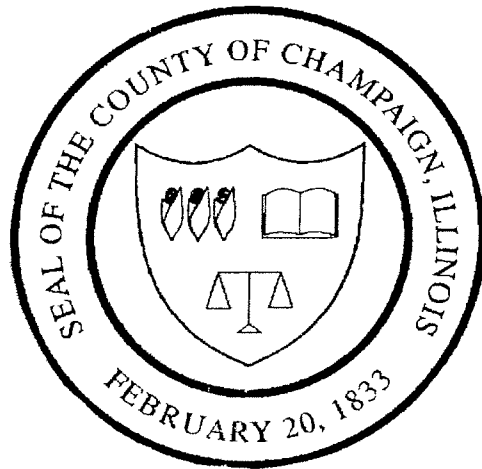


*Environment
& Land Use Committee
Agenda*

February 09, 2009



7:00 p.m.

*Lyle Shields Meeting Room
(Meeting Room 1)
Brookens Administrative Center
1776 East Washington, Urbana, Il 61802
(217) 384-3708*

AGENDA

Champaign County Environment & Land Use Committee

Date: *February 09, 2009*

Time: *7:00 p.m.*

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

Members:

*Carol Ammons, Jan Anderson, Chris Doenitz
Brad Jones, Alan Kurtz (VC), Ralph Langenheim,
Steve Moser, Jon Schroeder, Barbara Wysocki (C)*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (December 18, 2008) 1 thru 6
4. Correspondence
5. Chair's Report
6. Public Participation
7. Updates:
 - A. *Champaign County Land Resource Management Plan*
 - B. *Champaign County Hazard Mitigation Plan*
 - C. *House Bill 2518 (regarding Chatham decision)*
 - D. *Zoning Ordinance Amendment for wind farms*
8. Update on Transportation Coordination Process to provide countywide public transportation 7 thru 11
9. Subdivision Case 194-08: McCulley Subdivision: Area General Plan and Final Plat approval for a one-lot minor subdivision of a 3.80 acre residential lot out of an existing 36 acre parcel located in the AG-1 Agriculture Zoning District in Fractional Section 1 of Hensley Township on the east side of CR 1100E approximately 1100 feet south of the intersection of CR 1100 E and CR 2400N. 12 thru 24

CHAMPAIGN COUNTY
ENVIRONMENT AND LAND USE COMMITTEE AGENDA
FEBRUARY 9, 2009
PAGE 2

10. Zoning Case 635-AM-08: *Petitioner: Country Arbors Nursery, Inc.; P. Terence Cultra, President and Shane Cultra, Vice-President* 25 thru 45
Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District.**
Location: **An approximately 42 acre tract that is approximately the Southeast Quarter of the Southwest Quarter of Section 24 of Urbana Township and commonly known as Country Arbors Nursery, 1742 CR 1400N, Urbana.**
11. *Remanded Zoning Case 520-AM-05 Petitioner: Gene & Carolyn Bateman* 46 thru 87
Request: *Amend the Zoning Map to allow for the development of 2 single-family lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District*
Location: *Approximately seven acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR 2600N and CR 200E.*
12. *Case 542-AM-06 Petitioner: Louis and JoAnn Wozniak* 88 thru 130
Request: *Amend the Zoning Map to allow for the development of 8 single family residential lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.*
Location: *A 57.64 acre tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township and located on the west side of Illinois Route 47 and between CR 2600N and CR 2650N.*
13. **County Board Chair Report**
14. **Monthly Reports (October, November, December, 2008 and January 2009)**
(to be distributed at meeting)
15. **Determination of Items to be placed on the County Board Consent Agenda**
16. **Adjournment**

MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee
Champaign County Brookens Administrative Center
Urbana, IL 61802

DATE: January 12, 2009
TIME: 7:00 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

MEMBERS PRESENT: Carol Ammons, Jan Anderson, Chris Doenitz, Brad Jones, Alan Kurtz (VP), Jon Schroeder, Barbara Wysocki (C)

OTHER COUNTY BOARD MEMBERS PRESENT: C. Pius Weibel (Chair)

DRAFT

MEMBERS ABSENT: Ralph Langenheim, Steve Moser

STAFF PRESENT: John Hall, Leroy Holliday, Susan Chavarria (Regional Planning Commission)

OTHERS PRESENT: Teri Legner, Terry Benson, Hal Barnhart

1. Call to Order, Roll Call

The meeting was called to order at 7:03 P.M. The roll was called and a quorum declared present.

2. Approval of Agenda

Mr. Schroeder moved, seconded by Mr. Kurtz to approve the agenda as submitted. The motion carried by voice vote.

3. Approval of Minutes (November 10, 2008 and December 18, 2008)

Ms. Ammons moved, seconded by Ms. Anderson to approve the November 10, 2008 and December 18, 2008, minutes as submitted. The motion carried by voice vote.

4. Correspondence

- A. Illinois Environmental Protection Agency**
- B. Ameren Illinois Utilities**

Ms. Ammons moved, seconded by Mr. Kurtz to accept and place file the correspondence from the Illinois Environmental Protection Agency and Ameren Illinois Utilities.

1
2 Ms. Ammons stated that the Champaign County Health Care Consumers are also working with Ameren on
3 this project.
4

5 **The motion carried by voice vote.**
6

7 **5. Chair’s Report**
8

9 **A. ZBA vacant position**
10

11 Ms. Wysocki stated that the Zoning Board of Appeals is now complete in its membership. She said that the
12 County Board Chairman has appointed Mr. Paul Palmgren to fill the last vacant position. She said that Mr.
13 Doug Bluhm has satisfied the requirements in order to be the next Chair of the Zoning Board of Appeals.
14 She said that these two appointments will be confirmed at the January 22, 2009, County Board meeting.
15

16 **B. Windfarm forum**
17

18 Ms. Wysocki stated that there are several wind farm forums and tours that need to be brought to the
19 Committee’s attention. She said that staff distributed information from Illinois State University regarding
20 the conference titles, *Siting, Zoning & Taxing Wind Farms in Illinois*, which is to be held on February 4,
21 2009, Peoria. She said that she has also been informed that the Champaign County Farm Bureau has made
22 arrangements for a tour of the wind farm site in Bloomington on February 7, 2009, beginning around 8:30
23 A.M. and ending in the early afternoon. She said that the Farm Bureau will be extending invitations to the
24 County Board, Zoning Board of Appeals, Regional Planning Commission, Land Resource Management Plan
25 Steering Committee, and township highway commissioners. She said that the Farm Bureau has made
26 arrangements for the County’s counter-parts to meet in Bloomington so there will be at least one County
27 Board member, one township highway commissioner, an owner, a neighbor and other pertinent people to be
28 up-close to a wind turbine. She said that there are some open meetings issues that must be resolved in the
29 event that two or more County Board members choose to attend. She said that at some point the question
30 will be posed as to how many County Board members intend to attend this tour and act upon whatever is
31 necessary to comply with the *Open Meetings Act*.
32

33 Mr. Weibel stated that he has spoken with Ms. Papavasiliou about this issue and she stated that in order to be
34 in compliance with the *Open Meetings Act* the event will be posted.
35

36 Mr. Kurtz asked Mr. Hall if Suzion Wind Energy Corp is one of the companies that have approached
37 Champaign County for a wind farm.
38

39 Mr. Hall stated no. He said that the article from *BusinessWeek* was only included because it was one of the
40 handouts distributed by Ms. Schildt during her testimony at the November 10, 2008, ELUC meeting.
41

42 Ms. Wysocki stated that Champaign County is part of a six county regional development group which

1 includes Vermilion, Champaign, Douglas, Piatt, Ford and Iroquois counties. She said that the group’s focus
2 in on the economic development side not necessarily the land use side of a wind farm. She said that it was at
3 the group’s December 2008 meeting that they made the decision that collectively they all wanted to have a
4 greater understanding of wind farms as it effects their county in regard to economic development. She said
5 that the group has charged Susan Chavarria to put together a bit of a forum with that perspective in mind and
6 the plans are to hold this forum on January 30, 2008.

7
8 Ms. Chavarria stated that tentatively the forum is scheduled for the morning of January 30, 2008, and there is
9 another wind farm forum scheduled on Thursday, February 5, 2008, 12:00 P.M. to 1:00 P.M. at the Illinois
10 Sustainable Technology Center. She noted that there is a Wind Farm in Central Illinois Seminar presented
11 by Randy Boyd, McLean County UIUC Extension Office.

12
13 Ms. Chavarria stated that due to the other wind farm forums that are scheduled we are going to lessen the
14 wind forum agenda because the information will be very similar. She said that she will try to have two
15 different speakers at the forum but no one has been confirmed to date.

16
17 Ms. Wysocki stated that no Board member should have an excuse that they know nothing about wind farms.
18 She requested that the Committee take note on these announcements as they come before them and she
19 encouraged the members to attend at least one of the events if not more to broaden their knowledge base
20 about wind farms.

21
22 **6. Public Participation**

23
24 None

25
26 **7. Recreation and Entertainment License: Hideaway of the Woods Bar & Grill, 809 S.**
27 **Prairieview Rd, Mahomet, IL. January 1, 2009 thru December 31, 2009.**

28
29 **8. Recreation and Entertainment License: Last Call for Alchol, Inc, 105 Main St. Penfield, IL.**
30 **January 1, 2009 thru December 31, 2009.**

31
32 **9. Recreation and Entertainment License: Gordyville, LLC, 2205 CR 3000N, Gifford, IL.**
33 **January 15, 16 17, 2009. Tractor pull.**

34
35 **An omnibus motion was moved by Mr. Jones, seconded by Mr. Doenitz to approve the Recreation and**
36 **Entertainment License for the following:**

- 37
38 **Hideaway of the Woods Bar & Grill**
39 **Last Call for Alchol, Inc**
40 **Gordyville, LLC**

41
42 **The motion carried by voice vote.**

1
2 **10. Joint Champaign County-City of Champaign Enterprise Zone: Boundary Agreement**
3

4 **Ms. Ammons moved, seconded by Mr. Doenitz to recommend approval of the Joint Champaign**
5 **County-City of Champaign Enterprise Zone: Boundary Agreement.**
6

7 Ms. Wysocki asked Ms. Teri Legner, Economic Development Manager for the City of Champaign, if the
8 City of Champaign has already voted on this issue.
9

10 Ms. Teri Legner stated that the City of Champaign City Council voted last Tuesday, January 6, 2008, and
11 recommended unanimously for the amendment.
12

13 **The motion carried by voice vote.**
14

15 Mr. Weibel requested that Item #10 not be included on the County Board Consent Agenda due to the fact
16 that he must abstain from the vote because he has known the principal owners for twenty years and the
17 secondary owners for a brief time.
18

19 **11. Updates:**

20 ***A. Champaign county Land Resource Management Plan***
21

22 Ms. Chavarria stated that the Steering Committee met on December 18, 2008, and Goal 4 was completed.
23 She said that the Committee has gone through the majority of Goals 1 and 2 and it is anticipated that the
24 goals will be completed by April. She distributed the LRMP Steering Committee 2009 Tentative Calendar
25 for the Committee's review. She said that the Steering Committee will be meeting twice a month to make
26 up some of the time that has been lost due to the thorough discussions that have taken place. She said that
27 with two meetings per month she anticipates getting through the Steering Committee meetings by late
28 August and then add about six or seven months to that and we will be at the end of our product. She said
29 that a new anticipated deadline for the project is Spring 2010 rather than October 2009.
30

31 ***B. Champaign County Hazard Mitigation Plan***
32

33 Ms. Chavarria stated that she anticipates that the Champaign County Hazard Mitigation Plan will be
34 completed by the middle of 2009. She distributed the Champaign County HMP Mitigation Measures Survey
35 to the Committee for review. She said that this survey is an online survey that is only available through this
36 week therefore she would appreciate the Committee's participation in the survey regarding the Hazard
37 Mitigation Plan. She said that the handout also provides additional information regarding the HMP.
38

39 Ms. Anderson asked if the Hazard Mitigation Plan applies to just Champaign County.
40

41 Ms. Chavarria stated that the Hazard Mitigation Plan applies to all the municipalities as well as the County.
42

43 Mr. Weibel asked Ms. Chavarria if the Hazard Mitigation Plan applies to ice storms.

1
2 Ms. Chavarria stated that ice storms would fall under the category of Severe Winter Storms.

3
4 Ms. Wysocki asked Ms. Chavarria if they are seeking a response from elected officials or the public or both.

5
6 Ms. Chavarria stated that they are seeking input from anyone. She said that a public announcement has been
7 made so that the public can submit their responses but they specifically would like a response from the
8 participating agencies and others so that they receive an official response as well as a response from elected
9 officials.

10
11 Ms. Wysocki asked Ms. Chavarria if there has been publicity for this site to encourage people to look for the
12 site and respond.

13
14 Ms. Chavarria stated yes.

15
16 ***C. House Bill 2518 (regarding Chatham decision)***

17
18 Mr. Hall stated that with the new session of the General Assembly our representatives contacted staff about
19 resubmitting the Bill. He said that the deadline for resubmission is early February therefore they want a
20 quick answer. He said that at this time Representative Jakobsson is planning to submit House Bill 2518 just
21 like it was submitted last time. He said that the Committee may recall that we had two representatives going
22 to bat for us during the last session. He said that Representative Jakobsson had her bill and Representative
23 Rose was a co-sponsor of the bill with Representative Poe from Sangamon County. He said that the Poe Bill
24 attempted to fix the *Chatham* decision for all counties whether or not they had zoning and that bill did not
25 make it out of the House Rules Committee. He said that House Bill 2518, which was sponsored by
26 Representative Jakobsson, was the one which was specific for Champaign County and was passed out of the
27 House of Representatives and stalled in the Senate Rules Committee. He said that technically there is still
28 the debate about which is the best way to go and at this time Representative Jakobsson is proceeding with an
29 identical bill to House Bill 2518. He said that he does not know anything that could be done differently this
30 time to increase the chances of passage and he has no reason to doubt that it will make it out of the House
31 but he does not know what could be done in the Senate.

32
33 Mr. Weibel stated that he met with Ms. Jakobsson and Mr. Frerichs last week and they both indicated that
34 they would push House Bill 2518 through the Senate.

35
36 Mr. Schroeder asked Mr. Weibel if Senator Frerichs said anything about new Senate President John
37 Cullerton and if he would be more apt to let something like Bill 2518 move through.

38
39 Mr. Weibel stated no. He said that they mainly discussed House Bill 2518 and the County's general
40 initiative to provide jobs to its residents.

41
42 ***D. Zoning Ordinance Amendment for wind farms***

1 Mr. Hall stated that Case 634-AT-08 has been docketed to open at the Zoning Board of Appeals on February
 2 12, 2009. He said that unless he gets a sense from the Committee that he should not request this, he will ask
 3 the ZBA to suspend their rules and docket Case 634-AT-08 as the exclusive case for the next four meetings
 4 which would be February 12, 2009; February 26, 2009; March 12, 2009; and March 26, 2009. He said that
 5 this schedule will hold up two existing cases for about one month which means that two citizens who have
 6 submitted their applications after the case was docketed will have their decisions delayed for one month. He
 7 said that four other cases have been moved ahead based on when their full applications were received but in
 8 order to reserve subsequent meetings for Case 634-AT-08, some people will have to wait. He said that if the
 9 Committee has issues with this approach then it can be changed but this is how he plans to proceed. He said
 10 that if things go better then the two cases that were delayed may be moved up to the March 26th meeting or
 11 perhaps even the March 12th meeting but he wouldn't anticipate it.

12
 13 Mr. Weibel asked Mr. Hall what type of roll County Board members may have at these ZBA meetings.

14
 15 Mr. Hall stated that he would suggest that the County Board members who attend be quiet observers.

16
 17 **12. Monthly Reports (October, November, December, 2008)**

18
 19 None

20
 21 **13. Other Business**

22
 23 None

24
 25 **14. Determination of Items to be placed on the county Board Consent Agenda.**

26
 27 None

28
 29 **15. Adjournment**

30
 31 **Mr. Doenitz moved, seconded by Mr. Kurtz to adjourn the meeting at 7:29 P.M. The motion carried**
 32 **by voice vote.**

33
 34 The meeting adjourned at 7:29 P.M.

35
 36
 37 Respectfully submitted,

38
 39
 40
 41 Secretary to the Environment and Land Use Committee



TO: Environmental & Land Use Committee Members
FROM: Rita Morocoima-Black, CCRPC/CUUATS Transportation Planning Manager
DATE: January 30, 2009
RE: Update on transportation coordination process to provide countywide public transportation
REQUESTED ACTION: Survey distribution

BACKGROUND:

As a result of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Champaign County has an opportunity to apply for and receive grants to expand transportation for residents of all ages. Based on IDOT methodology used to allocate this funding for service expansion to Illinois' unfunded or underfunded service areas, Champaign County is eligible to receive:

\$145,038.40 in FY2008
\$153,871.24 in FY2009
\$153,871.24 in FY2010
Total: \$448,299.19

At its meeting on October 18th, 2007, the Champaign County Board approved a resolution to bank this funding and they were also obligated to return a form to IDOT explaining the planning efforts undertaken to be able to use the available funding. In order to receive a rural transportation operating assistance (Section 5311) grant, the county is required to work through the steps of the Interagency Coordinating Committee on Transportation (ICCT) primer.

As part of first phase of the ICCT process, the Champaign County Transit Partnership Group (CCTPG) was created, facilitated by the Champaign County Regional Planning Commission. The CCTPG is a group of volunteers working under guidance from the ICCT Clearinghouse to develop coordinated public transportation throughout our county.

A second phase of the ICCT primer process requires that a needs assessment be performed. The CCTPG is respectfully soliciting help from the Environmental and Land Use Committee (ELUC) members in distributing a survey on transportation needs to individuals who live in the rural areas of the county (outside Champaign-Urbana-Savoy-Bondville).

IMPORTANT COMMUNITY SURVEY

BE A PART OF CHAMPAIGN COUNTY'S NEW OPPORTUNITIES

WE NEED YOUR HELP!!!!

Champaign County has an opportunity to apply for and receive grants to expand transportation for residents of all ages. In order to apply for such grants it is required that a needs assessment be performed.

That's where you can help.....

Please take a few minutes to complete this survey and drop it in the collection box, or if you have internet access you can complete it online at:

www.wiu.edu/users/miira/Transportation/community.htm
(FIPS Code: 17019)

Be sure and consider what your needs might be if in a few years you could *not* drive; for instance, will you have family available all hours of the day to take you to medical appointments, the grocery store, the drug store, or legal appointments? Also, consider your home's location and transportation service gaps in your area.

If you have any questions concerning this survey, please contact:

Nicole George
Champaign County Regional Planning Commission
ngeorge@ccrpc.org
328-3313

Rural Champaign County Transportation Survey

The purpose of this survey is to help improve rural Champaign County's transportation system by finding out what your transportation needs are. Even if you don't need transportation at this moment, please consider what your future needs might be if you were unable to drive for any reason.

General:

Please indicate which municipality you live and/or work in:

- | | | | |
|-------------------------------------|-----------------------------------|----------------------------------|---------------------------------------|
| <input type="checkbox"/> Broadlands | <input type="checkbox"/> Ivesdale | <input type="checkbox"/> Pesotum | <input type="checkbox"/> Sidney |
| <input type="checkbox"/> Fisher | <input type="checkbox"/> Longview | <input type="checkbox"/> Philo | <input type="checkbox"/> St. Joseph |
| <input type="checkbox"/> Foosland | <input type="checkbox"/> Ludlow | <input type="checkbox"/> Rantoul | <input type="checkbox"/> Thomasboro |
| <input type="checkbox"/> Gifford | <input type="checkbox"/> Mahomet | <input type="checkbox"/> Royal | <input type="checkbox"/> Tolono |
| <input type="checkbox"/> Homer | <input type="checkbox"/> Ogden | <input type="checkbox"/> Sadorus | <input type="checkbox"/> Other: _____ |

Transportation Needs:

1. Do you or members of your household have access to (and can afford) a car or other vehicle that is running, licensed, and insured?

- Yes No

2a. Are there trips you or members of your household can't make because of a lack of transportation?

- Yes No

2b. If yes, what kind of trips? (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Work | <input type="checkbox"/> School |
| <input type="checkbox"/> Medical appointments | <input type="checkbox"/> Kids activities (pool, park, skating rink, etc.) |
| <input type="checkbox"/> Visiting friends or family | <input type="checkbox"/> Senior nutrition or day center |
| <input type="checkbox"/> Shopping | <input type="checkbox"/> Social service agency appointments |
| <input type="checkbox"/> Social/entertainment opportunities | <input type="checkbox"/> Religious |
| <input type="checkbox"/> Other: _____ | |

3. How do you or members of your household travel now? (Check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Drive or ride in household member's vehicle | <input type="checkbox"/> Church or social service agency vehicle |
| <input type="checkbox"/> Drive or ride in someone else's vehicle (other than household member's) | <input type="checkbox"/> Public transportation |
| <input type="checkbox"/> Walk, bike, use wheelchair, etc. | <input type="checkbox"/> Other: _____ |

4a. Do you or members of your household currently use public transportation?

- Yes No (If no, skip to question 5)

4b. What types of public transportation do you or members of your household use? (Check all that apply)

- Bus Taxi Van

5. In the last six months, have you or members of your household missed the following due to a lack of transportation? (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Work | <input type="checkbox"/> Kids activities (pool, park, skating rink, etc.) |
| <input type="checkbox"/> Medical appointments | <input type="checkbox"/> Senior nutrition or day center |
| <input type="checkbox"/> Visiting friends or family | <input type="checkbox"/> Social service agency appointments |
| <input type="checkbox"/> Shopping | <input type="checkbox"/> Religious |
| <input type="checkbox"/> Social/entertainment opportunities | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> School | |

6a. Would you or members of your household use public transportation if it was available?

