

AGENDA

Champaign County Environment & Land Use Committee

Members:

*Jan Anderson, Patricia Busboom, Chris Doenitz,
Tony Fabri, Nancy Greenwalt (VC), , Ralph
Langenheim (C), Brendan McGinty, Steve Moser,
Jon Schroeder*

Date: *October 11, 2005*

Time: *5:30 p.m.*

Place: *Meeting Room 1
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

1. **Call to Order**
2. **Approval of Agenda**
3. **Approval of Minutes (September 12, 2005)** **1 thru 7**
4. **Public Participation**
5. **Correspondence**
 - A. **Mahomet Aquifer Consortium (May 10, 2005, minutes)** **8 thru 9**
 - B. **Mahomet Aquifer Consortium (July 12, 2005, minutes)** **10**
 - C. **Mahomet Aquifer Consortium (September 27, 2005, agenda)** **11**
 - D. **Floodplain Management Seminar (October 27, 2005)** **12 thru 13**
6. **Case 459-AM-04 Petitioner: Tim and Cyndy Woodard and Chris Creek** **14 thru 62**

Request: Amend the Zoning Map to allow for the development of 6 single family residential lots (as amended on June 15 2005) in the CR, Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.

Location: An approximately 27.730 acre tract of land that is located in the Northeast 1/4 of the Northwest 1/4 of Section 36 of Newcomb Township and fronts on the south side of CR 2500N and on the west side of CR 550E at the intersection of CR 2500N and CR 550E and that is also known generally as Lot 4 and portions of Lots 2 and 3 of the proposed Summerfield Subdivision that is currently being subdivided with the Village of Mahomet.
7. **Guidance concerning enforcement related to occupancy of 1512 West Anthony Drive, Champaign, by Salt and Light organization.**
8. **Resolution Amending Regional Pollution Control Facility Siting Procedures (Information to be distributed at meeting)**
9. **"Big.small.all.champaigncounty, Countywide Visioning Project - Outreach Efforts" (Information to be distributed at meeting)**

Environment and Land Use Committee
October 11, 2005, Agenda
Page 2

10. **Job Content Evaluation Committee Report regarding classification, job description, and salary administration recommendation for Zoning Enforcement Staff (Information to be distributed at meeting)**
11. *Comprehensive Zoning Review*
 - A. **ELUC Review of Proposed Draft Zoning Ordinance (Public Review Draft 3)** **63 thru 73**
12. **Planning and Zoning Report** **74 thru 85**
13. **Determination of Items to be placed on the County Board Consent Agenda**
14. **Adjournment**

1 MINUTES OF REGULAR MEETING

3 Champaign County Environment DATE: September 12, 2005
4 & Land Use Committee TIME: 7:00 p.m.
5 Champaign County Brookens PLACE: Meeting Room 1
6 Administrative Center Brookens Administrative Center
7 Urbana, IL 61802 1776 E. Washington Street
8 Urbana, IL 61802

10
11
12 MEMBERS PRESENT: Patricia Busboom, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph
13 Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

14
15
16 MEMBERS ABSENT: Jan Anderson

17
18 STAFF PRESENT: John Hall, Connie Berry, Susan Monte, Casey Rooney, Frank DiNovo, Deb
19 Busey, John Dimit, Susan McGrath

20
21 OTHERS PRESENT: Hal Barnhart, Neil Malone, Marc Duitsman, Sherry Schildt, Colleen Braun,
22 Rob Kowalski

23
24
25
26 1. Call to Order, Roll Call

27
28 The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.
29

30
31 2. Approval of Agenda and Addendum

32
33 Mr. McGinty moved, seconded by Mr. Doenitz to approve the agenda and addendum as submitted.
34 The motion carried by voice vote.

35
36
37 3/A1. Minutes of Previous Meeting (June 12, 2005, June 21, 2005, June 29, 2005, July 27, 2005,
38 August 08, 2005).

39
40 Mr. McGinty moved, seconded by Ms. Greenwalt to approve the June 12, 2005, June 21, 2005, June
41 29, 2005, July 27, 2005 and August 08, 2005, minutes as submitted. The motion carried by voice vote.
42

43
44 4. Public Participation

45
46 None
47

1 **5. Correspondence**

- 2
- 3 A. Letter to Barbara Wysocki, Chair, Champaign County Board from Clark Bullard
- 4 dated 5/23/05 with attached "Prairie Rivers Network Statement to Champaign county
- 5 Board" dated 5/23/05.
- 6 B. Letter to Barbara Wysocki, Chair, Champaign County Board from James D. Cotrell
- 7 dated 7/25/05.
- 8

9 **Mr. McGinty moved, seconded by Mr. Moser to accept and place the two letters of correspondence**

10 **on file. The motion carried by voice vote.**

11

12

13 **6 County Board Chair's Report**

14

15 None

- 16
- 17
- 18 **7. Subdivision Case 184-05: Duitsman Subdivision. Minor Plat approval for a two-lot minor**
- 19 **subdivision in the AG-1, Zoning District in Section 28 of Compromise Township located on the**
- 20 **south side of CR 2600N and approximately 350 feet west of the Flatville Drainage Ditch.**
- 21

22 **Mr. Doenitz moved, seconded by Ms. Busboom to recommend approval of Subdivision Case 184-05:**

23 **Duitsman Subdivision. The motion carried by voice vote.**

- 24
- 25
- 26 **8. Consideration of an Amendment to the Champaign County Liquor Ordinance Establishing**
- 27 **the Rules and Regulations Governing the Sale of Alcoholic Liquor, Regarding Criminal**
- 28 **Background Checks for Liquor License Applicants.**
- 29

30 **Mr. Moser moved, seconded by Mr. McGinty to recommend approval of Consideration of an**

31 **Amendment to the Champaign County Liquor Ordinance Establishing the Rules and Regulations**

32 **Governing the Sale of Alcoholic Liquor, Regarding Criminal Background Checks for Liquor License**

33 **Applicants.**

34

35 Ms. Greenwalt asked if this was a State requirement.

36

37 Ms. McGrath stated that this is an issue which has come before the Liquor Commission and ELUC for

38 study. She said that there has been a change in legislation regarding the duties of the County and

39 background checks are required for applicants which are requesting liquor licenses in the County. She said

40 that conviction records and prior felony information can be obtained through the Champaign County

41 Sheriff's office and the Illinois State Police records but the most accurate way to achieve total information

42 is through fingerprinting of the applicant. She said that the amendment indicates that a fee will be charged

1 to the applicant as well as setting up a time table as to when this shall occur. She said that this would only
2 effect owners of 25% or more ownership so this should not be an onerous burden on people who did not
3 have a substantial interest in the business. She said that Item F or the Ordinance included in the packet
4 indicates the proposed text. She said that the proposal is endorsed by the Sheriff.
5

6 Ms. Greenwalt asked Ms. McGrath if the background checks would be completed annually. She said that
7 the Liquor Advisory Commission requested that existing business owners be grand-fathered but it was
8 determined that this was not possible.
9

10 Ms. McGrath stated that the State required that background checks must be completed on an annual basis.
11 She said that the reason for the annual checks is because a person’s background check may be fine one year
12 but the subsequent year they may obtain a record. She said that the only way that the County can
13 sufficiently do their job and comply with the State Statute is to complete the background checks annually.
14 She said that the background checks cannot stop with just the on-site managers because there are persons
15 who come to this area from different areas and start businesses which also need to be checked.
16

17 Mr. Fabri asked Ms. McGrath if there is liability to the County if the background checks are not completed.
18

19 Ms. McGrath stated that unfortunately there is liability to everything that the County does. She said that
20 the fact of the matter is if the State mandates that the background checks must be completed and they are
21 not and something happens at a business where the background checks were not completed then there is
22 liability.
23

24 **The motion carried with one opposing vote.**
25

26
27 **9. Community Development Program (CDAP) Loan Request from Family Medical Health Clinic,**
28 **Philo, Illinois.**
29

30 **Mr. Moser moved, seconded by Mr. Schroeder to recommend approval of the Community**
31 **Development Program (CDAP) Loan Request from Family Medical Health Clinic, Philo, Illinois. The**
32 **motion carried by voice vote.**
33

34
35 **10. Enterprise Zone Boundary Expansion, University of Illinois Research Park, Phase II.**
36

37 Mr. Casey Rooney, Regional Planning Commission Economic Development Manager, stated that two
38 amendments to Ordinance 255 are requested to add contiguous territory to the Enterprise Zone. He said that
39 the University of Illinois Research Park, Phase II project includes a proposed \$16 million hotel and a \$12
40 million conference center. He said that the proposed amendments to Ordinance 255 are minor modifications
41 to the terminology that are included in the Enterprise Zone language to make it more user friendly.
42

1 Mr. Fabri asked if the Unit #4 School District was in agreement.
2

3 Mr. Rob Kowalski, Assistant Planning Director for the City of Champaign Planning Department, stated that
4 the issue in which the Unit#4 School District is in disagreement with is a totally separate issue. He said that
5 the issue in which they are concerned is in regard to the TIF District and the joint agreement of the school
6 districts and the development in the south campus area. He said that in regard to the hotel/conference
7 project and the Enterprise Zone Expansion the Unit #4 School District is in complete agreement.
8

9 **Mr. Fabri moved, seconded by Mr. McGinty to recommend approval of Amendments to Ordinance**
10 **255, regarding Enterprise Zone Boundary Expansion, University of Illinois Research Park, Phase II.**
11

12 **The roll was called:**

13	Anderson-absent	Busboom-yes	Doenitz-no
14	Fabri-yes	Greenwalt-yes	Langenheim-yes
15	McGinty-yes	Moser-no	Schroeder-no
16			

17
18 **The motion carried.**
19
20

21 **11/A2. Revision to Selected Champaign County Land Use Regulatory Policies-Rural Districts.**
22

23 **Mr. McGinty moved, seconded by Ms. Greenwalt to recommend approval of the Revision to Selected**
24 **Champaign County Land Use Regulatory Policies-Rural Districts.**
25

26 Mr. Moser stated that he agreed to the framework when the he was involved in the working committee butt
27 he predicts that it will not be approved by the full County Board as long as the stream protection buffer is
28 included.
29

30 Mr. Fabri stated that he is unsure if this is a good idea. He said that he will vote in favor of the motion
31 tonight but will not guarantee what his vote will be when it comes to the full Board.
32

33 Mr. Doenitz stated that he will not vote in favor of the motion due to the letter from Mr. Clark Bullard. He
34 said that Mr. Bullard is speaking for a small group of people and that small group is making a lot of noise.
35

36 Ms. Busboom stated that Mr. Bullard needs to realize that corn, soybeans and wheat are the economy of the
37 rural people and not birds and trees.
38

39 Mr. Moser stated that he is reluctant to send this to the full Board when he knows that it is going to die. He
40 said that the republican members represent the rural people and the feedback that they are receiving hasn't
41 changed as far as what their feelings are about the 250 foot buffer. He said that the Committee needs to
42 decide whether they want to send it on to the Board and kill it or leave it here until something is done to

1 make it better. He said that if nothing different is going to be done with it then he is going to vote to send
2 it to the Board and end the whole thing. He said that this project has been in the works for 10 years and
3 nothing has been done with it to get everyone to agree.
4

5 Mr. DiNovo stated that when the policies are sent to the County Board they will require a simple majority
6 to be amended unlike the Ordinance which is expected to require 21 votes. He said that the policies are
7 drafted specifically in such a way that they do not automatically require a stream protection buffer.
8

9 **The roll was called:**

10	Busboom-no	Doenitz-no	Fabri-yes
11	Greenwalt-yes	Langenheim-yes	McGinty-yes
12	Moser-no	Schroeder-yes	Anderson-absent
13			
14			

15 **The motion carried.**

16
17 **12. Comprehensive Zoning Review**

18
19 Ms. Monte stated that once the policies are approved by the full Board the next step will be to come before
20 this Committee with the revisions to Public Review Draft III of the Zoning Ordinance. She said that the
21 draft could be presented to the Committee at the October 11, 2005, meeting with a presentation regarding
22 the changes. She said that the Committee would receive a copy of the draft one week prior to the meeting
23 and the Committee must determine if they are comfortable signing off on the draft at the October 11th
24 meeting or want to hold on to the draft for one month and sign off or provide further direction to staff at the
25 November 07, 2005, meeting. She said that if the Committee signed off on the draft at the October 11th
26 meeting then public hearings could be possible in November or December. She said that if the Committee
27 desires to wait and not sign off on the draft until the November 7th meeting then the public hearings would
28 not be possible until after the first of next year. She requested ELUC's preference in regard to their review
29 of Public Review Draft III of the Zoning Ordinance.
30

31 Mr. DiNovo stated that staff requires this information so that they can schedule Zoning Board of Appeals
32 meeting dates.
33

34 Ms. Monte stated that this is being moved forward as a text amendment. She said that the map amendments
35 will not be included in this draft.
36

37 Mr. Schroeder asked if the ZBA hearings will be held like the previous CZR hearings.
38

39 Ms. Monte stated that she is having a difficult time in determining if the Brookens Gymnasium will be
40 available. She said that State Statute requires that the meetings be held in a County building.
41

42 Mr. Schroeder asked if this will preclude holding a hearing in each township.

1 Ms. Monte stated that the text amendment hearings are not required to be held at each township.
2

3 Ms. Busboom stated that the townships have a right to have a hearing in their township because this is where
4 the people live that will be affected by the changes to the Ordinance.
5

6 Ms. Greenwalt stated that she would prefer that this be completed sooner than later.
7

8 Mr. Moser stated that he would suggest that this be completed sooner than later because after the first of the
9 year it will be even more political than it is currently. He said that this needs to be done and over with.
10

11 **The consensus of the Committee was to direct Staff to proceed with Committee review of Draft
12 Ordinance at the October 11, 2005, meeting.**
13

14
15 **A.3. Request for Review of Existing Positions**
16

17 **Mr. Moser moved, seconded by Ms. Greenwalt to approve the request for Review of Existing
18 Positions. The motion carried by voice vote.**
19

20
21 **13. Planning and Zoning Report**

22 **A. Monthly Report**
23

24 Ms. McGrath stated that there was an enforcement action in the month of August. She said that it was a
25 zoning case and an emergency, temporary restraining order was obtained and a permanent injunction against
26 a business which was operating illegally at the intersection of North Prospect and Ford Harris Road.
27

28 Mr. Schroeder stated that he appreciated Ms. McGrath's action on this matter. He said that he is aware that
29 Ms. Hitt, Zoning Officer has visited the junk trailer court which is located along the west edge of Tolono
30 but it appears that they are stacking and re-stacking everything around.
31

32
33 **14. Other Business**
34

35 None
36

37
38 **15. Determination of Items to be placed on the County Board Consent Agenda**
39

40 **The consensus of the Committee was to place Items #7 and #9 on the County Board Consent Agenda.**
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42

1 **16. Adjournment**

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3 The meeting adjourned at 7:31 p.m.

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10 Respectfully submitted,

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13
14
15 Secretary to the Environment and Land Use Committee

16
17 eluc\minutes\minutes.frm

Mahomet Aquifer Consortium
Member Meeting No. 41
May 10, 2005
Minutes

1. A meeting of the members of the Mahomet Aquifer Consortium (MAC) was held on May 10, 2005 at the offices of Illinois State Water Survey (ISWS) in Champaign, IL. Chairman Mel Pleines called the meeting to order at 10:05 a.m. Twelve members and one non-member were in attendance. (See attached attendance sheet for those present).
2. Approval of Agenda – Motion to approve the agenda was made by Ed Mehnert and seconded by Nancy Erickson. The motion carried.
3. Roll Call was accomplished by signing the MAC mailing list and is attached to the official minutes for the record. Twelve members and one non-member for a total of thirteen (13) people were in attendance.
4. Minutes of the March 16, 2005 meeting (Meeting No. 40) were distributed to all in attendance. Members were asked to look them over for a few minutes. Motion to accept and approve the minutes of the previous meeting was made by Paul DuMontelle and seconded by Ed Mehnert. Motion carried.
5. Treasurer's Report by Dorland W. Smith, Secretary-Treasurer for the period ending April 30, 2005 (green sheet) was distributed showing a balance in the amount of \$810.83. Interest earned for Mar. and Apr. was \$0.31 and expenditures of \$30.00 for the Domain Name registration for two years. (The report is attached to these minutes). Motion to approve the Treasurer's report was made by Ellis Sanderson and seconded by Nancy Erickson. Motion carried.
6. The presentation was made by Ivan Dozier on the Resource Conservation and Development. There are 10 areas in Illinois with 3 applications pending.
7. Committee Reports
 - a) Funding – Working on getting funds from industry and local governmental units to do studies in eastern part of the aquifer.
 - b) Education and Public Relations – No news on Grant Applications. Putting together possible projects for local research. Also working on possible news releases.
 - c) Data & Scientific Assessment – Work on flow model- possible water connections of Glassford/Mahomet aquifers and Mahomet aquifer and Sangamon river. George Roadcap also passed around sample of cemented sand and gravel from local gravel pits.

8. Under discussion of aquifer resource guidelines and principles we need to be prepared to answer questions on water withdrawals during a drought.

9. Old Business – none

10. New Business - none

11. The next meeting will be a possible Field Trip to be held on Tuesday, July 12 or 26th, 2005. Possible locations for the trip are the dairy at Bellflower or water bottling plant at Paxton.

12. Nancy Ericson moved the meeting adjourn and Ellis Sanderson seconded the motion. Meeting adjourned at 11:55 a.m.

Respectfully submitted,

Dorland W. Smith
Secretary-Treasurer

Mahomet Aquifer Consortium
Member Meeting No. 42
July 12, 2005
Minutes

1. A meeting of the members of the Mahomet Aquifer Consortium (MAC) was held as a field trip tour of the ADM Hydroponics & Aquaculture Facility , Decatur.
2. Approval of Agenda – There was no agenda for the tour.
3. Roll Call – No roll call was taken. Approximately 12 members took the tour.
4. Minutes – No minutes of previous meetings. These will be presented at the September meeting.
5. Treasurer’s Report – No Treasurer’s report.
6. ADM raises lettuce, cucumbers, tilapia and salt-water shrimp using the waste heat from their power plant and grain processing facility.
7. Next Meeting date will be set by the Board of Directors for sometime in September.

Respectfully submitted,

Dorland W. Smith
Secretary-Treasurer

Mahomet Aquifer Consortium
Meeting No. 43
September 27, 2005, 10:00 a.m.

Illinois State Water Survey, Champaign, IL

AGENDA

1. Call to Order – Mel Pleines
2. Approval of Agenda
3. Roll Call – (Initial Attendance Sheet or sign in)
4. Minutes of – May 10, 2005 meeting (Meeting No.41 & 42)
5. Treasurer’s Report – Dorland W. Smith, Sec-Treas
 - a) Reimburse Ed Mehnert for annual Web Site Hosting
6. Committee Reports
 - a) Funding – Mel Pleines
 - b) Education & Public Relations – Ed Mehnert, Chairman
 - c) Data & Scientific Assessment – George Roadcap, Chairman
7. Presentation – Regional Water Supply Planning – Dr. Derek Winstanley, ISWS
8. Discussion of aquifer management concepts
9. Old Business
10. New Business
11. Next Meeting Date – Meeting No. 44 - November 15, 2005
12. Adjourn -

___ Please register me for the October 27 Floodplain Management Seminar. Enclosed is a check payable to IAFSM. **No vouchers, invoices, etc will be accepted. Use one form for each person registered. Registration Deadline: Friday, October 21, 2005**

Name: _____

Organization: _____

Address: _____

City: _____ State : _____ Zip: _____

Telephone: _____ Fax: _____ Email: _____

**Enclose a check payable to IAFSM
Mail to IAFSM, 153 Nanti Street, Park Forest, IL 60466**



Floodplain Management Seminar October 27, 2005, Elmhurst

The Illinois Association for Floodplain and Stormwater Management is pleased to present a one day seminar on Floodplain Management. The morning session, known as "Floodplain 101," is designed for new floodplain administrators and is also a refresher course for Certified Floodplain Managers (CFMs). The session will cover floodplain management concepts, basic FEMA mapping, floodway & floodplain regulations, state and local permit requirements, and flood insurance. The presenters will be Paul Osman, CFM, Illinois NFIP State Coordinator, IDNR/OWR, John Lentz, CFM, Floodplain Management Specialist, IDNR/OWR.

The afternoon session will cover Letters of Map Change (LOMCs) and the rules and procedures for amending or revising a FEMA Flood Insurance Rate Map. Topics covered include application requirements, the MT-1 and MT-2 review process, the fee structure, and the difference between a conditional letter and the final Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Amendment based on Fill (LOMR-F). The session will also review how the FEMA Map Assistance Center can be a resource of information regarding the NFIP and the LOMC process. The presenter will be Luis Rodriguez, P.E., CFM, Technical Manager, Michael Baker Corporation.

