**	~~M~~ **B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**B**	**B**	**B**	~~M~~ **B**

3. Add new subparagraph 4.2.1 C.10. as follows:

10. A CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) may be authorized as a County Board SPECIAL USE permit in the AG-1, Agriculture Zoning District, AG-2 Agriculture Zoning District, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.

4. Add new subparagraph 4.3.4 H.4.i. as follows:

j. CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) except as PIPELINE IMPACT RADIUS regulations are required in Subsection 6.1.7.

5. Add the following as footnote 16 under the Special Provisions for the AG-1 and AG-2 Districts in Section 5.3:

15. LOTS in a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) County Board SPECIAL USE Permit and intended for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and related maintenance and management facilities are exempt from the requirements of Section 5.3 except as such regulations are required by Subsection 6.1.7.

6. Add new paragraph 5.4.3 F. as follows:

G. The Rural Residential Overlay Zoning District is prohibited from being established within one-half mile of a CARBON SEQUESTRATION WELL in a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE Permit.

7. Add new subsection 6.1.7 as follows:

6.1.7 CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) County Board SPECIAL USE permit

A CARBON DIOXIDE SEQUESTRATION FACILITY County Board SPECIAL USE permit may only be authorized in any Zoning District except R-5 Manufactured Home Park Zoning District subject to the following standard conditions and the SPECIAL USE Permit Application shall include information that shall demonstrate compliance with the following:

A. General Standard Conditions

(1) The area of the CARBON DIOXIDE SEQUESTRATION FACILITY County Board SPECIAL USE permit must include the following minimum areas:

a. All land that will be exposed to a noise level greater than that authorized to Class A land as established by 35 Ill. Admin. Code Parts 900, 901 and 910 under paragraph 6.1.7 K.

b. All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.

c. All necessary CARBON DIOXIDE SEQUESTRATION FACILITY STRUCTURES including CARBON SEQUESTRATION WELLS and monitoring wells and ACCESSORY STRUCTURES including electrical distribution lines, and transformers. For purposes of determining the

minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.

d. All ground surface areas above the CARBOON DIOXIDE PLUME (PLUME).

(2) A SPECIAL USE Permit application for a proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) that has a CARBON DIOXIDE PLUME (PLUME) that extends under another county shall include documentation that the other county has waived its authority to regulate the proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) in Champaign County.

(3) The CARBON DIOXIDE SEQUESTRATION FACILITY County Board SPECIAL USE permit shall not be located in the following areas:

a. No CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be allowed over, penetrate through, or store carbon dioxide under the MAHOMET AQUIFER nor shall an AREA OF REVIEW be allowed over or under the MAHOMET AQUIFER.

b. No CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF)) shall be allowed over, penetrate through, or store carbon dioxide under a MAJOR SAND AND GRAVEL AQUIFER nor shall an AREA OF REVIEW be allowed over or under a MAJOR SAND AND GRAVEL AQUIFER. A MAJOR SAND AND GRAVEL AQUIFER shall be identified as follows:

(a) The presence of a MAJOR SAND AND GRAVEL AQUIFER at a proposed CDSF site shall be determined through review of existing well records, review of maps of known aquifers, and aquifer pumping tests at the proposed CDSF site.

(b) Aquifer pumping tests and analysis of pumping data shall be consistent with the recommendations of the Prairie Research Institute.

(c) The results of all aquifer tests and well drillings shall be shared with the Prairie Research Institute.

(d) Champaign County reserves the right to seek a determination or judgement of the presence of a MAJOR SAND AND GRAVEL AQUIFER by the Prairie Research Institute.

c. No proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) may have a CARBON DIOXIDE PLUME (PLUME) under an incorporated municipality.

d. Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance. Any request for a waiver of this minimum separation shall include the following:

(a) No CARBON DIOXIDE SEQUESTRATION FACILITY shall be located within a contiguous urban growth area (CUGA) as indicated in the most recent update of the CUGA in the Champaign County Land Resource Management Plan.

(b) The ZONING ADMINISTRATOR shall notify in writing any municipality that is located within one-and one-half miles of any proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) upon the receipt of any substantial CDSF SPECIAL USE permit application in addition to any notice otherwise required.

(c) The CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality within one-and-one-half miles of the proposed CDSF.

(d) Municipal subdivision approval for any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) land lease exceeding five years may be required by any relevant municipal authority that has an adopted comprehensive plan and when required said subdivision approval shall be necessary for compliance with Section 13.2.1.

(e) The publicized public hearing for any proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) that is located within one-and-one-half miles of a municipality that has a zoning ordinance shall occur at a minimum of two BOARD meetings that are not less than 28 days apart to provide time for municipal comments during the public hearing, unless the 28-day comment period is waived in writing by any relevant municipality.

(f) For any proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) that is located within one-and-one-half miles of a municipality that has a zoning ordinance, the ZONING ADMINISTRATOR shall notify said municipality of the recommendation by the BOARD after the close of the public hearing.

(g) After the initial review of the BOARD recommendation for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE permit by the Environment and Land Use Committee of the COUNTY BOARD, if the Environment and Land Use Committee makes a preliminary determination to accept the BOARD recommendation, the CDSF SPECIAL USE permit shall

remain at the Environment and Land Use Committee for a maximum 30-day comment period, or until the next regularly scheduled meeting, to allow comments regarding the CDSF SPECIAL USE permit to be received from any relevant municipal authority prior to the Environment and Land Use Committee recommendation to the County Board, unless the municipal comment period is waived in writing by any relevant municipality. If a CDSF is not located within one-and-one-half miles of a municipality the Environment and Land Use Committee recommendation can be referred to the County Board without a municipal comment period.

(h) If no municipal resolution regarding the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) is received from any municipality located within one-and-one-half miles of the CDSF prior to the consideration of the CDSF SPECIAL USE permit by the Champaign County Board, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the CDSF was provided notice of the meeting dates for consideration of the proposed CDSF SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board.

(4) Right to farm

a. The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

B. Minimum Lot Standards

(1) There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

(2) There is no maximum LOT AREA requirement on BEST PRIME FARMLAND for a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

C. Minimum Standard Conditions for Separations for CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) from adjacent USES, STRUCTURES, and property

The location of each CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall provide the following required separations as measured from the exterior of the above

ground portion of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and equipment including fencing:

(1) CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) fencing shall be set back from the street centerline a minimum of 300 feet from the RIGHT OF WAY of any STREET.

(2) No CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be in an area where geologic strata where hazards including but not limited to faults and geologic folds could be fractured by carbon dioxide injection due to increased pressure. The applicant shall, at the discretion of the County Zoning Administrator and at the applicant's expense, hire a qualified, COUNTY approved third-party qualified professional to identify risks of injecting carbon dioxide in proximity to faults, folds, or the epicenters of previously recorded earthquakes. The qualified professionals can specify additional tests, studies and investigations to validate, confirm, or further determine assertions and findings regarding the geologic conditions, hazards and phenomena which may influence public health and safety.

(3) No CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) may be approved by the County unless computational fluid dynamics modeling is used to determine the impact area and associated releases from a potential well blowout and the potential rupture of surface equipment. Such analysis must be based on the planned storage of carbon dioxide at 12-month intervals. The resulting carbon dioxide impact area and associated releases shall be reviewed and certified by a qualified third-party professionals. The third party professionals can make recommendations for additional study, modeling, and analysis.

(4) Because CARBON DIOXIDE INJECTION WELL blowouts also have the potential to be explosive and hazardous, the distance from a CARBON DIOXIDE INJECTION WELL to a PRINCIPAL STRUCTURE, outdoor gathering space, or livestock operation shall be based on the ability to safely and successfully rescue occupants and protect the life of animals, per the following:

a. No CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) may be approved by the GOVERNING BODY unless it can be demonstrated that the COUNTY Emergency Management Agency, Local Emergency Planning Committee, the COUNTY Sheriff's Department, the relevant Fire Protection District or Department, and all other first responders in the COUNTY will be provided the equipment, training, and personnel to be able to safely and successfully rescue people near a CDSF to achieve the following goals:

(a) Evacuate occupants of PRINCIPAL STRUCTURES or any outdoor gathering space that would be exposed to concentrations between 30,000 ppm and 40,000 ppm within 15 minutes of carbon dioxide arrival time; and

(b) Limit exposure to carbon dioxide to occupants of PRINCIPAL STRUCTURES, outdoor gathering spaces and livestock operations so that concentrations do not reach 40,000 ppm.

b. In all cases, the distance between a sequestration well and a primary structure shall never be less than ½ mile (2,640 feet) to prevent exposure to carbon dioxide of 40,000 ppm or greater. The distance for this setback shall be measured from the point of the PRINCIPAL STRUCTURE foundation closest to the CARBON DIOXIDE INJECTION WELL borehole.

c. An annual reminder of evacuation routes for all PRINCIPAL STRUCTURES and outdoor gathering spaces in the AREA OF REVIEW (AOR) shall be provided to all owners or tenants of such BUILDINGS, facilities, and uses.

d. CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) equipment shall be no less than 250 feet from the property line of any lot more than 10 acres in area.

e. Additional separation may be required to ensure that the noise level required by 35 Ill. Admin. Code Parts 900, 901 and 910 is not exceeded or for other purposes deemed necessary by the BOARD.