- Yes No (If no, skip to question 10)

6b. What types of public transportation would you or members of your household use? (Check all that apply)

- Bus Taxi Van Other: _____

6c. How would you or members of your household prefer to get a ride? (Check all that apply)

- Catch a bus at a bus stop
 Call ahead for a ride (curb-to-curb demand response service)
 Call ahead for a ride (door-to-door demand response service for elderly or people with disabilities)

7a. Which municipalities would you or members of your household travel to using public transportation? (If there are none, skip to question 8)

- | | | | |
|-------------------------------------|-----------------------------------|----------------------------------|---------------------------------------|
| <input type="checkbox"/> Broadlands | <input type="checkbox"/> Ivesdale | <input type="checkbox"/> Pesotum | <input type="checkbox"/> Sidney |
| <input type="checkbox"/> Fisher | <input type="checkbox"/> Longview | <input type="checkbox"/> Philo | <input type="checkbox"/> St. Joseph |
| <input type="checkbox"/> Foosland | <input type="checkbox"/> Ludlow | <input type="checkbox"/> Rantoul | <input type="checkbox"/> Thomasboro |
| <input type="checkbox"/> Gifford | <input type="checkbox"/> Mahomet | <input type="checkbox"/> Royal | <input type="checkbox"/> Tolono |
| <input type="checkbox"/> Homer | <input type="checkbox"/> Ogden | <input type="checkbox"/> Sadorus | <input type="checkbox"/> Other: _____ |

7b. How often would you or members of your household travel to the communities indicated above?

- Daily Weekly Monthly

8. What times would you or members of your household need public transportation? (Check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Weekdays, before 7:00 AM | <input type="checkbox"/> Weekends, before 7:00 AM |
| <input type="checkbox"/> Weekdays, 7:00 AM to 5:00 PM | <input type="checkbox"/> Weekends, 7:00 AM to 5:00 PM |
| <input type="checkbox"/> Weekdays, 5:00 PM to 10:00 PM | <input type="checkbox"/> Weekends, 5:00 PM to 10:00 PM |
| <input type="checkbox"/> Weekdays, after 10:00 PM | <input type="checkbox"/> Weekends, after 10:00 PM |
| <input type="checkbox"/> Other: _____ | |

9. How much would you or members of your household pay for a one-way trip within your county?

- Less than \$1.00 \$2.00 \$4.00 \$6.00 or more
 \$1.00 \$3.00 \$5.00

10. What would you like to change about your household's experience with public transportation and why?

Demographics:

11. What is your zip code? _____

12. In which age range do you belong?

- Under 20 30-39 50-59 70-79
 20-29 40-49 60-69 80 and over

13. How many people live in your household?

- 1 2 3 4+

14a. Do any of your household members have a disability (physical, mental, etc.) which limits their ability to drive?

- Yes No (If no, skip to question 15a)

14b. If yes, how many people have a disability?

- 1 2 3+

15a. Do any of your household members need transportation to medical appointments outside the county?

- Yes No (If no, skip to question 16)

15b. If yes, please name the cities/towns where the medical appointments are held.

Optional:

16. Additional public transportation comments:

Thank you for your time and participation!

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

TO: **Environment and Land Use Committee**
FROM: **J. R. Knight, Associate Planner**
John Hall, Zoning Administrator & Subdivision Officer
DATE: **February 4, 2009**
RE: **Case 194-08 McCulley First Subdivision**

REQUESTED ACTION

Area General Plan and Final Plat approval for a one-lot minor subdivision of a 3.80 acre residential lot out of an existing 36 acre parcel located in the AG-1 Agriculture Zoning District in Fractional Section 1 of Hensley Township located on the east side of CR 1100E approximately 1100 feet south of the intersection of CR 1100E and CR 2400N. There is an existing dwelling and associate farm buildings on proposed Lot 1.

The existing lot received a variance for creation of a lot greater than three acres in area on best prime farmland in Zoning Case 642-V-08, and the proposed lot meets all Zoning Ordinance requirements and the proposed subdivision appears to meet all of the minimum subdivision standards, but the Final Plat does require some waivers. Because there is an existing dwelling with a septic system on proposed Lot 1 there have been no percolation tests conducted and the results are not on the Final Plat and approval at this time requires the following waivers (See Draft Findings at Attachment F):

1. For proposed Lot 1, waive the requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.

Subdivider

Riley J. and Lois T. McCulley c/o
E. Phillips Knox
115 North Broadway Avenue
Urbana, IL 61801

Engineer/Surveyor

Berns, Clancy, and Assoc.
Tom Berns
405 East Main Street
Urbana, IL 61802

Location, Roadway Access, and Land Use

The subject property is an approximately 36 acre parcel in the North Half of the Southwest Quarter of Fractional Section 1 of Hensley Township. See the Location Map. The existing property is a former farmstead that is proposed to be divided from the adjacent agricultural land located on the east side of CR 1100E approximately 1100 feet south of the intersection of CR 1100E and CR 2400N.

The proposed subdivision is bordered by farmland on two sides, and by residential properties on the other two sides. See the Land Use Map.

Applicable Zoning Regulations

The subject property is zoned AG-1 Agriculture. See the attached Zoning Map. The proposed lots meet the minimum lot requirements. The subject property obtained a variance from the requirement for maximum lot size in Zoning Case 642-V-08. See Table 1 for a summary.

Table 1. Review Of Minimum Lot Requirements

Lot Characteristic	Requirement (or Limit)	Proposed Lot 1	Notes
Lot Area (acres)	Minimum: 1.00 acre	3.80 acres ²	MEETS MINIMUM REQUIREMENT MEETS MAXIMUM REQUIREMENT WITH VARIANCE
	Maximum ¹ : 3.00 acres		
Lot Frontage (feet)	20.00 (minimum)	343.41 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	420.0 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	343.41 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth to Width	3.00 : 1.00 (maximum)	1.22 : 1.00	LESS THAN MAXIMUM ALLOWED
<p>NOTES NR= No Requirement (or limit)</p> <p>1. The maximum lot size only applies when the new lots are Best Prime Farmland overall and when the tract to be divided was larger than 12 acres on 1/1/98. 2. The subject property obtained a variance from the maximum lot size in Zoning Case 642-V-08</p>			

Minimum Subdivision Standards and Area General Plan Approval

The Minimum Subdivision Standards were added to the Area General Plan section of the *Subdivision Regulations* on July 8, 2004, in Subdivision Case 175-04, Part B, which also added the requirement that any subdivision needed Area General Plan approval except for subdivisions pursuant to a Rural Residential Overlay (RRO) map amendment. Area General Plan approval is only by ELUC. The subject subdivision is not pursuant to an RRO amendment and so Area General Plan requirements are applicable.

Attachment E reviews the conformance of the proposed subdivision with those standards and the proposed subdivision appears to meet all of the minimum subdivision standards and so appears to comply with the Area General Plan requirements.

Soil Conditions / Natural Resource Report

The applicant has not applied for a Section 22 Natural Resource Report because the subject property is already developed. The Soil Survey of Champaign County indicates that the subject property contains three soil types: Drummer silty clay loam, Elburn silt loam, and Proctor silt loam, all three are best prime farmland soils.

Drainage, Stormwater Management Policy, and Flood Hazard Status

The subject property is located in the Beaver Lake Drainage District. The drainage district was notified of the proposed subdivision. No part of the proposed lot contains any portion of the right of way of the drainage ditch.

No Subsidiary Drainage Plat has been received at this time. The requirement for a subsidiary drainage plat cannot be waived. A Subsidiary Drainage Plat has not yet been received but may be received by the meeting. There is some topographic information on the plat and an elevation certificate has been provided for proposed Lot 2.

The existing property is not located in the Special Flood Hazard Area.

No Stormwater Drainage Plan is required for the subdivision due to the low development density (impervious area less than 16%).

Public Improvements

No public improvements are indicated or required in this subdivision.

Water Wells and Soil Suitability For Septic Systems

There is an existing dwelling on proposed Lot 1 which has an existing septic system and there have been no percolation tests performed on that lot.

A waiver of the final plat requirement for percolations tests on Lot 1 is required and has been included.

NECESSARY FINAL PLAT WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The Required Findings are generally as follows:

- **Required Finding 1. Does the waiver appear to be detrimental or injurious to the public safety?**
- **Required Finding 2. Are there special circumstances unique to the property that are not generally applicable to other property and will granting the waiver provide any special privilege to the subdivider?**
- **Required Finding 3. Do particular hardships result to the subdivider by carrying out the strict letter of the regulations?**
- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

1. **For proposed Lot 1, waive the requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**

There is an existing dwelling with a septic system on the proposed lot and no percolation tests or soil investigations have been performed at this time.

Draft Findings for these waivers are attached for the Committee's review.

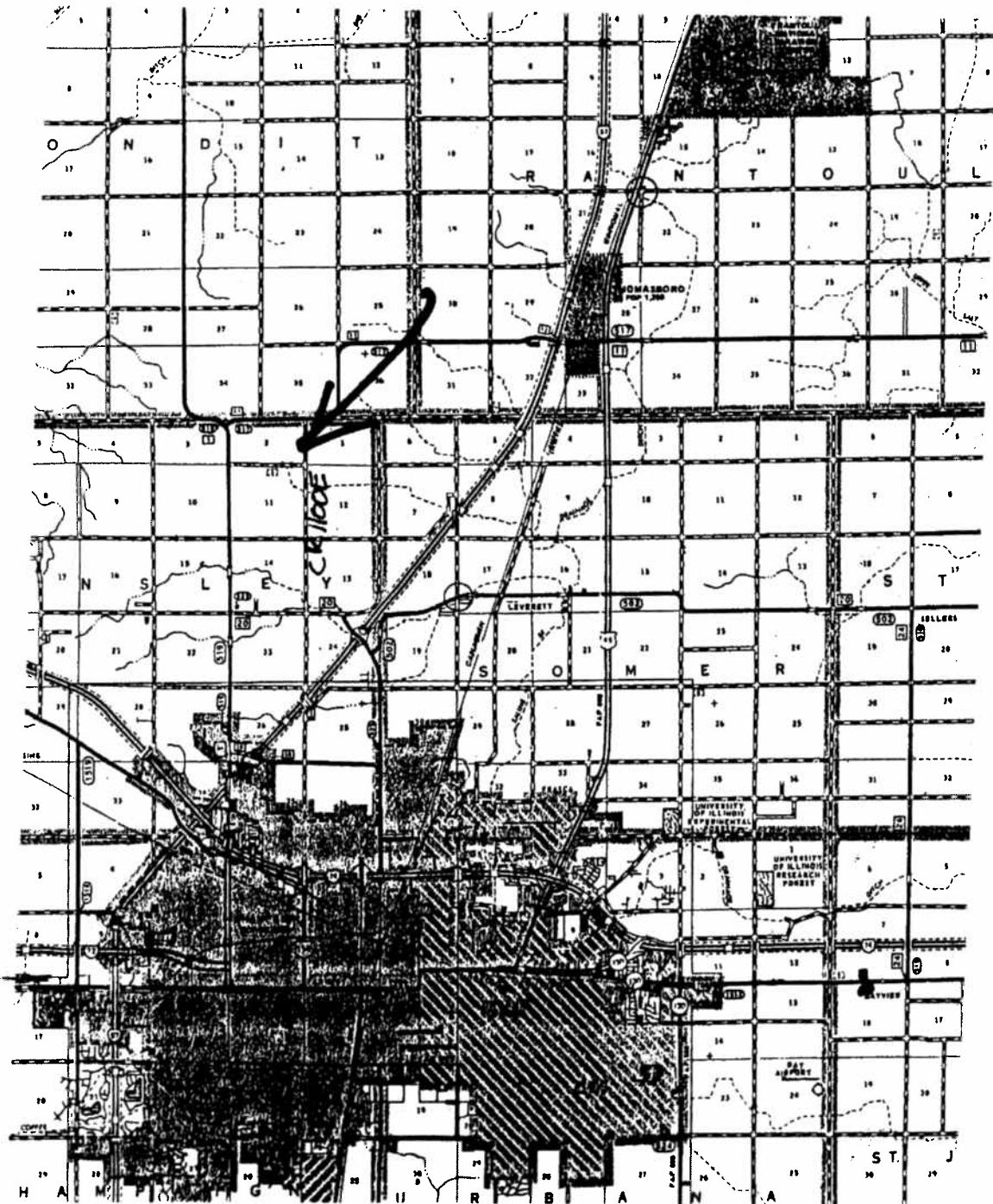
ATTACHMENTS

- A Subdivision Case Maps (Location, Land Use, Zoning) (Maps from Zoning Case 642-V-08)**
- B Final Plat of McCulley First Subdivision received December 3, 2008**
- C Excerpt of the Soil Survey of Champaign County**
- D Preliminary Assessment of Compliance with Minimum Subdivision Standards**
- E Draft Findings for Waivers of Final Plat Requirements**

ATTACHMENT A. LOCATION MAP

Case 642-V-08

JANUARY 23, 2009

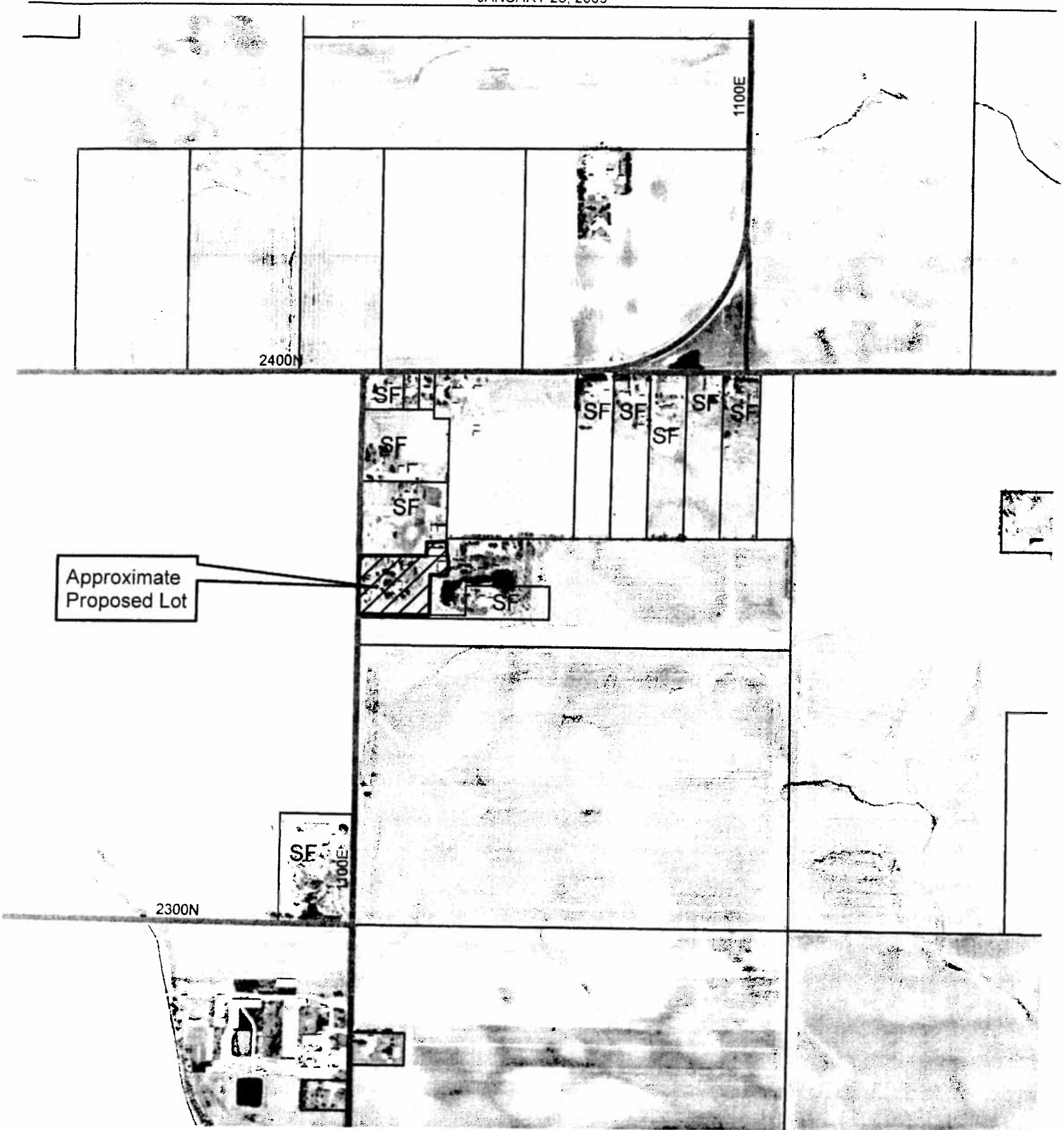


Champaign
County
Department of
**PLANNING &
ZONING**

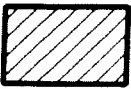
ATTACHMENT A. LAND USE MAP

Case 642-V-08

JANUARY 23, 2009



Approximate Proposed Lot



Area of Concern



Single Family



Farmstead



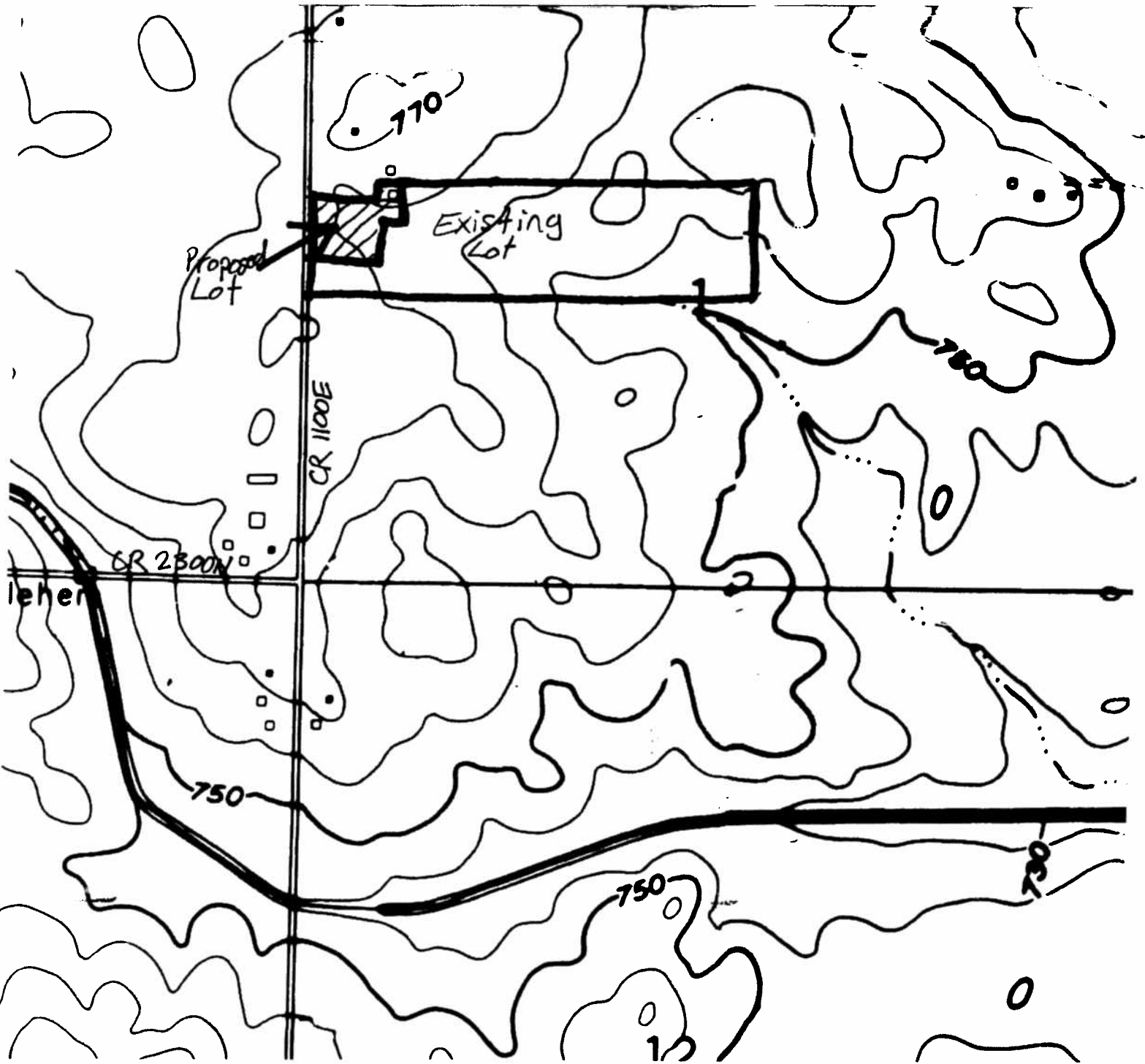
Champaign
County
Department of
**PLANNING &
ZONING**

1 inch equals 800 feet

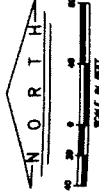
ATTACHMENT A. ZONING MAP

Case 642-V-08

JANUARY 23, 2009



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH
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 Tra Center	B-4 General Business	I-2 Heavy Industry	