A question and answer session will follow each session. Each attendee will receive a certificate for 7 PDHs (engineers) or 6 CECs (Certified Floodplain Managers). For more information, please contact Andrew Wells, PE, CFM, at awells@manhard.com or at 847/325-7021.

Date and Time: Thursday, October 27, 2005 ~ 8:30 am to 4:30 pm

Location: Diplomat West, 681 W. North Avenue, Elmhurst, IL 60126 (see other side)

Cost: \$50 IAFSM Members, \$60 Non Members

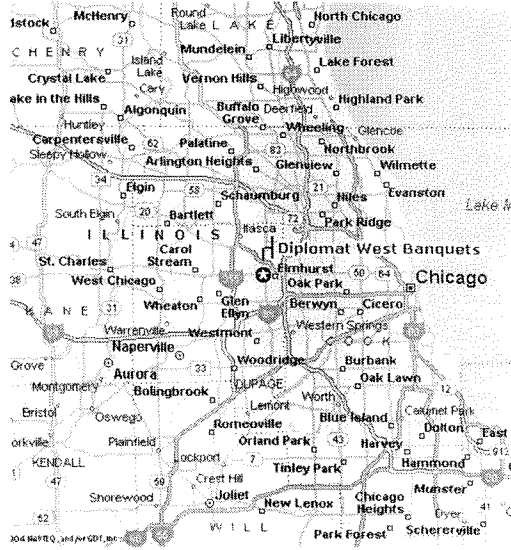
Registration Deadline: Friday, October 21, 2005

**The Diplomat West
681 W North Ave
Elmhurst, IL 60126**

The Diplomat West is on the northwest corner of North Avenue (State Route 64) and Kingery Highway (State Route 83).

Directions from the south and east: Exit I-290 at North Avenue West. Go west 2.3 miles to Kingery Highway (State Route 83).

Directions from the north: Exit I-290 at Kingery Highway South (State Route 83). Go south 1.4 miles to North Ave.



Floodplain Management Seminar

Mark Your Calendar: October 27, 2005

Elmhurst, Illinois

Illinois Association for Floodplain
And Stormwater Management
153 Nanti Street
Park Forest, Illinois 60466

Please notify us of address corrections or changes

To: **Environment and Land Use Committee**

From: **John Hall, Associate Planner**

Date: **October 5, 2005**

RE: **Case 459-AM-04 Rural Residential Overlay Map Amendment for proposed Summerfield Subdivision**

Champaign
County
Department of

**PLANNING &
ZONING**

**Brookens
Administrative Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

Zoning Case 459-AM-04

Request: **Amend the Zoning Map to allow for the development of 6 single family residential lots (as amended on June 15, 2005) in the CR Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Tim and Cindy Woodard and Chris Creek**

Location: **A 27.730 acre tract of land located in the Northeast ¼ of the Northwest ¼ of Section 36 of Newcomb Township and fronts on the south side of CR2500N and on the west side of CR550E at the intersection of CR2500N and CR550E.**

STATUS

The Committee remanded this case back to the Zoning Board of Appeals (ZBA) on May 9, 2005, for clarification of findings and final determination. The ZBA voted to RECOMMEND APPROVAL (to enact the map amendment) WITH CONDITIONS at their meeting on September 29, 2005.

The size and shape of the proposed RRO District has been changed during the remand (see below) and the number of lots in the proposed RRO is now only 6 but the total number of lots proposed for development is still 10 and the previous analysis remains unchanged. A frontage protest has been made on this map amendment but represents less than 20% of the perimeter of the revised amendment and has no effect on the number of votes required for approval.

The ZBA is required to make two specific findings for RRO determinations and those findings appear in the Finding of Fact on pp. 31 and 32 of the attached Summary of Evidence, Finding of Fact, and Final Determination and are excerpted below. The four conditions of approval are on p. 33 of the of the attached Summary of Evidence, Finding of Fact, and Final Determination and are also excerpted below.

The subject property is located within the extraterritorial jurisdiction of the Village of Mahomet but no village protest is anticipated. Newcomb Township also has established a Plan Commission since this public hearing opened but no Township protest is anticipated.

AMENDED PETITION FOR MAP AMENDMENT BUT TOTAL NUMBER OF LOTS IS SAME

The petitioners have reduced the number of lots in the proposed RRO District to 6 but have also platted the four "by-right" lots that are allowable without the RRO District so that the total number of lots proposed for final development is still 10 as it was on May 9, 2005.

Subdivision Review By Mahomet

The current Zoning Ordinance allows the original 40 acre tract to be divided into four lots without RRO approval. The Village Board of Mahomet has recently approved the four-lot Preliminary Plat of Summerfield Subdivision (see attached). The area included in the revised RRO District now consists of Lot 4 and portions of Lots 2 and 3 of Summerfield Subdivision.

Revised Lot Layout

The Area General Plan of Summerfield Subdivision received June 15, 2005 (see attached), replaces the previous Area General Plan received on January 10, 2005. Lots 3 and 4 have been changed on the June 15, 2005, Area General Plan. Lot 4 is smaller on the June 15, 2005, plan because the area containing significant archaeological resources (the shaded area on the plan) has been included with a larger lot 3.

The annotated Area General Plan (see attached) indicates the extent of the revised RRO that includes Lot 4 and portions of Lots 2 and 3 of Summerfield Subdivision.

A Frontage Protest Exists But Has No Effect

A formal frontage protest against this case was filed on May 10, 2005, by a landowner with enough frontage (20% or more) to trigger the supermajority requirement for approval by the County Board. However, the removal of Lots 1, 2, and 3 from the RRO have reduced the size of the proposed RRO District and thus the frontage of the RRO District. The Area General Plan of Summerfield Subdivision received June 15, 2005, has only 500 feet of common boundary with the adjacent landowner which is only about 11.5% of the 4,330 feet of total boundary of the RRO. **The protest remains in place but has no effect.**

REQUIRED FINDINGS

With respect to map amendments requesting creation of a Rural Residential Overlay (RRO) Zoning District, Section 5.4.3 of the Zoning Ordinance requires the ZBA to make two specific findings before forwarding a recommendation to the County Board. The required findings are stated as follows in the Ordinance:

1. **That the proposed site is or is not suitable for the development of the specified maximum number of residences; and**
2. **That the proposed residential development will or will not be compatible with surrounding agriculture.**

The proposed RRO is not on best prime farmland. The required findings on pages 31 and 32 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

ATTACHMENTS (excerpted from the Documents of Record)

- A Zoning Case Maps (Location, Land Use, Zoning
- B Preliminary Plat of Summerfield Subdivision received June 15, 2005
- C Revised Area General Plan of Summerfield Subdivision received June 15, 2005
- D Annotated Area General Plan indicating RRO lots
- E Soil Map from the Natural Resource Report received June 14, 2004
- F Surface Water Flow Map from the Natural Resource Report received June 14, 2004
- G Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on September 29, 2005, (UNSIGNED)

Required Finding 1. Regarding Whether the Site “Is Suited or Is Not Suited” for the Development of the Specified Maximum Number of Residences:

1. The proposed site **IS SUITED** for the development of 6 residences because:
 - A. **The property is not in the area with limited groundwater availability and there is no reason to suspect an impact on surrounding wells** (Summary of Evidence item 19. C. on p. 16); and
 - B. **it is much better than typical County conditions for suitability for wastewater systems with 90% of the site having a high potential for septic tank leach fields** (Summary of Evidence items 18. B. & C. on pp. 14 & 15) ; and
 - C. **each lot has at least one acre of buildable area above the 100-year flood** (Summary of Evidence item 21.C. on p. 17); and
 - D. **the site is located within five miles of emergency services and there will be a dry basin nearby in the near future** (Summary of Evidence items 20. D. on p. 16); and
 - E. **the site is not close to any man-made or natural hazard** (Summary of Evidence item 22. on 17); and
 - F. **the site is bordered on only two sides by row crop agriculture which is in smaller fields than usual for our county** (Summary of Evidence item 23.C. on p. 18); and
 - G. **the soils are much more suitable for development than typical County Conditions because the soils are not Best Prime Farmland soils** (Summary of Evidence item 15.B.(2) on p. 6); and
 - H. **the traffic generated by the proposed RRO is generally no more than 10% of existing traffic volume** (Summary of Evidence item 16. F.6. on p. 9); and
 - I. **less than half of the property has wet soils** (Summary of Evidence item 17.F. (2) on p. 14);and despite:
 - J. **that emergency services response time will be slower when CR2500N is flooded making the property unsuited overall because of the risk to the health and safety of the public** (Summary of Evidence items 17. F. on p. 13 and item 20. C. on p. 16); and
 - K. **the LESA score of 208 to 212** (Summary of Evidence item 24 on pp. 18 and 19); and
 - L. **that some of the roads appear to carry more traffic than is recommended** (Summary of Evidence item 16. F.6. on p. 9); and
 - M. **that traffic guidelines do not adequately address delivery service traffic;** and
 - N. **a large area of apparent stormwater ponding** (Summary of Evidence item 17. D. on p. 12).

NOTE: This is not the actual finding. See page 31 in the As-Approved Finding of Fact.

Required Finding 2. Whether the Proposed Residential Development Will or Will Not Be Compatible with Surrounding Agriculture:

2. Development of the proposed site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
- A. the site is bordered on only two sides by row crop agriculture which are small fields (Summary of Evidence item 23.C. on p. 18); and
 - B. the effects on drainage and the LE score are nearly the same either with or without the RRO; and
 - C. it is unlikely that drainage of dry weather flows from the proposed development will effect any adjacent farmland (Summary of Evidence item 33. A.(4) on p. 21); and
 - D. Champaign County has passed a right to farm resolution that prevents nuisance complaints against agricultural activities; and
 - E. the petitioner has agreed to reduce the number of separate driveways and agreed to locate mail boxes off of the road so as not to impede agricultural traffic (Summary of Evidence item 35 A. on p. 23); and
- and despite:
- F. that the right to farm resolution adopted by Champaign County does not prevent private lawsuits; and
 - G. the traffic safety effects on farming will increase approximately 150% with the RRO compared to without the RRO (Summary of Evidence item 33. A. on p. 20); and
 - H. seasonal heavy agricultural traffic (Summary of Evidence item 16. K. on p. 10).

NOTE: This is not the actual finding. See page 32 in the As-Approved Finding of Fact.

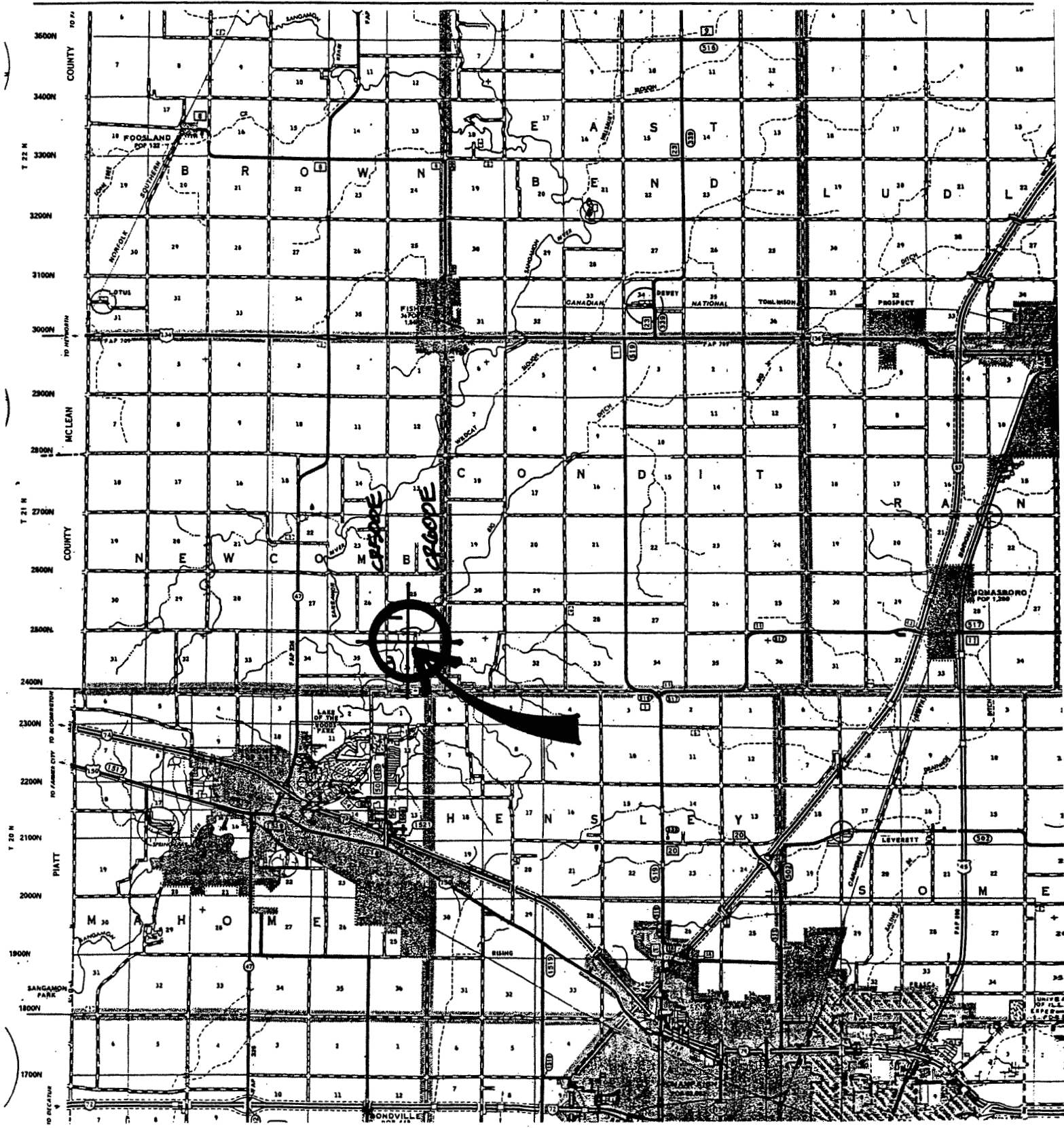
Recommended Conditions of Approval

- A. **In those areas indicated by the Phase I archaeological survey as areas likely to contain significant archaeological resources, any plat of subdivision shall include (1) recorded easements in favor of the Illinois Historic Preservation Agency; and (2) indications on the plat indicating where those easements apply; and (3) restrictive covenants that prohibit future landowners from disturbing those areas by construction or earth moving activities without prior consultation with the Illinois Historic Preservation Agency to ensure that any significant archaeological resources that may be present on the subject property are not unknowingly disturbed by private activities or construction.**
- B. **The Zoning Administrator shall not issue a Zoning Use Permit Application for areas indicated by the Phase I archaeological survey to contain significant archaeological resources unless evidence is provided by the applicant verifying that the application conforms with the advice and consultation of the Illinois Historic Preservation Agency to ensure that the provisions of Condition A are met while providing that future lot owners are not unnecessarily prevented from enjoying the use of their property if reasonable care is taken to prevent disturbance to any significant archaeological resources that may be present.**
- C. **All lots fronting on CR2500N and CR550E that have centralized driveways shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate to ensure that mail boxes do not unnecessarily impede agricultural traffic.**
- D. **All driveway entrance widths shall be 30 feet wide with a radius or as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate to ensure that emergency services vehicles have adequate access to all properties.**

ATTACHMENT A. LOCATION MAP

Case 459-AM-04

OCTOBER 8, 2004



Area of Concern



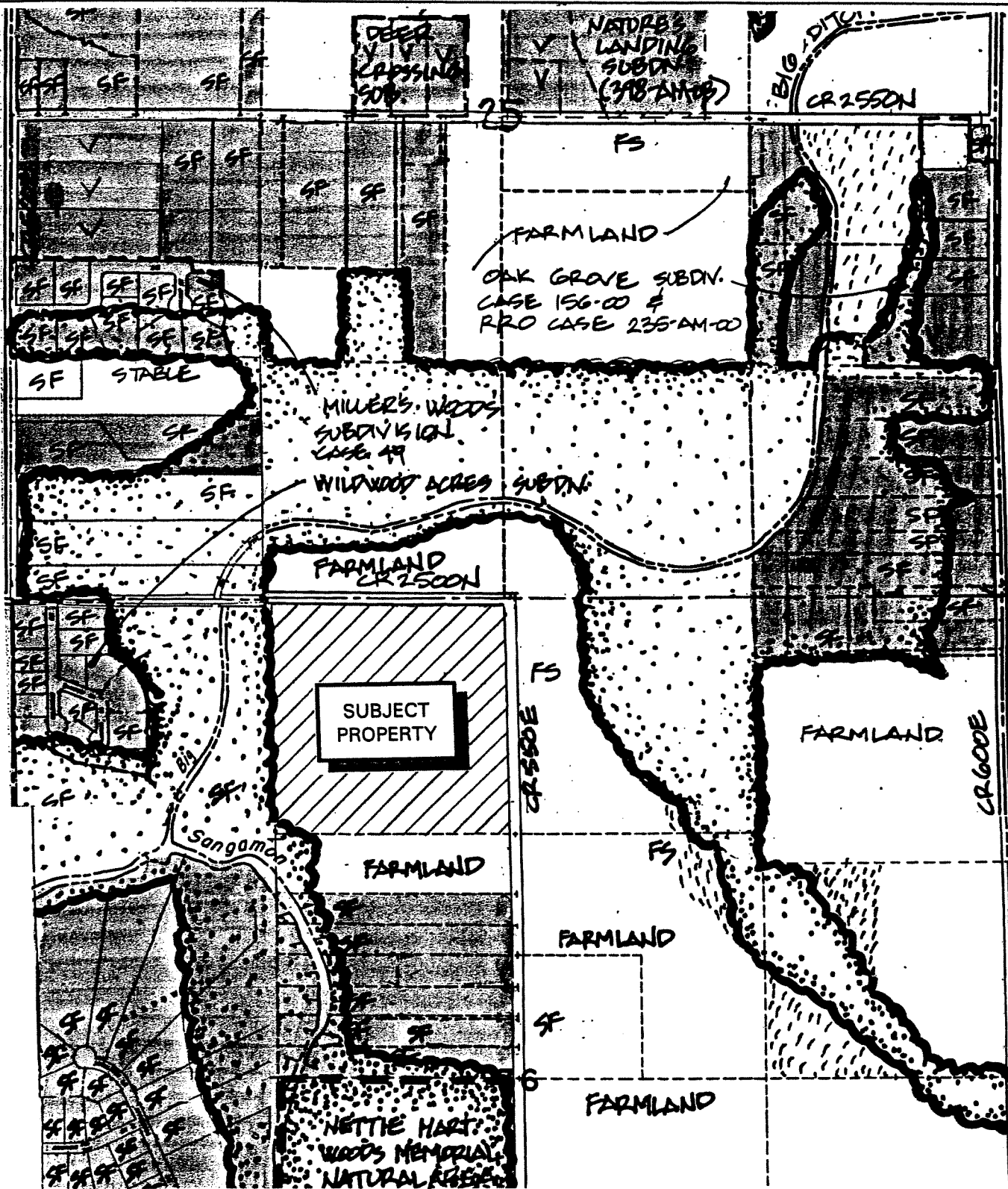
NORTH






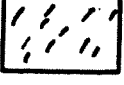
Champaign County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. LAND USE MAP