(5) A separation of at least 5,000 feet from the end of any private air strip or airport runway.

(6) Any CARBON DIOXIDE SEQUESTRATION WELL shall be at least 2,000 feet from any public STREET, third party transmission line, or communication tower.

(7) No part of a CARBON SEQUESTRATION FIELD shall encroach beneath the property of any NONCONSENTING PORE SPACE OWNER except as may be authorized per the SAFE CCS ACT.

D. Standard Conditions for Design and Installation of any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

(1) Any building that is part of a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall include as a requirement for a Zoning Compliance Certificate a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer or other qualified professional that the constructed building conforms to Public Act 103-0510 regarding building code compliance and conforms to the Illinois Accessibility Code.

(2) Electrical Components

a. All electrical components of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall conform to the National Electrical Code as amended and shall comply with Federal Communications Commission (FCC) requirements.

b. Burying power and communication wiring underground shall be minimized consistent with best management practice regarding CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction and minimizing impacts on agricultural drainage tile.

(3) Class VI Well Permit.

a. Any approved CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE Permit shall be required to have a U.S. EPA Class VI Well Permit per 40 CFR 146.81 *et. seq*. and a sequestration permit from the Illinois EPA prior to application for a Zoning Use Permit.

b. The CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE Permit Application shall include a copy of the Draft U.S.E.P.A. Class VI Permit and the Application shall be updated whenever changes are made.

(4) Maximum height. The height limitation established in Section 5.3 shall not apply to a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF). The maximum height of all above ground STRUCTURES shall be identified in the application and as approved in the SPECIAL USE permit.

(5) Warning signs

a. Warning signs concerning CARBON SEQUESTRATION ACTIVITY must be placed at regular intervals on the perimeter fence around the perimeter of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) site and each injection or monitoring well and at each entrance. The sign shall provide both non-emergency and emergency contact telephone numbers

b. The warning signs shall be made with letters and numbers at least 3 inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered 24 hours a day by a live operator.

(6) No construction may intrude on any easement or right of way for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, an underground water main or sanitary sewer, a drainage district ditch or tile, or any other public utility facility unless specifically authorized by a crossing agreement that has been entered into with the relevant party.

(7) The Zoning Administrator shall not authorize a Zoning Use Permit for any CDSF until all NONCONSENTING PORE SPACE OWNERS have received just compensation for the use of the PORE SPACE and use of the surface for CLASS VI UNDERGROUND INJECTION WELL PERMIT required activities. The CDSF owner shall submit documentation to the Zoning Administrator that just compensation has been received by each NONCONSENTING PORE SPACE OWNER.

E. Standard Conditions to Mitigate Damage to Farmland

(1) All underground wiring or cabling for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be at a minimum depth of 5 feet below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized in the SPECIAL USE Permit.

(2) Protection of agricultural drainage tile

a. The applicant shall endeavor to locate all existing agricultural drainage tile prior to establishing any construction staging areas, construction of any necessary CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) access lanes or driveways, construction of any CDSF STRUCTURES, any common switching stations, substations, and installation of underground wiring or cabling. The applicant shall contact affected landowners and tenants and the Champaign County Soil and Water Conservation District and any relevant drainage district for their knowledge of tile line locations prior to the proposed construction. Drainage districts shall be notified at least two weeks prior to disruption of tile.

b. The location of drainage district tile lines shall be identified prior to any construction and drainage district tile lines shall be protected from disturbance as follows:

(a) All identified drainage district tile lines and any known existing drainage district tile easement shall be staked or flagged prior to construction to alert construction crews of the presence of drainage district tile and the related easement.

(b) Any drainage district tile for which there is no existing easement shall be protected from disturbance by a 40-feet wide no-construction buffer on either side of the drainage district tile. The no-construction buffer shall be staked or flagged prior to the start of construction and shall remain valid for the lifetime of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) Permit and during any deconstruction activities that may occur pursuant to the CDSF SPECIAL USE Permit.

(c) Construction shall be prohibited within any existing drainage district easement and also prohibited within any 40-feet wide no-construction buffer centered on drainage district tile that does not have an existing easement unless specific construction is authorized in writing by all commissioners of the relevant drainage district. A copy of the written authorization shall be provided to the Zoning Administrator prior to the commencement of construction.

c. Any agricultural drainage tile located underneath construction staging areas, access lanes, driveways, any common switching stations, and substations shall be replaced as required in Section 6.3 of the Champaign County Storm Water Management and Erosion Control Ordinance.

d. Any agricultural drainage tile that must be relocated shall be relocated as required in the Champaign County Storm Water Management and Erosion Control Ordinance.

e. Conformance of any relocation of drainage district tile with the Champaign County Storm Water Management and Erosion Control Ordinance shall be certified by an Illinois Professional Geologist, Landscape Architect, Land Surveyor or Engineer. Written approval by the drainage district shall be received prior to any backfilling of the relocated drain tile and a copy of the approval shall be submitted to the Zoning Administrator. As-built drawings shall be provided to both the relevant drainage district and the Zoning Administrator of any relocated drainage district tile.

f. All tile lines that are damaged, cut, or removed shall be staked or flagged in such manner that they will remain visible until the permanent repairs are completed.

g. All exposed tile lines shall be screened or otherwise protected to prevent the entry into the tile of foreign materials, loose soil, small mammals, etc.

h. Permanent tile repairs shall be made within 14 days of the tile damage provided that weather and soil conditions are suitable or a temporary tile repair shall be made. Immediate temporary repair shall also be required if water is flowing through any damaged tile line. Temporary repairs are not needed if the tile lines are dry and water is not flowing in the tile provided the permanent repairs can be made within 14 days of the damage. All permanent and temporary tile repairs shall be consistent with the general requirements of the Illinois Department of Agriculture.

i. All damaged tile shall be repaired so as to operate as well after construction as before the construction began.

j. Following completion of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction, the applicant shall be responsible for correcting all tile line repairs that fail, provided that the failed repair was made by the Applicant.

(3) Prior to the issuance of any Zoning Use Permit, the applicant shall provide notice to any "Drainage District," as that term is used in the Illinois Drainage Code (70 ILCS 605/1-1 et seq.), in which any construction is proposed, or which may be affected by the project. In addition:

a. The applicant must consult and work with affected drainage districts to locate, stake and mark all the structures, facilities, ditches, drainage tiles, and rights-of-way of the affected drainage districts prior to the issuance of Building Permits.

b. The issuance of a Zoning Use Permit for construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be conditioned on the applicant obtaining a license, easement, or right of way from any affected Drainage District consistent with 70 ILCS 605/4-30, and compliance by applicant, owner and/or operator with the construction rules and requirements of the affected drainage districts.

c. The applicant, owner, and operator shall each become a member of the Illinois state-wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all the information necessary to update its records with respect to the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

(4) All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction and/or decommissioning shall be restored by the applicant to the pre-CDSF construction condition.

(5) Topsoil replacement

For any open trenching required pursuant to CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction, the topsoil shall be stripped and replaced as follows:

a. The top 12 inches of topsoil shall first be stripped from the area to be trenched and from an adjacent area to be used for subsoil storage. The topsoil shall be stored in a windrow parallel to the trench in such a manner that it will not become intermixed with subsoil materials.

b. All subsoil material that is removed from the trench shall be placed in the second adjacent stripped windrow parallel to the trench but separate from the topsoil windrow.

c. In backfilling the trench, the stockpiled subsoil material shall be placed back into the trench before replacing the topsoil.

d. The topsoil must be replaced such that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored.

e. All topsoil shall be placed in a manner consistent with the general requirements of the Illinois Department of Agriculture.