LEGEND

- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "LS 2008 2207"
- EXISTING IRON PIPE/PIV SURVEY MONUMENT FOUND
- CONCRETE SURVEY MONUMENT/30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "LS 2008 2207"
- EXISTING FENCE LINE
- EXISTING FENCE POST
- PROPOSED RIGHT-OF-WAY LINE
- TITLE LINE
- EXISTING BUILDING LINE
- EXISTING UTILITY EASEMENT LINE
- EXISTING UTILITY POLE/GUY WIRE/TRANSFORMER
- EXISTING WATER WELL
- EXISTING PRIVATE WALKWAY
- EXISTING TELEPHONE PEDESTAL
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING UNDERGROUND ELECTRIC LINE (APPROXIMATE LOCATION)
- EXISTING WATER LINE/SEWER (APPROXIMATE LOCATION)
- () RECORD MEASUREMENT AND/OR DATA
- 1 DESTINATION OR DATA UNKNOWN
- WC WITNESS CORNER
- PM PERMANENT INDEX NUMBER
- EXISTING EXTENDED IRON POLE LIGHT
- PROPOSED BUILDING SETBACK LINE
- POC POINT-OF-COMMENCEMENT

RECEIVED

CHAMPAIGN COUNTY RECORDS & CLERK

FINAL PLAT

McCULLY FIRST SUBDIVISION
 HENSLEY TOWNSHIP
 CHAMPAIGN COUNTY, ILLINOIS

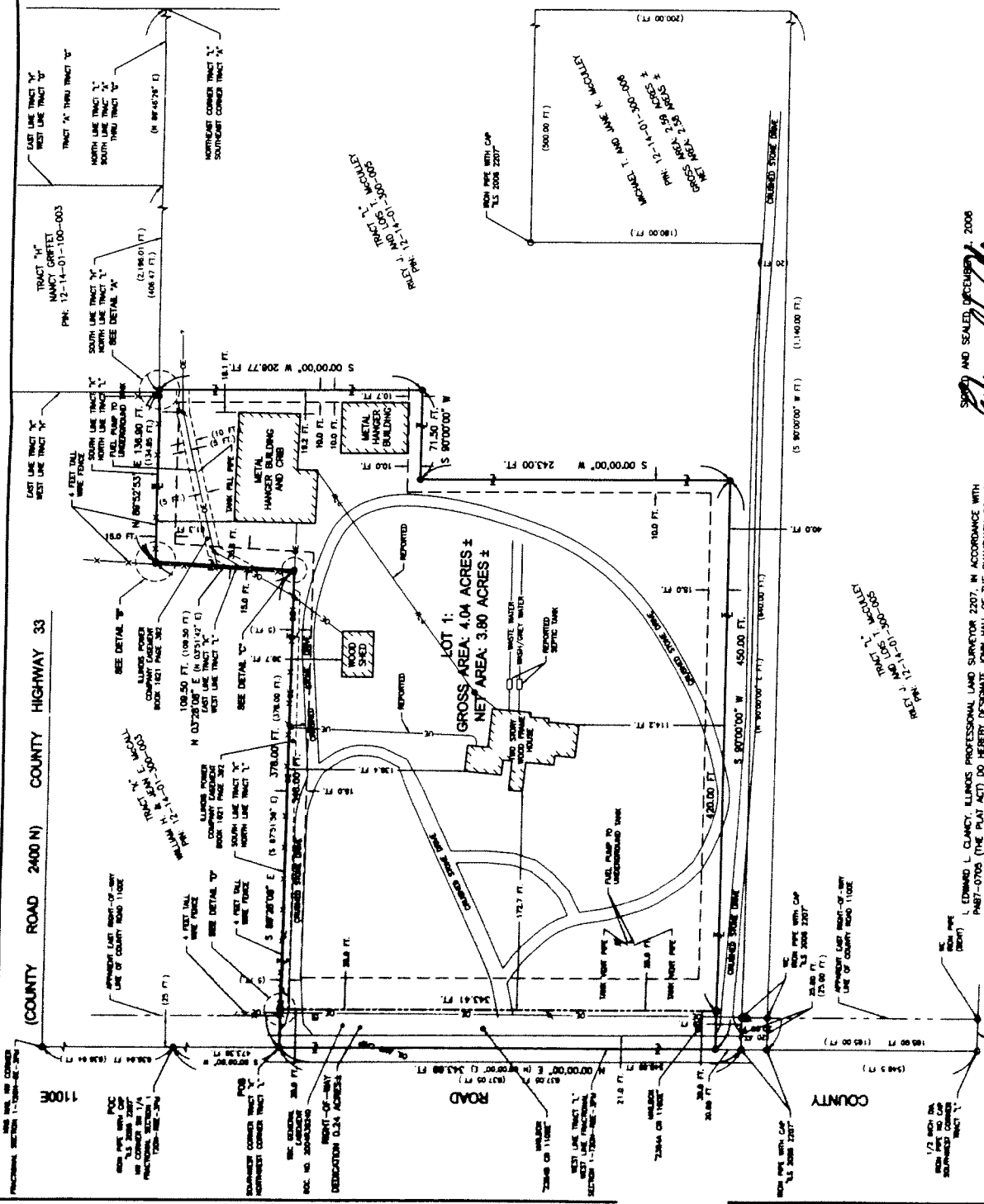
BCA
 BERNIS, CLANCY AND ASSOCIATES
 ENGINEERS & SURVEYORS • PLANNERS
 405 EAST MAIN STREET, SUITE 200
 URBANA, ILLINOIS 61702-0776
 PHONE (317) 341-1114 • FAX (317) 341-3036



AND SEALED, OCTOBER 1, 2008
Edward L. Clancy
 EDWARD L. CLANCY, P.E., L.S., VICE PRESIDENT
 BERNIS, CLANCY AND ASSOCIATES, P.C.
 ILLINOIS PROFESSIONAL ENGINEER NO. 31344
 URBANA, CHAMPAIGN COUNTY, ILLINOIS
 DATE OF LICENSE EXPIRES NOVEMBER 30, 2009

I, EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207, IN ACCORDANCE WITH PART 7-0705 (THE PLAT ACT) DO HEREBY DESIGNATE JOHN HAYES, CHAMPAIGN COUNTY PLANNING AND ZONING DEPARTMENT AS THE AGENT WHO MAY RECEIVE A TRUE COPY OF THIS SUBDIVISION, HENSLEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS. A TRUE COPY OF THIS HAS BEEN RETURNED BY ME TO ASSURE NO CHANGES HAVE BEEN MADE TO SAID PLAT.
 RETURN TO: BERNIS, CLANCY AND ASSOCIATES, P.C.
 405 EAST MAIN STREET
 URBANA, ILLINOIS 61702

JULIE
 THE EXACT LOCATION OF ALL UTILITIES TO BE LOCATED AND DEPTH TO BE LOCATED TO BE LOCATED BY THE CONTRACTOR SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 CALL JULIE AT 317-341-1114
 1-888-881-2121



**ATTACHMENT D. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 194-08 McCulley First Subdivision

FEBRUARY 4, 2009

Standard	Preliminary Assessment ¹
SUITABILITY STANDARDS (Section 6.1.5 a.)	
1) No part of a minimum required LOT AREA ² shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A)	APPEARS TO CONFORM. The <i>Champaign County Soil Survey</i> reports the subject property contains three soil types: Drummer silty clay loam (No. 152), Elburn silt loam (No. 198A), and Proctor silt loam (No. 148B).
2) No part of a minimum required LOT AREA ² shall contain an EASEMENT for an interstate pipeline	APPEARS TO CONFORM. No pipeline is included in the area proposed for subdivision.
3) No part of a minimum required LOT AREA ² shall be within a runway primary surface or runway clear zone	APPEARS TO CONFORM. No runway is known to be in the vicinity of the subject property.
4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA ² shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).	APPEARS TO CONFORM. The proposed lot is not located within the Special Flood Hazard Area.
5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.	APPEARS TO CONFORM. The proposed lot appears to consist primarily of Proctor silt loam, which is the most suitable soil on the subject property.
6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each LOT must be minimized as much as possible.	APPEARS TO CONFORM. The entire subject property consists of best prime farmland soils. The subject property obtained a variance from the maximum lot size in Zoning Case 642-V-08.
7) A minimum required LOT AREA ² for any LOT must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any LOT that is likely to experience ponding of stormwater is noted on the FINAL PLAT.	APPEARS TO CONFORM. No Subsidiary Drainage Plat has been received as of yet but topographic information provided in Case 642-V-08 appears to indicate conformance.
8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.	APPEARS TO CONFORM.
AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)	
1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good engineering practice.	APPEARS TO CONFORM. There are two existing driveways on the subject property. The driveways have been in place since before 1988.

**ATTACHMENT D. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 194-08 McCulley First Subdivision

FEBRUARY 4, 2009

Standard	Preliminary Assessment ¹
<p>2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from:</p> <ul style="list-style-type: none"> i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves 	<p>APPEARS TO CONFORM. The subject property is the location of an existing house, and there are no public parks, natural areas, or nature preserves adjacent to the subject property.</p>
<p>3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.</p>	<p>APPEARS TO CONFORM. The subject property is bordered on the north and the south by existing residential lots.</p>
<p>Notes</p> <p>1. This preliminary assessment is subject to review by the Environment and Land Use Committee. A waiver is required for any Minimum Subdivision Standard to which the Committee determines that the Plat does not conform.</p> <p>2. The minimum required lot area is one acre (43,560 square feet).</p>	

DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **February 9, 2009**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of final plat requirements **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:
 - A. The farmstead house on the proposed Lot 1 already has a septic system.**
 - B. There will be no new dwelling established as a result of this subdivision.**

2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of final plat requirements will not confer any special privilege to the subdivider because:
 - A. This is a one lot subdivision of an existing farmstead that will not result in any new dwelling or the need for a new septic system.**
 - B. These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.**

3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because:
 - A. This is a one lot subdivision of an existing farmstead that will not result in the need for a new septic system and requiring percolation test data and the statement regarding suitability would increase the subdividers costs and slow down the approval process with no gain to public health or safety.**

4. The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the subdivider because:
 - A. The farmstead needs to be separated from the rest of the farm property.**

Champaign
County
Department of



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

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

To: **Environment and Land Use Committee**

From: **J.R. Knight, Associate Planner**
John Hall, Zoning Administrator

Date: February 4 2009

RE: Zoning Case 635-AM-08

Zoning Case 635-AM-08

Request **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District**

Petitioners **Country Arbors Nursery, Inc, P. Terence Cultra, President, and T. Shane Cultra, Vice President**

Location: **An approximately 42 acre tract that is approximately the Southeast Quarter of the Southwest Quarter of Section 24 of Urbana Township and commonly known as Country Arbors Nursery, 1742 CR 1400N, Urbana.**

STATUS

The Zoning Board of Appeals voted to "RECOMMEND ENACTMENT" for this proposed rezoning at their January 29, 2009, meeting. Relevant maps are attached to the memo. The Finding of Fact is attached.

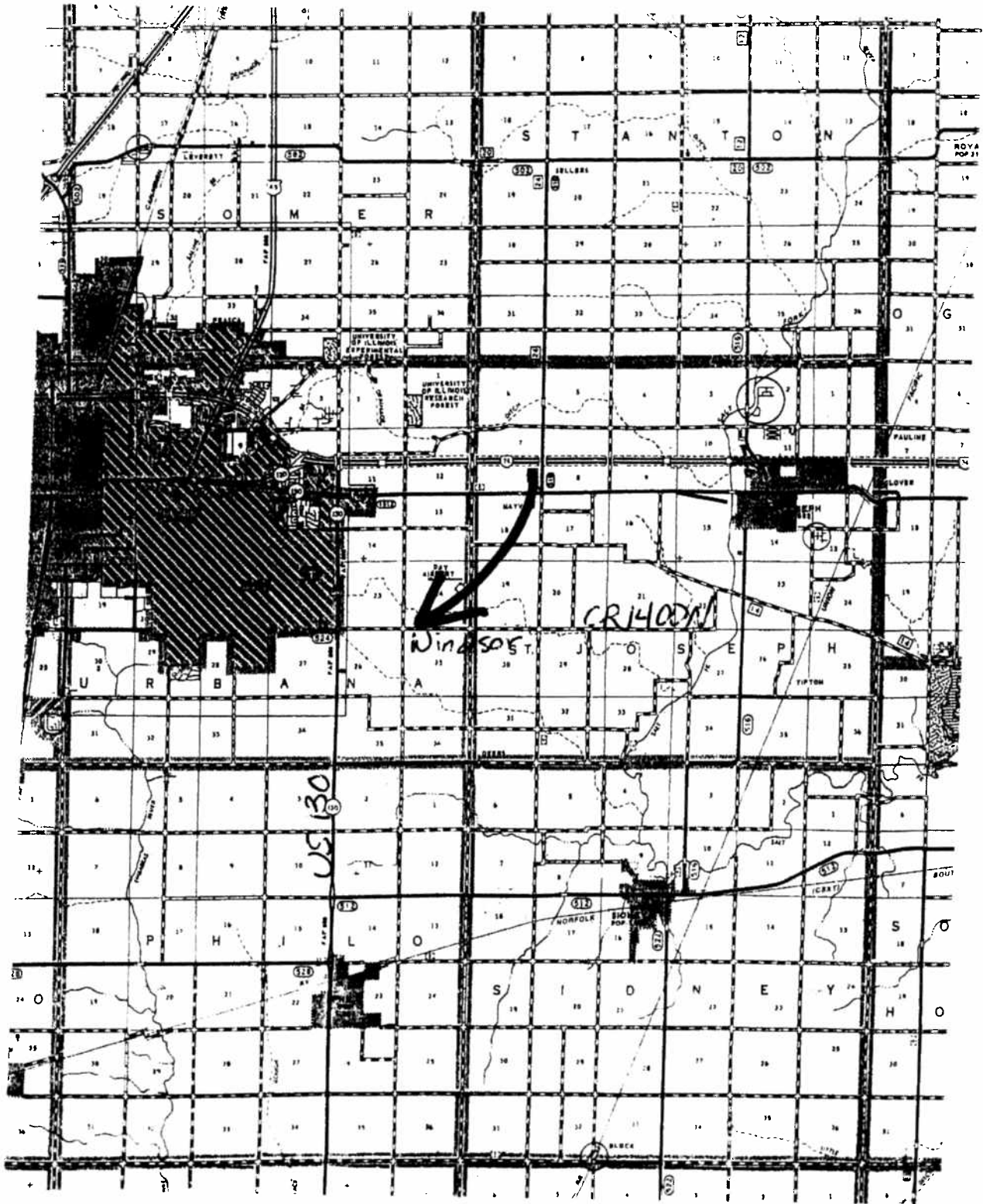
Country Arbors Nursery is currently a legally nonconforming use. The proposed rezoning and the related Special Use Permit in Case 636-S-08 are intended to allow the existing business to come into conformance with the *Zoning Ordinance* and to provide for future growth of the business. The ZBA found that the proposed map amendment conforms to all relevant County land use goals and policies.

This case is located within the municipal ETJ of the City of Urbana, but no formal protest is anticipated from the City or neighboring land owners. There are no special conditions of approval.

ATTACHMENTS (excerpted from Documents of Record)

- A Case Maps for Case 635-AM-08 (Location, Land Use, and Zoning)**
- B Revised site plan received on January 23, 2009**
- C As Approved Finding of Fact for Case 635-AM-08**

ATTACHMENT A. LOCATION MAP
Cases 635-AM-08 and 636-S-08
JANUARY 9, 2009



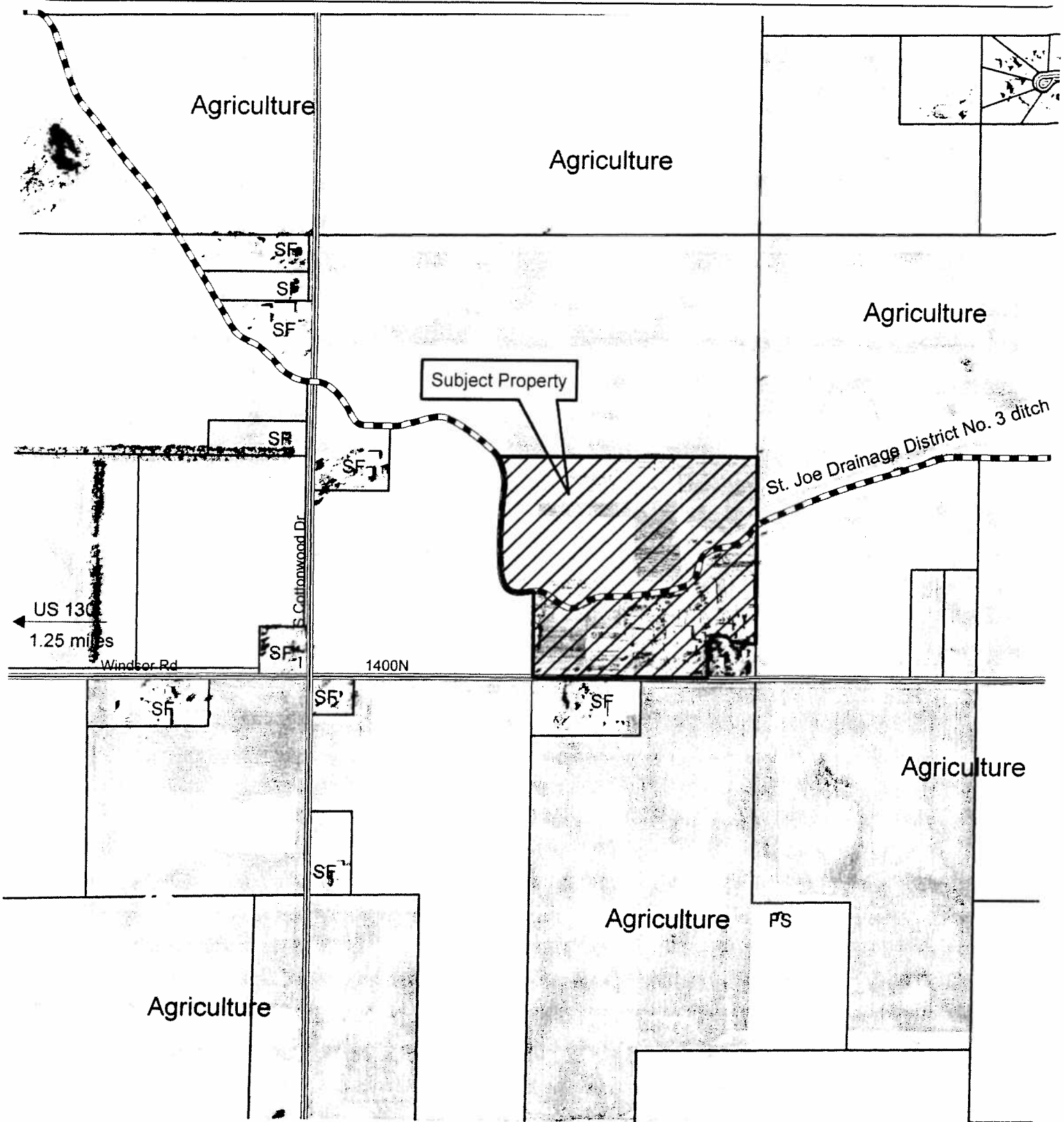
Champaign
County
Department of
**PLANNING &
ZONING**









ATTACHMENT A. LAND USE MAP

Cases 635-AM-08 and 636-S-08

JANUARY 9, 2009



	Area of Concern	
	Single Family	
	Farmstead	



1 inch equals 800 feet

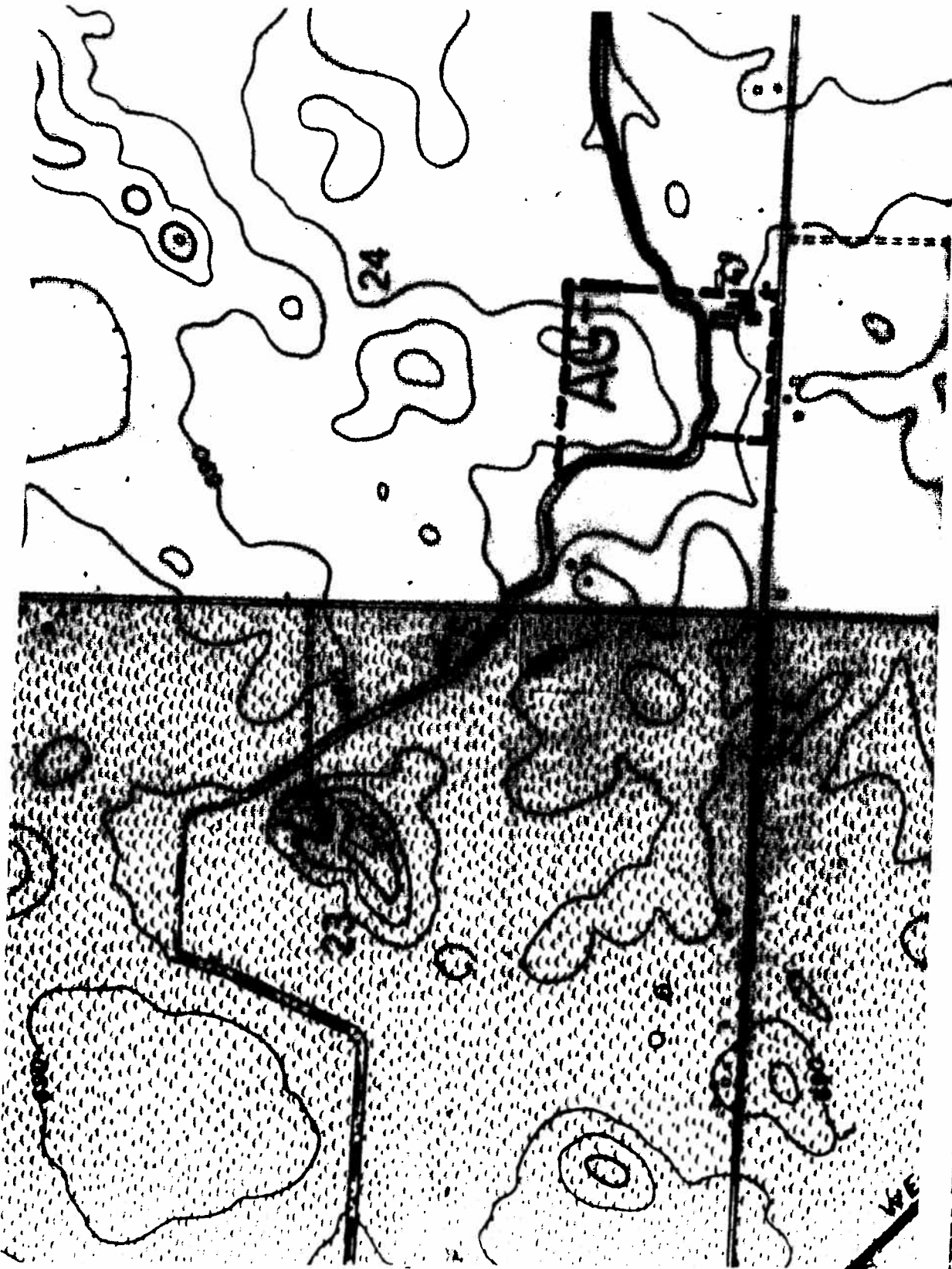
Champaign
County
Department of
**PLANNING &
ZONING**

RECEIVED

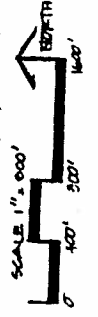
SEP 23 2008

ZONING

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County
 Department of
 PLANNING & ZONING
 1303 N. Cunningham Avenue
 Urbana, Illinois
 61801
 Telephone: (217) 384-3708
 FAX (217) 328-2426



- KEY**
- AG-1 Agriculture
 - AG-2 Agriculture
 - CR Conservation-Recreation
 - R-1 Single Family Residence
 - R-2 Single Family Residence
 - R-3 Two-family Residence
 - R-4 Multiple Family Res.
 - R-5 Mobile Home Park
 - B-1 Rural Trade Center
 - B-2 Neighborhood Business
 - B-3 Highway Business
 - B-4 General Business
 - B-5 Central Business
 - I-1 Light Industry
 - I-2 Heavy Industry
 - Area of Concern

AS APPROVED

635-AM-08

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

Final Determination: **RECOMMEND ENACTMENT**

Date: January 29, 2009

Petitioners: Country Arbors Nursery, Inc, P. Terence Cultra, President, and T. Shane Cultra, Vice President

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 15, 2009, and January 29, 2009**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner, Country Arbors, Inc., owns the subject property. Co-petitioner P. Terence Cultra is the President of Country Arbors, Inc. Co-petitioner T. Shane Cultra is the Vice President of Country Arbors, Inc.
2. The subject property is an approximately 42 acre tract that is approximately the Southeast Quarter of the Southwest Quarter of Section 24 of Urbana Township and commonly known as Country Arbors Nursery, 1742 CR 1400N, Urbana. The legal description of the subject property is as follows:

Tract I:

That part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, lying East of the current center line of the drainage ditch of District No. 3 of St. Joseph Township, Illinois.