Case 459-AM-04

OCTOBER 8, 2003



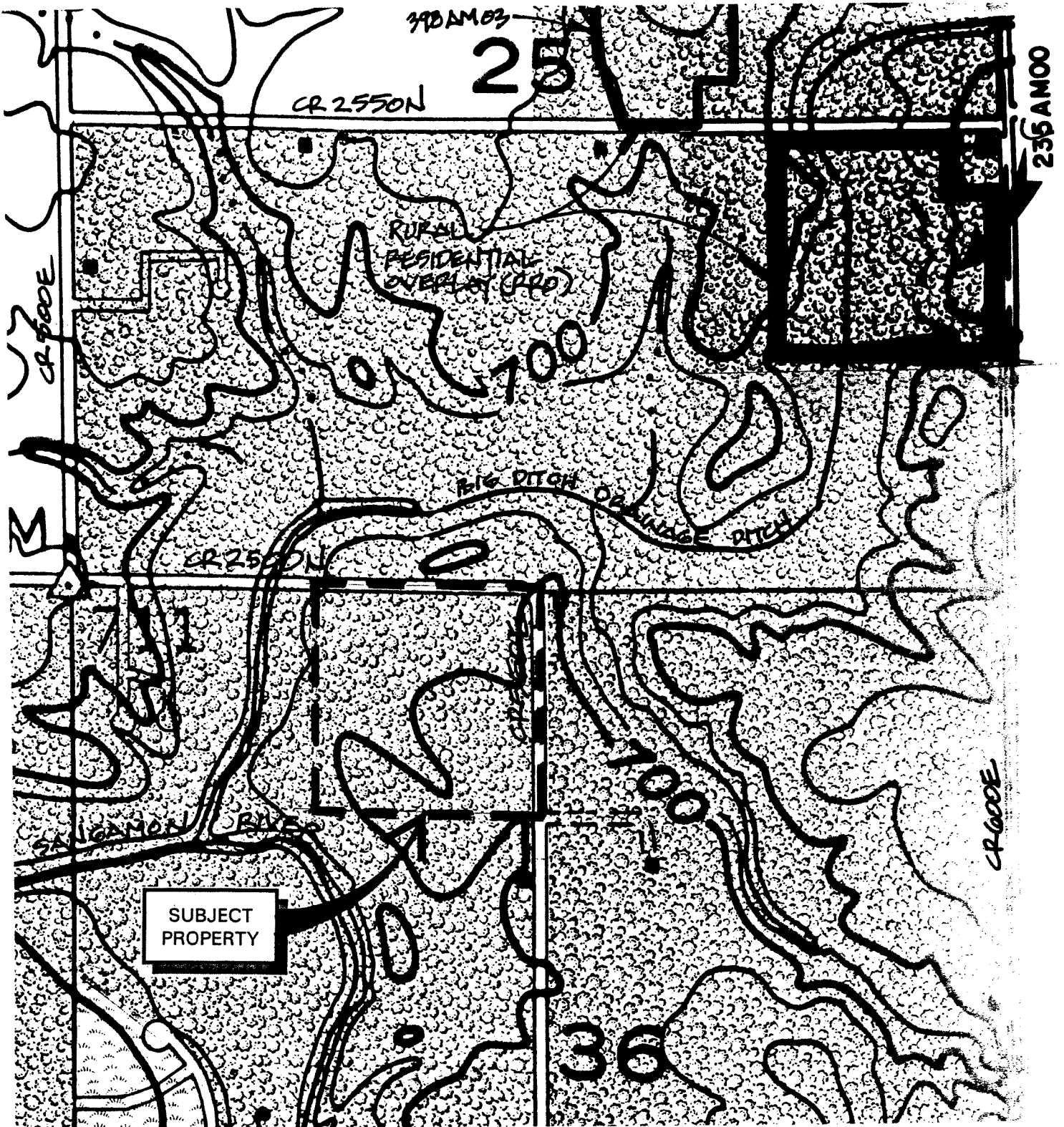
	Area of Concern		VACANT SUBDIVISION LOT*	Champaign County Department of PLANNING & ZONING
	Single Family*		WOODED AREA	
	Farmstead		CRP/PASTURE	
			*shading indicates lots that are 5 acres or less in area	



ATTACHMENT A. ZONING MAP

Case 459-AM-04

OCTOBER 8, 2003

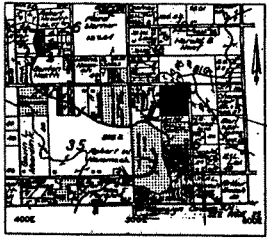


	AG-1 Agriculture		R-1 Single Family Residence		R-4 Multiple Family Res.		B-2 Neighborhood Business		B-5 Central Business	 NORTH Champaign County Department of PLANNING & ZONING
	AG-2 Agriculture		R-2 Single Family Residence		R-5 Mobile Home Park		B-3 Highway Business		I-1 Light Industry	
	CR Conservation- Recreation		R-3 Two-family Residence		B-1 Rural Tl. Center		B-4 General Business		I-2 Heavy Industry	

PRELIMINARY PLAT
 SUMMERFIELD SUBDIVISION
 THE NE 1/4 OF THE NW 1/4
 OF SECTION 36-T21N-R7E
 CHAMPAIGN COUNTY, ILLINOIS

OWNER/DEVELOPER
 SUMMERFIELD LAND COMPANY LLC
 TIMOTHY AND CYNTHY WOODWARD

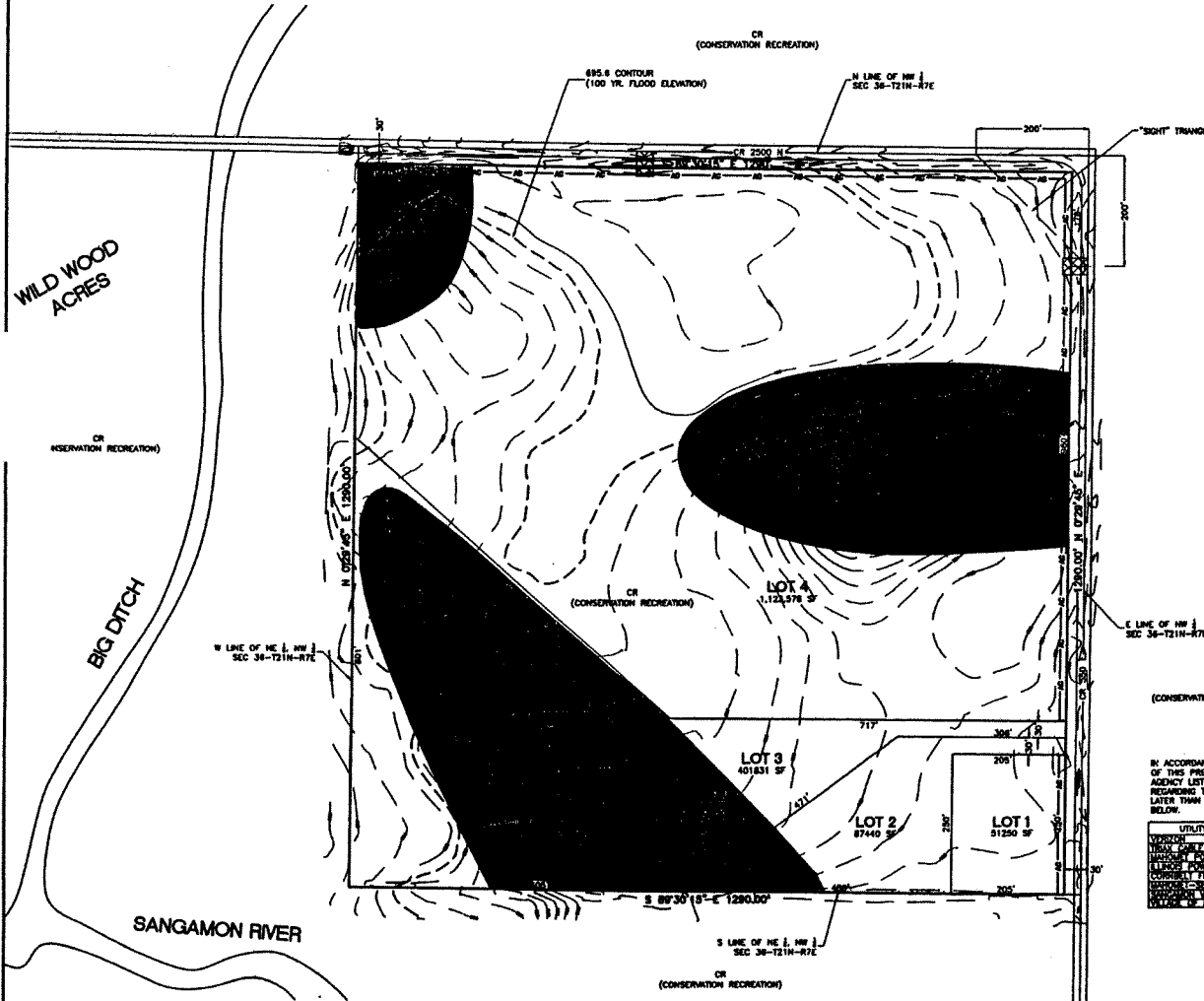
ENGINEER/SURVEYOR
 HFC ENGINEERING
 251 W. SPRINGFIELD AVE.
 CHAMPAIGN, ILLINOIS 61824
 217-552-8978



LOCATION MAP



- LEGEND**
- BOUNDARY OF SUBDIVISION
 - PROPOSED LOT LINE
 - EXISTING CONTOURS
 - ARCHAEOLOGICAL FIND AS DELINEATED PER ARCHAEOLOGICAL SURVEY SHORT REPORT PSAP PROJECT No. 04-184
 - 100.00' LOT DIMENSION
 - ⊗ COMMON ACCESS
 - ACCESS CONTROL
 - - - SET BACK LINE (NO BUILDINGS)
 - - - 100 YEAR FLOOD LINE



RECEIVED
 JUN 15 2005

CHAMPAIGN CO. P & Z DEPARTMENT

PRELIMINARY PLAT APPROVAL

THE PRELIMINARY PLAT ENTITLED SUMMERFIELD SUBDIVISION HAS RECEIVED APPROVAL BY THE PLAN AND ZONING COMMISSION OF THE VILLAGE OF MAHOMET, ILLINOIS, THIS _____ DAY OF _____, 20____.

CHAIRPERSON _____

PRELIMINARY PLAT APPROVAL

THE PRELIMINARY PLAT ENTITLED SUMMERFIELD SUBDIVISION HAS RECEIVED APPROVAL BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MAHOMET, ILLINOIS, THIS _____ DAY OF _____, 20____.

PRESIDENT, VILLAGE BOARD OF TRUSTEES _____

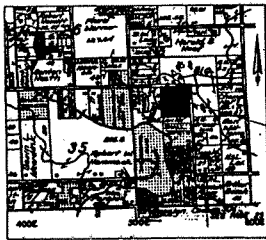
VILLAGE CLERK _____

IN ACCORDANCE WITH VILLAGE OF MAHOMET SUBDIVISION DRAINAGE COPIES OF THIS PRELIMINARY PLAT HAVE BEEN SENT TO THE UTILITY COMPANY OR AGENCY LISTED BELOW. UTILITY/AGENCY SHOULD SUBMIT WRITTEN COMMENTS REGARDING THIS PROPOSED SUBDIVISION TO THE VILLAGE OF MAHOMET NO LATER THAN TWENTY-ONE (21) DAYS AFTER THE DATE SENT AS LISTED BELOW.

UTILITY OR AGENCY	DATE SENT

PRELIMINARY

23



LOCATION MAP

AREA GENERAL PLAN
 SUMMERFIELD SUBDIVISION
 THE NE 1/4 OF THE NW 1/4
 OF SECTION 36-T21N-R7E
 CHAMPAIGN COUNTY, ILLINOIS

OWNER/DEVELOPER
 SUMMERFIELD LAND COMPANY LLC
 TIMOTHY AND CANDY WOODARD

ENGINEER/SURVEYOR
 HDC ENGINEERING
 201 W. SPRINGFIELD AVE.
 CHAMPAIGN, ILLINOIS 61824
 217-352-8978

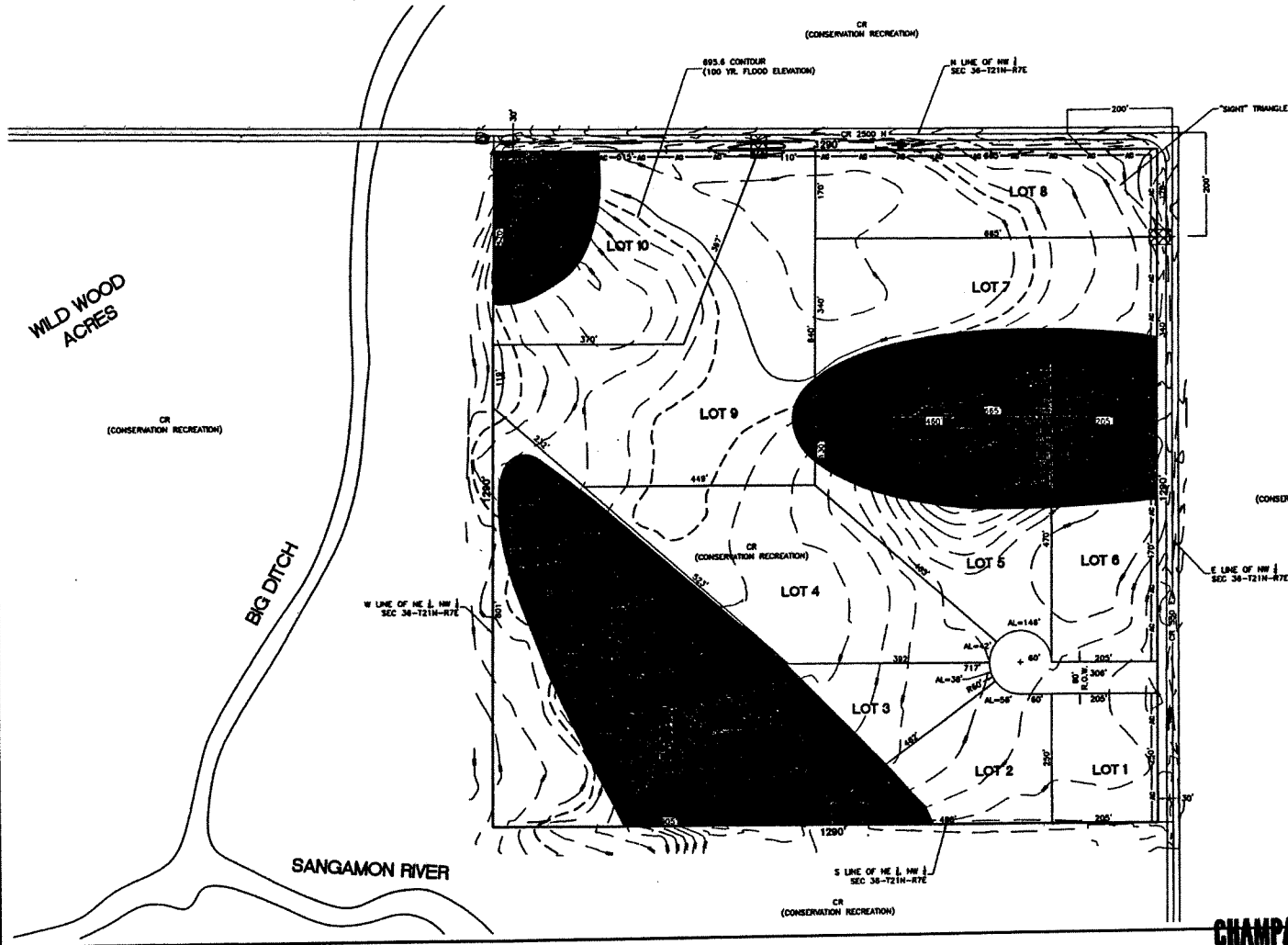


LEGEND

- BOUNDARY OF SUBDIVISION
- - - PROPOSED LOT LINE
- - - EXISTING CONTOURS
- ▬ ARCHAEOLOGICAL FIND AS DELINEATED PER ARCHAEOLOGICAL SURVEY SHORT REPORT PSAP PROJECT No. 04-184
- 100.00' LOT DIMENSION
- ▨ COMMON ACCESS
- - - ACCESS CONTROL
- - - SET BACK LINE (NO BUILDINGS)
- - - 100 YEAR FLOOD LINE

BUILDABLE LOT AREA

LOT #	SQ. FT.
1	51250
2	87440
3	401831
4	153133
5	148200
6	96350
7	226100
8	113050
9	223020
10	163725



AREA GENERAL PLAN APPROVAL

THE AREA GENERAL PLAN ENTITLED SUMMERFIELD SUBDIVISION HAS RECEIVED APPROVAL BY THE PLAN AND ZONING COMMISSION OF THE VILLAGE OF MAHOMET, ILLINOIS, THIS _____ DAY OF _____ 20__

CHAMPIONSHIP

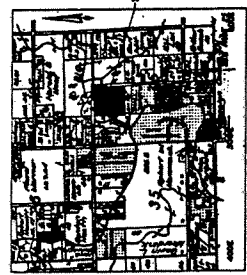
RECEIVED
 JUN 15 2005

Job #0112 Date: 06/23/05
 Scale: 1" = 40' Plot: 201
 Project: 201 2nd, Springfield, Ill. 61820
 Project No. 217-352-8978
 HDC ENGINEERING
 Professional Survey Firm License No. 184-06253
 Expiration: 6/23/2007

CHAMPAIGN CO. P & Z DEPARTMENT

24

ANNOTATED
 AREA GENERAL PLAN
 SUMMERFIELD SUBDIVISION
 THE NE 1/4 OF THE NW 74
 OF SECTION 36-T2N-R7E
 CHAMPAIGN COUNTY, ILLINOIS



CHAMPAIGN COUNTY
 SUMMERFIELD LAND COMPANY, LLC
 SURVEYING
 CHAMPAIGN, ILLINOIS 61824
 317-352-8978

- LEGEND**
- BOUNDARY OF SUBDIVISION
 - PROPOSED LOT LINE
 - EXISTING CONTIGUOUS
 - HYDROLOGICAL AND AS Delineated PER ARCHITECTURAL SURVEY SHORT REPORT FOR PROJECT No. 04-114
 - LOT DIMENSION
 - COMMON ACCESS
 - ACCESS CONTROL
 - SET BACK LINE (NO BUILDINGS)
 - 100 YEAR FLOOD LINE

BUILDABLE LOT AREA

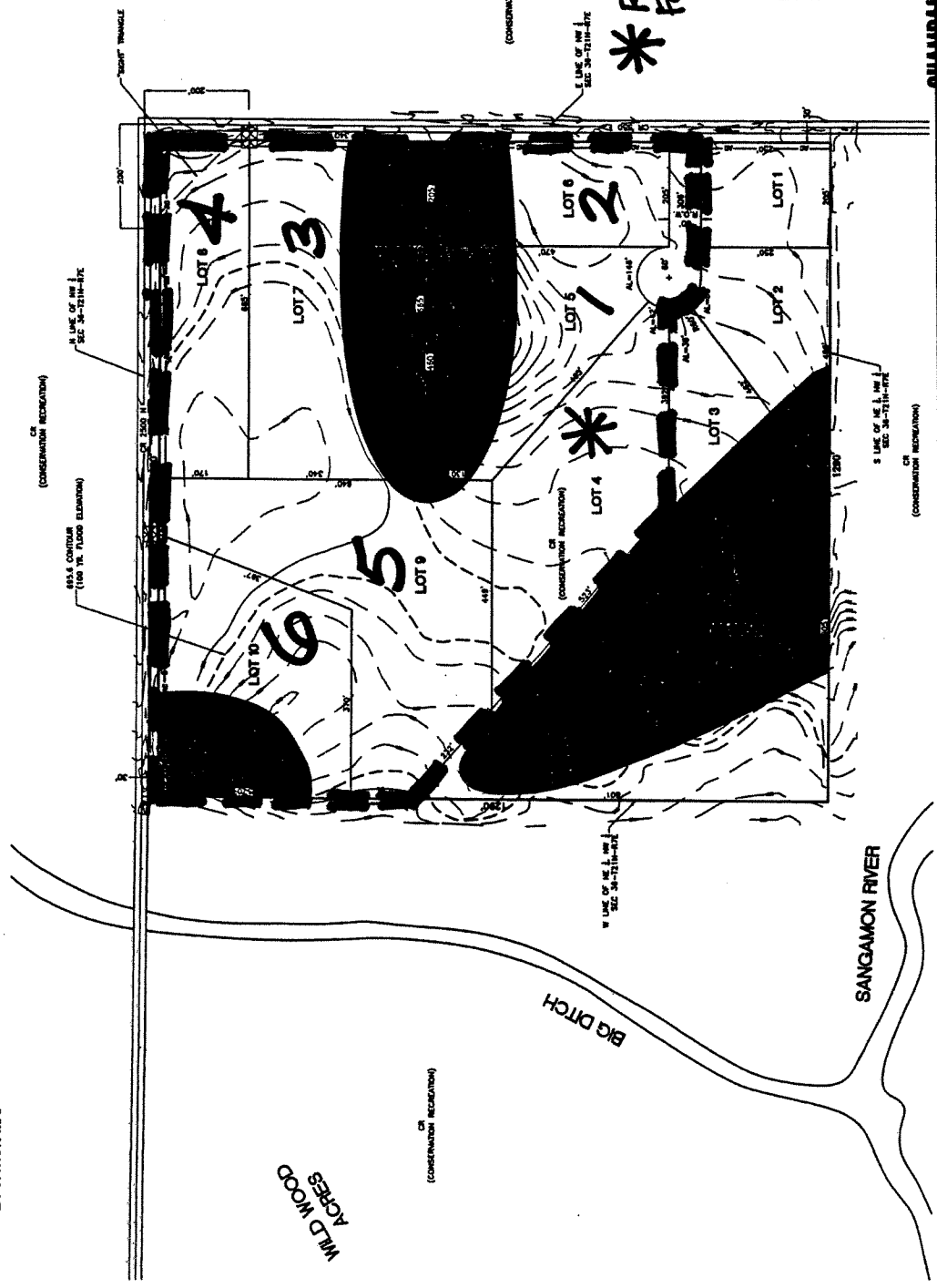
LOT #	SQ. FT.
1	51250
2	87440
3	401831
4	153133
5	148250
6	94530
7	228100
8	113000
9	223000
10	163725