(6) Mitigation of soil compaction and rutting

a. The Applicant shall not be responsible for mitigation of soil compaction and rutting if exempted by the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) lease.

b. Unless specifically provided for otherwise in the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) lease, the Applicant shall mitigate soil compaction and rutting for all areas of farmland that were traversed with vehicles and construction equipment or where topsoil is replaced in open trenches.

c. All mitigation of soil compaction and rutting shall be consistent with the general requirements of the Illinois Department of Agriculture.

(7) Land leveling

a. The Applicant shall not be responsible for leveling of disturbed land if exempted by the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) lease.

b. Unless specifically provided for otherwise in the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) lease, the Applicant shall level all disturbed land as follows:

(a) Following the completion of any open trenching, the applicant shall restore all land to its original pre-construction elevation and contour.

(b) Should uneven settling occur or surface drainage problems develop as a result of the trenching within the first year after completion, the applicant shall again restore the land to its original pre-construction elevation and contour.

c. All land leveling shall be consistent with the general requirements of the Illinois Department of Agriculture.

(8) Permanent Erosion and Sedimentation Control Plan

a. Prior to the approval of any Zoning Use Permit, the Applicant shall provide a permanent soil erosion and sedimentation plan for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) including any access road that conforms to the relevant Natural Resources Conservation Service guidelines and that is prepared by an Illinois Licensed Professional Geologist, Landscape Architect, Land Surveyor or Engineer.

b. As-built documentation of all permanent soil erosion and sedimentation improvements for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) including any access road prepared by an Illinois Licensed Professional Geologist, Landscape Architect, Land Surveyor or Engineer shall be submitted and accepted by the Zoning Administrator prior to approval of any Zoning Compliance Certificate.

(9) Retention of all topsoil

No topsoil may be removed, stripped, or sold from the proposed SPECIAL USE Permit site pursuant to or as part of the construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

(10) Minimizing disturbance to BEST PRIME FARMLAND

a. Any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) to be located on BEST PRIME FARMLAND shall minimize the disturbance to BEST PRIME FARMLAND as follows:

(a) The disturbance to BEST PRIME FARMLAND caused by construction and operation of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be minimized at all times consistent with good agronomic practice.

(b) Existing agricultural activities shall continue as much as possible on farmland proposed for CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) but where there is no construction.

(c) Disturbance to BEST PRIME FARMLAND that is not in continued agricultural production shall be offset by establishment of a vegetative ground cover within the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) that includes the following:

i. The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.

ii. The species selected shall serve a secondary habitat purpose as much as possible.

iii. Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.

iv. The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE permit application. The landscape plan shall include the weed control plan required by Section 6.1.5 P.(3).

F. Standard Conditions for Use of Public Streets

Any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) Applicant proposing to use any County Highway or a township or municipal STREET for the purpose of transporting CDSF parts and/or equipment for construction, operation, or maintenance of the CDSF or Substations(s), shall identify all such public STREETS and pay the costs of any necessary permits and the costs to repair any damage to the STREETS caused by the CDSF construction, as follows:

(1) Prior to the close of the public hearing before the BOARD, the Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, except for any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) for which the relevant highway authority has agreed in writing to waive the requirements of subparagraphs 6.1.5 G.(1), (2), and (3), and the signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:

a. The applicant shall agree to conduct a pre- CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction baseline survey to determine existing STREET conditions for assessing potential future damage including the following:

(a) A videotape of the affected length of each subject STREET supplemented by photographs if necessary.

(b) Pay for costs of the County to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction.

(c) Pay for any strengthening of STREET structures that may be necessary to accommodate the proposed traffic loads caused by the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction.

b. The Applicant shall agree to pay for costs of the County Engineer to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction and pay for any strengthening of structures that may be necessary to accommodate the proposed traffic loads caused by the CDSF construction.

c. The Applicant shall agree upon an estimate of costs for any other necessary roadway improvements prior to construction.

d. The Applicant shall obtain any necessary approvals for the STREET improvements from the relevant STREET maintenance authority.

e. The Applicant shall obtain any necessary Access Permits including any required plans.

f. The Applicant shall erect permanent markers indicating the presence of underground cables.

g. The Applicant shall install marker tape in any cable trench.

h. The Applicant shall become a member of the Illinois state wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all of the information necessary to update its record with respect to the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

i. The Applicant shall use directional boring equipment to make all crossings of County Highways for the cable collection system.

j. The Applicant shall notify the STREET maintenance authority in advance of all oversize moves and crane crossings.

k. The Applicant shall provide the County Engineer with a copy of each overweight and oversize permit issued by the Illinois Department of Transportation for CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction.

l. The Applicant shall transport the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) loads so as to minimize adverse impact on the local traffic including farm traffic.

m. The Applicant shall schedule CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction traffic in a way to minimize adverse impacts on emergency response vehicles, rural mail delivery, school bus traffic, and local agricultural traffic.

n. The Applicant shall provide as much advance notice as is commercially reasonable to obtain approval of the STREET maintenance authority when it is necessary for a STREET to be closed due to a crane crossing or for any other reason. Notwithstanding the generality of the aforementioned, the Applicant will provide 48 hours notice to the extent reasonably practicable.

o. The Applicant shall provide signs indicating all highway and STREET closures and work zones in accordance with the Illinois Department of Transportation Manual on Uniform Traffic Control Devices.

p. The Applicant shall establish a single escrow account and a single Irrevocable Letter of Credit for the cost of all STREET upgrades and repairs pursuant to the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction.

q. The Applicant shall notify all relevant parties of any temporary STREET closures.

r. The Applicant shall obtain easements and other land rights needed to fulfill the Applicant's obligations under this Agreement.

s. The Applicant shall agree that the County shall design all STREET upgrades in accordance with the most recent edition of the IDOT Bureau of Local Roads and Streets Manual.

t. The Applicant shall provide written Notice to Proceed to the relevant STREET maintenance authority by December 31 of each year that identifies the STREETS to be upgraded during the following year.

u. The Applicant shall provide dust control and grading work to the reasonable satisfaction of the County Engineer on STREETS that become aggregate surface STREETS.

v. The Applicant shall conduct a post- CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction baseline survey similar to the pre-PV SOLAR FARM construction baseline survey to identify the extent of repairs necessary to return the STREETS to the pre-CDSF construction condition.

w. The Applicant shall pay for the cost of all repairs to all STREETS that are damaged by the Applicant during the construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and restore such STREETS to the condition they were in at the time of the pre-CDSF construction inventory.

x. All CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction traffic shall exclusively use routes designated in the approved Transportation Impact Analysis.

y. The Applicant shall provide liability insurance in an acceptable amount to cover the required STREET construction activities.

z. The Applicant shall pay for the present worth costs of life consumed by the construction traffic as determined by the pavement management surveys and reports on the roads which do not show significant enough deterioration to warrant immediate restoration.

aa. Provisions for expiration date on the agreement.

bb. Other conditions that may be required.

(2) A condition of the County Board Special Use Permit approval shall be that the Zoning Administrator shall not authorize a Zoning Use Permit for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) until the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, that includes the following:

a. Identify all such public STREETS or portions thereof that are intended to be used by the Applicant during construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) as well as the number of loads, per axle weight of each load; and type of equipment that will be used to transport each load.

b. A schedule of the across road culverts and bridges affected by the project and the recommendations as to actions, if any, required with respect to such culverts and bridges and estimated of the cost to replace such culverts and bridges;

c. A schedule of the anticipated STREET repair costs to be made in advance of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction and following construction of the CDSF.

d. The Applicant shall reimburse the County Engineer; or Township Highway Commissioner; or municipality where relevant, for all reasonable engineering fees including the costs of a third-party consultant, incurred in connection with the review and approval of the Transportation Impact Analysis.

(3) At such time as decommissioning takes place, the Applicant or its successors in interest shall enter into a Roadway use and Repair Agreement with the appropriate highway authority.

G. Standard Conditions for Coordination with Local Fire Protection District

(1) The Applicant shall submit to the local fire protection district a copy of the site plan.

(2) Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.

(3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

H. Standard Conditions for Emergency and Remedial Response Plan

(1) This shall be the same narrative Emergency and Remedial Response Plan document submitted for the U.S. EPA Class VI Well Permit.