Tract II:

The Southeast Quarter of the Southwest Quarter of Section 24, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, EXCEPT a tract described as follows:

* Same evidence as in related Zoning Case 636-S-08

ITEM 2. CONTINUED

Beginning at an iron pipe survey monument found over a stone survey monument at the Southeast Corner of the Southwest Quarter of Section 24, Township 19 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois; thence along the South line of the Southwest Quarter of said Section 24, on an assumed bearing of North 89 Degrees 33 Minutes 58 Seconds West, a distance of 284.79 feet, to an iron pipe survey monument set; thence North 00 degrees 16 Minutes 55 Seconds East, a distance of 83.50 feet, to an iron pipe survey monument set; thence, North 03 Degrees 57 Minutes 27 Seconds West, a distance of 100.02 feet, to an iron pipe survey monument set; thence, North 20 Degrees 23 Minutes 56 Seconds East, a distance of 68.00 feet, to an iron pipe survey monument set; thence, North 63 Degrees 49 Minutes 04 Seconds East, a distance of 15.00 feet, to an iron pipe survey monument set; thence, North 76 Degrees 24 Minutes 17 Seconds East, a distance of 23.01 feet, to an iron pipe survey monument set; thence, South 86 Degrees 00 Minutes 26 Seconds East, a distance of 30.01 feet, to an iron pipe survey monument set; thence, South 80 Degrees 41 Minutes 13 Seconds East, a distance of 23.00 feet, to an iron pipe survey monument set; thence, South 54 Degrees 16 Minutes 47 Seconds East, a distance of 23.00 feet, , to an iron pipe survey monument set; thence, South 37 Degrees 57 Minutes 07 Seconds East, a distance of 23.00 feet, to an iron pipe survey monument set; thence, North 89 Degrees 58 Minutes 56 Seconds East, a distance of 45.01 feet, to an iron pipe survey monument set; thence, South 52 Degrees 34 Minutes 27 Seconds East, a distance of 14.00 feet, to an iron pipe survey monument set; thence, South 87 Degrees 52 Minutes 41 Seconds East, a distance of 90.17 feet, to an iron pipe survey monument set on the East line of the Southeast Quarter of the Southwest Quarter of said Section 24; thence, South 00 Degrees 00 Minutes 48 Seconds East along the East line of the Southeast Quarter of the Southwest Quarter of Section 24, a distance of 211.99 feet, to the Point of Beginning, all situated in Champaign County, Illinois.

- *3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. Municipalities with zoning have protest rights on all rezonings and they are notified of such cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioners indicated the following:
 - A. Wish to build commercial greenhouses – requires AG-2 zoning.**
 - B. Business growth has exceeded AG-1 minor business allowances, now requires AG-2 major business zoning.**
 - C. Interest in building AG-1 residential airport has been dropped.**
 - D. Future expansion will require AG-2 zoning (refer to Master Plan)."**
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the amendment the petitioners indicated the following:

ITEM 5. CONTINUED

“To not build the commercial greenhouses would have a negative impact upon local municipalities, universities, and park districts. See Attachment IV.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
- A. The subject property is currently zoned AG-1 Agriculture and is in use as Country Arbors Nursery. The subject property is proposed to be rezoned to the AG-2 District in this case, and a portion of the subject property is proposed for a Special Use Permit (SUP) as a “Garden Shop” in related Case 636-S-08.
 - B. Land on all sides of the subject property is zoned AG-1 and is in use as farmland.
 - C. There is a small lot on the southeast corner of the subject property that is zoned AG-1 and is in use as a single family dwelling.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

7. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The AG-2 District is generally a belt that surrounds the larger municipalities and villages.
 - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 10 types of uses authorized by right in the AG-1 District and there are 12 types of uses authorized by right in the AG-2 District:
 - (a) The following 10 uses are authorized by right in both districts:
 - Single family dwellings;

AS APPROVED

ITEM 7.C.(1)(A) CONTINUED

- Subdivisions of three lots or less;
 - Agriculture;
 - Roadside Stand operated by Farm Operator;
 - Minor Rural Specialty Business;
 - Plant Nursery
 - Christmas Tree Sales Lot;
 - Off-premises sign within 660 feet of interstate highway;
 - Off-premises sign along federal highway except interstate highways; and
 - Temporary Uses
- (b) The following two uses are authorized by right in the AG-2 District but are not authorized by any means in the AG-1 District:
- Country club or golf course; and
 - Commercial breeding facility
- (2) There are 39 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 73 types of uses authorized by SUP in the AG-2 District:
- (a) The following 39 uses may be authorized by SUP in both districts:
- Hotel with no more than 15 lodging units;
 - Residential Planned Unit Development;
 - Major Rural Specialty Business;
 - Artificial lake of one or more acres;
 - Mineral extraction, quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple, or church related temporary uses on church property;
 - Municipal or Government Building;
 - Adaptive Reuse of Government buildings for any use permitted by right;
 - Penal or correctional institution;
 - Police station or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - Electrical Substation;
 - Telephone Exchange;
 - Residential Airport;
 - Restricted Landing Area;
 - Heliport-Restricted Landing Areas
 - Farm Chemicals and Fertilizer Sales;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses

ITEM 7.C.(2)(A) CONTINUED

- Grain Storage Elevator and Bins;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - Kennel;
 - Veterinary Hospital;
 - Off-premises sign farther than 660 feet from an interstate highway;
 - Contractors Facilities with no outdoor operations or storage;
 - Contractor Facilities with outdoor operations and/or storage;
 - Small Scale Metal Fabricating Shop;
 - Gas Turbine Peaker;
 - Wind Turbine (1-3 turbines);
 - Sawmills, Planing Mills, and related activities; and
 - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- (b) The following 34 uses may be authorized by SUP in the AG-2 District, but are not authorized by any means in the AG-1 District:
- Two-family dwellings (duplexes);
 - Home for the aged;
 - Nursing Home;
 - Travel Trailer Camp;
 - Commercial Greenhouse;
 - Greenhouse (not exceeding 1,000 square feet);
 - Garden Shop;
 - Water Treatment Plant;
 - Public Fairgrounds;
 - Motor Bus Station;
 - Truck Terminal;
 - Railroad Yards and Freight Terminals;
 - Airport;
 - Heliport/Helistop;
 - Mortuary or Funeral Home;
 - Roadside Produce Sales Stand;
 - Feed and Grain (sales only);
 - Artist Studio;
 - Antique Sales and Service;
 - Amusement Park;
 - Resort or Organized Camp;
 - Bait Sales;
 - Country club Clubhouse;
 - Lodge or private club;
 - Outdoor commercial recreational enterprise;

ITEM 7.C.(2)(B) CONTINUED

- Private indoor recreational development;
- Public Camp or picnic area;
- Seasonal hunting or fishing lodge;
- Stadium or coliseum;
- Outdoor Theater;
- Aviation sales, service, or storage;
- Self-storage Warehouses, not providing heat and utilities to individual units;
- Landscape Waste Processing Facility; and
- Wood Fabricating Shop and Related Activities

GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA

9. Regarding any relevant municipal or township jurisdiction:
- A. Amendments to the Champaign County Zoning Map can be protested by any zoned municipality within one-and-one-half miles of the subject property and/or the township in which the subject property is located if it has a township plan commission. In the event of either a municipal or township 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 is located within the mile-and-a-half extraterritorial planning jurisdiction of the City of Urbana, which has a comprehensive Plan. The City has received notice of this request, and no comments have been received at this time.

REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND 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 (LURP's) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. The relationship of the Land Use Goals and Policies to the relevant LURP's is as follows:
- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

GENERALLY REGARDING POLICIES FOR AGRICULTURAL LAND USE

11. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-1 District to the AG-2 District. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
 - A. Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.
 - B. Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
 - C. Policy 1.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
 - D. Policy 1.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.
 - E. Policy 1.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.
12. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
 - i. those areas served by:
 - adequate utilities
 - transportation facilities, and
 - commercial services or
 - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.
- A. The following policies relate to adequacy of utilities:
 - (1) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development

ITEM 12.A.(1) CONTINUED

should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.

- (2) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.

B. The proposed map amendment **CONFORMS** to Policy 1.2 because of the following:

- (1) The existing business is a mix of agricultural and non-agricultural activities that benefit from proximity to other agricultural uses.
- (2) The adequacy of utilities and transportation facilities for the existing use on the subject property is reviewed in related Zoning Case 636-S-08, and special conditions required to ensure that there is no negative impact on the District have been proposed.

REGARDING GOALS FOR AGRICULTURAL LAND USES IN THE LAND USE GOALS AND POLICIES

13. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-1 District to the AG-2 District. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

A. Based on the existing use the proposed map amendment **ACHIEVES** this goal because of the following:

- (1) It will allow an established use that is made up of a mix of agricultural and non-agricultural activities to continue to operate.
- (2) The AG-2 District is intended for application within one and one-half miles of existing communities in the county, and the subject property is within one and one-half miles of the City of Urbana.
- (3) The AG-2 District is also intended to prevent scattered indiscriminate urban development.

14. The second agricultural land use goal of the Land Use Goals and Policies is as follows:

Establishment of an agricultural land classification system based on productivity. Improvement of rural drainage systems.

This goal does not appear to be relevant to relevant to any specific map amendment.

REGARDING GENERAL LAND USE POLICIES

- 15. There are two general land use policies in the Land Use Goals and Policies. The second land use policy is not relevant to any specific map amendment.
- 16. The first general land use policy is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of:

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant agricultural land use policies and goals, the proposed map amendment **CONFORMS** to this policy because the proposed rezoning is intended to allow an existing use that is made up of a mix of agricultural and non-agricultural activities to continue to operate on the urban periphery.

REGARDING GENERAL LAND USE GOALS

- 17. There are five general land use goals for all land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
 - A. The first and fifth general land use goals are not relevant to any specific map amendment.
 - B. The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.
- 18. The third general land use goal is as follows:

Land uses appropriately located in terms of:

- i. utilities, public facilities,
- ii. site characteristics, and
- iii. public services.

The proposed map amendment **ACHIEVES** the third general land use goal based on the following:

- A. **CONFORMS** with Policy 1.2 related to utilities, public facilities, and public services (see item 12);
- B. The proposed rezoning **ACHIEVES** in regards to site characteristics based on the following:
 - (1) The AG-2 District is intended to apply to areas within one and one-half miles of existing communities and the subject property is within one and one-half miles of the City of Urbana, but the subject property is not currently zoned in the AG-2 District.

ITEM 18.B. CONTINUED

- (2) The subject property is located with the one and one half mile extraterritorial jurisdiction of the City of Urbana and can be located on the Future Land Use Map of the City of Urbana 2005 Comprehensive Plan. The subject property is located in the Future Planning Area which will be considered in a future update to the 2005 plan. It is currently indicated to be used as either Agriculture or no specific land use.

19. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Overall the fourth general land use goal will **BE ACHIEVED** by the proposed map amendment based on conformance with the preceding policies or achievement of the preceding goals.

GENERALLY REGARDING COMPLIANCE WITH THE LAND USE REGULATORY POLICIES—RURAL DISTRICTS

20. The LURP's were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance.

21. Regarding compliance with relevant Land Use Regulatory Policies (LURP's):

- A. LURP 1.4.1 states that 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 minimized exposure to any negative effect caused by agricultural activities.

The proposed rezoning **ACHIEVES** this policy because the AG-2 District is intended to allow an existing use that is made up of a mix of agricultural and non-agricultural activities to continue to operate. Compatibility of that use will be determined in related Zoning Case 636-S-08.

- B. LURP 1.4.2 states that 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.

The proposed rezoning **ACHIEVES** this policy because the AG-2 District is intended to allow an existing use that is made up of a mix of agricultural and non-agricultural activities to continue to operate. Compatibility of that use will be determined in related Zoning Case 636-S-08.

- C. LURP 1.5.2 states that 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.

The proposed rezoning **ACHIEVES** this policy because the proposed rezoning is for property that is well suited to the proposed use.

ITEM 21. CONTINUED

- D. LURP 1.5.3 states that 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.

The proposed rezoning *ACHIEVES* this policy because the existing infrastructure is adequate to serve the proposed use.

- E. LURP 1.5.4 states that 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.

The proposed rezoning *ACHIEVES* this policy because the existing public services are adequate to serve the proposed use.

- F. LURP’s 1.6.1 states that 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.

The proposed rezoning *ACHIEVES* this policy because the existing use is made up of a mix of agricultural and non-agricultural activities that benefit from a rural location.

- G. LURP 1.6.2 states that 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 the 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.

The proposed rezoning *ACHIEVES* this policy because the proposed use cannot be located in an urban area or on a less productive site; and the proposed use is appropriate in a rural area and the site is very well suited to it.

GENERALLY REGARDING ANALYSIS OF THE LASALLE FACTORS

- 22. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

- A. **LaSalle factor: The existing uses and zoning of nearby property.**

- (1) This property is surrounded by land principally used for farmland.

ITEM 22.A. CONTINUED

- (2) The only residential property that directly abuts the subject property is a single family dwelling at the southeast corner of the subject property. Both the existing use and the residential property are established uses with no apparent history of conflict.
 - (3) The populated area closest to the subject property is the City of Rantoul, approximately one and one quarter-mile away.
 - (4) The nature of the existing uses of nearby properties appears to be compatible with the AG-2, Agriculture Zoning District.
- B. ***LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.***
- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - (2) In regards to the value of nearby agricultural properties, it is not clear if the requested rezoning would have any effect as this property is mostly farmland as well.
 - (3) In regards to the value of the subject property the proposed rezoning will have some impact on value. The proposed rezoning is intended to allow an existing use to continue to operate and grow at its current location.
- C. ***LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.***
- (1) As reviewed above, there is no appraisal available as evidence of value and any discussion of value at this time can only be general in nature.
 - (2) There is no evidence indicating that there will be any destruction of property values.
- D. ***LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.***
- (1) The proposed rezoning appears to create a mutually beneficial situation for the public and the property owner as the amount of land in the AG-2 District will be increased in an area where it is intended to apply and the property owner can continue to operate and grow their business at their current location.
- E. ***LaSalle factor: The suitability of the subject property for the zoned purposes.***
- (1) The subject property has been determined to be suited by the degree of conformance to various policies and the degree of achievement of various goals from the Land Use Goals and Policies and the Land Use Regulatory Policies – Rural Districts (see above).

ITEM 22. CONTINUED

- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
- (1) The subject property has not been vacant, as it has been in use as Country Arbors Nursery for the past 22 years.
- G. ***Sinclair* factor: The need and demand for the use.**
- (1) The existing business has operated in its current location for the past 22 years.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The City of Urbana 2005 Comprehensive Plan Future Land Use Map indicates the subject property as part of the Future Planning Area that will be addressed in future updates to the 2005 Comp Plan.

DOCUMENTS OF RECORD

1. Application for Rezoning from Country Arbors, Inc. and P. Terence Cultra, with attachments:
 - A Petitioner's Attachment I. Legal Description and Deeds of subject property
 - B Petitioner's Attachment II. Copy of Section 5.2 of *Zoning Ordinance* Table of Authorized Uses
 - C Petitioner's Attachment III. Map of Generalized Zoning in Champaign County
 - D Petitioner's Attachment IV. Proposed Site Plan
 - E Petitioner's Attachment V. Country Arbors Nursery, Inc. 1991 Strategic Plan
 - F Petitioner's Attachment VI. Photographs and Plans of proposed greenhouse structures

2. Preliminary Memorandum for Case 635-AM-08, with attachments
 - A Case Maps for Cases 635-AM-08 and 636-S-08 (Location, Land Use, Zoning)
 - B Preliminary Finding of Fact for Case 635-AM-08(Also see the Preliminary Memorandum for Case 636-S-08 for other attachments)

3. Special Use Permit Application from Country Arbors Nursery, Inc. and P. Terence Cultra received on September 23, 2008, with attachments:
 - A Petitioner's Attachment IA Legal Description of the subject property
 - B Petitioner's Attachment II Fixed Structures on Property
 - C Petitioner's Attachment III Letter from Rick Carr, Urbana Park District
 - D Petitioner's Attachment IV Country Arbors Nursery, Inc. 1991 Strategic Plan
 - E Petitioner's Attachment V Generalized Zoning in Champaign County
 - F Copy of Ordinance No. 598 Zoning Case 174-AT-99
 - G Copy of AG-2 Planning and Zoning Handout
 - H Proposed site plan

4. Preliminary Memorandum for Case 636-S-08, with attachments:
 - A Proposed site plan received on September 23, 2008
 - B Petitioner's Attachment II Fixed Structures on Property, received on September 23, 2008
 - C Petitioner's Attachment III Letter from Rick Carr, Urbana Park District, received on September 23, 2008
 - D Petitioner's Attachment IV Country Arbors Nursery, Inc. 1991 Strategic Plan, received on September 23, 2008
 - E IDOT Traffic Map of vicinity of subject property
 - F Preliminary Draft Summary of Evidence for Case 636-S-08

5. Revised Site Plan received on January 23, 2009

6. Supplemental Memorandum for Case 636-S-08 dated January 23, 2009, with attachments:
 - A Revised site plan received on January 23, 2009
 - B Annotated revised site plan received on January 23, 2009

AS APPROVED

Case 635-AM-08
Page 15 of 16

DOCUMENTS OF RECORD, CONTINUED

7. Supplemental Memorandum for Case 636-S-08 dated January 29, 2009, with attachments:
 - A Letter from neighbor Dean Rose, 1760CR1400N26, dated January 26, 2009
 - B Letter from neighbor Dean Rose, 1760CR1400N26, dated January 28, 2009
 - C Staff Parking Analysis (11" x 17", included separately)
 - D Section 7.1.4 (parking requirements) of the *Zoning Ordinance*
8. Staff Parking Analysis dated January 29, 2009
9. Map submitted by neighbor Dean Rose on at January 29, 2009 public hearing

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 635-AM-08** should **BE ENACTED** by the County Board.

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

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of



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

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

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **February 2, 2009**
RE: **Case 520-AM-05 Rural Residential Overlay Map Amendment for
proposed five lot RRO**

Zoning Case 520-AM-05

Request: **Amend the Zoning Map to allow for the development of 2 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Gene and Carolyn Bateman**

Location: **Approximately 6.8 acres in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.**

STATUS

This case was deferred by the Committee on September 10, 2007, until after the County Board took final action on the Zoning Ordinance text amendment related to land use compatibility near pipelines (Case 583-AT-07). Case 583-AT-07 was approved as Ordinance No. 841 on November 20, 2008.