*** RRO APPROVAL NOT REQUIRED FOR LOT 4 OF RRO**

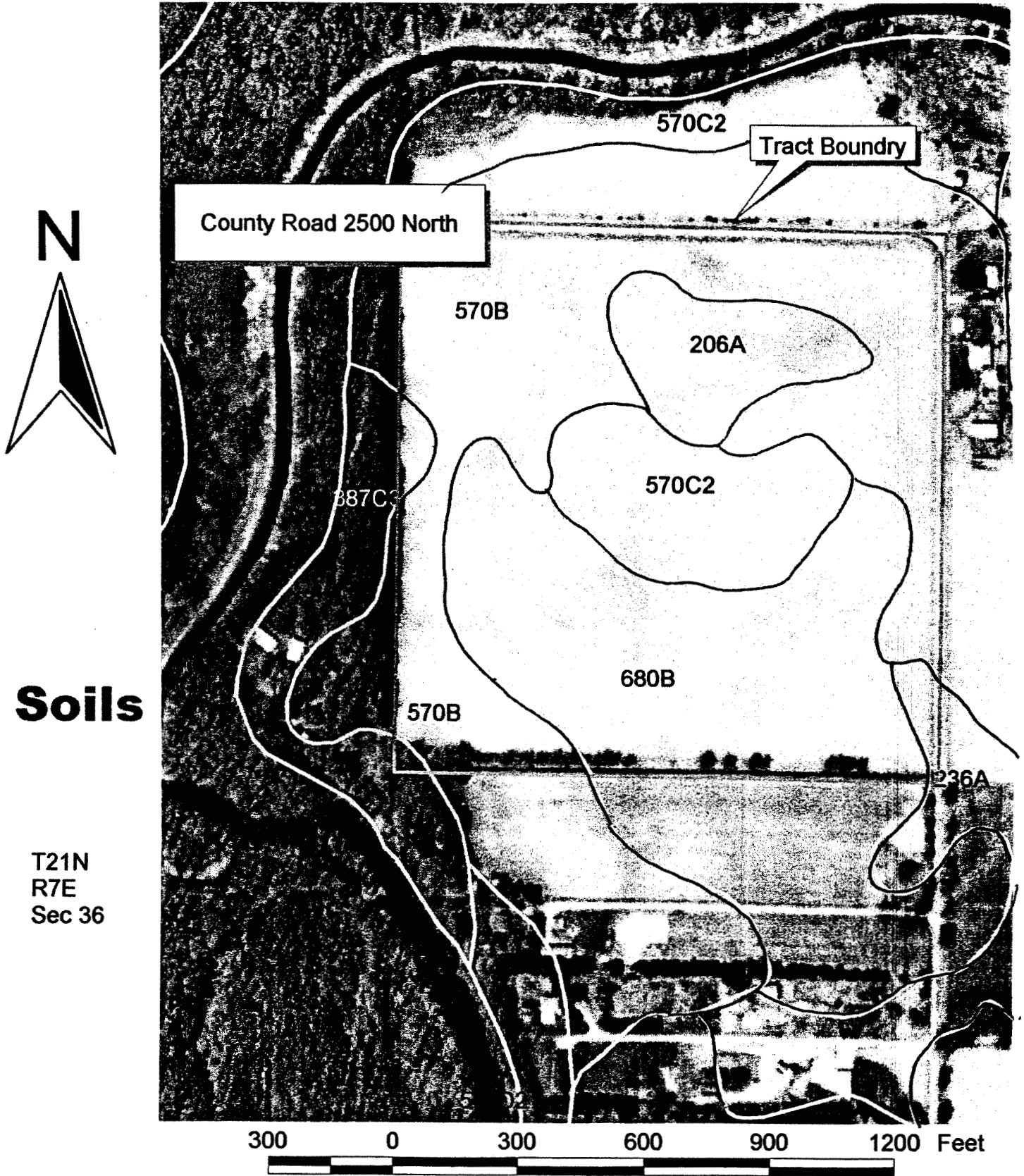
AREA GENERAL PLAN APPROVAL
 THE AREA GENERAL PLAN ENTITLED SUMMERFIELD SUBDIVISION HAS RECEIVED APPROVAL IN THE PLAN AND MAP AND COMMISSION NO. APPROVAL, CHAMPAIGN COUNTY OF ILLINOIS

RECEIVED
 JUN 15 2005

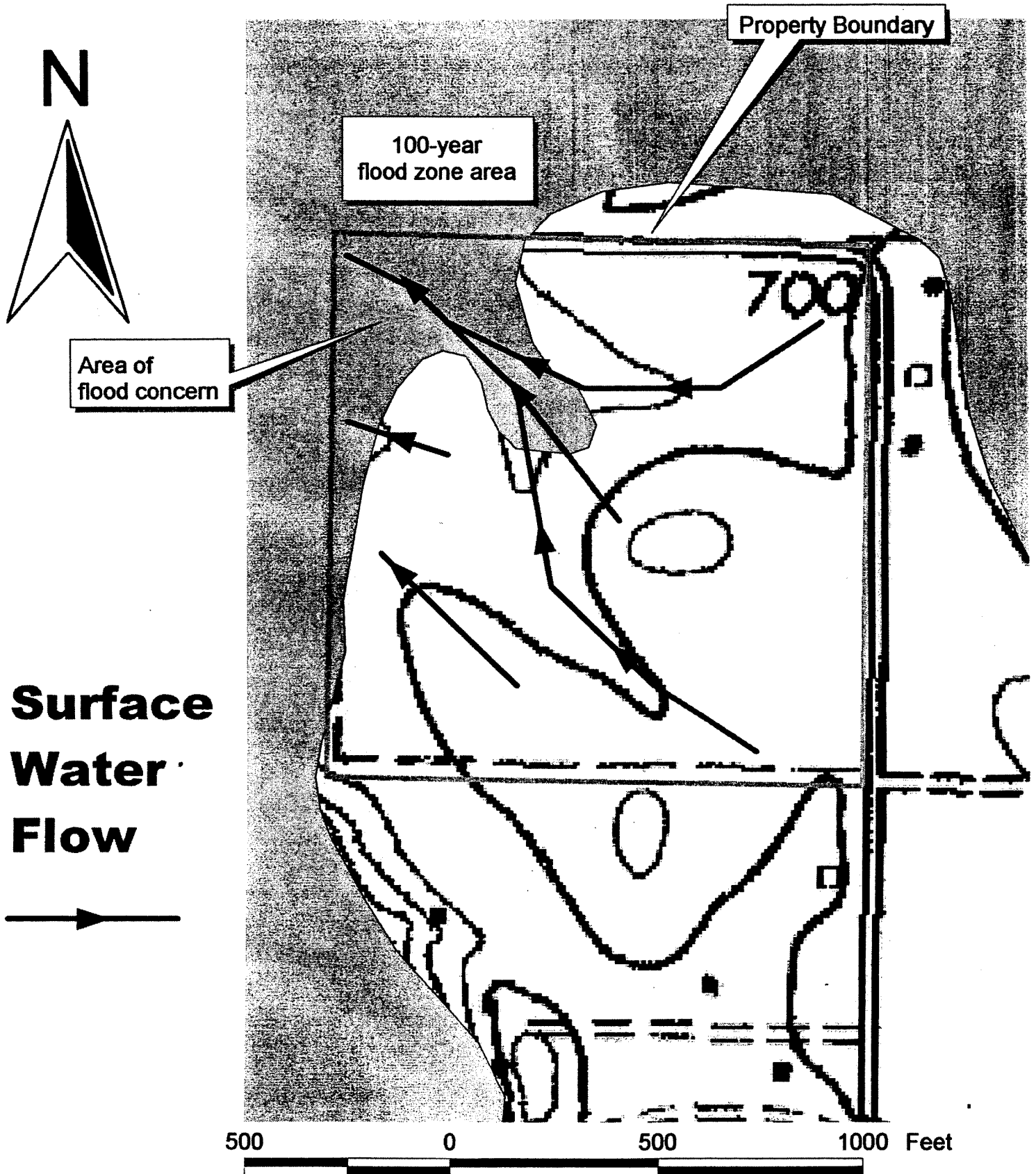
CHAMPAIGN CO. P & Z DEPARTMENT



Creek Development



Creek Development



459-AM-04

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: **RECOMMENDED APPROVAL WITH CONDITIONS**

Date: **September 29, 2005**

Petitioners: Tim and Cindy Woodard; and Chris Creek

Request: Amend the Zoning Map to allow for the development of 6 (as amended on June 15, 2005) single family residential lots in the CR Conservation Recreation Zoning District, by adding the Rural Residential Overlay (RRO) Zoning District to a 27.730 acre tract of land located in the Northeast ¼ of the Northwest ¼ of Section 36 of Newcomb Township and fronts on the south side of CR2500N and on the west side of CR550E at the intersection of CR2500N and CR550E.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on October 14, 2004; January 13, 2005; February 12, 2005; April 14, 2005; June 30, 2005; and September 29, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Tim and Cindy Woodard are the owners of the subject property and Chris Creek is the developer.
2. The subject property is an approximately 27.730 acre tract of land located in the Northeast ¼ of the Northwest ¼ of Section 36 of Newcomb Township and fronts on the south side of CR2500N and on the west side of CR550E at the intersection of CR2500N and CR550E.
3. On the Petition, when asked what error in the present Ordinance is to be corrected by the proposed change, the Petitioners indicated the following:

“Applying for RRO.”

4. Land use and zoning on the subject property and in the vicinity are as follows:

A. The subject property is zoned CR Conservation Recreation and is currently in agricultural use.

- B. Land adjacent to and located north, east, and south of the subject property is zoned CR Conservation Recreation and is currently in agricultural use.
 - C. Land adjacent to and located west of the subject property is zoned CR Conservation Recreation and is currently a wooded residential property.
5. The subject property is located within the mile-and-a-half extraterritorial planning jurisdiction of the Village of Mahomet and the Village has received notice of this request.
- A. Municipalities have protest rights on all Map Amendments. In the event of a municipal protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority.
 - B. The subject property appears to be indicated as both “AG Agriculture” and “AC Conservation” on the Village of Mahomet Comprehensive Land Use Plan dated January, 2003.
 - C. Within the mile-and-a-half extraterritorial planning jurisdiction the Village is the relevant subdivision jurisdiction and any division of the subject property (including any plat of subdivision pursuant to the requested RRO amendment) will be subject to review and approval by the Village under the Village subdivision ordinance.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

6. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning.
7. The RRO District is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
8. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
- A. That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
 - B. That the proposed residential development will or will not be compatible with surrounding agriculture.
9. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
- A. Adequacy and safety of roads providing access to the site
 - B. Effects on drainage both upstream and downstream

- C. The suitability of the site for onsite wastewater systems
- D. The availability of water supply to the site
- E. The availability of emergency services to the site
- F. The flood hazard status of the site
- G. Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat
- H. The presence of nearby natural or man-made hazards
- I. Effects on nearby farmland and farm operations
- J. Effects of nearby farm operations on the proposed residential development
- K. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated
- L. The LESA (Land Evaluation and Site Assessment) score of the subject site

GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES

- 10. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies- Rural Districts were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- 11. Land Use Regulatory Policies that are relevant to any proposed RRO District are the following:
 - A. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
 - (1) the conversion of prime farmland is minimized;
 - (2) the disturbance of natural areas is minimized;
 - (3) the sites are suitable for the proposed use;
 - (4) infrastructure and public services are adequate for the proposed use;
 - (5) the potential for conflicts with agriculture is minimized.
 - B. Land Use Regulatory Policy 1.2 states that on the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.
 - C. Land Use Regulatory Policy 1.3.3 provides that development beyond the basic development right will be permitted if the use, design, site and location are consistent with County policy regarding:
 - (1) the efficient use of prime farmland;
 - (2) minimizing the disturbance of natural areas;
 - (3) suitability of the site for the proposed use;
 - (4) adequacy of infrastructure and public services for the proposed use; and
 - (5) minimizing conflict with agriculture.

- D. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.
- E. Land Use Regulatory Policy 1.5.1 states that on less productive farmland, development will not be permitted if the site is unsuited, overall, for the proposed land use. The supporting narrative for this policy explains that a site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.
- F. Land Use Regulatory Policy 1.5.3 states that development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.
- G. Land Use Regulatory Policy 1.5.4 states that development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

GENERALLY REGARDING THE MAXIMUM ALTERNATIVE DEVELOPMENT WITHOUT AN RRO

- 12. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
 - A. As amended on February 19, 2004, by Ordinance No. 710 that was based on Case 431-AT-03 Part A, the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
 - B. The subject property could be divided into four parcels without authorization for the RRO Zoning District.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 13. The plan that was received on May 27, 2004, in fulfillment of the Schematic Plan requirement has been amended during the public hearing by a plan received on October 8, 2004, and later plans received on November 24, 2004, and January 10, 2005, and June 15, 2005. The Area General Plan of Summerfield Subdivision received on November 24, 2004, and January 10, 2005, and as revised on June 15, 2005, indicates 10 lots in total consisting of the following:
 - A. The proposed Summerfield Subdivision that is indicated on the Preliminary Plat of Summerfield Subdivision received June 15, 2005, and consists of Lots 1 through 4 that are as follows:

- (1) Lot 1 is the same location, dimensions, and area as Lot 1 on the Area General Plan of Summerfield Subdivision received June 15, 2005. The Preliminary Plat does not make clear how street access by Lot 1 will be controlled so as to ensure that Lot 1 will have access to CR550E only by means of the new cul-de-sac street if the RRO is approved.
- (2) Lot 2 is the same as Lot 2 on the Area General Plan of Summerfield Subdivision received June 15, 2005, except that in the Preliminary Plat, Lot 2 includes an “access strip” to the public road (CR550E).

Lot 2 and Lot 3 are both proposed to be flag lots in the first subdivision. The Zoning Ordinance allows flag lots to have abutting access strips only in approved subdivisions. If the RRO District is approved the access strip for both lots will become part of the land making up the new cul-de-sac street but there is no information at this time regarding how that change will occur.

Lots 2, 3, and 4 contain areas suspected to have significant archaeological resources based on the results of a Phase I archaeological survey required by the Illinois Historic Preservation Agency. The lots have been arranged and sized so as to provide at least one acre of buildable area outside of the areas of significant archaeological resources. There is no information at this time regarding provisions of the Preliminary Plat (such as building restrictions) that are intended to protect the areas of significant archaeological resources.

- (3) Lot 3 is the same as Lot 3 on the Area General Plan of Summerfield Subdivision received June 15, 2005, except that in the Preliminary Plat, Lot 3 (like Lot 2) includes an “access strip” to the public road (CR550E). See the discussion regarding Lot 2 for concerns related to the access strip and archaeological resources that are present.
 - (4) Lot 4 is a 27.730 acre lot on which the RRO District is proposed so as to allow Lot 4 to be further divided into seven lots as indicated in the Area General Plan of Summerfield Subdivision received June 15, 2005. If the RRO is not approved this must remain a single zoning lot. See the discussion regarding Lot 2 for concerns related to archaeological resources that are present.
- B. The RRO District is proposed to occupy 27.730 acres of the property that corresponds to proposed Lot 4 of the Summerfield Subdivision indicated on the Preliminary Plat of Summerfield Subdivision received June 15, 2005. The RRO District is indicated in the Area General Plan of Summerfield Subdivision received June 15, 2005, and can be summarized as follows:
- (1) There are 7 proposed residential lots that range in area from a little more than one acre to a little more than five acres.

- (2) Three of the proposed RRO lots and three of the non-RRO lots have frontage on a new street that accesses CR550E. Two lots have frontage onto CR550E and two lots have direct frontage onto CR2550N.
- (3) Lots 7, 8, 9, and 10 are partially in the 100-year floodplain which is indicated to be more extensive than the mapped Special Flood Hazard Area based on actual ground elevations. Each of these lots are oversized and has at least one acre of area that is above the 100-year flood elevation and not subject to flooding. Access to lots 9 and 10 is at a point indicated to be above the Base Flood Elevation (the 100-year floodplain).
- (4) Lots 3, 4, 5, 6, 7, and 10 are all oversized and contain areas suspected to have significant archaeological resources based on the results of a Phase I archaeological survey required by the Illinois Historic Preservation Agency. The lots have been arranged and sized so as to provide at least one acre of buildable area outside of the areas of significant archaeological resources.

14. Regarding compliance of the proposed lots with County land use regulations:

- A. Based on the Revised Preliminary Plan was received on November 24, 2004, all of the lots in the requested RRO District meet or exceed all of the minimum lot standards in the Zoning Ordinance.
- B. The Champaign County Subdivision Regulations are not applicable to this RRO. All lots also meet the maximum "lot depth to width ratio" in the Subdivision Regulations.

GENERALLY REGARDING THE SOILS ON THE PROPERTY

15. A Section 22 Natural Resource Report was prepared for the proposed RRO by the Champaign County Soil and Water Conservation District and can be summarized as follows:

- A. Regarding the types of soils on the subject property, their relative extent, and the relative values:
 - (1) Only about one-half acre (1.25%) of the subject property is Best Prime Farmland and consists of Sabina silt loam, 0 to 3% slopes (map unit 236A).
 - (2) Most of the subject property consists of soils that are Agriculture Value Group 5 and are the following:
 - (a) Martinsville silt loam, 2% to 5% slopes (map unit 570B), makes up about 42.75% (about 17.1 acres) of the subject property; and
 - (b) Campton silt loam, 2% to 5% slopes (new map unit 680B and formerly St. Charles silt loam with 1% to 5% slopes, map unit 243 B), makes up about 33.5% (about 13.4 acres) of the subject property.

- (3) The only soil in Agriculture Value Group 6 on the subject property is Thorp silt loam (map unit 206A) makes up about 8.75% (about 3.5 acres).
 - (4) Soils on the subject property that are in Agriculture Value Group 7 are the following:
 - (a) Martinsville silt loam, 5% to 10% slopes (map unit 570C2), makes up about 12.5% (about 5.0 acres) of the subject property; and
 - (b) Ockley clay loam, 5% to 12% slopes (map unit 387C3) makes up only about 1.25% (about one-half acre) of the subject property.
- B. The subject property is not Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:
- (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies-Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the *Champaign County, Illinois Land Evaluation and Site Assessment System*.
 - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates that the overall Land Evaluation factor for the soils on the subject property is only 76.
- C. Site specific concerns stated in the Section 22 Natural Resource Report are the following:
- (1) A portion of the tract is in the 100-year floodplain.
 - (2) Several natural drainageways are present that should not have homes built in them.
 - (3) The area that is to be developed has 6 soil types, some severe wetness and ponding characteristics. This will be especially important for the septic systems that are planned.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

16. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
 - A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.
 - B. The Staff report *Locational Considerations for Rural Residential Development In Champaign County, Illinois*, that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.

- C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT and the Revised Preliminary Plan received on November 24, 2004, the 10 residences in the requested RRO District are estimated to account for an increase of approximately 100 ADT in total. Only two of the lots have access directly onto CR2500N but it is unclear if all of that traffic will be in the same direction or if the traffic will be split between the south and the west. The plan received on January 10, 2005, did not change the estimated traffic load.
- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
- (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- F. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). Pavement width, design capacity, and the most recent (2001) AADT data in the vicinity of the subject property is as follows:
- (1) The Area General Plan of Summerfield Subdivision received on June 15, 2005, indicates two lots fronting on CR2500N on the north side of the subject property and eight lots in total that access CR550E on the east side of the property. The Preliminary Plat of Summerfield Subdivision received June 15, 2005 indicates only three by-right lots fronting on CR550E and a fourth by-right lot that fronts both CR550E and CR2500N. For CR2500N the pavement widths and 2001 traffic volumes and expected increase are as follows:

- (a) Immediately adjacent to the subject property the pavement width is approximately 19 feet with a maximum recommended traffic volume of between 250 ADT and 400 ADT (based only on pavement width) but there is no known AADT. If both lots on CR2500 are assumed to result from the RRO, the traffic assumed to be generated by the two lots that front onto CR2500N (20 ADT) is less than 10% of the maximum recommended traffic volume based on pavement width.
 - (b) Approximately one mile west of the subject property the pavement width is approximately 20 feet wide with a maximum recommended traffic volume that is assumed to be between 250 ADT and 400 ADT (based only on pavement width) and the AADT for 2001 was 650. If both lots on CR2500 are assumed to result from the RRO, the traffic assumed to be generated by the two lots that front onto CR2500N (20 ADT) is less than 10% of the maximum recommended traffic volume and is about a 3% increase over the AADT for 2001.
 - (c) Approximately two miles west of the subject property the pavement width is approximately 21 feet wide with a maximum recommended traffic volume more than 400 ADT (based only on pavement width) and the AADT for 2001 was 650. If both lots on CR2500 are assumed to result from the RRO, the traffic assumed to be generated by the two lots that front onto CR2500N (20 ADT) is less than 5% of the maximum recommended traffic volume and about 3% of the AADT for 2001.
- (2) CR550E on the west side of the subject property has a pavement width of approximately 18½ feet but no known AADT and a recommended maximum ADT of about 250 vehicle trips.