(2) The Emergency and Remedial Response Plan shall identify all potentially impacted environmental resources (e.g. ground water and surface water) or infrastructure (e.g. the well or nearby structures) near the injection well.

(3) The Emergency and Remedial Response Plan shall confirm that any subsurface leak of carbon dioxide will immediately be reported to the Zoning Administrator and the COUNTY Executive.

(4) The Emergency and Remedial Response Plan shall address when carbon dioxide sequestration will be stopped due to mechanical failure of either a monitoring or injection well or other equipment and requires notification of such shutdown to the Zoning Administrator and the COUNTY Executive.

(5) The Emergency and Remedial Response Plan shall consider, for each identified resource or infrastructure element potentially at risk, any potential adverse events that may occur including induced seismicity and shall include commitments to do the following:

a. Notify the Zoning Administrator and the COUNTY Executive and the public in addition to the U.S. EPA Underground Injection Control (UIC) Program Director when a natural or induced earthquake 1.5 to 2.0

magnitude (M) or greater has occurred, per a notification plan approved by the COUNTY Board;

b. Initiate a CO2 rate reduction plan when a natural or induced earthquake M 3.5 or greater is reported until an inspection and evaluation of any damage to the confining zone, any injection or monitoring wells or other wells or equipment associated with the CDSF takes place. The plan must indicate that injection of CO2:

(a) May only be resumed if it can be determined, in consultation with the U.S. EPA and , that resuming injection will not pose an undue risk to public health and safety, drinking water, or to the natural or built environment; and

(b) Must be scaled back until a potentially safe operation level has been identified and verified by a qualified third-party consultant; and

(c) Initiate a CO2 shutdown plan when a natural or induced earthquake M3.5 or greater occurs and there is confirmation of damage or there is leaking of CO2 to drinking water. This shutdown plan must include:

i. The initiation of an evacuation plan.

ii. Immediate contact with the U.S. EPA UIC Program Director to identify and implement corrective action measures.

iii. Immediate communication to the County Executive of all decisions related to such corrective action required by the U.S. EPA's UIC Program Director.

(6) The Emergency and Remedial Response Plan shall describe response actions to address the identified risk scenarios including proposed evacuation plans in the event of a leak or blowout. The proposed evacuation plans shall include the following:

a. Evacuation plans for occupants of each primary structure that could be exposed to CO2 concentrations of 20,000 ppm or greater or as deemed a risk to human health by generally accepted medical or occupational authority in the event of an injection well leak or blowout that avoid travel towards the well;

b. Plans for barricading roadways that pass within modeled CO2 concentrations of 20,000 ppm; and

c. A plan for county and municipal first responders to assist with evacuation that has been coordinated and approved by such first responders.

(7) The Emergency and Remedial Response Plan shall identify the personnel and equipment needed to implement the response actions. This information will likely need to be regularly updated. The information should include the following:

a. Local emergency response agencies that the facility operator must notify immediately in the event of a carbon dioxide monitoring well leak or injection well leak or blowout, including the name and contact information for each agency and include a process for annual updates.

b. CDSF operator emergency response personnel contacts for use by County and municipal emergency response personnel, including name and contact information for each personnel and a process for annual updates.

c. Recommended emergency response equipment and training required by County and municipal emergency response personnel and a plan for both providing and funding such equipment and training.

(8) The Emergency and Remedial Response Plan shall include a commitment for the following:

a. The applicant shall work with emergency response personnel to design, construct, and fund a telephonic and electronic emergency alert system for individuals who live or operate businesses near the CDSF to provide alerts to evacuate in the event of an uncontrolled release of CO2 into the atmosphere, for example from the rupture of CDSF surface equipment or a well blowout; and

b. The applicant shall provide CO2 detectors with alarms to occupants of primary structures that could be exposed to concentrations of 20,000 ppm or more in the event of an uncontrolled release of CO2 into the atmosphere, for example, from the rupture of CDSF surface equipment or a well blowout. Such CO2 detectors must be provided, maintained and replaced at the applicant's expense, and monitored annually and replaced as needed to ensure continuous protection.

I. Standard Condition for Water Replacement Plan

(1) The Application shall include a water replacement plan that addresses potential impacts to groundwater from carbon dioxide injection.

(2) The water replacement plan must include methodologies for remediating any leak of carbon dioxide, identification of alternative water sources, and show how such

water would legally and financially be obtained and distributed to potentially affected groundwater users.

J. Standard Conditions for Allowable Noise Level

(1) Noise levels from any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).

(2) The Applicant shall submit manufacturer's sound power level characteristics and other relevant data regarding noise characteristics of proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) equipment necessary for a competent noise analysis.

(3) The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements as follows:

a. The pre-development 24-hour ambient background sound level shall be identified at representative locations near the site of the proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

b. Computer modeling shall be used to generate the anticipated sound level resulting from the operation of the proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) within one mile of the proposed CDSF.

c. Results of the ambient background sound level monitoring and the modeling of anticipated sound levels shall be clearly stated in the application and the application shall include a map of the modeled noise contours within one mile of the proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

d. The application shall also clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possibly verify the anticipated sound data and sound levels.

(4) Post-construction verification of CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) operational noise level:

a. Any application for a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) Zoning Use Permit shall include a fee for a Post-construction CDSF Noise Study. The fee for the Post-construction CDSF Noise Study shall be held by the COUNTY and used to pay for a qualified noise consultant to conduct the Post-construction CDSF Noise Study. Any excess

fees shall be refunded to the applicant upon the approval of the Noise Study and any additional fees necessary to cover the full cost of the Noise Study will be billed to the CDSF owner.

b. Within the first year of CDSF operation, the CDSF owner shall allow the COUNTY to conduct a post-construction noise study including noise monitoring, data analysis, preparation of a report intended to verify if the noise generated by the CDSF and all CARBON DIOXIDE INJECTION WELLS is in compliance with the Allowable Noise Level and in general compliance with the CDSF approval. The COUNTY shall select a qualified noise consultant to conduct the Post-construction CDSF Noise Study.

c. The post-construction noise study shall include noise monitoring at a minimum of five different representative locations within the area of the CDSF. The locations shall be agreeable to the COUNTY and to the COUNTY's qualified noise consultant and to the CDSF owner. If more than five representative locations are needed the CDSF shall bear the costs. The representative locations shall include the following:

(a) Two noise monitoring locations shall be in proximity to the worst-case and second worst case noise locations indicated in the CDSF application noise study. The actual locations may be on property that is participating in the CDSF but shall be as close as possible to non-participating property lines and NON-PARTICIPATING DWELLINGS.

(b) The other noise monitoring locations shall be distributed throughout the CDSF area.

(c) Noise monitoring locations shall not be in areas where there are undue obstructions to sound or areas that reflect or absorb sound unduly.

d. Noise monitoring timing and duration.

(a) Noise monitoring shall occur continuously during November for nighttime hours of 10 p.m. to 7 a.m., unless the COUNTY, the COUNTY's qualified noise consultant, and the CDSF owner agree to a different time and duration.

(b) Every effort should be made to conduct noise monitoring during times of maximum CDSF injection.

(c) Sound pressure level, audio recordings, and meteorological data should be collected at each monitoring location.

d. Noise measurement standards.

(a) American National Standards Institute (ANSI) S1.4-1983 (R2006) American National Standard Specifications for Sound Level Meters.

(b) ANSI S1.13-2005 (R2010) American National Standard Measurement of Sound Pressure Level in Air.

(c) ANSI S2.9-Part 3- 2013 American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound- Part 3: Short-Term Measurements with an Observer Present.

(d) ANSI S12.18-1994 (R2009) Outdoor Measurement of Sound Pressure Level.

(e) ANSI S12.100 American National Standard Methods to Determine and Measure the Residual Sound in Protected Natural and Quiet Residential Areas.

(f) 35 Ill. Admin. Code 910.105 and 106, where not in conflict with any of the above.

e. Data analysis.

(a) Care must be taken to exclude any ambient noise that may interfere with measurement of noise from the CDSF. Examples include noise from agricultural harvesting activities and noise from vehicular and train traffic. Exclusion of such data should be documented in the final report.

(b) Noise measurements should be excluded at wind speeds above 5 meter per second (11 miles per hour). Each monitoring location should have an anemometer.

(c) "Spikes" of sporadic noise, such as a motorized vehicle passing by, or a clap of thunder, or a dog barking may be eliminated from the data as long as an explanation with validation is included in the final report.