ATTACHMENT

A ELUC Memorandum of September 6, 2007 (includes all previous ELUC memoranda on this case)

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **September 6, 2007**
RE: **Case 520-AM-05 Rural Residential Overlay Map Amendment for
proposed five lot RRO**

Zoning Case 520-AM-05

Request: **Amend the Zoning Map to allow for the development of 2 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Gene and Carolyn Bateman**

Location: **Approximately 6.8 acres in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.**

STATUS

This case was before the Committee on March 12, 2007, at which time it was deferred to allow time for a Zoning Ordinance text amendment related to land use compatibility near pipelines. There has not yet been a public hearing on that text amendment.

At this time the amendment will not be before the Committee before the regularly scheduled meeting on December 10, 2007, meeting. This case could be deferred to that date or the Committee could take action based on the ZBA recommendation that was reviewed in the January 9, 2007, memo (see attached).

ATTACHMENT

A ELUC Memorandum of February 7, 2007 (includes all previous ELUC memoranda on this case)

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **February 7, 2007**
RE: **Case 520-AM-05 Rural Residential Overlay Map Amendment for
proposed five lot RRO**

Zoning Case 520-AM-05

Request: **Amend the Zoning Map to allow for the development of 2 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Gene and Carolyn Bateman**

Location: **Approximately 6.8 acres in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.**

STATUS

This case was before the Committee at the January 16, 2007, meeting but the motion to approve failed to get a second. The Committee must make a recommendation on this case in order to move it to the County Board. The recommendation can be to recommend approval or to recommend denial or even "no recommendation".

ATTACHMENT

A ELUC Memorandum of January 9, 2007

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **January 9, 2007**
RE: **Case 520-AM-05 Rural Residential Overlay Map Amendment for
proposed five lot RRO**

Zoning Case 520-AM-05

Request: **Amend the Zoning Map to allow for the development of 2 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Gene and Carolyn Bateman**

Location: **Approximately 6.8 acres in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.**

STATUS

This case was before the Committee at the November 13, 2006, meeting when the Committee remanded this case to the Zoning Board of Appeals (ZBA) in order for the ZBA to consider a revised request. The revised request is for fewer lots (two instead of the previous five lots) and the lots have been reconfigured such that all buildable area is outside of the "potential impact radius" of nearby gas pipelines. The ZBA considered the remanded case at their December 14, 2006, meeting and voted to "RECOMMEND APPROVAL" of the revised Rural Residential Overlay (RRO) rezoning. Relevant maps have been excerpted from the Documents of Record and are attached. The Summary of Evidence is attached and includes relevant testimony from the public hearing.

The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact.

Recall that this is the first RRO to be proposed in the vicinity of the underground Manlove Gas Storage Facility in Newcomb and Brown Townships in the northwestern part of the County. See item 17 on pages 14 through 18 of the Summary of Evidence.

No frontage protests been received from neighboring landowners against the proposed rezoning. The subject property is not located within any municipal or village extraterritorial jurisdiction so there can be no municipal or village protest. Newcomb Township has a Plan Commission but the township has provided no communication regarding the proposed map amendment.

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 Land Use Regulatory Policies that were adopted on November 20, 2001, establish requirements for RROs proposed on "best prime farmland" that the land be "well suited" and that the land be used in the "most efficient way". The proposed RRO is not on best prime farmland so the higher requirements do not apply. The required findings on page 31 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. The proposed site **SUBJECT TO CONDITIONS, IS SUITED** for the development of **TWO** residences because:
 - A. **the site has more or less typical Champaign County conditions due to manmade hazards and safety concerns (see items 17. B., C, D, E, F*); and**
 - B. **much better than typical and nearly ideal conditions for the other considerations of adequacy of roads; effects on drainage; septic suitability; LESA score; and flood hazard status, and the availability of water is more or less typical (see items 22, 11, 12, 13, 14, 19, and 21*); and**
 - C. **the property is between 4 and 5 miles from the Cornbelt Fire Protection District (see item 15*); and**

and despite:

 - D. **the fact that there are high pressure gas pipelines in the vicinity (see item 17.*); and**
 - E. **the site has much worse than typical Champaign County conditions because it is bordered on one side by livestock management facilities (see item 23.B.(3)*); and**
 - F. **emergency services vehicle access is limited by flooding (see item 12.B.(1)(e)*).**

* refers to items in the Summary of Evidence

NOTE: This is not the actual finding. See 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 **SUBJECT TO CONDITIONS, WILL BE COMPATIBLE** with surrounding agriculture because:

- A. surface drainage that is much better than typical (see item 12.*); and**
- B. the condition to provide an easement for the drainage district tile (see items 24.B. (1) & (2)*); and**
- C. the adequacy of the roads that is nearly ideal Champaign County conditions (see item 11*); and**
- D. traffic generated by the proposed RRO District that will be only 100% more than without the RRO (see item 23.A.(1)*);**

and despite:

- E. the presence of adjacent livestock management facilities on one side and four other livestock management facilities within a one-mile radius of the property for a total of three active facilities that are by law allowed to expand up to 1,000 animal units (see item 23. B.(3)*); and**
- F. the presence of a drainage district tile near the proposed RRO District (see item 12.B.*).**

* refers to items in the Summary of Evidence

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

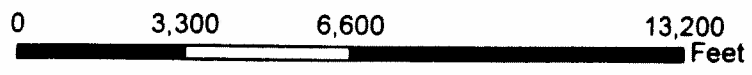
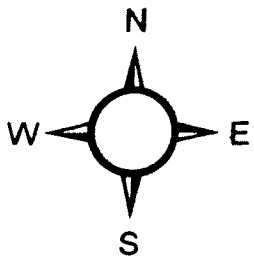
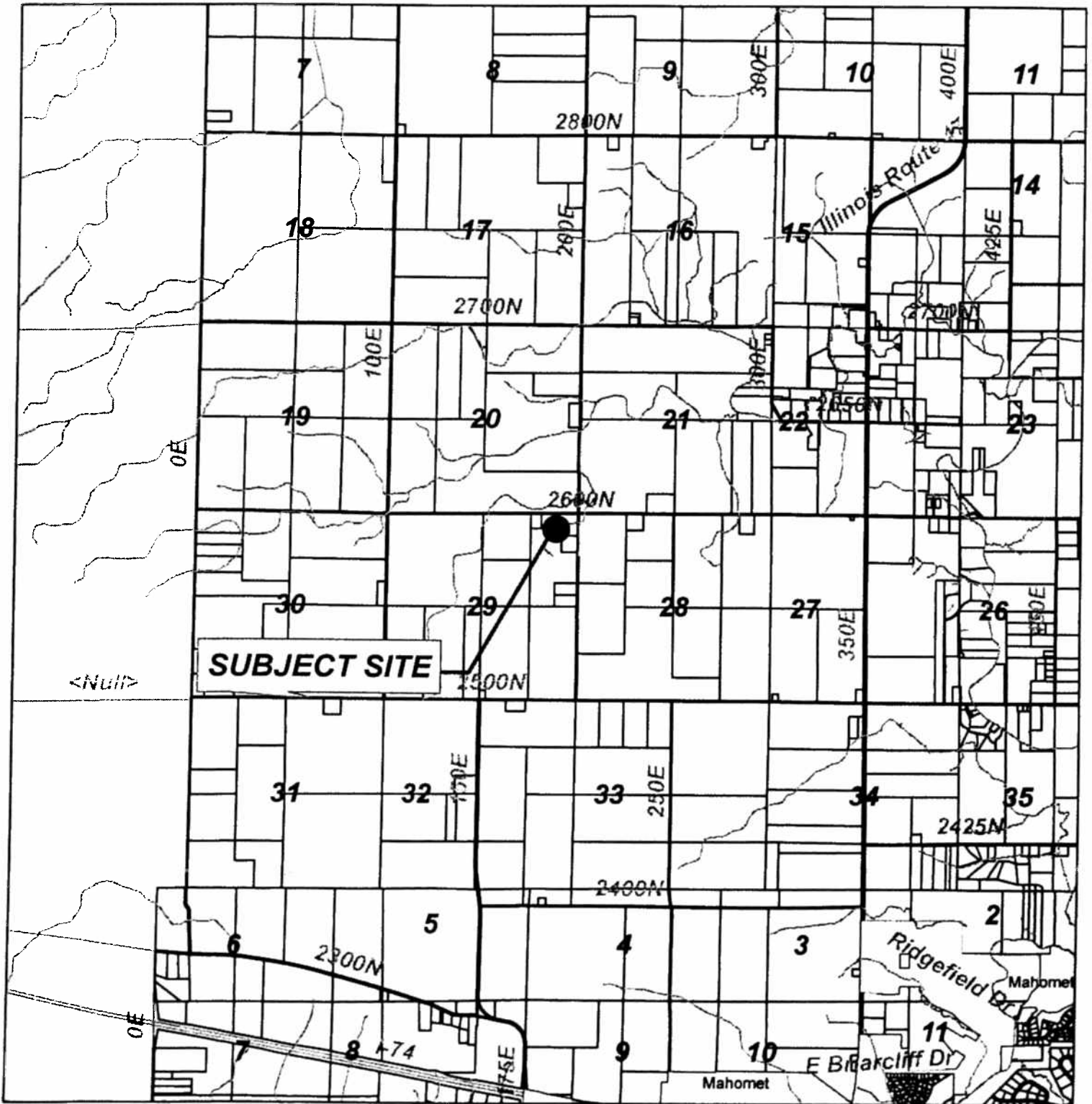
PROPOSED CONDITIONS

The ZBA approved several conditions to address safety concerns related to the high pressure gas pipelines; the presence of a drainage district tile; driveway access for emergency services vehicles; and the fact that the lots are not part of a Plat of Subdivision. The conditions are listed under item 24 of the Summary of Evidence.

ATTACHMENTS (excerpted from the Documents of Record)

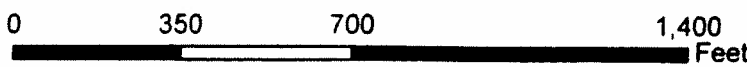
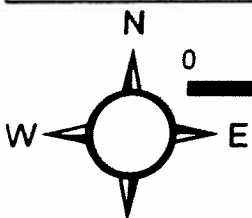
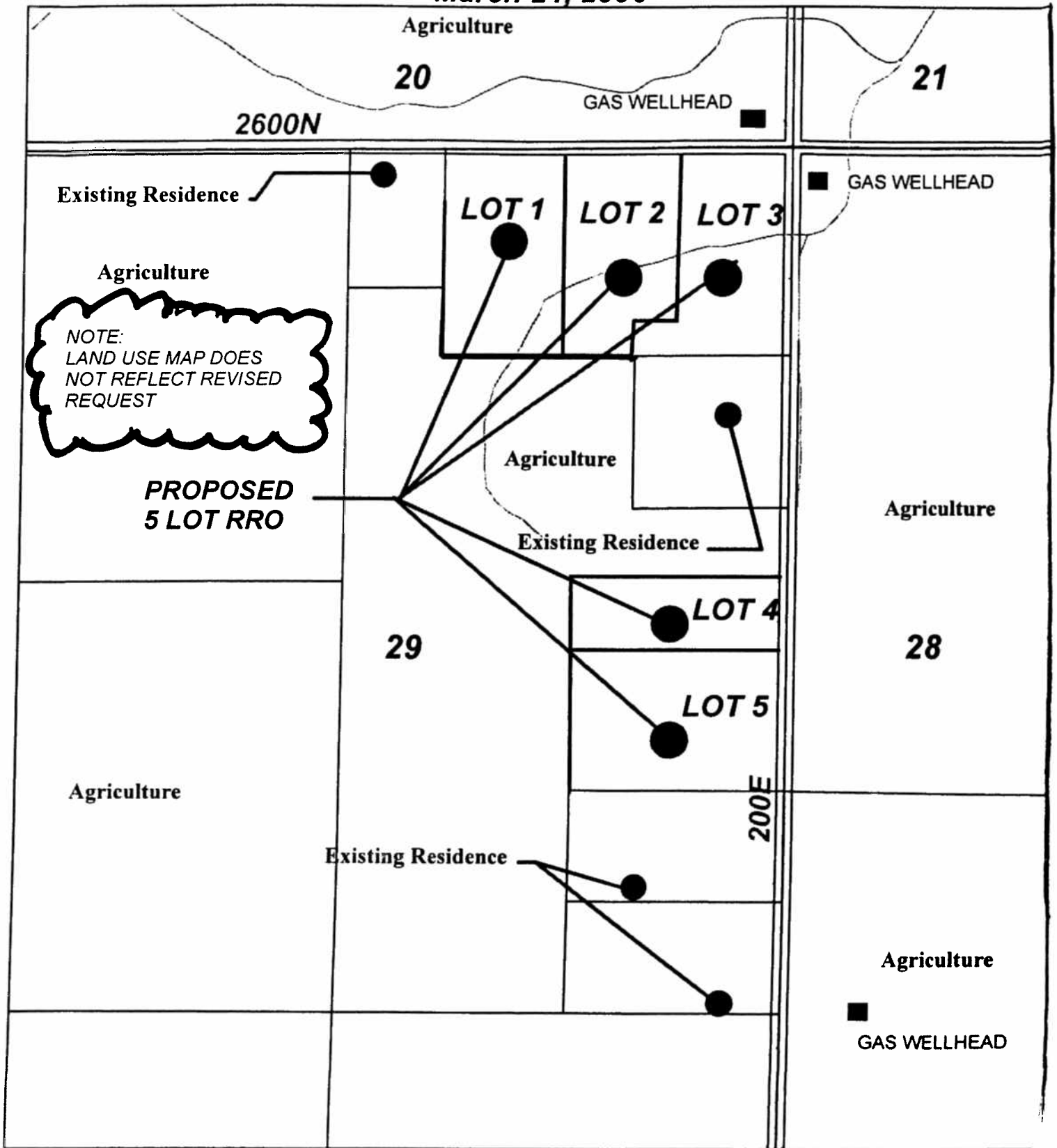
- A Zoning Case Maps (Location, Land Use, Zoning)**
- B Revised Proposed Bateman Tracts received December 14, 2006, as revised at the public hearing (with indication of Potential Impact Radius for high pressure gas pipelines)**
- C Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on remand on December 14, 2006 (UNSIGNED)**

Attachment A Location Map
Case 520-AM-05
March 24, 2006



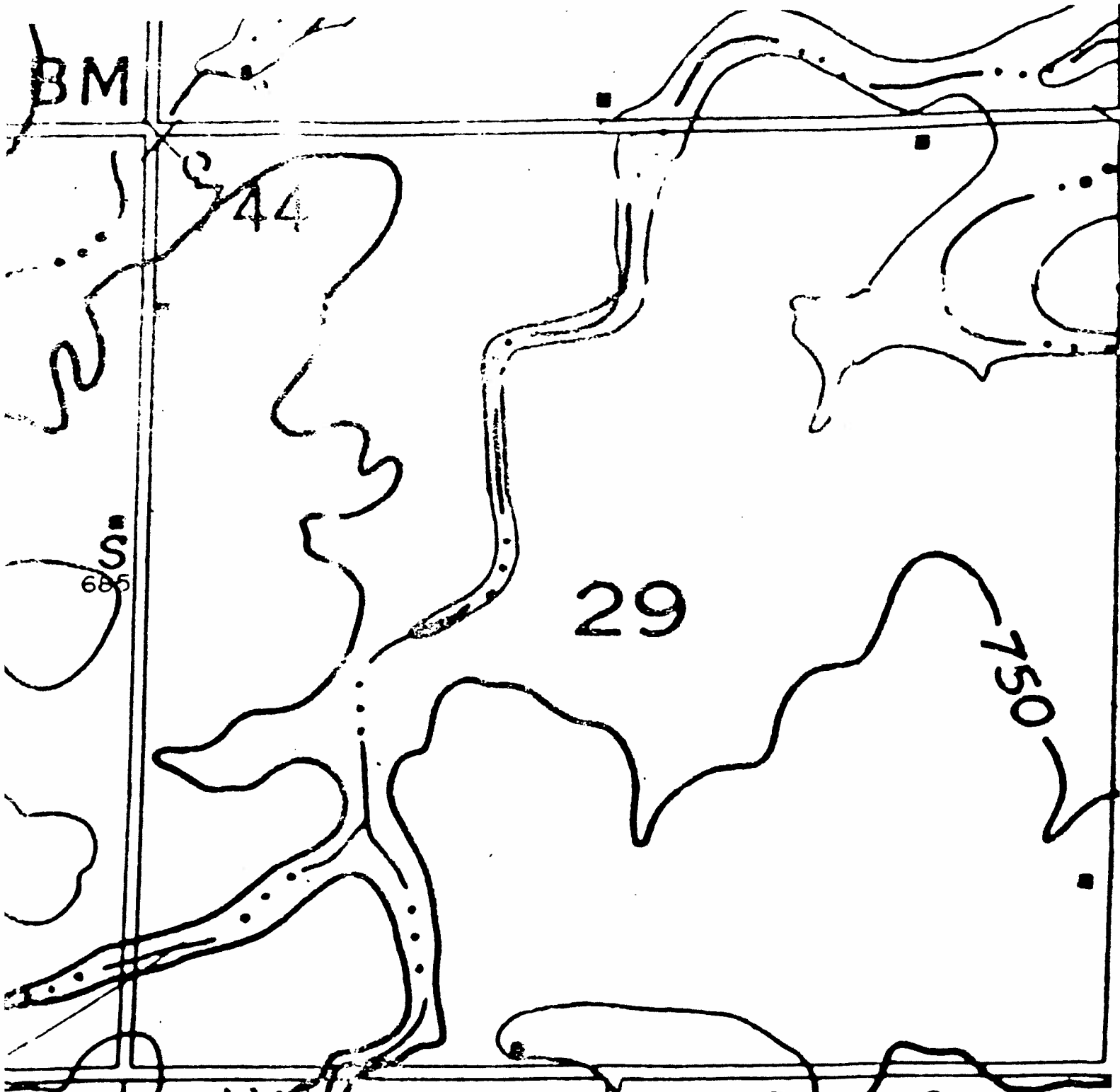
Champaign County
Planning and Zoning Department
1776 E. Washington Street
Urbana, IL 61802
217-384-3708

**Attachment A Land Use Map
Case 520-AM-05
March 24, 2006**



**Champaign County
Planning and Zoning Department
1776 E. Washington Street
Urbana, IL 61802
217-384-3708**

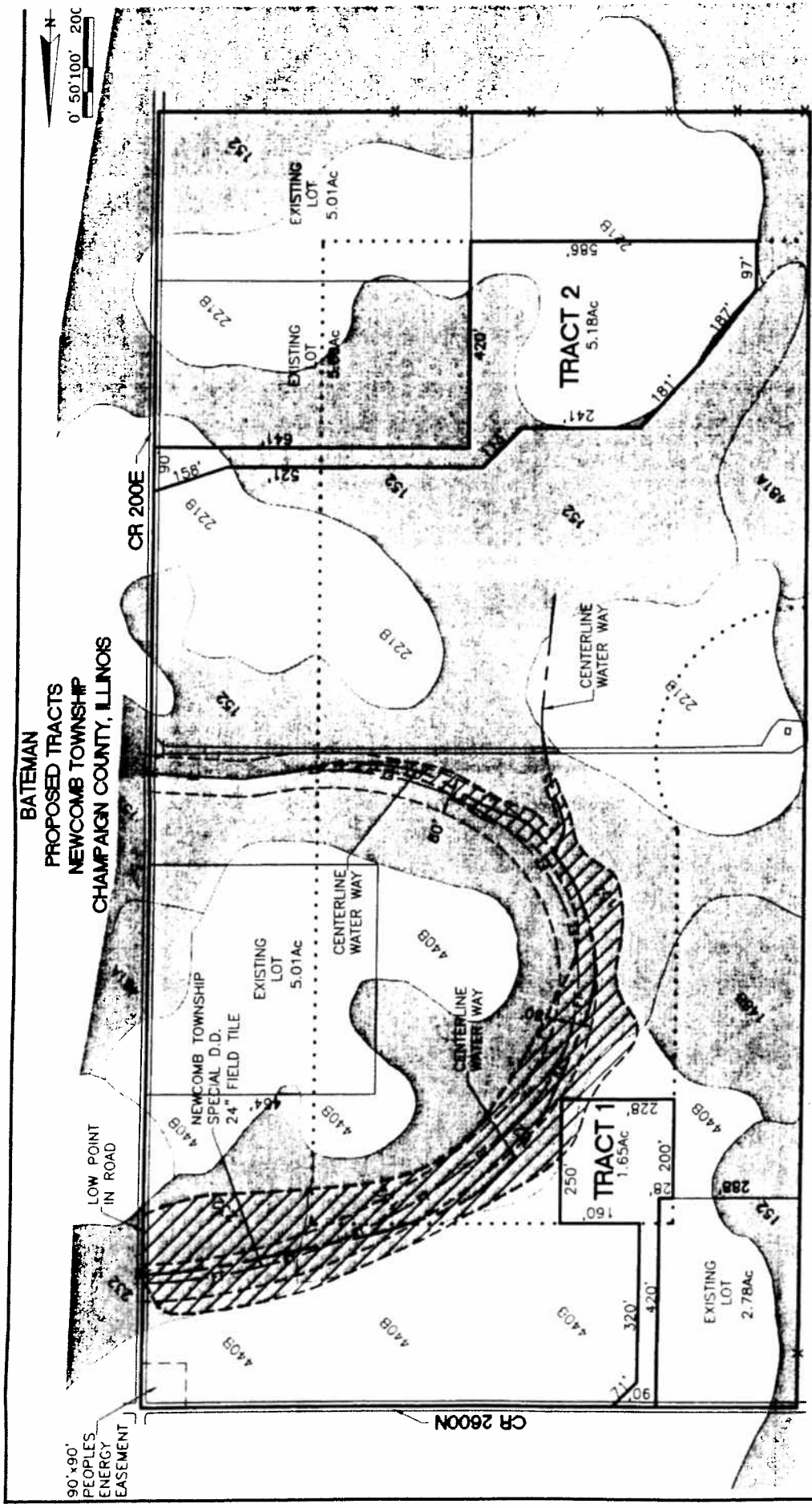
Attachment A Zoning Map
 Case520-AM-05
 March 24, 2006