If the RRO is assumed to account for four lots that access CR550E, the traffic assumed to be generated by the four additional lots (40 ADT) is about 16% of the maximum recommended traffic volume and including the four by-right lots the total of eight lots that front onto CR550E (80 ADT) is about 32% of the maximum recommended traffic volume.

- (3) About ¾ mile south of the subject property CR550E intersects CR2425N and the pavement width is 20 feet with a maximum recommended traffic volume between 250 ADT and 400 ADT but there is no known AADT. The traffic assumed to be generated by the four additional lots (40 ADT) is between 16% and 10% of the maximum recommended traffic volume and including the four by-right lots the total of eight lots that front onto CR550E (80 ADT) is less than 32% of the maximum recommended traffic volume.

- (4) CR2425N intersections CR600E about 1 1/4 mile southeast of the subject property and at about 2 3/4 miles south the subject property on CR600E the pavement width is 24 feet with a maximum recommended traffic volume greater than 400 ADT and the AADT for 2001 was 1,050. The traffic assumed to be generated by the four additional lots (40 ADT) is less than 10% of the maximum recommended traffic volume and including the four by-right lots the total of eight lots that front onto CR550E (80 ADT) is less than 20% of the maximum recommended traffic volume and about 7.6% of the AADT for 2001. The traffic assumed to be generated by the entire proposed RRO is about 9.6% of the 2001 AADT.
 - (5) For all of the locations near the subject property where the pavement width is known and assuming that direction of travel for traffic from the proposed RRO is determined by the street frontage of the proposed lots, the traffic assumed to be generated by the proposed RRO does not exceed the maximum recommended traffic volume (based only on pavement width).
 - (6) For all of the locations near the subject property where the pavement width is known and where IDOT has AADT data:
 - (a) At all such locations west of the proposed RRO on CR2500N the existing traffic exceeds the maximum recommended traffic volume (based only on pavement width) without the proposed RRO. In general, the traffic assumed to be generated by the two lots proposed to front onto CR2500N is never more than 10% of the maximum recommended traffic and only about 3% of the 2001 AADT measured by IDOT.
 - (b) At all such locations south of the proposed RRO it is unknown whether the existing traffic exceeds the maximum recommended traffic volume (based only on pavement width) without the proposed RRO. In general, the traffic assumed to be generated by the four additional lots (40 ADT) is never more than 16% of the maximum recommended traffic and generally less than 10% of the maximum recommended traffic and is less than 10% of the 2001 AADT measured by IDOT. The total of eight lots proposed to front onto CR550E is never more than 32% of the maximum recommended traffic and generally less than 20% of the maximum recommended traffic and is less than 10% of the 2001 AADT measured by IDOT.
- G. The relevant geometric standards for visibility are found in the *Manual Of Administrative Policies Of The Bureau Of Local Roads And Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to “minimum stopping sight distance”. Design speed determines what the recommended distance is. In regards to the proposed RRO there are no concerns related to stopping sight distance.
- H. Testimony regarding traffic received at the October 14, 2004, meeting was as follows:

- (1) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he was concerned with the increased traffic that would result from the proposed development and that the intersection of CR550E and CR2500N is a dangerous intersection and that there is a hill on CR550E that should be investigated. Mr. Lawlor also gave testimony regarding other concerns.
 - (2) Lisa Haynes who resides at 480 CR2550N, Mahomet stated that she lives up the street from the proposed RRO and roads are a huge issue in the area with continuing development and that CR550E and CR2500N are heavily traveled roads and the addition of homes will only make it worse. She also suggested that the developer pay for required road improvements and she suggested that turn lanes should be required on Illinois Route 47 for the subdivision and she requested that traffic studies be completed on these roads. Ms. Haynes also gave testimony regarding other concerns.
 - (3) Eric Thorsland who resides at 480 CR2550N, Mahomet stated that he is concerned with not only the existing traffic but the anticipated traffic generated by the proposed RRO and that it would be a burden on the township. Mr. Thorsland explained that he was aware of many instances when his neighbor Mr. Warner nearly had accidents moving farm equipment from one field to the next and that the ADT was already over the recommended amount and the proposed RRO would only increase the dangers. Mr. Thorsland also gave testimony regarding other concerns.
- I. A letter dated January 13, 2005, was received from Dr. John Schmale and Mrs. Joyce Schmale who reside at 505C CR2500N, Mahomet. The Schmales expressed a concern with the existing level of traffic on CR2500N and the effects of further housing development.
- J. Testimony regarding traffic received at the February 3, 2005, meeting was as follows:
- (1) Eric Thorsland who resides at 480 CR2550N, Mahomet testified that in his opinion the traffic on CR2500N has increased and the road is currently capable of handling the existing traffic but the traffic which will be generated from the proposed subdivision will require road improvements and the incurred costs will be passed along to the taxpayers and the increased traffic will impact farming operations which currently make up about 1/4 of the area.
 - (2) Lisa Haynes who resides at 480 CR2550N, Mahomet testified that in her opinion the 10 homes in the proposed RRO District would make a large impact on the traffic.
 - (3) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he owns land on two sides of the proposed development and is concerned about traffic among other concerns.

- K. In a letter dated February 22, 2004, Chief John Jay of the Cornbelt Fire Protection District commented on various concerns including traffic, summarized as follows:
- (1) Both CR550E and CR2500N receive heavy farm traffic at certain times of the year.
 - (2) CR550E is a narrow road and mailboxes and driveways are problems and Chief Jay encourages mailboxes and access to be set back off the roadway.
 - (3) The entrances to proposed lots 9 and 10 should be out of the 100-year floodplain.
 - (4) There should be an adequate visibility triangle at the northeast corner of Lot 8.
 - (5) All driveways should have an entrance width of 30 feet with a radius.
- L. Based on the Revised Area General Plan received on December 10, 2004, the subject property is comparable to "more or less typical" conditions in terms of common conditions for road safety for rural residential development in Champaign County because of the following:
- (1) assuming that direction of travel for traffic from the proposed RRO is determined by the street frontage of the proposed lots, the traffic assumed to be generated by the proposed RRO will not exceed the maximum recommended traffic volume (based only on pavement width) even though it is difficult to evaluate how the existing traffic level compares to the existing street capacity.

GENERALLY REGARDING DRAINAGE

17. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
- A. The engineer's explanation of general drainage conditions is the letter of May 27, 2004, from David Atchley, P.E. which can be summarized as follows:
- (1) The area is gently rolling and varies in elevation from 703 feet on the east to 690 feet at the northwest corner.
 - (2) Approximately 6 acres in the northwest corner and western edge of the site is located within the mapped 100-year floodplain.
 - (3) Most of the site drains westerly and northwesterly to the Big Ditch. The site also drains easterly into a roadside ditch which then drains into the Big Ditch.
 - (4) Storm water detention is not required due to the low percent of impervious area.
 - (5) The permanent grass and vegetation will reduce the long term erosion.
- B. Topographic contours at five feet intervals are indicated on the excerpt from the USGS 7.5 Topographic Map for the Rising Quadrangle. Review of those contours indicates the following:

- (1) The topographic map does not indicate any areas of significant storm water ponding on the subject property. The Thorp silt loam soil indicated by the Soil Survey occurs in shallow depressions and has a characteristic of ponding. This soil type occurs near the northern edger of the property.
 - (2) Surface drainage for most of the subject property is via a natural drainageway that drains towards the northwest corner of the subject property. A few acres drain directly onto adjacent land to the west at the southwest corner of the subject property and another few acres drain directly onto the same adjacent land to the west via a second minor drainageway south of the northwest corner of the subject property. The drainageways are indicated on the Surface Water Flow illustration in the Natural Resource Report prepared by the Champaign County Soil and Water Conservation District.
- C. Testimony received at the October 14, 2004, meeting regarding drainage was as follows:
- (1) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he owns land on the west and south sides of the proposed development and he was very concerned with the drainage from the proposed RRO particularly at the southwest corner of the Woodard property that was near a cottage on Mr. Lawlor's land. Mr. Lawlor also gave testimony regarding other concerns.
 - (2) Eric Thorsland who resides at 480 CR2550N, Mahomet stated that he was aware of the same drainage concerns as Mr. Harold Lawlor. Mr. Thorsland travels CR550E when returning from work and frequently finds the road flooded for as much as a week in the spring. Mr. Thorsland also gave testimony regarding other concerns.
 - (3) David Kunde who resides at 550F CR2500N, Mahomet in the Wildwood Subdivision stated that he has serious concerns with respects to drainage of the proposed RRO. Mr. Kunde explained that in 1993 CR2500N was and a good part of the surrounding land was flooded including the subject property and the 100-year floodplain was exceeded by five feet. Mr. Kunde also explained that even with recent improvements CR2500N still experiences flooding during heavy rains and that if more development is allowed in the area then the rest of the properties in the area will experience more drainage impacts.
 - (4) Joyce Schmale who resides at 505C CR2500N, Mahomet stated that she is concerned with drainage and the addition of homes will add to the amount of natural runoff. Ms. Schmale also gave testimony regarding other concerns.
- D. The Area General Plan received on November 24, 2004 indicated actual ground contours for most of the subject property and indicated the following:

ON-REMAND AS APPROVED (RECOMMENDED APPROVAL)

- (1) Ground slope varies between 1% and 10% but there may be small areas with less ground slope. The Champaign County Zoning Ordinance does not contain minimum acceptable ground slope but 1% is normally considered a minimum desirable ground slope for residential development.
 - (2) A depressional area appears to be located on lots 7, 8, 9, and 10 and storm water ponding may occur in this area. This appears to be the approximate area where Thorp silt loam soil is indicated by the Soil Survey. Each of these lots has an acre of buildable area outside of this apparent area of ponding.
 - (3) Based on the ground elevations, portions of lots 7, 8, 9, and 10 are within the 100-year floodplain. Each of these lots appears to have an acre of buildable area outside of the floodplain.
 - (4) The plan received on January 10, 2005, did not change the proposed drainage or provide new drainage information.
- E A letter dated January 13, 2005, was received from Dr. John Schmale and Mrs. Joyce Schmale who reside at 505C CR2500N, Mahomet. The Schmales expressed a concern with an increase in the frequency of flooding in the area caused in their opinion by loss of farmland and an increase in surrounding development.
- F. Testimony received at the February 3, 2005, meeting regarding drainage was as follows:
- (1) Carl Breedlove who resides at 2474 CR550E, Dewey testified at the February 2, 2005, meeting that he lives across the road from and somewhat to the south of the subject property and he has lived there for 40 years and the drainage at CR550E ponds and has no outlet.
 - (2) Eric Thorsland who resides at 480 CR2550N, Mahomet testified and among other things that he observed the flooding of CR2500N on January 13, 2005, and the ten homes in the proposed RRO District would have been cut off from access which raises safety aspects because the fire protection department is located in Mahomet and traveling via CR600E instead of Route 47 more than doubles the travel time.
 - (3) Petitioner Tim Woodard, owner of the subject property, submitted several photographs near to and of the subject property that were taken on January 13, 2005, on the day of a winter storm. One photograph was taken near the southeast corner of the property looking north on CR550E and there is no storm water runoff crossing CR550E.

- (4) Lisa Haynes who resides at 480 CR2550N, Mahomet testified that she took a photograph of storm water flowing over CR550E on January 13, 2005. Ms Haynes later submitted a photograph that is looking south on CR550E some distance south of the subject property and storm water runoff appears to be ponding on CR550E at a very shallow depth and for a very short distance along CR550E.
 - (5) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he owns land on two sides of the proposed development and is concerned about flooding among other concerns.
 - (6) David and Carolyn Kunde who reside at 505F CR2500N submitted a letter dated February 2, 2005 regarding their drainage observations since moving to that property in April of 1991. In their letter the Kunde's state the following:
 - (a) On April 12 of 1994 the Kunde's experienced 51 inches of floodwater in their basement. When that happened 6 ½ inches of rain in 24 hours had occurred on two successive days over saturated ground. Since that time they had not experienced basement flooding until January 13, 2005, and on that date they experienced less than ½ inch of water over 2/3 of their basement floor and that occurred with 2 ½ inches of rain over saturated ground.
 - (b) In their opinion, in the last two years it has taken much less rain over saturated ground to produce partial property flooding.
 - (c) The Kundes are experiencing near constant low ground flooding, loss of established trees, and a horrific mosquito problem in the warm months.
 - (d) The Kundes are very much concerned that continued development of agricultural ground will exasperate the problem and the development of the property in question will accentuate the problem unless holding ponds are required.
 - (7) David Atchley, engineer for HDC Engineering and the engineer for the proposed RRO, testified that during his research of the floodplain information for the proposed RRO he found that the design of the bridge over the Big Ditch on CR2500N did not account for the backwater flow from the Sangamon River and therefore the bridge is designed 8 to 10 feet lower than what it should have been.
- G. In a letter dated February 22, 2004, Chief John Jay of the Cornbelt Fire Protection District commented on various concerns related to fire protection. He also agreed with John and Joyce Schmale that it seems that this area floods more often now than it had in the past but Chief Jay was not sure how much of the flooding was due to subdividing.

H. Based on the Revised Area General Plan received on December 10, 2004, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:

- (1) each lot has adequate buildable area outside of the areas of ponding and takes best advantage of natural topography; and
- (2) less than half of the property has wet soils compared to the typical condition in which 90% of a site has wet soils; and
- (3) the site drains to road ditches that appear to be adequate for the drainage needs.

I. At the June 30, 2005, meeting David Kunde testified that he understood that the walk-out basement for his house was outside of the 100-year floodplain. The Kundes reside on Lot 11 of Wildwood Acres and a review of the Department of Planning and Zoning files revealed the following:

- (1) Lot 11 of Wildwood Acres Subdivision was owned by Mr. and Mrs. Edwin Hubbard in May of 1979 and it was the Hubbards who apparently constructed the house that the Kundes now occupy.
- (2) On May 22, 1979, Larry Kirby, Champaign County Zoning Administrator, sent a letter to the Hubbards advising them that permit #1752 to construct a home on the property was revoked due to their failure to provide a first floor elevation of the proposed structure including basement. In the letter Mr. Kirby stated that a first floor elevation of 696 feet above Mean Sea Level was required to be in compliance with the Champaign County Flood Hazard Development Area Regulations.
- (3) The Hubbard’s apparently applied for a variance of setback on or about May 25, 1979. Regarding special conditions peculiar to the land the Hubbard’s application stated as follows:

This subdivision was developed and approved before implementation of federal flood regulations. This lot’s elevation is now too low to permit construction above the flood plain at 696' as required without moving the building site “uphill” toward the street. Without the variance, the lot is useless.

- (4) The ZBA approved variance Case 340-V-79 for a setback of 35 feet from the centerline of Lakeview Drive (an apparent front yard of only 5 to 10 feet) for petitioners Edwin & Norma Hubbard on June 14, 1979. The site plan for Case 340-V-79 clearly indicates lot 11 of Wildwood Acres Subdivision. On page 6 of the minutes of June 14, 1979, lines 1 through 10 indicate the following:

The possibility of filling the lot was investigated, and it was learned that the amount of fill needed would be very expensive. Also, it would take 2 to 3 years for the lot to settle before building could begin. The alternative then considered was elimination of the basement and moving the house uphill towards the street to within 10' of the front property line. This would allow the first floor elevation to be at 697' or greater. The lot was surveyed by Bazzell-Phillips. The house cannot be built any further back on the lot and still meet the floodplain elevation requirement.

- (5) Zoning Use Permit #1822 was approved by Larry Kirby, Champaign County Zoning Administrator on June 18, 1979, for the construction of a single family home on Lot 11 of Wildwood Subdivision by Edwin Hubbard. The Zoning Use Permit did not include any remarks or conditions establishing any minimum required elevation, basement, etc.
- (6) There are no records of a Zoning Compliance Certificate authorizing occupancy of the dwelling on Lot 11 of Wildwood Acres Subdivision and so there is no record of the as-built elevation of the first floor or the basement of the house on this property.

J. The approved minutes of the Village of Mahomet Plan and Zoning Commission for August 1, 2005, includes the following:

Testimony was presented suggesting that previous Sangamon River flooding has been experienced on several occasions as much as 4 feet higher than the estimated 100-year flood elevation at this location. This testimony also seems exaggerated. Flooding to that extent would have certainly caused substantial damage to dozens of other nearby homes southwest of this site. No such damage has been reported.

Testimony was presented suggesting that significant ponding occurs across Township Road 550 East for several days each year, particularly in the Spring. The Township Road Commissioner indicates he is not aware of any ponding. The topographic data suggests that there may be a limited area of ponding. Photographs were presented by neighbors showing a small area of ponding at a shallow depth.

GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

- 18. Regarding the suitability of the site for onsite wastewater systems:
 - A. No actual soil investigations or soil percolation test results are required as a submittal for an RRO rezoning.
 - B. The pamphlet *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains

worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the soil types on the subject property can be summarized as follows:

- (1) Thorp silt loam (map unit 206A) has a low suitability for septic tank leach fields with a soil potential index of 49. Thorp has severe wetness problems due to both flooding and a high groundwater level similar to Drummer soil. The typical corrective measures are fill and subsurface drainage improvements (underground drain tiles) to lower the groundwater level. There are 14 soil types in Champaign County that have lower suitability potential than Drummer. Thorp soil makes up about 8.75% (about 3.5 acres) of the subject property and is likely to make up a significant portion of proposed lots 4 and 5.
- (2) Sabina silt loam, 0 to 3% slopes (map unit 206A), has a medium suitability for septic tank leach fields with a soil potential index of 79. Only about one-half acre (1.25%) of the subject property is Sabina and it is unlikely to be used for a septic tank leach field.
- (3) Campton silt loam, 2% to 5% slopes (new map unit 680B and formerly St. Charles silt loam with 1% to 5% slopes, map unit 243 B) has a high suitability for septic tank leach fields with a soil potential index of 93. However, the soil potential index requires the installation of a curtain drain as a corrective measure to lower the groundwater level. This map unit makes up about 33.5% of the subject property.
- (4) About 13.75% of the subject property consists of soils that have a high suitability for septic tank leach fields and those soil types are the following:
 - (a) Martinsville silt loam, 5% to 10% slopes (map unit 570C2), has a soil potential index of 95. No corrective measures are required.
 - (b) Ockley clay loam, 5% to 12% slopes (map unit 387C3), has a soil potential index of 98. No corrective measures are required.
- (5) Martinsville silt loam, 2% to 5% slopes (map unit 570B), has a very high suitability for septic tank leach fields with a soil potential index of 100. This map unit makes up about 42.75% (about 17.1 acres) of the subject property. There are no corrective measures required.

C. Soil investigation results for the proposed lots have been received as follows:

- (1) There are no limiting layer for septic systems on 8 of the 10 proposed lots.
- (2) Lots 7 and 8 have a seasonal high water table at depths of 44 inches and 53 inches respectively but this should pose no significant problem for subsurface discharge of septic tank effluent.

- D. Based on the Revised Area General Plan received on December 10, 2004, the suitability of the soils on the subject property for septic systems is comparable to the “much better than typical” conditions for Champaign County in terms of common conditions for the septic suitability of soils for the proposed RRO District because of the following:
- (1) based on actual soil investigations all of the lots appear to meet the minimum conditions for subsurface disposal.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

19. Regarding the availability of water supply to the site:
- A. The Staff report *Locational Considerations And Issues For Rural Residential Development In Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County. A copy of the map from the Staff report was included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
 - B. Copies of water well logs from vicinity of the subject property have been submitted from the Illinois State Water Survey have been submitted.
 - C. Based on the Revised Area General Plan received on December 10, 2004, groundwater availability of the subject property for the proposed RRO District is comparable to the “typical” condition for Champaign County in terms of common conditions for groundwater availability and the impact on neighboring wells because of the following:
 - (1) the property is not in the area with limited groundwater availability; and
 - (2) there is reasonable confidence of water availability; and
 - (3) there is no reason to suspect an impact on neighboring wells.

GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE

20. Regarding the availability of emergency services to the site:
- A. The subject property is located about 5½ road miles from the Cornbelt Fire Protection District station on Main Street in the Village of Mahomet. The Fire District chief has been notified of this request.
 - B. The nearest ambulance service is in Champaign.

- C. In a letter dated February 22, 2004, Chief John Jay of the Cornbelt Fire Protection District commented on various concerns including emergency services, summarized as follows:
 - (1) The Newcomb Township Highway Commissioner keeps Cornbelt FPD advised when the Big Ditch is closed due to floods.
 - (2) When the Big Ditch floods the Cornbelt FPD uses Pairieview Road to get to the vicinity of CR550E and that route takes longer than the usual route.
 - (3) The Cornbelt Fire Protection District can use water out of the Big Ditch for firefighting if need be.
 - (4) Cornbelt FPD is an Advanced Life Support (ALS) Rescue Service with a paramedic on staff 24/7. ALS begins as soon as Cornbelt FPD arrives on the scene but Cornbelt FPD does not provide transport.