(d) Best practices shall be used in the analysis of the noise monitoring data.

f. Data reporting.

(a) The entire post-construction noise study shall be documented in a written final report that shall be approved by the GOVERNING

BOARD upon a recommendation from the Champaign County Board's Environment and Land Use Committee. Approval of the written final report shall not confer approval of any exceedance of the allowable noise level.

(b) The final report shall at a minimum include the following:

i. Scaled maps of all injection CARBON DIOXIDE INJECTION WELL locations, all monitoring locations, all residences and/or PRINCIPAL STRUCTURES or BUILDINGS within one mile of any CARBON DIOXIDE INJECTION WELL.

ii. Continuous sound measurements at all wind speeds that occurred during monitoring and charts illustrating the time series measurements.

iii. One-third octave band analysis of data recorded at each monitoring location.

iv. Use monitoring results to assess sound measurements over the range of sound frequencies to estimate the total noise level while the CARBON DIOXIDE INJECTION WELLS were in operation. Present these results in charts and tables as appropriate.

v. Compare the monitoring results to the allowable noise level and highlight any exceedances.

vi. Include a written narrative conclusion regarding how well the monitored results compare to the allowable noise level and the predicted sound levels for the CDSF. Explain any unfavorable results or exceedances of the allowable noise level.

g. Amend the Special Use Permit. Any exceedance of the allowable noise level shall require an amendment to the CDSF SPECIAL USE permit. The amendment to the CDSF SPECIAL USE permit shall include any changes to CDSF operation that are necessary to comply with the allowable noise level. An application for any required amendment to the CDSF SPECIAL USE permit shall be received (with full application fees) within 180 days of the County Board approval of the post-construction noise study.

(5) After construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF), the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the

complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:

a. The Zoning Administrator shall make the Environment and Land Use Committee aware of complaints about noise that have been received by the Complaint Hotline.

b. If the Environment and Land Use Committee determines that the noise is excessive, the Environment and Land Use Committee shall require the Owner or Operator to take reasonable steps to mitigate the excessive noise including a noise verification study.

(a) The County Board reserves the right to hire a noise consultant to determine if the noise produced by the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) is consistent with the Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).

(b) In the event that a violation of the IPCB noise regulations is identified the Zoning Administrator may require the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) owner to take whatever actions are necessary to stop the violation and comply with the noise regulations. The Zoning Administrator may seek direction from the Environment and Land Use Committee regarding the actions necessary to stop the violation.

K. Standard Condition for Endangered Species Consultation

The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources or, if applicable, a copy of the Detailed Action Plan Report submitted to the Endangered Species Program of the Illinois Department of Natural Resources and a copy of the response from the Illinois Department of Natural Resources.

L. Standard Condition for Historic and Archaeological Resources Review.

The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

M. Standard Condition for Acceptable Wildlife Impacts

The CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be located, designed, constructed, and operated so as to avoid and if necessary, mitigate the impacts to wildlife to a sustainable level of mortality.

N. Screening and fencing

(1) Perimeter fencing

a. CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 7 feet.

b. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

c. Vegetation between the fencing and the LOT LINE shall be maintained such that NOXIOUS WEEDS are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.). Management of the vegetation shall be explained in the application.

(2) Screening

a. A visual screen shall be provided around the perimeter of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) STRUCTURES, electrical transformer(s), cabling, switching station, electrical cabling from the CDSF to the substations(s), ancillary equipment, meteorological station, maintenance and management facilities, as follows:

(a) The visual screen shall be provided for any part of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) that is visible to an existing DWELLING or residential DISTRICT except that the visual screen shall not be required if the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) is not visible to a DWELLING or residential DISTRICT by virtue of the existing topography.

(b) The visual screen shall be waived if the owner(s) of a relevant DWELLING(S) have agreed in writing to waive the screening requirement and a copy of the written waiver is submitted to the BOARD or GOVERNING BODY.

(c) The visual screen shall be a vegetated buffer as follows:

i. A vegetated visual screen buffer that shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants and/or an area of agricultural crop production that will

conceal the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) from view from adjacent abutting property may be authorized as an alternative visual screen subject to specific conditions.

ii. Any vegetation that is part of the approved visual screen buffer shall be maintained in perpetuity of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF). If the evergreen foliage below a height of 7 feet disappears over time, the screening shall be replaced.

iii. The continuous line of native evergreen foliage and/or native shrubs and/or native trees shall be planted at a minimum height of 5 feet tall and shall be planted in multiple rows as required to provide a 50% screen within 2 years of planting. The planting shall otherwise conform to Natural Resources Conservation Service Practice Standard 380 Windbreak/Shelterbreak Establishment except that the planting shall be located as close as possible to the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) fence while still providing adequate clearance for maintenance.

v. An area of agricultural crop production may also be authorized by the BOARD as an alternative visual screen buffer with a width of planting as authorized by the BOARD provided that the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) perimeter fence is opaque. Any area of crop production that is used as a vegetated visual screen shall be planted annually and shall be replanted as necessary to ensure a crop every year regardless of weather or market conditions.

vi. Any vegetated screen buffer shall be detailed in a landscape plan drawing that shall be included with the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE Permit application.

O. Standard Condition for Liability Insurance

(1) Commencing with the issuance of a Zoning Use Permit, the Owner or Operator of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of at least $5 million per occurrence and $50 million in the aggregate.

(2) Self-insuring or self-bonding shall not be allowed.

(3) The general liability policy shall identify landowners in the SPECIAL USE permit as additional insured.

(4) The COUNTY and its officers, appointed and elected officials, employees, contractors, and agents (the "COUNTY Affiliates") and all affected Road Districts and their officers, appointed and elected officials, employees, contractors, and agents (the "Road District Affiliates") shall be included as additional insureds on the insurance certificate(s), endorsement(s) and policies for all aspects of construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and for all automobiles owned, leased, hired or borrowed, as applicable for the CDSF.

(5) The coverage shall contain no special limitations on the scope of protection afforded to the COUNTY and the COUNTY Affiliates or the affected Road Districts and the Road Districts' Affiliates. The insurance coverage of the Owner or Operator shall be primary and noncontributory for the additional insureds. The applicant shall file the original certificate of insurance with the Zoning Administrator upon issuance of a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) Zoning Use Permit and prior to the commencement of construction, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter until completion of construction.

(6) The applicant shall defend, indemnify, and hold harmless the COUNTY and its officers, appointed and elected officials, employees, contractors, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, relating to the construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF). This includes, without limitation, liability for property damage or personal injury (including death or illness), whether said liability is premised on contract, tort, or any violations of local, state, or federal law, including the Illinois Constitution and the United State Constitution (including without limitation strict liability or negligence) or any acts or omissions of the applicant or the owner under this Ordinance or the Special Use Permit. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

P. Operational Standard Conditions

(1) Maintenance

a. The Owner or Operator of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) must submit, on an annual basis, a summary of operation and maintenance reports to the Environment and Land Use Committee and any other operation and maintenance reports as the Environment and Land Use Committee reasonably requests.

b. Any physical modification to the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) that increases the number of CDSF SEQUESTRATION WELL or structures and/or the land area occupied by the CARBON DIOXIDE SEQUESTRATION FIELD shall require a new County Board SPECIAL USE Permit.

c. Like-kind replacements shall not require recertification provided replacement is done in a fashion similar to the original installation but shall require written approval of the County Zoning Administrator.

d. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity and a professional engineer determined by the County Zoning Administrator to determine whether the physical modification requires recertification. The cost of the third-party certifying entity and professional engineer shall be paid by the owner or operator.

e. Any replacement of equipment that is not a like-kind replacement shall require a new SPECIAL USE permit.

(2) Materials Handling, Storage and Disposal

a. All solid wastes related to the construction, operation and maintenance of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

b. All hazardous materials related to the construction, operation and maintenance of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

(3) Vegetation management

a. The CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE permit application shall include a weed control plan for the total area of the SPECIAL USE permit including areas both inside of and outside of the perimeter fencing.

b. The weed control plan shall ensure the control and/or eradication of NOXIOUS WEEDS consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.)

c. The weed control plan shall be explained in the application.