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Park	B-3 Highway Business	I-1 Light Industry
CR Conservation	R-3 Two-family	B-1 Rural	B-4 General	I-2 Heavy

54

Champaign County
 Department of
PLANNING & ZONING



E. K. NEX - SEC. 29-121N-R7E-3rd PM
 CHAMPAIGN COUNTY, ILLINOIS

Revised: 12/18/
 Revised: 12/14/
 Revised: 12/13/
 Revised: 11/6/
 Revised: 10/12/
 Revised: 10/11/
 Revised: 07/13/
 Drawn By: BDB/CAM Date: 03/27/06

Job # 05114
 201 West Springfield, Suite
 Champaign, Illinois 61824-0
 Phone No. 217-352-6976

HDC
 ENGINEERING
 Professional Design Firm License No. 184-00322

	BPF SOIL		NON-BPF SOIL		LE
TRACT 1	1.65Ac.	152 DRUMMER	0.07Ac. - 4.2%	440B JASPER	1.58Ac. - 95.8%
TRACT 2	5.18Ac.	152 DRUMMER	1.51Ac. - 29.2%	221B PARR	3.67Ac. - 70.8%
					84.5

BPF SOILS

NON-BPF SOILS

HIGH WATER BACKUP
 (SAME ELEV. AS LOW
 POINT IN ROAD)

POTENTIAL IMPACT ZONE
 SETBACK LINE

**AS REVISED AT THE PUBLIC HEARING
 DECEMBER 14, 2006**

**AS APPROVED ON REMAND
520-AM-05**

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

Final Determination: **RECOMMEND APPROVAL**

Date: **December 14, 2006**

Petitioner: **Gene Bateman**

Request: **Amend the Zoning Map to allow for the development of 2 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006; April 13, 2006; July 13, 2006; August 31, 2006; October 12, 2006; and December 14, 2006**, the Zoning Board of Appeals of Champaign County finds that:

1. Gene Bateman and his wife, Caroline Bateman, are the owners of the subject property.
2. As described in the petition received October 12, 2005, the subject property consists of two tracts from an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that are as follows:
 - A. The north 631 feet of the East 1042.7 feet of the East Half of the Northeast Quarter of Section 29 for a total of 15 acres. The revised site plan received on March 29, 2006, increased this area to include the north 633 feet and the total area for this part increased to 15.13 acres.
 - B. The South 545 feet of the North 1960 feet of the East 641 feet of the Northeast Quarter of Section 29 for a total of 8 acres. The revised site plan received on March 29, 2006, changed this area to be the south 615 feet of the North 1960 feet of the East 591 feet of the Northeast Quarter of Section 29 for a revised total of 6.48 acres.
3. On the petition, when asked what error in the present Ordinance is to be corrected by the proposed change, the petitioner 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 AG-1 Agriculture and is currently vacant.
 - B. Land on all sides of the subject property is zoned AG-1 Agriculture and is used as follows:
 - (1) Land on the south and west is in agricultural production
 - (2) Land on the east, and north is in agricultural production and contains residential uses.
5. Regarding any relevant municipal or township jurisdiction:
- A. The subject property is not located within the mile-and-a-half extraterritorial planning jurisdiction of any village or municipality.
 - B. The subject property is located in Newcomb Township which has a plan commission. The plan commission has received notice of the meeting. Newcomb Township has protest rights on the proposed map amendment. In the event of a valid township protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority. A township protest must be signed and acknowledged by the Township Board and filed with the Champaign County Clerk within 30 days of the close of the hearing at the ZBA. A certified mail notice of the protest must also be given to the Petitioner.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
- A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. 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:
 - (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.
 - C. 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:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on drainage both upstream and downstream;
 - (3) The suitability of the site for onsite wastewater systems;
 - (4) The availability of water supply to the site;

- (5) The availability of emergency services to the site;
- (6) The flood hazard status of the site;
- (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
- (8) The presence of nearby natural or man-made hazards;
- (9) Effects on nearby farmland and farm operations;
- (10) Effects of nearby farm operations on the proposed residential development;
- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;
- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site

GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES

7. 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 (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies. LURP's 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 1.5.3 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.
- F. 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

- 8. 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. 709 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 was a 77.22 acre parcel on January 1, 1998, and since that time there have been three five-acre lots created. The 2.8 acre parcel in the northwest corner also existed as a separate parcel on January 1, 1998. The current 62.2 acre parcel could be divided into a 35 acre tract lot and a 27.2 acre remainder lot without having to obtain approval of the Rural Residential Overlay District as amended in Case 431-AT-03, Part A.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 9. The plan titled Proposed Bateman Tracts received October 12, 2005, was submitted in fulfillment of the Schematic Plan requirement and it has been revised throughout the public hearing and indicates the following:
 - A. The RRO District is proposed to include five lots that occupy 23 acres of the 62.20 acre subject property. Lots 1, 2, 3 and 5 are proposed to be five acre lots and Lot 4 was proposed to be a three acre lot. Lot 4 was revised to be a 1.58 acre lot on the Revised Proposed Bateman Tracts received March 29, 2006.
 - B. The property is not within a FEMA regulated 100-year flood zone.
 - C. The site drains primarily to the northeast into an existing farmed waterway. The Revised Proposed Bateman Tracts received March 29, 2006, indicates the centerline of the waterway and indicates the high water backup elevation if the culvert near CR2600N would become blocked.
 - D. The Revised Proposed Bateman Tracts received July 13, 2006, has the following changes:
 - (1) A 90" x 90" easement for Peoples Energy is indicated at the intersection of CR2600N and CR200E.
 - (2) The centerline of the 24 inch diameter Newcomb Special Drainage District drainage tile is indicated. A 75 feet wide easement is indicated centered on the tile.
 - (3) Shared driveway entrances are indicated for Tracts 1 and 2 and for Tracts 4 and 5.
 - E. The Revised Proposed Bateman Tracts received October 12, 2006, has the following changes:
 - (1) An 80 feet wide easement for the Newcomb Special Drainage District tile.
 - (2) Revised lots.
 - F. The Revised Proposed Bateman Tracts received December 14, 2006, and as amended at the public hearing on December 14, 2006, has the following changes:
 - (1) The number of lots was reduced to two.
 - (2) All proposed lots are flag lots with access strips that are 680 feet long for Tract 2 and 340 feet long for Tract 1.

- F. The lots in the requested RRO District meet or exceed all of the minimum lot standards of the Zoning Ordinance.

GENERALLY REGARDING THE SOILS ON THE PROPERTY

10. A Natural Resource Report was prepared for the petitioner in 2003 and was based on the entire 77 acre tract. Staff re-examined the proposed 5 lot RRO and the results can be summarized as follows:
- A. Regarding the types of soils on the total property, their relative extent, and the relative values:
- (1) About 51% of the total 77 acre property consists of soils that are considered by Champaign County to be Best Prime Farmland and consists of Drummer silty clay loam, 0 to 2% slopes (map unit 152A); Ashkum silty clay loam (232A); Raub silt loam, 0 to 3% slopes (481A); and Clare silt loam, 1% to 5% slopes (663B; formerly 148B Proctor silt loam, 1% to 5% slopes).
 - (2) About 49% of the of the total 77 acre property consists of soils that are not considered Best Prime Farmland by Champaign County and consists of Wyanet silt loam, 2% to 5% slopes (622B; formerly 221B Parr silt loam, 2% to 5%); and Penfield Loam, 1% to 5% slopes (687B; formerly 440B Jasper loam, 1% to 5% slopes).
- B. The original 77 acre property is 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 the overall Land Evaluation factor for the soils on the subject property is 88. When encountering situations such as this, staff generally evaluates each site on an individual basis.
- C. Regarding the types of soils on the proposed RRO lots making up the 22.1 acres, their relative extent, and the relative values:
- (1) The proposed RRO lots have been located such that Best Prime Farmland soils make up only about 36% of the proposed lot area and Drummer silty clay loam makes up only about 25% of the proposed lot area.

- (2) An evaluation of the soils for the entire proposed RRO yields an average Land Evaluation score of 84.4 which rounds to 84 and thus the proposed RRO is not Best Prime Farmland on average.
 - (3) An evaluation of the soils for the specific lots proposed in this RRO as indicated on the revised Proposed Bateman Tracts received October 12, 2006, indicates the following:
 - (a) Tracts 1, 2, 3, and 5 are not Best Prime Farmland on average; and
 - (b) Tract 4 is Best Prime Farmland on average.
- D. Site specific concerns stated in the Natural Resource Action Report are as follows:
- (1) The subject property has 6 soils types that are moderate to severe limitations for the development in their natural unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site.
 - (2) The subject area will be subject to erosion both during and after construction. Any areas left for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible.
 - (3) The proposed design that uses 5 to 5.5 acre tracts is not an efficient use of prime farmland. A lot size of 1 acre would be more efficient use of the land.
 - (4) Drainage ways noted on the Surface Water Flow Map need to be maintained. A significant volume of water flows through the property in drainage ways that should be guarded with permanent easements.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

11. 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 Aweekday@ 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 (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, the 5 proposed single-family residence in the requested RRO District are estimated to account for an increase of approximately 50 ADT in total but it is unclear if all the traffic flow will be in the same direction or if the traffic will be split between the east and the west and north and south.
- 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. The roads in question both meet this minimum standard.
- 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). An IDOT map of AADT data for 2001 in the vicinity of the subject property is included as an attachment to the Preliminary Memorandum and indicates the following:
- (1) There is no AADT data reported for CR 2600 N between the subject property and the intersection of CR200E. The closest ADT in the vicinity of the subject property is approximately 1 mile south on CR2500N and has an ADT of 250.
 - (2) The pavement width of the both roadways, CR200E and CR 2600N adjacent to the subject property is approximately 18' wide. These roadways are contained within a minimum ROW width of 40 feet in the vicinity of the subject parcel and is constructed of oil and chip.

- 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 the minimum stopping sight distance. Design speed determines what the recommended distance is. In regards to the proposed RRO, staff utilized the typical design speed of 55 mph for these two rural roadways and there appears to be no concerns related to stopping sight distance. The appropriate stopping site distance at 55 mph is 400 feet.
- H. The intersection of CR200E and CR2600E has no stop signs like most rural intersections and so there are visibility concerns for traffic approaching the intersection. Evidence relevant to traffic visibility concerns is as follows:
- (1) The relevant geometric standards for traffic 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. The “minimum stopping sight distance” is determined by design speed and varies as follows:
 - A design speed of 30 miles per hour requires a minimum distance of 200 feet.
 - A design speed of 40 miles per hour requires a minimum distance of 275 feet.
 - A design speed of 50 miles per hour requires a minimum distance of 400 feet.
 - A design speed of 60 miles per hour requires a minimum distance of 525 feet.
 - A design speed of 70 miles per hour requires a minimum distance of 625 feet.
 - (2) The Champaign County Zoning Ordinance prohibits construction and establishes vegetation maintenance requirements in corner visibility triangles that are 50 feet back from the right of way lines at all street intersections. For Township roads with 60 feet wide rights of ways this provides a guaranteed stopping sight distance of only about 80 feet which is inadequate for speeds as low as 30 miles per hour.
 - (3) The speed limit on unmarked rural roads is 55 miles per hour which requires a corner visibility triangle of about 462 feet.
- I. Testimony at the April 13, 2006, public hearing regarding traffic can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified that he was concerned with the condition of CR200E and about three years ago CR200E was a gravel road that maybe two or three people drove on per week but now there are about 60 or 70 cars that travel CR200E per day. He said that CR200E has been oiled but it is falling apart and there is a 20 feet wide area that is impassable when a flood even occurs and he does not believe that CR200E has the ability to handle anymore traffic in its current condition.

condition.

- (2) Chris Doenitz who resides at 125 CR2300N, Mahomet testified that he travels CR200E with farm equipment and currently he has to dodge mailbox after mailbox and the more houses that built the worse it will become. He said that CR200E is an inadequate road for large farm equipment and traffic and the continued creation of five acre lots along the roads creates havoc for the new landowners and farmers. He said that if the RROs are approved they should be required to install their own infrastructure.

- J. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because the five proposed residences will only add about a 20% increase in traffic and the Average Annual Daily Traffic will still be less than the maximum recommended.

GENERALLY REGARDING DRAINAGE

12. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
 - A. The Engineers statement of general drainage conditions received for this five lot RRO dated October 4, 2005, as well as the revised site plan indicates the following:
 - (1) There is approximately ten (10) foot of topographic fall on the subject property from the southern property line to the intersection of CR 2600 N and CR 200E. There are drainage ways that bisect the northern portion of the property that feed into branches of the tributary of the Sangamon River. There is an approximate 1.5% slope on average for the subject property. The topographic contours do not indicate any areas of significant storm water ponding on the subject property. 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) Most of the subject property drains directly to a tributary of the Sangamon River.
 - (3) None of the property is located below the Base Flood Elevation (100-year flood).
 - (4) Storm water detention is not required due to the low percent of impervious area for the proposed RRO.
 - (5) Based on records in the Department of Planning and Zoning, Newcomb Special Drainage District has a 20 inch to 24 inch drainage tile that is located generally in the northeast corner of the subject property. The applicants engineer has provided the centerline of this tile and indicated the High Water Back-up area on the revised schematic plan.

- B. Testimony at the April 13, 2006, public hearing regarding drainage can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
 - (a) He was representing the Newcomb Special Drainage District and the three Commissioners of the District are very concerned about the proposal.
 - (b) There is a 24 inch diameter district tile that runs through the proposed RRO and the drainage district is concerned about their ability to access the tile with the houses that are proposed to be constructed. He said that the District is concerned that the new owners will not be aware that the tile exists and the tile will be damaged during construction.
 - (c) The 24 inch tile is the only tile on the property that is a drainage district tile but there are 10 inch to 15 inch private tiles that branch off on the subject property.
 - (d) The drainage district tile is approximately 90 years old and at some point it will need to be replaced . At a minimum he estimates that the drainage district will require a 75 feet wide easement for maintenance of the tile.
 - (e) He said that the bridge to the south has adequate capacity but the bridge to the north is very old and is inadequate for a three inch rain. He said that he has lived in this neighborhood for 50 years and he has seen water backed up on this farm numerous times.
- C. Testimony at the July 13, 2006, public hearing regarding drainage can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
 - (a) The Newcomb Special Drainage District Commissioners would like an 80 feet wide easement for the drainage district tile and they do not want any permanent structures or trees in the easement nor should there be any hook-ups to the tile without the prior written approval by the drainage district.
 - (b) The Newcomb Special Drainage District Commissioners would like the Batemans to grass the entire waterway on their property.
- D. Based on the available information the subject property is 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) None of the subject property is located in the Special Flood Hazard Area.
 - (2) Approximately 64% of the 5 proposed RRO lots is soil that is not considered a “wet soil”.

- (3) The subject property has good surface drainage with adequate drainage outlets and does not drain over adjacent land.

GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

13. Regarding the suitability of the site for onsite wastewater systems:
 - A. No actual soil investigations or soil percolation test results have been submitted and none are required as a submittal for an RRO rezoning. As a practical matter the proposed buildable areas of the subject property are along the eastern and northern edges of the site. Proposed lot 3 contains the lowest elevation on the site as well as an existing drainage way but is still above the Base Flood Elevation. The buildable area for lot 3 is going to be near the center of the lot and in the southwest corner. The subject sites is made up of four different soils, Parr (221B), Ashkum (232), Drummer (152), and Jasper (440B).
 - 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 soils on the best buildable area of the subject property are an attachment to the Preliminary Memorandum and can be summarized as follows:
 - (1) Jasper loam, (soil unit 440B), with 1% to 5% slopes has a very high suitability for septic tank leach fields with a soil potential index of 79. This soils is found to be present on lots 1 through 3 and is characterized as a moderate rated soil due to the slow percolation rate. The soil comprises 71%, 72% and 52% of lot 1, 2 and 3 respectively. Parr silt loam, 2% to 5% slopes (map unit 221B), has a very high suitability for septic tank leach fields with a soil potential index of 100. There are no required corrective measures necessary with this soil. There are only four soils in Champaign County with a higher rating and 55 soils that have lower ratings. Parr silt loam comprises 31% and 71% of Lots 4 and 5 respectively and it makes up most of the best buildable area on these two lots. A trace amount of Parr silt loam is also contained on lot 3.
 - (2) Parr silt loam, 2% to 5% slopes (map unit 221B), has a very high suitability for septic tank leach fields with a soil potential index of 100. There are no required corrective measures necessary with this soil. There are only four soils in Champaign County with a higher rating and 55 soils that have lower ratings. Parr silt loam comprises 53 and 54 percent of Lots 4 and 5 respectively and it makes up most of the best buildable area on these two lots. A trace amount of Parrr silt loam is also contained on lot 3.

- (3) Drummer silty clay loam, (soil unit #152) has a low suitability for septic tank leach fields with a soil potential index of only 53. Several corrective measures are required. There are only 19 soils with a lower suitability than Drummer and 40 soils with a higher suitability. Drummer soil is found on 4 of the five lots and comprises no more than 47% on lot 4 (the highest) and 16% of lot 1 (the lowest) concentration. No Drummer soils are situated on lot 3.
 - (4) Ashkum silty clay loam, (Soil unit #232), has a low suitability for septic tank leach fields with a soil potential index of 96 but the low permeability requires a large absorption field. There are only nine soils in Champaign County with a higher rating and 50 soils that have lower ratings. This soil makes up about 48% (about 2.4 acres) of the lot 3 and is not found on any of the other proposed RRO lots.
- C. Overall septic suitability of the soils on the subject property can be summarized as follows:
- (1) About 60% of the subject property consists of soils with a high or very suitability for septic tank leach fields.
- D. Based on the available information, the suitability of the soils on the subject property for septic systems are 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) About 60% of the subject property consists of soils with a very high suitability for septic tank leach fields.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

14. 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 is included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
 - B. Based on the available information, groundwater availability of the subject property for the proposed RRO District is comparable to the “typical” conditions for Champaign County in terms of common conditions for groundwater availability and the impact on neighboring wells because of the following:
 - (1) the subject 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

15. Regarding the availability of emergency services to the site:
- A. The subject property is located approximately 5.3 road miles from the Cornbelt Fire Protection District station in Mahomet. The Fire District chief has been notified of this request.
 - B. The nearest ambulance service is in Champaign.
 - C. Based on the available information, 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 between 4 and 5 road miles from the Cornbelt Fire Protection District station in Mahomet.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

16. Regarding the flood hazard status of the site:
- A. Pursuant to Federal Emergency Management Agency Panel Number 170894-0150B, the entire subject property is not located within the mapped Special Flood Hazard Area.
17. Regarding the presence of nearby natural or man-made hazards;
- A. Gas pipeline easements are mentioned in the Open Title Policy submitted by the petitioner. Natural gas pipelines for the Manlove Gas Storage facility run along the south side of the subject property and across the street along the north and east sides of the subject property. There are also natural gas injection wells for the Manlove Gas Storage facility on the midpoint of the west side of the property and across the street at the northeast corner of the subject property.
 - B. Minimum safety requirements for gas pipelines are included under Title 49 of the Code of Federal Regulations (CFR), Part 192 that establishes the following:
 - (1) Potential impact radius (PIR) is defined by 49 CFR 192.03 as the radius of a circle within which the potential failure of a gas pipeline could have significant impact on people or property. PIR is determined by the formula $r=0.69*\sqrt{(p*d^2)}$, where r' is the radius of a circular area in feet surrounding the point of pipeline failure, p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and d' is the nominal diameter of the pipeline in inches.
 - (2) Class location is based upon population density using a standard class location unit that is defined by 49 CFR 192.5 as an onshore area that extends 220 yards on either side of the centerline of any continuous one mile length of pipeline. Defined class locations are the following:
 - (a) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

- (b) A Class 1 location is any class location unit that has 10 or fewer buildings intended for human occupancy
 - (c) A Class 2 location is any class location unit that has more than 10 but fewer than 46 buildings intended for human occupancy.
 - (d) A Class 3 location is any class location unit that has more than 46 buildings intended for human occupancy; or anywhere a pipeline lies within 100 yards (91 meters) of an identified site, which is either a building or a small, well-defined outside area (such as a playground, recreation area, outside theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12 month period. (The days and weeks need not be consecutive.)
 - (e) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.
- (3) Class location may change as a result of development within 220 yards of a pipeline and whenever an increase in population density indicates a change in class location for a segment of pipeline operating at a hoop stress not commensurate with that class location the pipeline operator must within 24 months of the change in class location make a study as outlined in 49 CFR 192.609 and reduce the operating pressure of the pipeline in the covered segment to that allowed by 49 CFR 192.611.
- (4) A high consequence area is undefined but is apparently an area where population density is great enough that the consequences in terms of impact on people or property from an undesired event are so great that a pipeline operator is required to develop and follow a written integrity management plan for all pipeline segments within high consequence areas. High consequence areas are classified as the following:
- (a) An area defined as either a Class 3 or 4 location under 49 CFR 192.5; or any area in a Class 1 or 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or any area in a Class 1 or 2 location where the potential impact circle contains an identified site, which is either an outdoor area like a playground or other public gathering area; or a building such as a church, public meeting hall, or other public gathering place.
 - (b) Or the area within a potential impact circle containing 20 or more buildings intended for human occupancy; or an identified site.