- D. Based on the Revised Preliminary Plan received on December 15, 2004, the emergency services conditions on the subject property are comparable to the “typical” conditions for Champaign County because of the following:
 - (1) the proposed RRO District is about five road miles from the Cornbelt Fire Station via Illinois Route 47 compared to a typical condition of being about five road miles from a fire station within the district.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

- 21. Regarding the flood hazard status of the site:
 - A. Pursuant to Federal Emergency Management Agency Panel Number 170894- 0100C, part of the subject property is located within the Special Flood Hazard Area.
 - B. The revised Area General Plan received on November 24, 2004, indicates that based on actual ground elevations a much larger portion of the property is located within the 100-year floodplain. The revised plan indicates that each proposed lot has at least one acre of buildable area located outside of the 100-year floodplain. The plan received on January 10, 2005, did not change the floodplain information.
 - C. Based on the Revised Area General Plan received on December 10, 2004, the proposed RRO District is comparable to “typical” conditions in terms of common conditions for flood hazard for rural residential development in Champaign County because of the following.
 - (1) Four of the proposed lots (lots 7, 8, 9, &10) are partially in the 100-year floodplain based on ground elevation. but each lot has at least one acre of buildable area above the 100-year flood elevation.

- 22. Regarding the presence of nearby natural or man-made hazards:

- A. The subject property is not close to any man-made hazard.
- B. Based on the Revised Area General Plan received on December 10, 2004, the proposed RRO District is comparable to “much better than typical” conditions in terms of common conditions for natural and man-made hazards for rural residential development in Champaign County because of the following:
 - (1) the property is not close to any man-made hazard and it is not unusual for a site to be close to some kind of hazard such as a pipeline, high tension electrical transmission lines, or railroad tracks; and
 - (2) the property has access to a public street that gets better than typical maintenance and there is less chance for snow drifts or flooding to block access from a fire protection station.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF NEARBY FARM OPERATIONS ON THE DEVELOPMENT

- 23. Regarding the likely effects of nearby farm operations on the proposed development:
 - A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
 - (1) Row crop production agriculture occupies less than 1/4 of the land area within the immediate vicinity of the proposed RRO District but does occur on three sides of the proposed RRO.
 - (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
 - B. Mr. Carl Breedlove who resides at 2474 CR550E, Dewey testified at the February 3, 2005, meeting that he lives across the road from and somewhat to the south of the subject property and he at times has anywhere between 30 and 50 head of cattle. Mr. Breedlove testified that he is not opposed to the proposed development of housing but if it is going to effect his livelihood then his opinion may change.
 - C. Overall, the effects of nearby farm operations on the subject property is comparable to “much better than typical” conditions for Champaign County because of the following:
 - (1) the proposed RRO District is bordered on no more than two sides by row crop agriculture under different ownership and the fields are much smaller than typical for Champaign County.

GENERALLY REGARDING THE LESA (LAND EVALUATION AND SITE ASSESSMENT) SCORE

24. Regarding the LESA (Land Evaluation and Site Assessment) score of the proposed RRO District:
- A. The Champaign County, Illinois Land Evaluation and Site Assessment (LESA) System is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
 - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
 - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
 - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
 - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.
 - (5) For comparison purposes, development on prime farmland soils but in close proximity to built up areas and urban services typically has scores between 180 and 200.
 - B. The LESA worksheets are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
 - (1) The Land Evaluation component rating for the proposed RRO District is 76.
 - (2) The Site Assessment component rating for the proposed RRO District is 132 to 136 depending upon the impact on cultural (archaeological) resources.
 - (3) The total LESA score is 208 to 212 and indicates a “High” rating for protection but is close to the LESA score for typical development on prime farmland soils but in close proximity to built up areas and urban services which generally has scores between 180 and 200.
 - C. Based on the Revised Area General Plan received on December 10, 2004, the LE score for the subject property is 76 which is comparable to “much better than typical conditions” for Champaign County which indicates that the quality of farmland on the subject property is much better than the overall average for the county which is 92.

GENERALLY REGARDING THE EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS

25. Regarding the effects on wetlands, endangered species, and natural areas:
- A. An application to the Illinois Department of Natural Resources for endangered species consultation was made on May 27, 2004, but no results have been received.
26. Regarding the effects on archaeological resources:
- A. The subject property is within the area with a high probability of archaeological resources.

- B. The engineer has reported that a Phase I archaeological survey has been completed and that resources were found and that a Phase II survey will be required but no documentation has been received to date.
27. The subject property is currently farmed and so contains no significant wildlife habitat.
28. Testimony received at the October 14, 2004, meeting regarding wildlife and natural areas was as follows:
- A. Harold Lawlor who resides at 2471 CR550E, Mahomet stated that his property west of the proposed development is heavily wooded and might be an attractive nuisance to the public and wondered if a fence could be considered to prevent trespass onto his property. Mr. Lawlor also gave testimony regarding other concerns.
- B. Lisa Haynes who resides at 480 CR2550N, Mahomet testified that she is concerned with the impact on wildlife from changing the use of the land from agricultural to residential and requested that an intensive study be completed on the environmental impact. Ms. Haynes also gave testimony regarding other concerns.
- C. Joyce Schmale who resides at 505C CR2500N, Mahomet stated that she is concerned with the impact of continued development on wildlife and she requested that the Board consider the environmental impacts to the area. Ms. Schmale also gave testimony regarding other concerns.
29. The proposed RRO District at this location is comparable to “much better than typical” conditions in terms of common conditions for wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat for rural residential development in Champaign County because as proposed the areas of possible significant resources are not proposed to be disturbed.

GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

30. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
- (1) “Much Better Than Typical” conditions for seven factors (septic suitability; hazards; effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat; effects of farms; LESA score; drainage): and
 - (2) “More or Less Typical” conditions for four factors (availability of water; flood hazard status; emergency services; and adequacy of roads).
31. At the public hearing on April 14, 2005, a petition of opposition was submitted by Dr. John Schmale and included signatures of various neighbors.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

32. The soils on the subject property are not best prime farmland.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF THE DEVELOPMENT ON NEARBY FARM OPERATIONS

33. Regarding the likely effects of the proposed development on nearby farm operations:

A. The surrounding land use on two sides of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:

- (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles.

As reviewed under adequacy and safety of roads, some of the roads already appear to carry more traffic than is recommended. The total of 10 homes that will result from the proposed six lot RRO will generate 150% more traffic than the non-RRO alternative development of only 4 homes. The increase in traffic caused by the proposed RRO is generally less than 20% of the maximum recommended traffic and no more than 10% of the 2001 Average Annual Daily Traffic measured by IDOT in certain locations in the vicinity.

- (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.

The total of 10 homes in that will result from the proposed six lot RRO is about 150% more homes than the non-RRO alternative development of only 4 homes and will probably result in more trespass.

- (3) Blowing litter into the adjacent crops making agricultural operations more difficult. The total of 10 homes that will result from the proposed six lot RRO is about 150% more homes than the non-RRO alternative development of only 4 homes and will likely result in more litter.

- (4) Discharge of “dry weather flows” of storm water or ground water (such as from a sump pump) that may make agricultural operations more difficult.

It is unlikely that drainage from the proposed development would effect any adjacent farmland.

- (5) If trees are planted close to the perimeter of the property, they can be expected to interfere with some farming operations (such as harvesting) and may contribute to blockage of underground tiles (if any exist). Perimeter fencing, if installed, could also interfere with farming operations.

It is unlikely that either trees or fencing on the proposed development would effect any adjacent farmland.

B. The indirect effects are not as evident as the direct effects.

- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.

The total of 10 homes that will result from the proposed six lot RRO is about 150% more non-agricultural homes than the non-RRO alternative development of only 4 homes and could result in more complaints.

- (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.
- (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 animal units, which is equivalent to 125 hogs) can be located in relation to populated areas (10 or more non-farm residences) and public assembly uses (churches, for example). The separation distances between larger livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility and the number of non-farm residences in the vicinity.

The smallest setback distance is for livestock management facilities of between 50 and 1,000 animal units and is 1/4 mile from any non-farm residence and 1/2 mile from any populated area.

The only known nearby livestock operation is southwest of the proposed RRO District but the proposed RRO District will have no effect on the requirements of the Livestock Management Facilities Act for that livestock operation.

The total of 10 homes in that will result from the proposed six lot RRO is about 150% more non-agricultural homes than the non-RRO alternative development of only 4 homes and could result in more complaints about the livestock operation.

C. Testimony received at the February 3, 2005, meeting regarding compatibility with agriculture and the effects on agriculture was as follows:

- (1) Mr. Carl Breedlove who resides at 2474 CR550E, Dewey testified at the February 3, 2005, meeting that he lives across the road from and somewhat to the south of the subject property and he at times had anywhere between 30 and 50 head of cattle. Mr. Breedlove testified that he is not opposed to the proposed development of housing but if it is going to effect his livelihood then his opinion may change.
- (2) John Hall, Associate Planner, testified as follows:
 - (a) The Breedlove farm is already within ¼ mile of several non-farm residences to the west and within ½ mile of at least two subdivisions with 10 or more homes and so the proposed RRO District will have no effect on expansion of the numbers of livestock on the Breedlove farm.
 - (b) The proposed RRO District will increase the number of neighbors who may complain about odor from the Breedlove farm.
- (3) Lisa Haynes who resides at 480 CR2550N, Mahomet testified that this subdivision will be damaging to agriculture and is a conflict with agriculture because despite the protection provided to farmers the neighbors complain about odors, etc.

GENERALLY REGARDING POSSIBLE CONDITIONS OF APPROVAL

34. The following special conditions will ensure that the areas identified by the Phase I archaeological survey as areas likely to contain significant archaeological resources are protected from disturbance in the proposed RRO District:
 - A. **In those areas indicated by the Phase I archaeological survey as areas likely to contain significant archaeological resources, any plat of subdivision shall include (1) recorded easements in favor of the Illinois Historic Preservation Agency; and (2) indications on the plat indicating where those easements apply; and (3) restrictive covenants that prohibit future landowners from disturbing those areas by construction or earth moving activities without prior consultation with the Illinois Historic Preservation Agency**
to ensure that
any significant archaeological resources that may be present on the subject property are not unknowingly disturbed by private activities or construction.
 - B. **The Zoning Administrator shall not issue a Zoning Use Permit Application for areas indicated by the Phase I archaeological survey to contain significant archaeological resources unless evidence is provided by the applicant verifying that the application conforms with the advice and consultation of the Illinois Historic Preservation Agency**
to ensure that

the provisions of Condition 1 are met while providing that future lot owners are not unnecessarily prevented from enjoying the use of their property if reasonable care is taken to prevent disturbance to any significant archaeological resources that may be present.

35. The following special conditions will minimize the encroachment of driveways and mailboxes in the proposed RRO District into the right of way:

- A. **All lots fronting on CR2500N and CR550E that have centralized driveways shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate to ensure that mail boxes do not unnecessarily impede agricultural traffic.**

- B. **All driveway entrance widths shall be 30 feet wide with a radius or as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate to ensure that emergency services vehicles have adequate access to all properties.**

DOCUMENTS OF RECORD

1. Petition received May 27, 2004
2. Preliminary Memorandum dated October 8, 2004, with attachments:
 - A Zoning Case Maps (Location, Land Use, Zoning)
 - B List of Petitioner Submittals
 - C Preliminary Plan of Creek Subdivision dated 5/04/04
 - D Excerpt from the Village of Mahomet Comprehensive Land Use Plan dated January, 2003.
 - E Excerpt from USGS 7.5 Topographic Map for Rising Quadrangle (received May 27, 2004)
 - F Storm Water Drainage Letter of May 27, 2004, from David Atchley, Illinois Professional Engineer.(received May 27, 2004)
 - G Champaign County Land Use Regulatory Policies
 - H Natural Resource Report received June 14, 2004
 - I Illinois Department of Transportation Map of Street Names
 - K Illinois Department of Transportation Map of Annual Average Daily Traffic (AADT)
 - L Excerpted worksheets from *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*
 - M Land Evaluation and Site Assessment (LESA) System Worksheet
 - N Table Of Common Conditions Influencing The Suitability Of Locations For Rural Residential Development In Champaign County
 - O Comparing The Proposed Site Conditions To Common Champaign County Conditions
 - P Summary Of Site Comparison For Factors Relevant To Development Suitability
 - Q Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - R DRAFT Summary of Evidence (included separately)
3. Supplemental Memorandum dated January 7, 2005, with attachments:
 - A Minutes of ZBA meeting of October 14, 2004
 - B Area General Plan of Summerfield Subdivision received 11/24/04
 - C REVISED Comparing The Proposed Site Conditions To Common Champaign County Conditions
 - D REVISED Summary Of Site Comparison For Factors Relevant To Development Suitability
 - E Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - F REVISED DRAFT Summary of Evidence
4. Supplemental Memorandum dated January 27, 2005, with attachments:
 - A Supplemental Memorandum of January 7, 2005, with attachments (except for Summary of Evidence)
 - B Area General Plan of Summerfield Subdivision received January 10, 2005
 - C Soil investigation results dated January 12, 2005
 - D Summary Of Most Important Aspects Of Soil Suitability For Septic Disposal
 - E Letter of January 13, 2005, from Dr. John Schmale and Joyce Schmale
 - F REVISED Comparing The Proposed Site Conditions To Common Champaign County Conditions
 - G REVISED Summary Of Site Comparison For Factors Relevant To Development Suitability
 - H REVISED DRAFT Summary of Evidence

5. Supplemental Memorandum dated February 3, 2005, with attachments:
 - A Letter of February 1, 2005, from the Champaign County Fire Chiefs Association
 - B Summary of Illinois Livestock Management Facilities Act General Requirements Related to Size of Facility

6. Evidence submitted at the February 3, 2005, meeting consisting of the following:
 - A Letter dated February 2, 2005, from David and Carolyn Kunde with attachments
 - B Six photographs taken by Tim Woodard on 1/13/05
 - C January 28, 2005, edition of *Illinois Agrinews* submitted by Lisa Haynes

7. Supplemental Memorandum dated February 3, 2005, with attachments:
 - A. Draft minutes from the February 3, 2005, meeting
 - B Letter dated February 2, 2005, from David and Carolyn Kunde with attachments
 - C Article from the January 28, 2005, edition of *Illinois Agrinews* submitted by Lisa Haynes
 - D Photograph taken by Tim Woodard on 1/13/05 looking north on CR550E from the southeast corner of the subject property
 - E Photograph taken by Lisa Haynes on 1/13/05 looking south on CR550E some distance south of the southeast corner of the subject property
 - F Letter dated February 22, 2005, from Chief John Jay, Cornbelt Fire Protection District
 - G REVISED DRAFT Summary of Evidence

8. Supplemental Memorandum dated April 7, 2005, with attachments:
 - A. Draft minutes from the February 3, 2005, meeting
 - B Letter dated February 2, 2005, from David and Carolyn Kunde with attachments
 - C Article from the January 28, 2005, edition of *Illinois Agrinews* submitted by Lisa Haynes
 - D Photograph taken by Tim Woodard on 1/13/05 looking north on CR550E from the southeast corner of the subject property
 - E Photograph taken by Lisa Haynes on 1/13/05 looking south on CR550E some distance south of the southeast corner of the subject property
 - F Letter dated February 22, 2005, from Chief John Jay, Cornbelt Fire Protection District
 - G REVISED DRAFT Summary of Evidence

9. Supplemental Memorandum dated April 14, 2005, with attachments:
 - A. Revised Summary of Evidence item 16 F.
 - B A Comparison Of Evidence In Support Of Suitability With Evidence Against Suitability
 - C Revised Summary of Evidence items 33 A. and B.
 - D Revised Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - E Proposed conditions regarding mail boxes and driveway entrance width

10. Undated petition of opposition from Dr. John Schmale with various neighbor's signatures received April 14, 2005

11. Supplemental Memorandum dated June 24, 2005, with attachments:
 - A Draft ZBA minutes of April 14, 2005
 - B Memorandum to ELUC dated April 26, 2005
 - C Draft minutes for Public Participation from the May 9, 2005, ELUC meeting
 - D Draft minutes pertaining to Case 459-AM-04 from the May 9, 2005, ELUC meeting
 - E Revised Area General Plan of Summerfield Subdivision received June 15, 2005
 - F Preliminary Plat of Summerfield Subdivision received June 15, 2005
 - G Revised Item 13 of the Summary of Evidence

12. Supplemental Memorandum dated September 23, 2005, with attachments:
 - A Draft minutes for Case 459-AM-04 from the June 30, 2005, meeting
 - B Letter dated May 22, 1979, from Larry Kirby, Champaign County Zoning Administrator to Mr. and Mrs. Edwin Hubbard
 - C Application for variance for Edwin and Norma Hubbard
 - D Approved ZBA minutes for Case 340-V-79 dated June 14, 1979
 - E Land Use Case Map for Case 340-V-79
 - F Zoning Use Permit application #1822 for Norma & Edwin Hubbard
 - G Zoning Use Permit #1822 dated June 18, 1979
 - H ON-REMAND REVISED DRAFT Summary of Evidence

13. Supplemental Memorandum dated September 29, 2005, with attachments:
 - A Annotated approved minutes of the August 1, 2005, Village of Mahomet Plan and Zoning Commission
 - B Revised Area General Plan of Summerfield Subdivision received June 15, 2005
 - C Preliminary Plat of Summerfield Subdivision received June 15, 2005
 - D A Comparison Of Evidence In Support Of Suitability With Evidence Against Suitability dated April 14, 2005
 - E Summary Of Comparison For Factors Relevant To Compatibility With Agriculture dated April 14, 2005

FINDINGS OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on October 14, 2004; January 13, 2005; February 12, 2005; April 14, 2005; June 30, 2005; and September 29, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site **IS SUITED** for the development of 6 residences because
 - A. **The property is not in the area with limited groundwater availability and there is no reason to suspect an impact on surrounding wells; and**
 - B. **it is much better than typical County conditions for suitability for wastewater systems with 90% of the site having a high potential for septic tank leach fields; and**
 - C. **each lot has at least one acre of buildable area above the 100-year flood; and**
 - D. **the site is located within five miles of emergency services and there will be a dry basin nearby in the near future; and**
 - E. **the site is not close to any man-made or natural hazard; and**
 - F. **the site is bordered on only two sides by row crop agriculture which is in smaller fields than usual for our county; and**
 - G. **the soils are much more suitable for development than typical County Conditions because the soils are not Best Prime Farmland soils; and**
 - H. **the traffic generated by the proposed RRO is generally no more than 10% of existing traffic volume; and**
 - I. **less than half of the property has wet soils;**

and despite:

- J. **that emergency services response time will be slower when CR2500N is flooded making the property unsuited overall because of the risk to the health and safety of the public; and**
- K. **the LESA score of 208 to 212; and**
- L. **that some of the roads appear to carry more traffic than is recommended; and**
- M. **that traffic guidelines do not adequately address delivery service traffic; and**
- N. **a large area of apparent stormwater ponding.**

2. Development of the Proposed Site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
- A. **the site is bordered on only two sides by row crop agriculture which are small fields; and**
 - B. **the effects on drainage and the LE score are nearly the same either with or without the RRO; and**
 - C. **it is unlikely that drainage of dry weather flows from the proposed development will effect any adjacent farmland; and**
 - D. **Champaign County has passed a right to farm resolution that prevents nuisance complaints against agricultural activities; and**
 - E. **the petitioner has agreed to reduce the number of separate driveways and agreed to locate mail boxes off of the road so as not to impede agricultural traffic; and**

and despite:

- F. **that the right to farm resolution adopted by Champaign County does not prevent private lawsuits; and**
- G. **the traffic safety effects on farming will increase approximately 150% with the RRO compared to without the RRO; and**
- H. **seasonal heavy agricultural traffic.**

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Map Amendment requested in Case 459-AM-04 should **BE ENACTED** by the County Board subject to the following conditions:

- A. **In those areas indicated by the Phase I archaeological survey as areas likely to contain significant archaeological resources, any plat of subdivision shall include (1) recorded easements in favor of the Illinois Historic Preservation Agency; and (2) indications on the plat indicating where those easements apply; and (3) restrictive covenants that prohibit future landowners from disturbing those areas by construction or earth moving activities without prior consultation with the Illinois Historic Preservation Agency**
to ensure that
any significant archaeological resources that may be present on the subject property are not unknowingly disturbed by private activities or construction.

- B. **The Zoning Administrator shall not issue a Zoning Use Permit Application for areas indicated by the Phase I archaeological survey to contain significant archaeological resources unless evidence is provided by the applicant verifying that the application conforms with the advice and consultation of the Illinois Historic Preservation Agency**
to ensure that
the provisions of Condition A are met while providing that future lot owners are not unnecessarily prevented from enjoying the use of their property if reasonable care is taken to prevent disturbance to any significant archaeological resources that may be present.

- C. **All lots fronting on CR2500N and CR550E that have centralized driveways shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate**
to ensure that
mail boxes do not unnecessarily impede agricultural traffic.