(4) Containment of carbon dioxide

a. Once the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) begins to inject carbon dioxide, the owner or operator shall submit semi-annual reports to the Zoning Administrator that identify the actual horizontal spread and vertical rise of the underground carbon dioxide PLUME, and the extent of subsurface pressure changes caused by the CDSF. These reports shall be required until such time as the U.S EPA determines the post closure care of the project is complete or as otherwise might be determined by the Illinois EPA. The purpose of this requirement is to verify that the injected carbon dioxide is following models approved by the U.S. EPA and not escaping containment or moving to unauthorized areas which would be considered trespass.

b. The applicant shall submit semi-annual reports that compare the location of the carbon dioxide PLUME to that which was modeled and approved by the U.S. EPA. When such reports show the footprint of the PLUME is within 90% of that which was approved, injection of carbon dioxide shall cease to avoid trespass. Resuming injection may only occur if it can be demonstrated to the COUNTY Board, in consultation with a COUNTY approved third-party qualified professional, that such injection of carbon dioxide can continue without risking trespass or posing a hazard to any MAJOR SAND AND GRAVEL AQUIFER. This may require adjusting the rate and or volume of carbon dioxide injected, or other methods may be put in place to prevent trespass.

c. Carbon dioxide that has migrated horizontally beyond the approved underground shall be considered a trespass, requiring immediate cessation of carbon dioxide injection.

d. If, despite the required reporting or agreed-to actions put in place to allow carbon dioxide injection to continue without trespass, it is determined that carbon dioxide has migrated beyond the approved underground PLUME, the operator shall cease all injection of carbon dioxide and compensate the affected NONCONSENTING PORE SPACE OWNERS per requirements and procedures set forth in the SAFE CCS Act.

e. If the carbon dioxide PLUME is moving vertically toward the CAP ROCK at a rate faster than anticipated:

(a) The applicant or owner shall pay a COUNTY approved third-party qualified professional to perform necessary field and office studies in order to submit documentation to the County Board demonstrating that the pace of the vertical rise is not related to a path created by a fault or a fissure or fracture that was either unmapped or created by an induced earthquake that could allow

carbon dioxide to move into an aquifer or leak into overlying strata or the atmosphere.

(b) If the submitted studies and documentation do not demonstrate that the pace of the vertical rise is not related to a path created by a fault or a fissure or fracture that was either unmapped or created by an induced earthquake that cannot be demonstrated, the COUNTY Executive shall contact the U.S. EPA's UIC Program Director of their concern for a potential leak, along with a request to the U.S. EPA to halt carbon dioxide injection, until such time as it can be determined that carbon dioxide injection can be safely resumed.

(5) Subsurface leaks

a. The CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) operator must immediately notify the COUNTY Emergency Management Agency and the COUNTY Executive whenever an injection or monitoring well experiences subsurface leaks or malfunctions to the extent it no longer can sample in all required zones.

b. The owner or operator must demonstrate that coordination with the U.S. EPA has occurred and shall report measures taken to contain the leak to the COUNTY Executive.

c. If the COUNTY Board determines the agency's actions do not adequately ensure the protection of an underground source of drinking water, the COUNTY Board may appeal such remediation to the U.S. EPA Board of Appeals, as applicable, or seek other remedies provided by law. Costs of any appeal shall be paid for by the owner(s) or operator(s) of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

(6) Water quality reporting

a. One year after the date that carbon dioxide injection begins at a CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and every year thereafter for the duration of CDSF, the operator shall have a COUNTY approved third-party qualified professional to submit water quality reports to the Zoning Administrator. The water quality reports shall highlight any changes in pH, metals, cations, anions, or chemical compounds that are in the groundwater and shall include a written narrative to explain whether or not carbon dioxide has leaked from the CDSF and migrated into groundwater that is a source of drinking water.

b. Groundwater that is a source of drinking water and that is contaminated by a carbon dioxide leak from a CDSF must be replaced with an alternate water supply, pursuant to the water replacement plan submitted to and approved by the COUNTY Board as part of this SPECIAL USE permit.

Q. Standard Condition for Decommissioning and Site Reclamation Plan

(1) The Applicant shall submit a signed decommissioning and site reclamation plan conforming to the requirements of paragraph 6.1.1 A.

(2) In addition to the purposes listed in subparagraph 6.1.1 A.4. the decommissioning and site reclamation plan shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and all costs related to removal of access driveways.

(3) The decommissioning and site reclamation plan required in paragraph 6.1.1 A. shall also include the following:

a. A stipulation that the applicant or successor shall notify the GOVERNING BODY by certified mail of the commencement of voluntary or involuntary bankruptcy proceeding, naming the applicant as debtor, within ten days of commencement of the proceeding.

b. A stipulation that the applicant shall agree that the sale, assignment in fact or law, or such other transfer of applicant's financial interest in the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall in no way affect or change applicant's obligation to continue to comply with the terms of this plan. Any successor in interest, assignee, and all parties to the decommissioning and site reclamation plan shall assume the terms, covenants, and obligations of this plan and agrees to assume all reclamation liability and responsibility for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

c. Authorization for the GOVERNING BODY and its authorized representatives for right of entry onto the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

d. A stipulation that at such time as decommissioning takes place the applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan are required to enter into a Roadway Use and Repair Agreement with the relevant highway authority.

e. A stipulation that the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide evidence of any

new, additional, or substitute financing or security agreement to the Zoning Administrator throughout the operating lifetime of the project.

f. A stipulation that the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall be obliged to perform the work in the decommissioning and site reclamation plan before abandoning the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) or prior to ceasing production of electricity from the CDSF, after it has begun, other than in the ordinary course of business. This obligation shall be independent of the obligation to pay financial assurance and shall not be limited by the amount of financial assurance. The obligation to perform the reclamation work shall constitute a covenant running with the land.

g. The decommissioning and site reclamation plan shall provide for payment of any associated costs that Champaign County may incur in the event that decommissioning is actually required. Associated costs include all administrative and ancillary costs associated with drawing upon the financial assurance and performing the reclamation work and shall include but not be limited to attorney's fees; construction management and other professional service fees; and the costs of preparing requests for proposals and bidding documents required to comply with state law or Champaign County purchasing policies.

h. The depth of removal of foundation concrete below ground shall be a minimum of 54 inches. The depth of removal of foundation concrete shall be certified in writing by an Illinois Licensed Professional Geologist or Engineer and the certification shall be submitted to the Zoning Administrator.

i. Underground electrical cables at a depth of 5 feet or greater may be left in place.

j. The hole resulting from the removal of foundation concrete during decommissioning shall be backfilled as follows:

(a) The excavation resulting from the removal of foundation concrete shall only be backfilled with subsoil and topsoil in similar depths and similar types as existed at the time of the original CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction except that a lesser quality topsoil or a combination of a lesser quality topsoil and a subsoil that is similar to the native subsoil may be used at depths corresponding to the native subsoil but not less than 12 inches below grade.

(b) The native soils excavated at the time of the original CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) construction may

be used to backfill the concrete foundation excavations at the time of decommissioning provided that the soils are adequately stored throughout the operating lifetime of the CDSF. The methods for storing the excavated native soils during the operating lifetime of the CDSF shall be included in the decommissioning and site reclamation plan.

(c) If the excavated native soils are not stored for use for backfilling the concrete foundation excavations, a qualified soil scientist or Illinois Licensed Professional Geologist or Engineer shall certify that the actual soils used to backfill the concrete foundation excavations are of equal or greater quality than the native soils or that, in the case of subsoil, the backfill soil meets the requirements of this paragraph. The certification shall be submitted to the Zoning Administrator.

(d) An Illinois Licensed Professional Geologist or Engineer shall certify in writing that the concrete foundation excavations have been backfilled with soil to such a depth and with a minimum of compaction that is consistent with the restoration of productive agricultural use such that the depth of soil is expected to be no less than 54 inches within one year after backfilling.

k. A stipulation that should the decommissioning and site reclamation plan be deemed invalid by a court of competent jurisdiction the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE permit shall be deemed void.

l. A stipulation that the Applicant's obligation to complete the decommissioning and site reclamation plan and to pay all associated costs shall be independent of the Applicant's obligation to provide financial assurance.

m. A stipulation that the liability of the Applicant's failure to complete the decommissioning and site reclamation plan or any breach of the decommissioning and site reclamation plan requirement shall not be capped by the amount of the financial assurance.

n. If the Applicant desires to remove equipment or property credited to the estimated salvage value without the concurrent replacement of the property with property of equal or greater salvage value, or if the Applicant installs equipment or property increasing the cost of decommissioning after the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) begins to produce electricity, at any point, the Applicant shall first obtain the consent of the Zoning Administrator. If the Applicant's lien holders remove equipment or property credited to the salvage value, the Applicant shall promptly notify the Zoning Administrator. In either of these events, the total financial assurance shall be adjusted to reflect any change in total salvage

value and total decommissioning costs resulting from any such removal or installation.