- C. Regarding specific safety considerations related to the high pressure gas pipelines near the subject property:
- (1) The area around the subject property is classified under 14 CFR 192 as follows:
 - (a) The high pressure natural gas pipeline that follows the south and east lot lines of the subject property is apparently a Class 1 location.
 - (b) The high pressure natural gas pipeline and injection well that sits at the midpoint of the west lot line of the subject property is apparently a Class 1 location.
 - (c) There are also no high consequence areas on or near the subject property.
 - (2) In a letter dated July 12, 2006, and in testimony at the July 13, 2006, meeting Thomas L. Purrachio, Gas Storage Manager for The Peoples Gas Light and Coke Company testified as follows:
 - (a) Peoples' Gas facilities in the vicinity of the subject property are as follows:
 - i. A gas injection well is located on a small separate tract of land on the west side of the subject property and is served by a 12 inch diameter high pressure natural gas pipeline that extends to the north and has an associated 12 inch diameter alcohol pipeline.
 - ii. Three pipelines are adjacent to the south lot line of the subject property and also across the street from the subject property on the north and east sides and consist of a 12 inch diameter high pressure natural gas line and a 12 inch diameter alcohol line and a water line.
 - iii. There is a separate small tract of land at the northeast corner of the property where the three pipelines that are across the street from the subject property on the east side cross to the north side.
 - iv. People's Gas also has easements over the subject property that give People's the right to lay any additional lines they find "necessary or desirable" and when they install these new lines their overall easement expands by an appropriate dimension described in the easement document. They are limited, however, to place their lines within 50 feet of a section line, a quarter section line, a highway right-of-way line, or an established fence line.
 - v. The gas pipelines are nominal 12 inch diameter with a maximum operating pressure of 2,000 pounds per square inch (PSI) and are located approximately three to five feet below grade. Similar pipelines service the adjacent gas injection wells. This results in a

potential impact radius of 393 feet which is much greater than the potential impact radius for gas lines at 30 or 40 or 60 or 150 PSI that might be in normal subdivisions.

- (b) Peoples Gas requests the following:
- i. A perimeter non-buildable easement area should be established on Tract 3 with a total easement width of 90 feet.
 - ii. The conceptual, preliminary, and final plats of subdivision should show the pipeline easement areas consistent with the 1965 easement document and any zoning approval should delineate maximum permissible building areas and expressly prohibit any construction of principal or accessory buildings anywhere outside the maximum permissible building areas. The majority of pipeline incidents nationwide are the result of third-party damage and the likelihood of third-party damage naturally increases with population density.
 - iii. Peoples Gas has not asked the Board to prohibit building within the red zone on the map of Manlove Storage Area and Bateman Property Development that is attached to the letter dated July 12, 2006, but the red zone is indicated to educate the Board and the public about requirements of the pipeline safety code.
 - iv. Peoples Gas has an outstanding safety record and endeavors to meet or exceed all pipeline safety regulations but the 393 feet of potential impact radius is a fair approximation of the pipeline and well rupture that occurred in 1998. In that event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast and one should not expect a pipeline rupture to go straight up, depending upon the weather.
 - v. The pipeline in the ground at the subject property already meets the more stringent requirement of a Class 2 area and Peoples Gas would not have to replace the existing pipelines if the subdivision were built as proposed.
 - vi. Although not a safety issue, on occasion maintenance activities require venting of gas at any time of day or night without notice to adjacent property owners that might result in noise for a few hours.

D. Testimony at the April 13, 2006, public hearing regarding the presence of high pressure gas pipelines can be summarized as follows:

- (1) Doug Turner who resides at 248CR2500N, Mahomet testified that his most vital concern about the proposed RRO is the adjacency to the Peoples Gas line. Peoples

Gas safety record is excellent but several years ago one of their lines ruptured and if the Board could have seen the fire that was created and the hole that was left the Board would understand his concern. He said that the fire was so hot that it melted the oil road and when the fire was put out a semi-tractor and trailer would have fit in the hole.

- E. The Revised Proposed Bateman Tracts received July 13, 2006, indicates the following in regards to pipeline safety:
- (1) The proposed RRO will affect the current class locations as follows:
 - (a) The high pressure natural gas pipeline that follows the east lot line of the subject property will take on two new buildings intended for human occupancy but should remain a Class 1 location.
 - (b) The high pressure natural gas pipeline and injection well at the midpoint of west lot line of the subject property and across the street to the north will take on three new buildings intended for human occupancy and also remain a Class 1 location.
 - (c) The proposed RRO will not create any high consequence areas.
 - (2) No part of any buildable area on any of the tracts is within the Potential Impact Radius of the adjacent high pressure gas pipeline.
- F. Based on the available information, the proposed RRO District is comparable to “more or less typical” conditions in terms of common conditions for flood hazard and other natural or man-made hazards for rural residential development in Champaign County because of the following:
- (1) None of the subject property is within the Special Flood Hazard Area.
 - (2) None of the roads that are required to access the subject property by emergency services are located within the 100 year floodplain.
 - (3) All proposed RRO lots have all of the buildable area outside of the Potential Impact Radius of high pressure gas pipelines on the north and east sides of the property.

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

18. Regarding the likely effects of nearby farm operations on the proposed development:
- A. Modern agricultural operations are generally incompatible with rural residential development because of the following:
- (1) 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.

- (2) Livestock management facilities produce odors that homeowners sometimes find objectionable.
- B. Row crop production agriculture occupies most of the land area within the vicinity of the subject property.
- C. A diagram of livestock management facilities within one mile of the proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting. The diagram indicates the following:
- (1) There are apparently four active livestock management facilities within a one mile radius of the subject property and one inactive facility that are located as follows:
 - (a) An apparently inactive livestock management facility is located about ½ mile northeast of the subject property and is indicated as facility A on the staff diagram.
 - (b) A livestock management facility with apparently less than 50 cows is located immediately north of the subject property. This facility is indicated as B on the staff diagram.
 - (c) A livestock management facility is located south of and adjacent to the subject property. Doug Turner testified at the April 13, 2006, public hearing that he is the landowner to the south of the subject property there is always in excess of 50 cows at this property. Mr. Turner also testified that his sons own property east of the proposed RRO and their properties also have in excess of 50 cows and the cows travel to the fence line when the farmland is in pasture.
- D. Overall, the effects of nearby farm operations on the subject property are comparable to “much worse than typical conditions” for Champaign County because of the following:
- (1) the proposed RRO District is bordered on one sides by livestock management facilities.

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

19. 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.

B. The LESA worksheets for the subject property 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 84.
- (2) The Site Assessment component rating for the proposed RRO District is 136 to 142.
- (3) The total LESA score is 220 to 226 and is a “high” rating for protection.
- (4) For comparison purposes, development on prime farmland soils located at or near a municipal boundary within an area with urban services should typically score between 154 and 182.

C. Based on the available information, the LESA score for the subject property compares to common conditions in Champaign County as follows:

- (1) The Land Evaluation score of 84 is comparable to much better than typical conditions for Champaign County.
- (2) The Site Assessment score of 136 to 142 is comparable to much better than typical conditions for Champaign County.
- (3) The total LESA score of 220 to 226 is comparable to much better than typical conditions for Champaign County.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

20. The soils on the original 77 acres are considered best prime farmland but the proposed RRO averages to be less than Best Prime Farmland.

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

21. Regarding the effects on wetlands, endangered species, natural areas, and archaeological sites:
- A. A copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources was received on October 2, 2005, and included as an attachment to the Preliminary Memorandum. The subject property does not contain any significant wild life habitat. The subject property is not near any historic site. Nor are there any endangered species at the site or in the vicinity that could be adversely impacted. Therefore, the Department of Natural Resources terminated the consultation on October 20, 2005.

- B. The subject property is not in an area of high probability for archaeological resources. The Illinois State Historic Preservation Agency may need to be contacted regarding this project. Although there are no known significant resources within this project area.
- C. Based on the available information, the proposed RRO District is comparable to “typical” conditions in terms of common conditions for wetlands, endangered species, natural areas, and archaeological sites.

GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

- 22. Compared to common conditions found at rural sites in Champaign County, the subject property is similar to the following:
 - A. “Ideal or Nearly Ideal” conditions for adequacy of roads.
 - B. “Much Better Than Typical” conditions for the following factors:
 - (1) effects on drainage.
 - (2) septic suitability;
 - (3) LESA score,
 - (4) Flood Hazard Status,
 - C. “More or Less Typical” conditions for the following four factors:
 - (1) Emergency Services;
 - (2) availability of water;
 - (3) Natural or man-made hazards;
 - D. “Much Worse Than Typical” conditions for the following two factors:
 - (1) effects of farms.

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

- 23. Regarding the likely effects of the proposed development on nearby farm operations:
 - A. The adjacent land use on two sides of the subject property is agriculture and the property is surrounded by 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. See the concerns related to adequacy and safety of roads.

The two single-family dwellings that will result from the proposed RRO will generate 100% more traffic than the non-RRO alternative development of only 1 homes.

- (2) Trespassing onto adjacent fields may be more likely resulting in damage to crops or to the land itself. The two single-family dwellings that will result from the proposed RRO may generate 100% more trespass than the non-RRO alternative development of only 1 home.
 - (3) Litter may blow into the adjacent crops making agricultural operations more difficult. The two single-family dwellings that will result from the proposed RRO may generate 100% more litter than the non-RRO alternative development of only 1 home.
 - (4) It is unlikely that drainage from the proposed development would significantly effect any adjacent farm operation.
 - (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 add any effects to adjacent farmland as compared to the non-RRO development.
- 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.
 - (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 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 2 mile from any populated area. Regarding livestock facilities within the vicinity of the subject property:

- (a) A diagram of livestock management facilities within one mile of proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting and testimony regarding livestock management facilities was given at the April 13, 2006 meeting. Active livestock management facilities border the subject property on the north, east, and south sides and each existing facility is already within one-quarter mile of an existing non-farm residence. None of the existing facilities are currently located within one-half mile of a populated area (10 or more non-farm residences).
- (b) The livestock management facilities on the east and south sides already have more than 50 cows each. With the proposed RRO each of these facilities could expand up to 1,000 cows with no new requirement under the Illinois Livestock Management Facilities Act. The proposed RRO would create a populated area within one-half mile of the facilities and expansion beyond 1,000 cows at each facility would be effected by the proposed RRO unless the expansion is limited such that the fixed capital cost of the new components constructed within a 2-year period could not exceed 50% of the fixed capital cost of a comparable entirely new facility.
- (c) It is not clear how large the livestock management facility on the north is in terms of livestock units but it appears to be less than 50. Facilities with fewer than 50 livestock units are exempt from the requirements of the Illinois Livestock Management Facilities Act. The proposed RRO would not create a populated area within one-half mile of the facility and expansion beyond 50 animal units would not be limited by the proposed RRO.

24. Regarding possible special conditions of approval:

A. Regarding the presence of the Manlove Gas Storage Facility on the subject property and the related high pressure gas pipelines on the property and related gas injection wells on adjacent property:

- (1) Prospective lot purchasers should be aware that the property is part of the Manlove Gas Storage Facility and the following condition will provide that notice:

Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property

to ensure that

as much as possible, all prospective lot purchasers have full knowledge of the Manlove Gas Storage Facility prior to purchase of a lot.

- (2) Prospective lot purchasers should be made aware of the existing easements for Peoples Gas Light and Coke Company. Such notice would generally be given in a Plat of Subdivision but because the proposed lots are larger than five acres and because there are no new streets, a Plat of Subdivision cannot be required. The following condition will provide notice of the easements:

Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District

to ensure that

as much as possible, all prospective lot purchasers and lot owners have full knowledge of these easements before and after purchase.

- (3) Prospective lot purchasers should be made aware that gas venting occurs at injection wells at anytime of the day or night and without prior warning and results in significant noise and the following condition will provide that notice:

Prospective lot purchasers shall be made aware that noise is caused by gas venting that occurs at gas injection wells in the vicinity of the property at anytime of the day or night and without prior warning

to ensure that

as much as possible, all prospective lot owners have full knowledge of the gas venting and resultant noise prior to purchase of a lot.

B. Regarding compliance with the Champaign County Stormwater Management Policy:

- (1) Paragraph 7.2 B. of the Champaign County Stormwater Management Policy requires that if no easement exists for existing agricultural drainage tile an easement shall be granted for access and maintenance. There is no easement for the underground agricultural drainage tile in the swale and the following condition would document this requirement:

Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to

to grow nor shall any connection be made without prior written approval of the Newcomb Special Drainage District

to ensure that

the existing agricultural drainage system can be easily maintained in the future; and is not harmed by the proposed Rural Residential Overlay Zoning District; and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

- (2) Even if the petitioner replaces the tile in the swale there may be other tile that must be replaced by lot owners if disturbed during construction and the following condition will provide notice of that requirement:

Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy

to ensure that

the existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

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

- (1) **All driveway entrance widths shall be 30 feet wide with a radius 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.

- D. The following special conditions will ensure that the homes built outside of the Potential Impact Radius of the high pressure gas pipelines are accessible by emergency vehicles:

- (1) **All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate**

to ensure that

all homes are accessible by emergency vehicles.

- (2) **Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate**

to ensure that

all homes are accessible by emergency vehicles.

- E. Because the proposed lots are larger than five acres and because there are no new streets the proposed RRO District will not require a Plat of Subdivision and a Plat of Subdivision cannot be made a requirement. A Plat of Subdivision is where one would normally expect to find out about easements on a property and any special no-build limitations that were part of the plat approval. The following condition makes up for this lack of a plat and will serve to provide notice to prospective lot purchasers of all of the special conditions of approval:

Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05

to ensure that

prospective lot purchasers are aware of all of the conditions relevant to approval of the Rural Residential Overlay District on the subject property.

DOCUMENTS OF RECORD

1. Petition received October 12, 2005, with attachments
2. Preliminary Memorandum dated March 24, 2006, with attachments:
 - A Zoning Case Maps (Location, Land Use, Zoning)
 - B List of Petitioner Submittals
 - C Proposed Bateman Tracts received October 12, 2005
 - C1. HDC Drainage Statement, dated October 4, 2005
 - D. Newcomb Township Special Drainage District Map
 - E Champaign County Land Use Regulatory Policies
 - F Map of Areas of Limited Groundwater Availability
 - G Natural Resource Report received November 1, 2005
 - H Copy of Agency Action Report received October 12, 2005
 - I Illinois Department of Transportation Map of Street Names
 - J Illinois Department of Transportation Map of Annual Average Daily Traffic (AADT)
 - K Excerpted worksheets from *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*
 - L Land Evaluation and Site Assessment (LESA) System Worksheet for Subject Property
 - M Table of Common Conditions Influencing the Suitability Of Locations For Rural Residential Development In Champaign County
 - N Comparing the Proposed Site Conditions to Common Champaign County Conditions
 - O Summary of Site Comparison for Factors Relevant To Development Suitability
 - P Summary of Comparison for Factors Relevant To Compatibility with Agriculture
 - Q DRAFT Summary of Evidence (included separately)
3. Supplemental Memorandum dated March 30, 2006, with attachments:
 - A Revised Proposed Bateman Tracts received March 29, 2006
 - B Staff photos of subject property
 - C Right of way grant
 - D Revised Draft Summary of Evidence
4. Revised Land Evaluation Worksheets from the Champaign County Soil and Water Conservation District (one worksheet per proposed tract; handout at the April 13, 2006, meeting)
5. Livestock Management Facilities Within One Mile Of Proposed RRO with map (staff handout at the April 13, 2006, meeting)
6. Illinois Livestock Management Facilities Act. General Requirements Related to Size of Facility (staff handout at the April 13, 2006, meeting)

7. Supplemental Memorandum dated July 7, 2006, with attachments:
 - A Approved minutes from the April 13, 2006, ZBA meeting
 - B Minutes for the March 30, 2006, ZBA meeting (included separately)
8. Letter dated July 12, 2006, from Thomas L. Puracchio, Gas Storage Manager for the People's Gas Light and Coke Company, with attachments
 - A Easement document for subject property
 - B Plan drawing showing existing pipeline locations on the subject property
9. Revised Proposed Bateman Tracts received July 13, 2006
10. Supplemental Memorandum dated August 25, 2006
11. Supplemental Memorandum dated October 5, 2006, with attachments:
 - A Minutes for the July 13, 2006 meeting (included separately)
 - B Revised Proposed Bateman Tracts received July 13, 2006
 - C Revised Site Comparison for Factors Relevant To Development Suitability
 - D Revised Summary of Site Comparison for Factors Relevant To Development Suitability
 - E Revised Draft Summary of Evidence
12. Supplemental Memorandum dated October 12, 2006, with attachments:
 - A pp. 628 & 629 from *Architectural Graphic Standards*, Robert T. Packard, AIA, ed.; John Wiley & Sons, Seventh Edition, 1981.
 - B Excerpt of Peoples Gas map of Manlover Gas Storage Field & Bateman Property Development received July 13, 2006 (included separately)
 - C Revised Proposed Bateman Tracts received October 12, 2006 (included separately)
 - D Revised Proposed Bateman Tracts received October 12, 2006 (with indication of Potential Impact Radius) (included separately)
 - E Revised Site Comparison for Factors Relevant To Development Suitability
 - F Revised Summary of Site Comparison for Factors Relevant To Development Suitability
 - G Excerpts from Title 49 of the Code of Federal Regulations
13. Supplemental Memorandum dated December 8, 2006
14. Supplemental Memorandum dated December 14, 2006, with attachments:
 - A Revised Proposed Bateman Tracts received December 14, 2006
 - B Letter from Bob Bidner received December 12, 2006
 - C ANNOTATED APPROVED Summary of Evidence dated October 12, 2006
15. Revised site plan received December 14, 2006, as revised at the public hearing

FINDING OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006; April 13, 2006; July 13, 2006; August 31, 2006; October 12, 2006;** the Zoning Board of Appeals of Champaign County finds that: **and December 14, 2006,**

1. The proposed site **SUBJECT TO CONDITIONS, IS SUITABLE** for the development of **TWO** residences because:
 - A. **the site has more or less typical Champaign County conditions due to manmade hazards and safety concerns; and**
 - B. **much better than typical and nearly ideal conditions for the other considerations of adequacy of roads; effects on drainage; septic suitability; LESA score; and flood hazard status, and the availability of water is more or less typical; and**
 - C. **the property is between 4 and 5 miles from the Cornbelt Fire Protection District; and**and despite:
 - D. **the fact that there are high pressure gas pipelines in the vicinity; and**
 - E. **the site has much worse than typical Champaign County conditions because it is bordered on one side by livestock management facilities; and**
 - F. **emergency services vehicle access is limited by flooding.**
2. Development of the proposed site under the proposed Rural Residential Overlay development **SUBJECT TO CONDITIONS, WILL BE COMPATIBLE** with surrounding agriculture because:
 - A. **surface drainage that is much better than typical; and**
 - B. **the condition to provide an easement for the drainage district tile; and**
 - C. **the adequacy of the roads that is nearly ideal Champaign County conditions; and**
 - D. **traffic generated by the proposed RRO District that will be only 100% more than without the RRO;**and despite:
 - E. **the presence of adjacent livestock management facilities on one side and four other livestock management facilities within a one-mile radius of the property for a total of three active facilities that are by law allowed to expand up to 1,000 animal units; and**
 - F. **the presence of a drainage district tile near the proposed RRO District.**

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 **520-AM-05**, **SHOULD BE ENACTED** by the County Board **SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property to ensure that as much as possible, all prospective lot purchasers have full knowledge of the Manlove Gas Storage Facility prior to purchase of a lot.**

- B. Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District to ensure that as much as possible, all prospective lot purchasers and lot owners have full knowledge of these easements before and after purchase.**

- C. Prospective lot purchasers shall be made aware that noise is caused by gas venting that occurs at gas injection wells in the vicinity of the property at anytime of the day or night and without prior warning to ensure that as much as possible, all prospective lot owners have full knowledge of the gas venting and resultant noise prior to purchase of a lot.**

- D. Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made without prior written approval of the Newcomb Special Drainage District to ensure that the existing agricultural drainage system can be easily maintained in the future; and is not harmed by the proposed Rural Residential Overlay Zoning District; and that said District complies with the requirements of the Champaign County Stormwater Management Policy.**

- E. Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy to ensure that the existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies with the requirements of the Champaign County Stormwater Management Policy.**
- F. All driveway entrance widths shall be 30 feet wide with a radius 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.**
- G. All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate to ensure that all homes are accessible by emergency vehicles.**
- H. Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate to ensure that all homes are accessible by emergency vehicles.**
- I. Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05 to ensure that prospective lot purchasers are aware of all of the conditions relevant to approval of the Rural Residential Overlay District on the subject property.**

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



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

TEL: (217) 384-3709
FAX: (217) 328-2426

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **February 2, 2009**
RE: **Case 542-AM-06 Rural Residential Overlay Map Amendment for proposed 8 lot RRO**

Zoning Case 542-AM-06

Request: **Amend the Zoning Map to allow for the development of 8 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Louis and Jo Ann Wozniak**

Location: **A 57.64 acre tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township and located on the west side of Illinois Route 47 and between CR 2600N and CR 2650N.**

STATUS

This case was deferred by the Committee on September 10, 2007, until after the County Board took final action on the Zoning Ordinance text amendment related to land use compatibility near pipelines (Case 583-AT-07). Case 583-AT-07 was approved as Ordinance No. 841 on November 20, 2008.