- D. **All driveway entrance widths shall be 30 feet wide with a radius or as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate**
to ensure that
emergency services vehicles have adequate access to all properties.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of

**PLANNING &
ZONING**

**Brookens
Administrative Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

DATE: October 6, 2005
TO: Environment and Land Use Committee
FROM: Susan Monte, Associate Planner
RE: **ELUC Review of Proposed Public Review Draft Three**

Provided for your review under separate cover is the proposed *Public Review Draft Three* of the Champaign County Zoning Ordinance. This version will not be released until authorized by ELUC. Substantive revisions included in proposed *Public Review Draft Three* (since the previous *Public Review Draft Two* dated 3/9/2004) are summarized in Attachment A.

Public Review Draft Three contains zoning provisions intended to implement the *Champaign County Land Use Regulatory Policies - Rural Districts* as amended 9/22/05 (see Attachment B). Included in *Public Review Draft Three* are specific provisions based on recommendations of the ad hoc Working Group that met during Spring, 2005. A summary of those recommendations is provided in Column 3 of Attachment C.

Attachments:

- A *Overview of Substantive Revisions included in Public Review Draft Three*
- B *Champaign County Land Use Regulatory Policies - Rural Districts* as revised 9/22/05
- C *Comparison of Zoning Ordinance Proposals* dated 5/19/05

Overview of Substantive Revisions¹ contained in Public Review Draft Three

☐ ***Limits on establishing residential uses in the CR, AG and AG-2 Districts - Section 15.20***

EXISTING VACANT LOTS

- ▶ one dwelling may be established on a vacant lot lawfully created prior to the effective date of the Ordinance

PARCELS (EXISTING AS OF 1/1/98) THAT ARE 40 ACRES OR LESS IN AREA

- ▶ one dwelling may be constructed on parcels less than 40 acres in area, provided that no other dwellings exist on the parcel
- ▶ the new or existing dwelling may be located on a lot divided from the parcel, in which case the rest of the parcel becomes a 'Remainder Lot' and cannot be built upon

PARCELS (EXISTING AS OF 1/1/98) THAT ARE 40 ACRES OR MORE IN AREA

- ▶ one dwelling may be constructed for each 40 acres of parcel area and in addition to any one existing dwelling on the parcel
- ▶ the new or existing dwelling may be located on a lot divided from the parcel, in which case the rest of the parcel becomes a 'Remainder Lot' and cannot be built upon

ADDITIONAL LOTS

- ▶ additional residential lots may be created only if the County Board approves a Rural Planned Development

☐ ***Stream Protection Buffer - Section 21.20***

STREAM PROTECTION BUFFER CRITERIA

a Stream Protection Buffer is comprised of land meeting all of the following conditions:

- ▶ area is within 150' of centerline of non-intermittent river, stream or tributary
- ▶ area is within 100-year floodplain
- ▶ area is outside of a drainage district
- ▶ area has 50% tree canopy cover

PROHIBITED IN A STREAM PROTECTION BUFFER

- ▶ construction, excavation or fill requiring a Zoning Use Permit, except that as allowed subject to restrictions (refer to Subsection 21.20.300)
- ▶ replacement of natural vegetation with vegetation that is managed turf or that requires regular watering or fertilization after initial establishment
- ▶ removal of more than 3 large trees (trees with trunk measurement of 6" or more at a distance 4-1/2' above ground) without a Tree Removal Permit issued by Zoning Administrator

LOTS EXEMPT FROM REQUIREMENT

- ▶ lots created prior to the effective date of the Ordinance that do not contain a minimum buildable area outside of the limits of a Stream Protection Buffer
- ▶ lots on which buildings or structures were lawfully constructed or on which a use was lawfully established within the limits of a Stream Protection Buffer prior to the effective date of the Ordinance

☐ ***Public Resource Area Buffer - Section 21.30***

PUBLIC RESOURCE AREA BUFFER CRITERIA

A Public Resource Area Buffer of 250' extends outward from a Public Resource Area. A Public Resource Area is: (1) any publicly owned land set aside for public recreation, conservation, or research, excluding public golf courses; public parks that are primarily devoted to athletic playing fields; and pedestrian, bicycle and multi-purpose trails; or (2) a privately owned area if it is permanently protected by means of a covenant or conveyance of development rights to a third party and the Illinois Nature Preserves Commission has dedicated it as an Illinois Nature Preserve, or registered it as an Illinois Land and Water Reserve.

(continued)

Note: substantive revisions since the release of *Public Review Draft Two* dated 3/9/2004

Public Resource Area Buffer - Section 21.30 (continued)**PROHIBITED IN A PUBLIC RESOURCE AREA BUFFER**

- ▶ construction, excavation or fill requiring a Zoning Use Permit, except that as allowed subject to restrictions (refer to Subsection 21.30.400)
- ▶ outdoor lighting fixtures that direct light or glare onto Public Resource Area

LOTS OR PORTION OF A LOT EXEMPT FROM REQUIREMENT

- ▶ lots created prior to the effective date of the Ordinance that do not contain a minimum buildable area outside of the limits of a Public Resource Area Buffer
- ▶ lots on which buildings or structures were lawfully constructed or on which a use was lawfully established within the limits of a Public Resource Area Buffer prior to the effective date of the Ordinance
- ▶ that portion of a lot separated from a Public Resource Area by a street

☐ *Drainageway Setback - Section 22.20*

A drainageway is a defined area of concentrated overland flow of runoff, including areas of intermittent and perennial flow such as swales, grass waterways, ditches, channelized streams and natural streams. Drainageways do not include road ditches.

A Drainageway Setback extends outward a distance of 75' from the centerline of a drainageway.

PROHIBITED IN A DRAINAGEWAY SETBACK

- ▶ construction, excavation or fill requiring a Zoning Use Permit, except that as allowed subject to restrictions (refer to Subsection 22.20.400)

LOTS EXEMPT FROM REQUIREMENT

- ▶ lots created prior to the effective date of the Ordinance that do not contain a minimum buildable area outside of the limits of a Drainageway Setback.
- ▶ lots on which buildings or structures were lawfully constructed or on which a use was lawfully established within the limits of a Drainageway Setback prior to the effective date of the Ordinance

CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS

Adopted September 19, 2001
Amended November 20, 2001
Amended September 22, 2005

GENERAL POLICIES**0.1 COORDINATING REGULATORY POLICIES WITH OTHER COUNTY POLICIES**

0.1.1 These regulatory policies will be coordinated with the *Champaign County Land Use Goals and Policies*. Where they conflict, the *Land Use Regulatory Policies* will govern and the *Land Use Goals and Policies* will be revised accordingly.

0.1.2 These regulatory policies include and will conform to the *U.S. Route 150 Corridor Plan* and any other intergovernmental plan or program to which the County is a party.

The Land Use Goals and Policies are more than 20 years old. The Land Use Regulatory Policies are more in keeping with current understanding and public values and so, supersede earlier efforts.

The County will honor plans and policies adopted in other settings unless the parties agree to amend them.

0.2 COORDINATING COUNTY ZONING WITH MUNICIPAL AND OTHER OFFICIAL PLANS AND POLICIES

Champaign County will endeavor to coordinate its zoning ordinance with municipal comprehensive plans, annexation agreements and the plans of other government agencies to the greatest extent possible consistent with these and other County policies and the adopted *Ordinance Objectives*.

Eleven municipalities in Champaign County have adopted comprehensive plans. Under Illinois law these communities have jurisdiction over land use planning and land subdivision in the unincorporated area falling within 1-1/2 miles of their corporate limits.

Municipalities may also enter into annexation agreements in these areas that contain enforceable provisions relating to land use and development. The County, however, retains jurisdiction with respect to zoning, nuisance and floodplain regulation. Additionally, other public bodies such as the Urbana-Champaign Sanitary District, CUUATS, the Forest Preserve District, park districts, etc. have adopted plans and policies that bear, in part, on land use.

It is important that County, municipal and other land use policies be coordinated for the benefit of landowners and the general public interest.

Municipal and other plans vary in their level of detail, supporting analysis and currency. They may use dissimilar and even conflicting categories and terminology. For these reasons the County cannot automatically bind itself to every plan or policy and subsequent amendment adopted by every government entity. Within these limitations the County can and will work to harmonize the zoning ordinance with other plans and policies as much as possible, recognizing that in some instances the ordinance will not necessarily directly reflect every policy of every government.

CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS

Adopted September 19, 2001
Amended November 20, 2001
Amended September 22, 2005

RURAL LAND USE POLICIES

1.1 HIGHEST AND BEST USE OF RURAL LAND

- 1.1.1** The unincorporated areas of Champaign County fall into two broad classes: urban land which is served by a sanitary sewer system and rural land which is not. Champaign County will allow only low intensity uses under restricted conditions on appropriate rural sites that are not served by sanitary sewer systems.
- 1.1.2** Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses will not be accommodated except under very restricted conditions or in areas of less productive soils.
- 1.1.3** Residential development beyond that allowed as-of-right will be prohibited on land consisting of best prime farmland, but may be allowed elsewhere if:
- a. conversion of farmland is minimized;**
 - b. potential for conflicts with agriculture is minimized;**
 - c. disturbance of natural areas, rivers, or waterways is minimized;**
 - d. sites are suitable for the proposed use; and**
 - e. infrastructure and public services are adequate for the proposed use.**
- 1.1.4** Non-residential land uses will not be allowed on rural land except when:
- a. conversion of farmland is minimized;**
 - b. potential for conflicts with agriculture is minimized;**
 - c. disturbance of natural areas, rivers, or waterways is minimized;**
 - d. sites are suitable for the proposed use; and**
 - e. infrastructure and public services are adequate for the proposed use.**

The preservation of prime farmland and minimization of disturbance to natural areas requires that land in the County be used efficiently. Efficient use of land requires that the vast majority of development be at urban densities and supported by the provision of sanitary sewer service. Only low intensity uses can be allowed on appropriate sites and under restricted conditions on rural sites that are not served by sanitary sewer systems.

The soils, landscape, climate and location of Champaign County constitute a uniquely productive setting for producing row crops. The County takes seriously its stewardship over more than a half million acres of the most productive farmland in the world. The County places a very high value on the economic contribution of farming and on farming as a way of life.

As important as agriculture is, the County finds that accommodating other land uses in rural areas is possible on a limited basis. It is, however, neither necessary nor appropriate to authorize residential development beyond that allowed as-of-right on land consisting of the best prime farmland.

Under the proper conditions, rural development can be authorized without unduly sacrificing our soil resources or interfering with agricultural practices. For example, certain types of non-residential uses may be allowed to operate on a site, effectively re-using an existing rural structure provided that specific conditions are met with regard to minimizing impacts to surrounding agricultural operations.

1.2 PRESERVING UNIQUE SOIL RESOURCES

The best prime farmland will be preserved for agricultural use. Other land uses on best prime farmland will not be authorized except on a strictly restricted basis. On best prime farmland, residential land use is limited to an as-of-right allowance and the amount of farmland conversion is restricted. On best prime farmland, non-residential land uses will not be allowed unless the land is used in the most efficient way consistent with other County policies.

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Adopted September 19, 2001
Amended November 20, 2001
Amended September 22, 2005

For purposes of these policies, the 'best' prime farmland is that made up of soils in Agricultural Value Groups One through Four. These are, generally, tracts of land with a Land Evaluation score of 85 or better on the County's Land Evaluation and Site Assessment System.

Champaign County recognizes the unique value of the soil found here and the need to preserve this resource for future generations. The County also recognizes that population and economic growth cannot be accommodated here without some conversion of the best prime farmland. Most farmland conversion occurs in the form of urban development, and as a result of annexation to one of the municipal entities.

The conversion of best prime farmland can be further minimized by ensuring that it is used efficiently. This means using as few acres as possible for each single-family residence or other form of development that is provided. Inefficient large-lot or 'farmette' type development will not be allowed on the best prime farmland.

Under limited circumstances, a single-family residence may be allowed to be located on a small tract of best prime farmland separated from a larger tract by an existing stream, ditch, street, or railroad.

1.3 PROTECTION OF PROPERTY RIGHTS

1.3.1 All landowners are guaranteed an as-of-right allowance to establish a non-agricultural use, subject only to public health, safety and site development regulations.

The as-of-right allowance refers to the right to establish a land use or create lots that will generate traffic within the capacity of rural roads and have only negligible impacts on sensitive natural areas and features.

The County recognizes that most landowners legitimately expect to be able to sell some part of their land for development. Limited development opportunities will be allowed as-of-right, subject to conditions and not necessarily in the same form in all locations. In some areas development rights may provide for commercial uses in lieu of residential development, consistent with other policies.

The scope of the as-of-right allowance is limited by concerns for public health and safety. It is not intended to allow the creation of lots subject to extreme flood hazard or in locations that are otherwise hazardous or incapable of providing a reasonably healthy and safe environment. Legitimate development expectations do not necessarily apply to areas with severe health or safety concerns.

The as-of-right allowance does not override the need for reasonable site development regulations. Development rights are not guaranteed where site development regulations cannot be met, provided that the existing tract has a reasonable economic use such as an existing home site or agricultural endeavors.

1.3.2 The as-of-right allowance is intended to ensure a legitimate economic use of all property. Champaign County finds that continued agriculture use alone constitutes a reasonable economic use of the best prime farmland and fairness to landowners does not require accommodating non-farm development on such land.

Landowners are entitled to an economic return on investments in land consistent with reasonable expectations. This does not guarantee the greatest possible profit. Reasonable expectations are those that reflect public policy, respect long-standing use of neighboring land, account for the agricultural value and natural conditions found on the land, are consistent with the development suitability of the land and avoid interference with the use of other lands. Non-agricultural development is not a reasonable expectation on best prime farmland. Development that would significantly impair the ecological integrity of natural areas is not a reasonable expectation.

1.3.3 Landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a 'good zoning lot' (i.e., a lot that meets all County zoning requirements in effect at the time the lot is created) are guaranteed the as-of-right allowance to establish a single-family residence on each such lot.

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Adopted September 19, 2001
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Amended September 22, 2005

The County recognizes that some landowners lawfully created, acquired, or may wish to sell lots that met the necessary zoning requirements in effect at the time the lot was created, but that presently do not conform to zoning requirements. Such lots are considered 'good zoning lots'.

Landowners can be assured that the establishment of a single-family residence will be allowed on 'good zoning lots' provided that such lots have been lawfully created and recorded or otherwise lawfully conveyed.

1.3.4 Landowners' as-of-right allowance is generally proportionate to tract size, with one single-family residence allowed per 40 acres. The right to construct a single-family residence on vacant lawfully created tracts of land less than 40 acres is also part of the as-of-right allowance.

The as-of-right allowance is intended to allow limited residential development and at the same time minimize the conversion of farmland, minimize disturbance of natural areas, avoid overburdening existing infrastructure and violation of other County policies.

1.3.5 Residential development beyond the as-of-right allowance is not authorized on best prime farmland. Residential development beyond the as-of-right allowance may be allowed on tracts consisting of other than best prime farmland if the use, design, site and location are consistent with County policies regarding:

- a. suitability of the site for the proposed use;**
- b. adequacy of infrastructure and public services for the proposed use;**
- c. minimizing conflict with agriculture;**
- d. minimizing the conversion of farmland; and**
- e. minimizing the disturbance of natural areas.**

Consistent with County Land Use Regulatory Policies 1.1 and 1.2, the development of rural residential subdivisions on the best prime farmland is prohibited.

Residential development beyond the as-of-right allowance on prime or other farmland (defined as tracts with a Land Evaluation score of less than 85 based on the County's Land Evaluation and Site Assessment System) is not guaranteed. Such development will be subject to site and project-specific reviews to ensure that it conforms to other County policies.

1.4 COMPATIBILITY WITH AGRICULTURE

1.4.1 Non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative affect caused by agricultural activities.

Development in rural areas can be negatively affected by agriculture. Newcomers to rural areas often fail to understand the customary side effects of agriculture and so conflicts with farmers can result. It is the duty of those proposing rural development to avoid such conflicts as much as possible by proper choice of location and good site design.

1.4.2 Non-agricultural land uses will not be authorized if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.

Non-farm land uses in rural areas can have serious detrimental impacts on farming in a variety of ways. Although other land uses can be accommodated in rural areas, agriculture is the preferred land use and will be protected.

Rural developments will be scrutinized carefully for impacts they may have on agricultural operations including the impacts of additional similar development in the area. If the impacts are significant development will be limited or disallowed.

CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS

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1.5. SITE SUITABILITY FOR DEVELOPMENT THAT REQUIRES DISCRETIONARY REVIEW *

[* Note: 'Discretionary Review' is a process by which the Zoning Board of Appeals and/or County Board considers the approval of a request for a Special Use or a Zoning Map Amendment after a public hearing. The ZBA and/or County Board reviews such requests based on specific criteria and, at their discretion, may or may not choose to approve the request.]

1.5.1 Development that requires discretionary review will not be allowed on other than best prime farmland if the site is unsuited, overall, for the proposed land use.

1.5.2 Development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.

Ample sites that are well suited to development are available in rural Champaign County. It is not necessary, and the County will not allow development on sites that are not well suited to it.

A site is considered well suited if development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public. A site is well suited overall only if it is reasonably well suited in all respects and has no major defects.

A site is unsuited for development if its features or location would detract from the proposed use. A site is also unsuitable if development there would create a risk to the health, safety or property of the occupants, the neighbors or the general public. A site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.

1.5.3 Development that requires discretionary review will not be allowed if the existing infrastructure, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.

A site may be unsuitable even if its physical characteristics will support development if the necessary infrastructure is not in place or provided by the development. Drainage systems, roads or other infrastructure are inadequate if they cannot meet the demands of the development without creating a risk of harm to the environment, private property or public health and safety.

Infrastructure is also inadequate if safety or the prevention of harm requires new public investments or increased maintenance expenses that are not paid for by the development itself. Developments will be expected to bear the full cost of providing infrastructure improvements to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

1.5.4 Development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

Public services, such as police, fire protection and ambulance service, in the rural areas of the County are provided on a more limited basis and with a narrower financial base than those in municipalities. Rural taxing bodies have a tax base that is heavily dependant on farmland than those in urbanized areas. The County will carefully weigh the ability of rural public service agencies to meet the demands posed by rural development. Developments will be expected to bear the full cost of providing services to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

1.6 BUSINESS AND NONRESIDENTIAL USES

1.6.1 In all rural areas, businesses and other non-residential uses will be allowed if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

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Significant demand exists to site private and public uses in rural locations where land can be obtained more cheaply. This accounts for a significant fraction of the farmland converted by rural development.

Uses can and should be accommodated in rural areas if they compliment agriculture, or supplement farm income or they involve products or services that can be provided better in a rural setting than in an urban one. Uses that have significant utility demands or which require access to urban services or which pose significant environmental or other impacts in a rural setting will be restricted to areas that have the necessary urban infrastructure and services.

- 1.6.2 On the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless:**
- ▶ **they also serve surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - ▶ **the uses are otherwise appropriate in a rural area and the site is very well suited to them.**

Accommodating non-residential land uses in rural areas can conflict with the County's policy regarding preservation of the best prime farmland. Uses that directly serve agriculture or an important public purpose may be allowed if they minimize the conversion of the best prime farmland and it is not feasible to locate them on less productive farmland. Sites may also be developed for appropriate uses if they are very well suited to non-residential land use in terms of site suitability, access, visibility, infrastructure, public services, etc.

- 1.6.3 In rural areas that are expected to be developed as a non-residential land use, business and other uses will be allowed if they are consistent with other County policies and with the anticipated long-term use in the area.**

It is inappropriate to allow residential development in areas that will ultimately be developed for business or industrial use where residences would be undesirable. These areas may be designated in plans or may otherwise be designated for business or industrial use. It is also inappropriate to allow intensive development in such areas before urban utilities and services are available. In the meantime the interests of landowners must be respected and so a wider array of non-residential land uses will be authorized in lieu of residential development rights.

1.7 CONSERVATION OF NATURAL AREAS

- 1.7.1. Development authorized By-Right or as a Conditional Use will be allowed in or near known natural areas, sites of historic or archeological significance, County Forest Preserves, or other parks and preserves, only if they are located so as to minimize disturbance of such areas.**

Almost all natural areas in the County have been developed for agricultural and other uses or have been seriously disturbed by past land use. The resources to acquire, develop and manage parks and preserves are limited so the public and private investment in the existing sites merits protection. The County will not restrict development for this purpose beyond the limits that apply in agricultural areas but its location will be subject to special standards to minimize impacts on these resources.

- 1.7.2 Development that requires discretionary review will be allowed only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to minimize disturbance of natural areas, protection of endangered species and protection of historical and archeological sites.**

[Note: 'Discretionary Review' is a process by which the Zoning Board of Appeals and/or County Board considers the approval of a request for a Special Use or a Zoning Map Amendment after a public hearing. The ZBA and/or County Board reviews such requests based on specific criteria and, at their discretion, may or may not choose to approve the request.]*

Natural areas, endangered species and historic and archeological sites are rare in Champaign County. In the absence of alternative economic uses such as agriculture, fairness requires recognition of the reasonableness of the expectation of some degree of non-agricultural development. Development in these areas, however, may only proceed within strict limits, subject to close scrutiny and will be allowed only if appropriate measures are taken to minimize harm to these resources.