(4) To comply with paragraph 6.1.1 A.5., the Applicant shall provide financial assurance in the form of an irrevocable letter of credit as follows:

a. At the time of Special Use Permit approval, the amount of financial assurance to be provided for the decommissioning and site reclamation plan shall be 125% of the decommissioning cost as determined in the independent professional geologist or, engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and shall otherwise be compliant with Section 6.1.1.A.5. as follows:

(a) No Zoning Use Permit to authorize construction of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) shall be authorized by the Zoning Administrator until the CDSF owner shall provide the County with Financial Assurance to cover 12.5% of the decommissioning cost as determined in the independent geologist or engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.

(b) On or before the sixth anniversary of the Commercial Operation Date, the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) Owner shall provide the County with Financial Assurance to cover 62.5% of the decommissioning cost as determined in the independent geologist or engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.

(c) On or before the eleventh anniversary of the Commercial Operation Date, the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) owner shall provide the County with Financial Assurance to cover 125% of the decommissioning cost as determined in the independent geologist or engineer's cost estimate to complete the decommissioning work described in Sections 6.1.1 A.4.a. and 6.1.1 A.4.b. and 6.1.1 A.4.c. and otherwise compliant with Section 6.1.1 A.5.

b. Net salvage value may be deducted from decommissioning costs as follows:

(a) One of the following standards shall be met:

i. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall maintain the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) free and clear of liens and encumbrances, including financing liens and shall provide proof of the same prior to issuance of the SPECIAL USE Permit; or

ii. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall deduct from the salvage value credit the amount of any lien or encumbrance on the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF); or

iii. Any and all financing and/or financial security agreements entered into by the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall expressly provide that the agreements are subject to the covenant required by Section 6.1.1 A.2 that the reclamation work be done.

(b) The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide proof of compliance with paragraph 6.1.7.R.(4)b.(a) prior to issuance of any Zoning Use Permit and upon every renewal of the financial assurance and at any other time upon the request of the Zoning Administrator.

(c) The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall provide in the decommissioning and site reclamation plan for legal transfer of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) to the demolisher to pay the costs of reclamation work, should the reclamation work be performed.

(d) The net estimated salvage value that is deducted from the estimated decommissioning costs shall be the salvage value that results after all related costs for demolition and any required preparation for transportation for reuse or recycling or for simple disposal and other similar costs including but not limited to the decommissioning of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) STRUCTURES, equipment, and access roads.

(e) Estimated salvage value shall be based on the average salvage price of the past five years as published in a reputable source for salvage values and shall reflect sound licensed professional judgment as to anticipated changes in salvage prices prior to the next update of estimated net salvage value.

(f) The deduction from the estimated decommissioning costs for net estimated salvage value shall be capped at 70% of the total net estimated salvage value even though the total actual salvage value shall be available in the event that decommissioning is actually required.

(g) The total financial assurance after deduction of the net estimated salvage value shall not be less than $1,000 per acre.

(h) The credit for net estimated salvage value attributable to any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) may not exceed the estimated cost of removal of the above-ground portion of that CDSF on the subject site.

c. The GOVERNING BODY has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits.

d. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall adjust the amount of the financial assurance to ensure that it reflects current and accurate information as follows:

(a) At least once every three years for the first 12 years of the financial assurance and at least once every two years thereafter, the Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall use an independent Illinois Licensed Professional Geologist or Engineer to provide updated estimates of decommissioning costs and salvage value, by including any changes due to inflation and/or change in salvage price. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan shall, upon receipt, provide a copy of the adjusted Professional Engineer's report to the Zoning Administrator.

(b) At all times, the value of the irrevocable letter of credit shall equal or exceed the amount of the independent geologist or engineer's cost estimate as increased by known and documented rates of inflation based on the Consumer Price Index since the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) was approved.

e. The long term corporate debt (credit) rating of the letter of credit issuing financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's) shall be equal to or greater than the minimum acceptable long term corporate debt (credit) rating, as follows:

(a) The Zoning Administrator shall verify the long term corporate debt (credit) rating of the proposed financial institution by both Standard & Poor's Financial Services LLC (S&P) and Moody's Investors Service (Moody's).

(b) The minimum acceptable long term corporate debt (credit) rating of the proposed financial institution shall be a rating of "A" by S&P or a rating of "A2" by Moody's.

(c) Whenever the most current long term corporate debt (credit) rating of the proposed financial institution by either S&P or Moody's is lower than the minimum acceptable long term corporate debt (credit) rating, the letter of credit shall be replaced with a new irrevocable letter of credit from an issuing financial institution whose most current long term corporate debt (credit) rating by either S&P or Moody's meets or exceeds the minimum acceptable long term corporate debt (credit) rating,

f. At all times the value of the irrevocable letter of credit shall be increased annually as necessary to reflect actual rates of inflation over the life span of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and the amount shall be equal to or exceed 125% of the amount of the independent geologist or engineer's cost estimate as increased by known and documented rates of inflation since the CDSF was approved.

g. Should the salvage value of components be adjusted downward or the decommissioning costs adjusted upward pursuant to paragraph 6.1.7 R.(4)d., the amount of the irrevocable letter of credit pursuant to this paragraph 6.1.5R.(4) shall be increased to reflect the adjustment, as if the adjusted estimate were the initial estimate.

h. Unless the Governing Body approves otherwise, the Champaign County State's Attorney's Office shall review and approve every Letter of Credit prior to acceptance by the Zoning Administrator.

(5) In addition to the conditions listed in subparagraph 6.1.1 A.9. the Zoning Administrator may also draw on the funds for the following reasons:

a. In the event that any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) or component thereof ceases to be functional for more than six consecutive months after it starts producing electricity and the Owner is not diligently repairing such CDSF or component of the CDSF.

b. In the event that the Owner declares the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) or any CDSF component to be functionally obsolete for tax purposes.

c. There is a delay in the construction of any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) of more than 6 months after construction on that CDSF begins.

d. Any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) or component thereof that appears in a state of disrepair or imminent collapse and/or creates an imminent threat to the health or safety of the public or any person.

e. Any CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) or component thereof that is otherwise derelict for a period of 6 months.

f. The CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) is in violation of the terms of the CDSF FARM SPECIAL USE permit for a period exceeding ninety (90) days.

g. The Applicant, its successors in interest, and all parties to the decommissioning and site reclamation plan has failed to maintain financial assurance in the form and amount required by the special use permit or compromised the COUNTY's interest in the decommissioning and site reclamation plan.

h. The COUNTY discovers any material misstatement of fact or misleading omission of fact made by the Applicant in the course of the special use permit zoning case.

i. The Applicant has either failed to receive a copy of the certification of design compliance required by paragraph 6.1.7e.(2)A. D. or failed to submit it to the County within 12 consecutive months of receiving a Zoning Use Permit regardless of the efforts of the Applicant to obtain such certification.

(6) The Zoning Administrator may, but is not required to, deem the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) abandoned, or the standards set forth in Section 6.1.7R.(5) met, with respect to some, but not all, of the CDSF. In that event, the Zoning Administrator may draw upon the financial assurance to perform the reclamation work as to that portion of the CDSF only. Upon completion of that reclamation work, the salvage value and reclamation costs shall be recalculated as to the remaining CDSF.

(7) The Decommissioning and Site Reclamation Plan shall be included as a condition of approval by the BOARD and the signed and executed irrevocable letter of credit and evidence of the escrow account must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

R. Complaint Hotline

(1) Prior to the commencement of construction on the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) and during the entire term of the County

Board SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline and email hotline for the general public to call or contact with any complaints or questions.

(2) The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.

(3) The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.

(4) Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.

(5) All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.

(6) A copy of the telephone number hotline calls shall be provided to the Zoning Administrator on a monthly basis.

(7) The Applicant and Owner shall take necessary actions to resolve all legitimate complaints in a timely manner.

S. Standard Condition for Expiration of CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) County Board SPECIAL USE Permit

A CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) County Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.