1.8 IMPLEMENTING THE ‘AGRICULTURAL PURPOSES’ EXEMPTION

Subject to applicable statutory and constitutional restrictions, all full and part-time farmers and retired farmers will be assured of receiving the benefits of the agriculture exemption even if some non-farmers receive the same benefits.

The State of Illinois exempts land and buildings used for agricultural purposes from County zoning jurisdiction except for certain requirements such as minimum lot size. The County's rural land use policies will not be undermined by the exemption. Champaign County concurs with the agricultural exemption policy and will ensure that all qualifying projects receive the benefits of this policy even if a small number of non-farmers also benefit incidentally.

1.9 ACCESSORY DWELLINGS IN RURAL AREAS

Accessory dwellings will be authorized for the limited purpose of providing housing to family members on a temporary basis so long as site development standards and the public health and safety are not compromised.

A significant demand exists to provide for housing for family members on the same lot with another single-family dwelling. Permitting second dwellings on lots without limits would undermine the County's other policies regarding rural development. The County wishes to assist families in providing for the needs of family members. With special controls, the potential impacts of accessory dwellings are reasonable given the public purpose served.

CURRENT ORDINANCE	PUBLIC REVIEW DRAFT TWO dated 3/9/2004	PUBLIC REVIEW DRAFT THREE dated 9/30/2005
<i>Natural Area Protection</i>		
None	Resource Protection Overlay (RPO) restricted location of construction and land management on existing and new lots	
	150' Stream Protection Buffer on all streams in the RPO	150' Stream Protection Buffer on wooded portions of major streams
	Within RPO "Natural Area Assessment and Conservation Report" required for projects that require ZBA or County Board Approval but no specific rules apply.	Within CR District "Natural Area Impact Assessment" required for projects that require ZBA or County Board Approval. and specific site development rules apply if sensitive areas are found.
	In Rural Planned Developments lots must avoid the RPO.	In Rural Planned Developments lots must avoid sensitive areas identified by "Natural Area Impact Assessment"
	Incentives to create "conservation subdivisions".	Incentives to create "conservation subdivisions".
<i>Protection of Agriculture</i>		
Land use efficiency and agricultural compatibility criteria for Rural Planned Developments	Land use efficiency, agricultural compatibility, site suitability and infrastructure criteria for Rural Planned Developments.	Land use efficiency, agricultural compatibility, site suitability and infrastructure criteria for Rural Planned Developments.
	No Rural Planned Developments on best prime farmland tracts when other concerns exist (40-60% of County)	No Rural Planned Developments on best prime farmland tracts (±80% of County)
	Lots in Rural Planned Developments must avoid best prime soils.	In Rural Planned Developments lots must avoid best prime soils.
	Incentives to create agricultural resource reserves in Rural Planned Developments	Incentives to create agricultural resource reserves in Rural Planned Developments
<i>Development Rights</i>		
<i>- By Right -</i>		
1 - 4 houses per parcel plus one on any parcel over 35 acres <i>(Farm houses are exempt and not counted)</i>	2 - 4 houses on parcels larger than 5 acres depending on parcel size plus one on any lot over 35 acres. <i>(Farm houses are exempt and not counted)</i>	1 house on parcels under 40 acres if there is no existing house on the parcel 1 house per 40 acres in addition to any existing house on parcels over 40 acres, up to a maximum of 4 houses with any existing house included in the total <i>(Farm houses are exempt and not counted)</i>
<i>- In Rural Planned Developments (maximum permissible) -</i>		
One house per 1½ acres	One house per 5 acres	One house per 10 acres
<i>Drainage Protection</i>		
None	Drain Tile Setback	Drain Tile Setback
	Drainageway Protection Buffer	Drainageway Setback
<i>Minimum Buildable Area Requirement</i>		
None	Applies to construction and land management on existing lots and new lots.	Applies only to construction on new lots.
<i>Public Resource Protection</i>		
None	250' buffer around parks and preserves	250' buffer around parks and preserves

* Based on Recommendation of ad hoc Working Group during May, 2005

MONTHLY REPORT for SEPTEMBER 2005

Zoning Cases

Champaign
County
Department of

**PLANNING &
ZONING**

The distribution of cases filed, completed, and pending is detailed in Table 1. One zoning case was filed in September compared to five cases that were filed in September 2004, and six cases that were filed in September 1999. The five-year average for cases filed in September is 2.8.

A total of 32 cases have been filed so far in 2005 compared to 42 cases at this time in 2004 and 41 cases at this time in 1999. The five-year average for total cases filed by the end of September is 34.0.

Two ZBA meetings were held in September. There were seven cases finalized in September compared to two cases finalized in September 2004 and two cases finalized in September 1999. The five-year average for cases finalized in September is 2.6.

At the end of September there were 20 cases pending before the ZBA compared to 23 cases pending at the end of September 2004 and 15 cases pending at the end of September 1999.

TABLE 1. ZONING CASE SUMMARY
SEPTEMBER 2005

Type of Case	September 2005 2 non-CZR ZBA meetings		September 2004 1 non-CZR ZBA meetings		September 1999 2 non-CZR ZBA meetings	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	1	4	3	1*	3	0
SFHA Variance	0	0	0	0	0	0
Special Use	0	1	1	1*	1	0
Map Amendment	0	1	0	0	1	0
Text Amendment	0	0	1	0	0	0
Change of Non-conform. Use	0	0	0	0	0	0
Administrative Variance	0	0	1	0	1	2
Interpretation / Appeal	0	1	0	0	0	0
TOTALS	1	7	6	2*	6	2
Total cases filed (year to date)	32 cases		42 cases		41 cases	
Cases pending**	20 cases		24 cases		15 cases	
NOTES						
* These cases were related cases involving one petitioner.						
** Cases pending includes all cases continued and new cases filed.						

**Brookens
Administrative Center**
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Subdivisions

There were no new subdivision plat applications in September. There was one plat approval.

The one major subdivision with public improvements (Nature's Landing, Case 174-04) remains under construction.

Zoning Use Permits

A detailed breakdown of permitting activity appears in Table 2. A list of all Zoning Use Permits issued for the month is at Appendix A. Permitting activity in September can be summarized as follows:

- There were 31 permits for 30 structures in September compared to 32 permits in September 2004. The five-year average for permits in the month of September is 33.
- The reported value for construction authorized in permits for September was \$2,848,300 compared to \$4,370,080 in September of 2004.
- The County collected \$10,707 in fees for September compared to \$13,073 in September 2004. The five-year average for fees collected in September is \$11,463.
- There were 44 compliance inspections in August made by staff on temporary assignment from the RPC. The compliance certificates are still being processed.
- Commercial permits require much more effort than residential permits and those authorized in September were (in general) as follows:
 - An expansion of a self-storage warehouse pursuant to a Special Use Permit approval. No engineering reviews were required but compliance with an extensive list of conditions must be determined prior to construction.
 - A new parking lot (pursuant to a Special Use Permit) that requires stormwater detention and the services of a consulting engineer on behalf of the County. This project has required extensive coordination by staff with both the design engineer and the consulting engineer.
 - A permit to be authorized in October for expansion of a church pursuant to a Special Use Permit required extensive review in September but is not reflected in the permit totals.
 - Two engineering reviews have been authorized and are underway pursuant to Zoning Use Permits and a third will begin soon. As a result of the recent amendment to the fee list all of the consultant costs for the County will be paid by the applicants.

TABLE 2. PERMIT ACTIVITY SEPTEMBER, 2005

PERMITS	CURRENT MONTH			YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL:						
Residential		N.A.		3	N.A.	383,000
Other	1	N.A.	10,000	13	N.A.	393,500
SINGLE FAMILY Residential:						
New - Site Built	12	5,568	2,250,000	71	40,454	15,437,870
Manufactured				7	1,938	427,000
Additions	6	694	179,500	41	5,945	1,405,646
Accessory to Residential	10	2,249	153,800	58	11,634	935,279
TWO-FAMILY Residential				2	1,506	580,000
Average turn-around time for residential permits	7.43 days					
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural				1	33	0
Neighborhood		N.A.		4	N.A.	0
COMMERCIAL:						
New	1	1,533	125,000	3	3,569	835,000
Other						
INDUSTRIAL:						
New						
Other				3	2,611	1,826,475
OTHER USES:						
New						
Other				1	1,533	200,000
SIGNS				3	243	10,700
TOWERS (Includes Acc. Bldg.)						
OTHER PERMITS	1	663	130,000	11	1,544	132,150
TOTAL	31/30	\$10,707	\$2,848,300	221/205	\$71,007	\$22,566,620

*31 permits were issued for 30 structures during September, 2005

◇221 permits have been issued for 205 structures since January, 2005

NOTE: Home occupations and other permits (change of use, temporary use) total 16 since January, 2005,

TABLE 3. ENFORCEMENT ACTIVITY FOR SEPTEMBER, 2005

	2004 Enforcement	Jan. 2005	Feb. 2005	Mar. 2005	Apr. 2005	May 2005	June 2005	July 2005	August 2005	Sept. 2005
Complaints Received	76	12	8	10	10	8	9	11	8	4
Inspections	82	34	3	4/5◇	17	2	26	13	1	2
1 st Notices Issued	25	7	5	4	5	1	6	1	1	1
Final Notices Issued	1	1	0	4	1	1	2	0	0	0
Agreements to Abate	0	0	0	2	0	0	0	0	0	0
Referrals to Other Agencies	2	0	0	0	0	0	0	0	0	0
Referrals to State's Attorney's Office	2	0	0	0	0	0	1	4	0	0
TOTAL CASES INCLUDING PREVIOUS YEARS										
Cases Resolved ¹	51	13	3	10#	11#	5	17	4	0	1
Open Cases ²	312	311	316	316	315	318	309	316	324	327**/**

¹Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.

²Open cases are unresolved cases, and include any cases referred to the State's Attorney's Office and cases in which compliance agreements have been made but have not yet been resolved (i.e., agreement deadline has not elapsed), or new complaints not yet investigated.

◇The first number is the number of properties inspected prior to sending out the first notice, and the second number is the number of properties inspected prior to sending out a final notice.

#This number includes 0 cases from prior to 1999, and 11 cases after 1999.

*Open cases include the previous number of open cases plus the number of new complaints received in the current month less the number of cases resolved in the same month.

**The 327 open cases include 26 cases that have been referred to the State's Attorney's Office, 15 cases that involve properties where kennels are being operated and will be addressed in the Zoning Ordinance revision process, and 9 cases that involve floodplain matters which brings the total of open cases to 277.

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- Floodplain Development Permits also require much more effort than typical permits. There were no Floodplain Development Permits authorized in September but reviews did occur on the following:
 - One residential permit for a house on a crawl space. This permit was approved shortly after the start of October and that permit will be included in the totals for October.
 - One of the enforcement cases that received notices in September was in the floodplain and required an extensive review of existing conditions. There has been no resolution to date.
 - An engineering review was authorized for a proposed Base Flood Estimate (BFE) in the upper reaches of the Kaskaskia River. The proposed BFE is not pursuant to any County zoning or subdivision permits and so the costs of this review will be born by the County.

Zoning and Nuisance Enforcement

Staff vacations and illness reduced the hours available for enforcement in September 2005. Table 3 contains the detailed breakdown of enforcement activity for September and is summarized as follows:

- There were four new complaints received in September.
- Two first notices were sent in September. One notice involved improper fill in the Special Flood Hazard Area (see above). Staff prepared a third notice that is not quite ready and will be sent in October.
- There was one case resolved and no cases referred to the State's Attorney.
- September ended with a total of 327 open cases.

APPENDICES

- A Zoning Use Permits Authorized in September 2005**
- B Zoning Compliance Certificates Issued in September 2005**

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING SEPTEMBER 2005

<u>NUMBER</u>	<u>LOCATION</u>	<u>NAME</u>	<u>DATE IN/ DATE OUT</u>	<u>PROJECT</u>
157-05-01	Lot 161, Timberview 11 th , Section 16, Mahomet Township; 1106 Sharon Drive, Mahomet, Illinois PIN: 15-13-16-103-012	David M. Green	06/06/05 09/30/05	construct an addition to an existing single family home and install an above ground swimming pool CASE: 505-V-05
207-05-03	Lot 35, Yankee Ridge Subdivision, Section 29, Urbana Township; 206 E. Sherwin Drive, Urbana, Illinois PIN: 30-21-29-402-017	Steve and Sandy Ater	07/26/05 09/19/05	construct a sunroom addition to an existing single family home
231-05-04	Two tracts of land comprising 2.72 acres located in the NE Corner of the NE 1/4 of Section 24, Tolono Township; 897 CR 1200E, Tolono, Illinois PIN: 29-26-24-200-011 & 010	Chrystal Stevens	08/12/05 09/09/05	construct a detached storage shed
235-05-02	Lot 118, Wiltshire Estates 8 th , Section 13, St. Joseph Township; 1403 Nottingham Drive, St. Joseph, Illinois PIN: 28-22-13-329-011	Jay Quiram	08/23/05 09/07/05	construct a single family home with attached garage
236-05-01	Lot 8, Tower Fields, Section 31, Stanton Township; 1838 CR 1850N, Urbana, Illinois PIN: 27-16-31-176-002	Linda Bantz	08/24/05 09/07/05	construct a single family home with attached garage
236-05-02	Lot 417, Somerset 4 th , Section 3, Urbana Township; 2709 Fieldcrest Drive, Urbana, Illinois PIN: 30-21-03-130-016	Noah L. Yoder	08/24/05 09/07/05	construct a single family home with attached garage

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING SEPTEMBER 2005

236-05-03	Tract 2 of a Plat of Survey of the NE 1/4 of Section 26, Newcomb Township; 461 CR 2600N, Mahomet, IL PIN: 16-07-26-200-017	Darren and Barb Gray	08/24/05 09/09/05	construct a single family home with attached garage
238-05-01	A tract of land being part of the NW 1/4 of the NW 1/4 of Section 10, Sidney Township; 2147 CR 1100N, Sidney, IL PIN: 24-28-10-100-017	Susan and Peter Mantell	08/26/05 09/09/05	construct a detached storage building and a detached horse barn
241-05-01	Lot 1, Richard Rayburn Farm, Section 31, Condit Township; 2237 CR 700E, Dewey, Illinois PIN: Pt. of 07-08-31-400-010	Jon Sides	08/29/05 09/09/05	construct a detached storage shed
241-05-02	Lot 33, Lincolnshire Fields North 2, Section 21, Champaign Township; 1910 Byrnebruk, Champaign, Illinois PIN: 03-20-21-180-011	Will Roemelt	08/29/05 09/19/05	construct a sunroom addition to an existing single family home
243-05-01	A tract of land being part of the NE 1/4 of the NW 1/4 of Section 10, Sidney Township; 2129 CR 1100N, Sidney, Illinois PIN: 24-28-10-100-012	Sheila Ozhayta	08/31/05 09/09/05	construct a covered deck off of the second level of an existing single family home
244-05-01	Lot 122, Wiltshire Estates 8 th , Section 13, St. Joseph Township; 1503 Nottingham, St. Joseph, Illinois PIN: 28-22-13-329-007	George Martz	09/01/05 09/09/05	construct a single family home with attached garage

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING SEPTEMBER 2005

249-05-01	Lot 433, Somerset #3, Section 3, Urbana Township; 2502 Fieldcrest Drive, Urbana, Illinois PIN: 30-21-03-126-033	Ron Randall Construction	09/05/05 09/19/05	construct a single family home with attached garage
249-05-02	3 parcels adjacent East of Barr Farms First Subdivision, Part of th NW 1/4 of Section 27, Somerset Township; 4808 N. Cunningham Avenue, Urbana, Illinois PIN: 25-15-27-100-011, 017, & 018	Harvey and Charles Treat	09/05/02 09/15/05	Change the Use to establish a truck repair facility for Total Logistics Control and construct a parking lot
251-05-01	A tract of land in the NW 1/4 of the NW 1/4 of Section 18, Mahomet Township; 2180 CR 0E, Mahomet, Illinois PIN: 15-13-18-100-005	Robert and Barbara Maxstadt	09/08/05 09/19/05	construct a detached garage
251-05-02	Lot 412, Somerset 4, Section 3, Urbana Township; 2510 Fieldcrest Drive, Urbana, Illinois PIN : 30-20-03-129-020	Troy Flessner	09/08/05 09/19/05	construct a single family home with attached garage
251-05-03	Tract III, Nature's Landing Subdivision, Section 25, Newcomb Township; Address to be assigned PIN: Pt. of 16-07-25- 200-007	Classic Homes	09/08/05 09/26/05	construct a single family home with attached garage
251-05-04	Lot 8, Russel E. Davis Subdivision, Section 13, Mahomet Township; 2003 Tincup Road, Mahomet, Illinois PIN: 15-13-13-151-006	David Dean	09/08/05 09/09/05	construct an addition to an existing single family home

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING SEPTEMBER 2005

251-05-05	Lot 419, Somerset 4, Section 3, Urbana Township; 2705 Fieldcrest Drive, Urbana, Illinois PIN : 30-21-03-130-014	Chad Vliet	09/08/05 09/19/05	construct a single family home with attached garage
255-05-01	Lot 5, Brock Subdivision, Section 25, Newcomb Township; 597 CR 2600N, Mahomet, Illinois PIN: 16-07-25-226-005	Victor and Julie Daugherty	09/12/05 09/26/05	construct a detached garage
256-05-01	More information needed			
257-05-01	Lot 130, Wiltshire Estates VIII, Section 13, St. Joseph Township; 1404 Nottigham, St. Joseph, Illinois PIN: 28-22-13-328-013	Kelso Construction, Inc.	09/14/05 09/26/05	construct a single family home with attached garage
258-05-01	A tract of land being the E ½ of the NE 1/4 of Section 34, Mahomet Township; 1875 CR 400E, Seymour, Illinois PIN: 15-13-34-200-002	Betty Barnes-Gaitros	09/15/05 09/26/05	construct a detached storage building for agricultural purposes
259-05-01	A tract of land immediately west of Lot 7, Country Club Heights 1 st Subdivision, Section 5, Urbana Township; 2700 Bartlow Road, Urbana, Illinois PIN: 30-21-05-227-025	Leonard J. Bushue	09/16/05 09/30/05	construct a single family home only
259-05-02	Under review			
262-05-01	Under review			

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING SEPTEMBER 2005

263-05-01	A tract of land located in the NW 1/4 of the SW 1/4 of Section 25, Stanton Township; 2321 CR 1950N, St. Joseph, Illinois PIN: 27-16-25-300-012	Doug Hite	09/16/05 09/30/05	construct a detached storage building
264-05-01	Lot 41, Spring Lake Subdivision, Section 17, Mahomet Township; 503 S. North Shore Drive, Mahomet, Illinois PIN: 15-13-17-328-004	Keith and Christi Pogue	09/21/05 09/30/05	construct an addition to an existing single family home
265-05-01	Under Review			
265-05-02	Under Review			
269-05-01	Lots 2 & 3, Original Town of Seymour, Section 17, Scott Township; 109 W. Front Street, Seymour, Illinois PIN: 23-19-17-280-021	Fred Schoonover	09/26/05 09/30/05	construct a detached garage
269-05-02	Tract 4 of a Plat of Survey of Part of Lot 17 and Lot 18 of a Subdivision of the Estate of William O'Bryan, Section 36, Sadorus Township; Address to be assigned PIN: Pt. of 22-31-35-400-010 & 016	Carole and Gregory Tempel	09/26/05 09/30/05	construct a single family home with attached garage
269-05-03	A tract of land consisting of 11 acres in Part of the NE 1/4 of the NE 1/4 of Section 24, St. Joseph Township; 2381 CR 1500N, St. Joseph, IL PIN: 28-22-24-200-005	Ruth H. Roderick	09/28/05 09/30/05	construct a detached garage
270-05-01	Under Review			

APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING SEPTEMBER 2005

271-05-01	Under Review			
272-05-02	Under Review			
273-05-01	Under Review			
FP				
273-05-02	Under Review			
273-05-03	Under Review			
273-05-04	Under Review			
273-05-05	That portion of the NW 1/4 of the SW 1/4 of the NW 1/4 of Sec. 25 & that portion of the SW 1/4 of the NW 1/4 of the NW 1/4 of Sec. 25 lying West of the right-of-way of relocated Township Road 146, Hensley Township; 4201 N. Prospect Avenue, Champaign, Illinois PIN: 12-14-25-100-005	Lucinda Schneider	09/30/05 09/30/05	construct a self-storage warehouse building

APPENDIX B. ZONING COMPLIANCE CERTIFICATES ISSUED IN SEPTEMBER 2005

DATE

LOCATION

PROJECT

Note: Forty-Four compliance inspections were conducted during the month of September by staff on temporary assignment from the RPC. Staff is still completing the final review and certificates.