T. Application Requirements

(1) In addition to all other information required on the SPECIAL USE Permit application and required by Section 9.1.11 A.3., the application shall contain or be accompanied by the following information:

a. A CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) Project Summary, including, to the extent available:

(a) A general description of the project including any proposed new CDSF or proposed modifications to an existing CDSF that identifies all structures and equipment to be installed including the location and number of injection and monitoring wells, compressors, pipelines, and facility water and electrical demands.

(b) Identification of the applicant, owner(s) and operator(s) of the CDSF including their name(s), address(es), phone number(s) and email addresses and the names(s), owner(s), address(es), phone numbers

and email addresses of all businesses owned and/or properties owned that would be associated with the CDSF.

(c) The names, addresses, and phone numbers of all property owners of any part of the CDSF including all NONCONSENTING PORE SPACE OWNERS and including the AOR and the sequestration field.

(d) The specific proposed location of the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) including all tax parcels on which pore space will be used by the CDSF.

(e) The specific proposed location of all tax parcels required to be included in the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) County Board SPECIAL USE Permit.

(f) A description of the Applicant; Owner and Operator, including their respective business structures.

(g) Identifies proposed suppliers and identifies electricity, natural gas, water, and other physical material and energy demands; facility maintenance plans; facility emergency response plan; facility expansion potential, and facility decommissioning plan and costs.

(h) A description of the proposed CARBON DIOXIDE PLUME (PLUME) location in sufficient detail to document that the PLUME shall not be over, penetrate through, or store carbon dioxide under a MAJOR SAND AND GRAVEL AQUIFER.

(i) Provides an estimate of the projected average annual and average daily gross volume of carbon dioxide proposed to be injected by the CDSF and the number of years the project will be in operation.

(j) Describes where and how captured carbon dioxide will be transported to the CDSF, including information related to any proposed or existing CDCF or CDP that would capture or transport the carbon dioxide.

(k) Confirms that the applicant has applied for the following:

i. Class VI well permit from either the U.S. EPA or the State of Illinois; and

ii. Carbon dioxide sequestration permit from the Illinois EPA.

b. A site plan and maps in printed and digital formats for the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) indicating the following:

(a) The approximate planned location of all CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, access driveways, electrical transformer(s), cabling, switching station, electrical cabling from the CDSF to the substations(s), ancillary equipment, screening and fencing, third party transmission lines, meteorological station, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.

(b) The site plan shall clearly indicate the area of the proposed CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) County Board SPECIAL USE Permit as required by subparagraph 6.1.7A.(1).

(c) The location of all below-ground wiring, utilities, and foundations installed or constructed during the duration of the project.

(d) The location, height, and appearance of all above-ground wiring and wiring structures.

(e) The separation of all CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) structures from adjacent DWELLINGS and/or PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts and/or glare that were approved in the CDSF County Board SPECIAL USE Permit. CDSF structures includes substations, third party transmission lines, maintenance and management facilities, or other significant structures.

c. A map of the AREA OF REVIEW (AOR) at a scale sufficient to depict:

(a) All municipal and county boundaries;

(b) Boundaries of MAJOR SAND AND GRAVEL AQUIFERS;

(c) All STREETS;

(d) The proposed location of each injection, monitoring, or groundwater monitoring well;

(e) The extent of the underground carbon dioxide PLUME associated with each injection well, as modeled by the applicant and submitted to and approved by the U.S. EPA;

(f) The extent of the underground pressure plume associated with each injection well beyond the extent of the underground carbon dioxide PLUME;

(g) Abandoned and monitoring wells that might facilitate a leak of carbon dioxide to the ground surface;

(h) Active oil, gas, wastewater, water wells and any other active well not identified in this section;

(i) PRINCIPAL STRUCTURES, livestock operations, and OUTDOOR GATHERING SPACE(S).

d. Documentation of the determination of no MAJOR SAND AND GRAVEL AQUIFERS over or under the CDSF including the review of existing well records, the review of maps of known aquifers, and the results of aquifer pumping tests.

e. Information about seismic activity within the AOR and the potential for inducing earthquakes shall be provided, including:

(a) Seismic history, including a detailed record of historical and recent seismic activity within the AOR that specifies date, magnitude, frequency, and location of natural earthquakes, if any;

(b) Geologic fault characterization, including detailed mapping of any known geologic structures including faults and geologic folds within the AOR; the proximity of geologic faults or geologic folds to the proposed injection wells; and the assessment of potential for reactivation; and

(c) An assessment of potential fault reactivation or fractures of the cap rock due to CO2 injection.

f. All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance in printed and digital formats.

g. The CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) SPECIAL USE permit application shall include documentation that the applicant has provided a complete copy of the SPECIAL USE permit application to any municipality and County Recorder within one-and-one-half miles of the proposed CDSF as required by Section 6.1.7A.(3)d.(c).

h. A municipal resolution regarding the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) by any municipality located within one-and-one-half miles of the CDSF must be submitted to the ZONING ADMINISTRATOR prior to the consideration of the CDSF SPECIAL USE permit by the Champaign County Board or, in the absence of such a resolution, the ZONING ADMINISTRATOR shall provide documentation to the County Board that any municipality within one-and-one-half miles of the CDSF was provided notice of the meeting dates for consideration of the proposed CDSF SPECIAL USE Permit for both the Environment and Land Use Committee and the County Board as required by Section 6.1.7 A.(3)d.(h).

i. Documentation that the applicant and owner, and any parent companies of applicant and owners are financially sound and sufficiently experienced to complete the proposed CDSF or to modify the existing CDSF that is the subject of the application. Such documentation must include evidence of project financial viability; applicant, owner, and operator financial health including current financial reports; applicant's project development experience; applicant's and/or operator's experience managing and operating CDSF or similar industrial facilities; and applicant's fiscal capability to provide compensation, not including any financial assurance provided under Article XIV, FINANCIAL ASSURANCE, for possible damages caused by the CDSF including but not limited to damage to drinking water supplies, the impacts of a CDSF well blowout, CO2 release from CDSF surface facilities, or the release of CO2 to the atmosphere via third-party wells, natural faults, or other CO2 release routes.

j. An explanation of the commercial purposes of the CDSF or CDSF modifications, including documentation for claimed public benefits.

k. A description of all COUNTY, state, and federal statutes, regulations, ordinances, permits, codes, and standards applicable to the CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF).

l. Any other information normally required by the County as part of its Zoning Ordinance.

m. Any other information requested by the Zoning Administrator that may be useful in evaluating the potential environmental and socioeconomic impacts of the proposed CARBON DIOXIDE SEQUESTRATION FACILITY

(CDSF) on Christian County residential, business, agricultural, livestock operations and any adjacent land uses.

(2) The Applicant shall submit at least ten paper copies of the SPECIAL USE Permit Application and one electronic copy in generally used formats.

(3) The Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.

8. Add the following paragraph 9.3.1 L. for Zoning Use Permit fee:

L. CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF) .... $275 per ground surface acre of carbon dioxide PLUME plus an initial payment of $60,000 for the cost of a Post-construction Noise Study and plus any additional fees for the amount by which the costs billed to the COUNTY exceed the initial payment, or a refund of any unspent fee, due upon approval of the Post-construction Noise Study.

9. Add new subsection 9.3.3 B.(10) as follows for Zoning Case Filing Fees:

(10) CARBON DIOXIDE SEQUESTRATION FACILITY (CDSF)……..
Upon submission of the application, applicant shall submit a certified check to Champaign County in the amount of $250,000:

a. This amount shall be placed in a guaranteed money market account that will be used to cover the COUNTY'S costs, including but not limited to the costs of third party experts, geologists, landscape architects, land surveyors or engineers, and attorneys, that may be required pursuant to this Ordinance, during the special use application review process, public hearing(s) and any appeals or subsequent litigation.

b. Should the actual costs to the COUNTY exceed $250,000, the applicant shall be responsible for those costs. The COUNTY shall provide an accounting and invoice for such overage on a quarterly basis. The applicant shall remit additional funds within 30 days of invoice.

c. Any amount remaining in the account after the COUNTY renders its decision and all bills and invoices have been paid, shall be refunded to the applicant.

d. The applicant, owner, or operator shall reimburse the COUNTY for any and all reasonable fees for professional services incurred if the COUNTY, in its sole discretion, deems it necessary to hire an outside attorney, geologist, landscape architect, land surveyor or engineering consulting firm to work on any or all parts of the CDSF application process.