ATTACHMENTS

A ELUC Memorandum of September 6, 2007 (includes all previous ELUC memoranda on this case)

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **September 6, 2007**
RE: **Case 542-AM-06 Rural Residential Overlay Map Amendment for
proposed 8 lot RRO**

Zoning Case 542-AM-06

Request: **Amend the Zoning Map to allow for the development of 8 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Louis and Jo Ann Wozniak**

Location: **A 57.64 acre tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township and located on the west side of Illinois Route 47 and between CR 2600N and CR 2650N.**

STATUS

This case was before the Committee on March 12, 2007, at which time it was deferred to allow time for a Zoning Ordinance text amendment related to land use compatibility near pipelines. There has not yet been a public hearing on that text amendment.

At this time the amendment will not be before the Committee before the regularly scheduled meeting on December 10, 2007, meeting. This case could be deferred to that date or the Committee could take action based on the ZBA recommendation that was reviewed in the February 7, 2007, memo (see attached).

ATTACHMENTS

A ELUC Memorandum of February 7, 2007 (includes all previous ELUC memoranda on this case)

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **February 6, 2007**
RE: **Case 542-AM-06 Rural Residential Overlay Map Amendment for
proposed 8 lot RRO**

Zoning Case 542-AM-06

Request: **Amend the Zoning Map to allow for the development of 8 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Louis and Jo Ann Wozniak**

Location: **A 57.64 acre tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township and located on the west side of Illinois Route 47 and between CR 2600N and CR 2650N.**

STATUS

The Zoning Board of Appeals voted to "RECOMMEND DENIAL" of this proposed Rural Residential Overlay (RRO) rezoning at their February 1, 2007, meeting. Relevant maps have been excerpted from the Documents of Record and are attached. The Summary of Evidence is attached and includes relevant testimony from the public hearing. The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact.

This is the second RRO to be proposed in the vicinity of the underground Manlove Gas Storage Facility. See item 17 on pages 15 through 21 of the Summary of Evidence. Safety concerns related to high pressure gas pipelines that are part of that facility are prominent in the ZBA's finding that the location is not suitable for development. See the Required Finding below.

The site plan originally proposed 34 building lots but over the course of the public hearing the Revised Concept Plan was reduced to only 11 total lots of which three lots could be done "by right" without RRO approval.

No frontage protests have been received from neighboring landowners against the proposed rezoning. The subject property is not located within any municipal or village extraterritorial jurisdiction so there can be no municipal or village protest. Newcomb Township has a Plan Commission but the township has provided no communication regarding the proposed map amendment.

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 Land Use Regulatory Policies that were adopted on November 20, 2001, establish requirements for RROs proposed on "best prime farmland" that the land be "well suited" and that the land be used in the "most efficient way". The proposed RRO is not on best prime farmland so the higher requirements do not apply. The required findings on page 31 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. The proposed site **IS NOT SUITED** for the development of **8** residences because:

of the presence of nearby man-made hazards which are high-pressure gas pipelines and gas injection wells that take up a significant portion of five of the lots (see items 17. B., C, D, E, F*) and which outweighs other features related to development suitability which are nearly ideal such as flood hazard status and environmental considerations (see items 16 and 21*) and features which are much better than typical such as road safety, septic suitability, effects of nearby farms, LESA score, and (see items 22, 11, 13, 18, and 19*)

and despite:

a condition that the homes are required to be built outside of the Potential Impact Radius of the high pressure gas pipelines and injection wells (see item 24. A.(3)).

* refers to items in the Summary of Evidence

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

PROPOSED CONDITIONS

The ZBA approved several conditions to address safety concerns related to the high pressure gas pipelines; the presence of drainage district tile; probable flooding caused by the public road culvert; driveways and mailboxes; and the fact that the lots are not part of a Plat of Subdivision. The conditions are listed under item 24 of the Summary of Evidence. The ZBA determined that even with the conditions the location was not suitable for the proposed residences and was not compatible with surrounding agriculture.

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 NOT BE COMPATIBLE** with surrounding agriculture because:

A. the impact on drainage is not known especially in regards to upstream landowners because of the uncertainty of the replacement of all underground tile (see item 12*); and

B. the less reliable tile maintenance that will result under the proposed development (see item 12*);

and despite:

C. the requirements of the Stormwater Management Policy (see items 9.C. and 24.B. *); and

D. the LE rating of 82 which is much better than typical for Champaign County (see items 10. and 19.*).

* refers to items in the Summary of Evidence

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

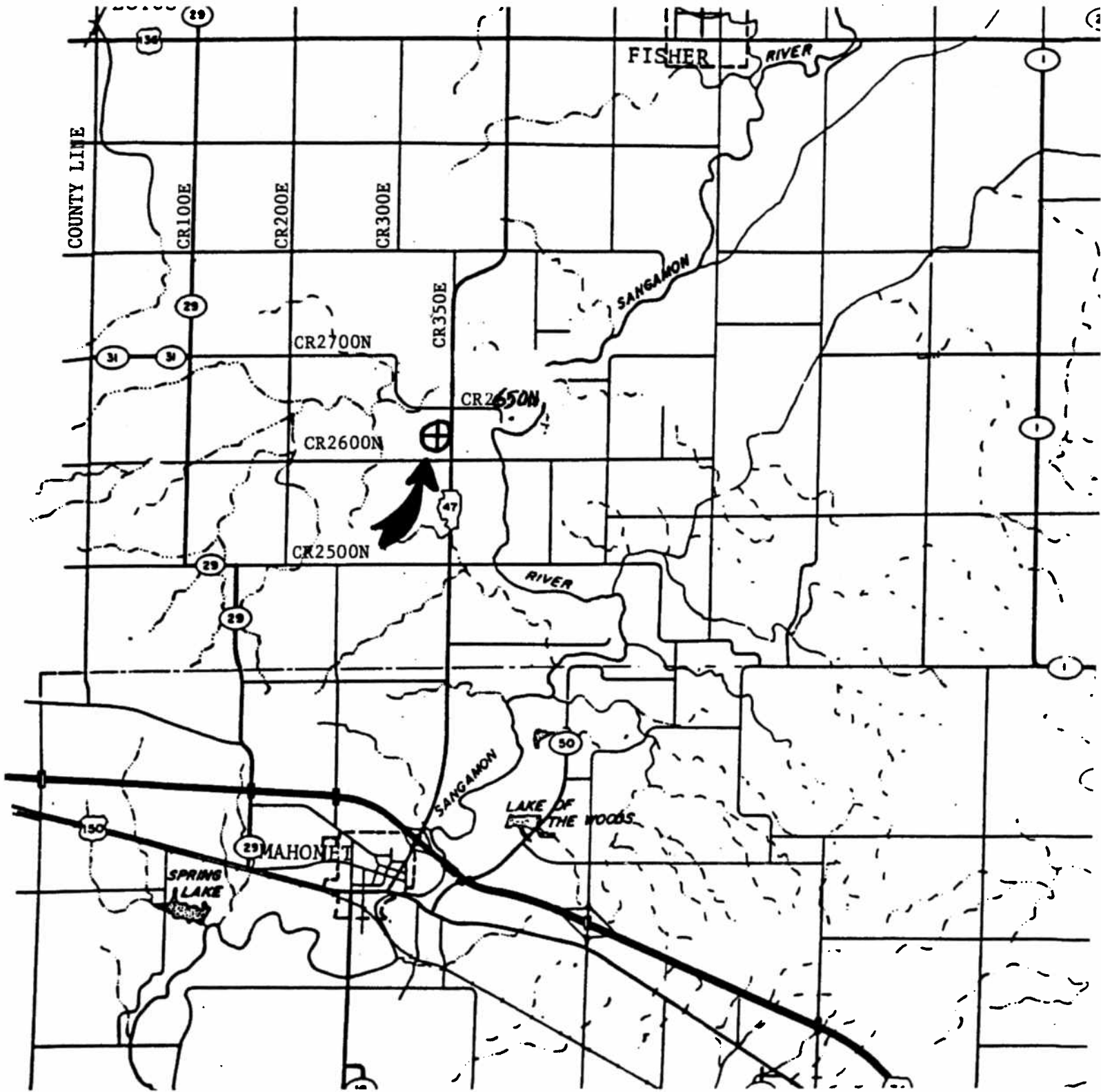
ATTACHMENTS (excerpted from the Documents of Record)

- A Zoning Case Maps (Location, Land Use, Zoning)
- B Revised Concept Plan of Shiloh Swale Subdivision received on August 14, 2006, with RRO lots identified
- C Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on February 1, 2007 (UNSIGNED)

ATTACHMENT A. LOCATION MAP

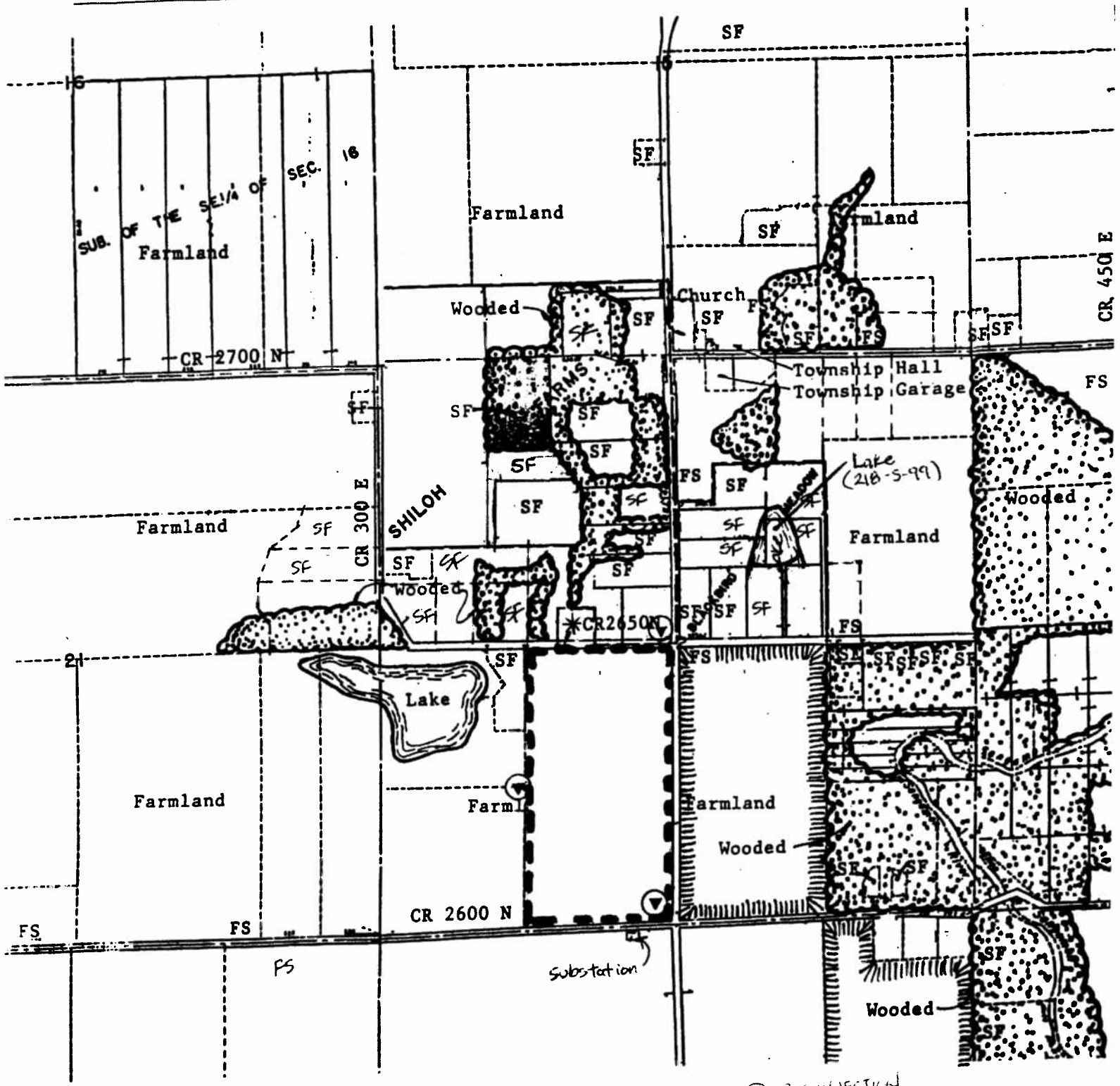
Case 542-AM-06

JULY 7, 2006



Champaign
County
Department of
PLANNING &
ZONING

ATTACHMENT A. LAND USE
 Case 542-AM-06
 AUGUST 31, 2006





* SHILOH CEMETERY (300-5-03) ▼ CAS INJECTION WELL

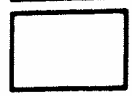
 Area of Concern

 Single Family

 Farmstead

 LIVESTOCK MANAGEMENT FACILITY





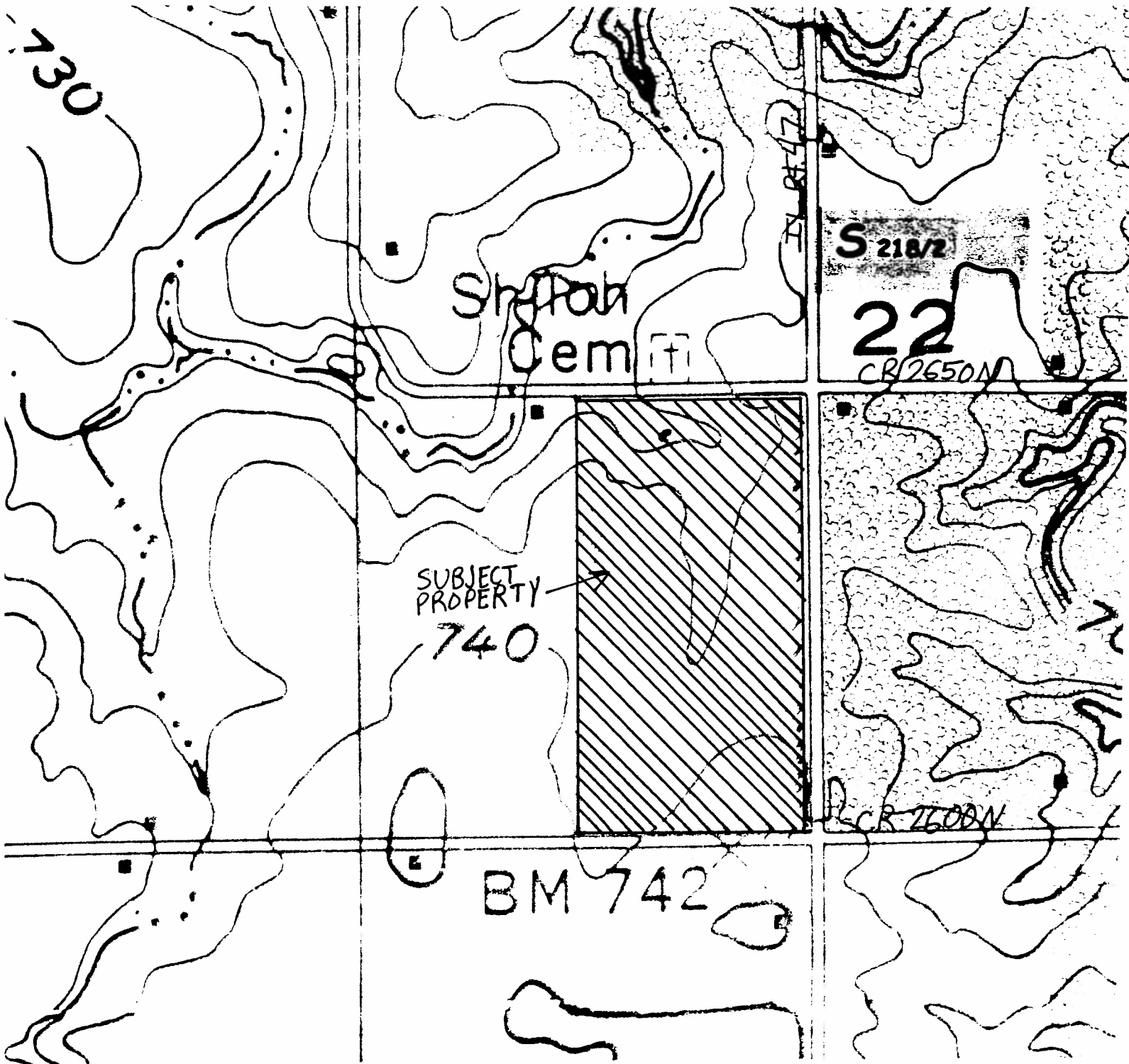


Champaign
 County
 Department of
**PLANNING &
 ZONING**

ATTACHMENT A. ZONING MAP

Case 542-AM-06

JULY 7, 2006



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Campaign 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 Center	B-4 General Business	I-2 Heavy Industry	

Wozniak

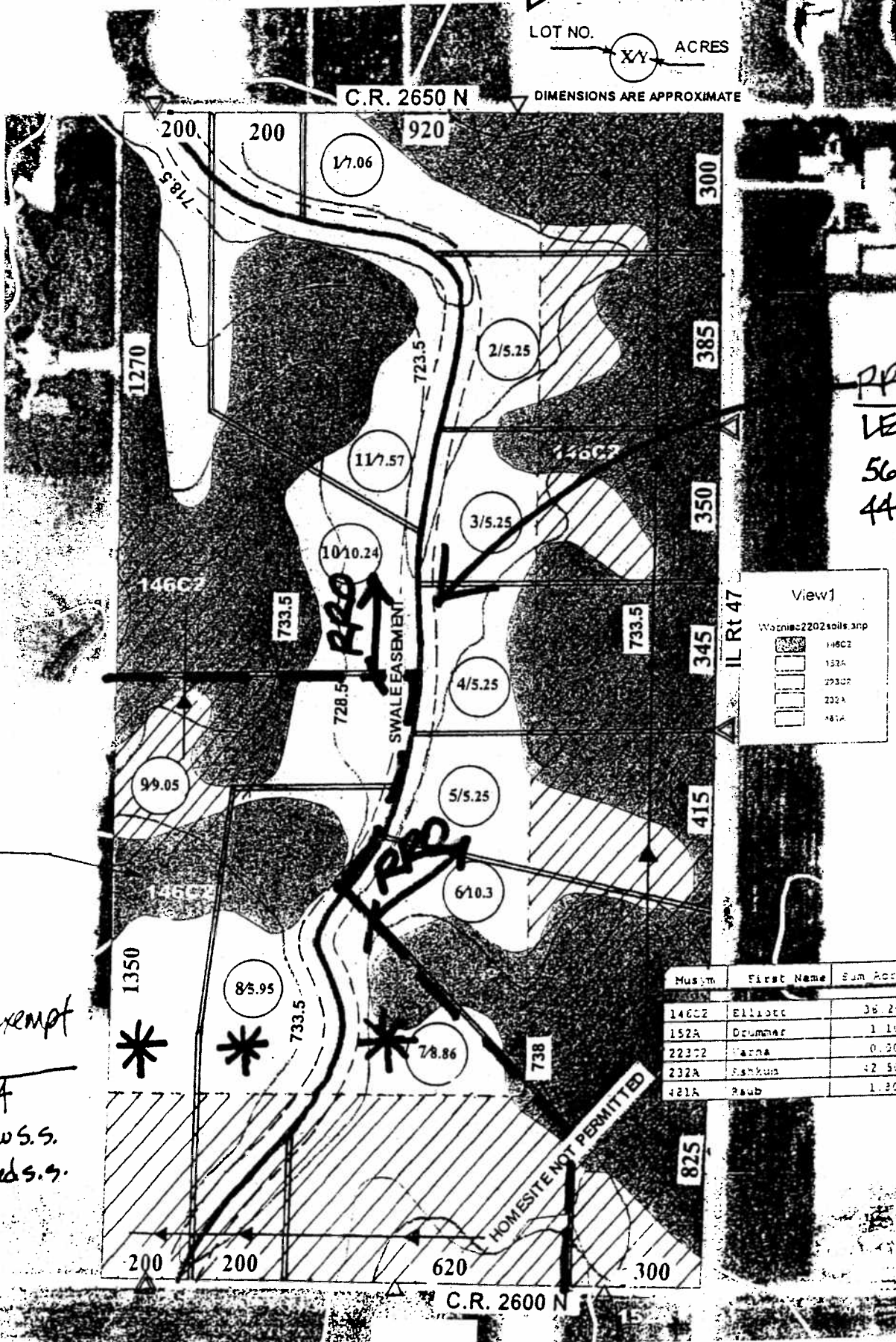
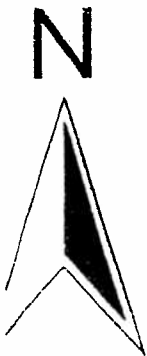
SHILOH SWALE SUBDIVISION

LEGEND

- ▽ LOT ENTRANCE
- ▽ SHARED ENTRANCE

LOT NO. XY ACRES

DIMENSIONS ARE APPROXIMATE



PRO lots
LE ≈ 82
56% Med S.S.
44% Low S.S.

View1
 Woznic2202 soils.asp

	146C2
	152A
	222C2
	232A
	421A

SOILS

** PRO exempt lots*
LE ≈ 84
74% Low S.S.
36% Med S.S.

Musym	First Name	Sum Acres
146C2	Ellisec	36.200
152A	Drummer	1.190
222C2	Varra	0.300
232A	Shkun	42.500
421A	Paub	1.300

AS APPROVED (RECOMMEND DENIAL)

542-AM-06

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

Final Determination: **RECOMMEND DENIAL**

Date: February 1, 2007

Petitioner: Louis and JoAnn Wozniak

Request: Amend the Zoning Map to allow for the development of 8 single family residential lots in the AG-1 Agriculture Zoning District, by adding the Rural Residential Overlay (RRO) Zoning District to an 57.64 acre tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on July 13, 2006; and August 31, 2006; and November 16, 2006; and February 1, 2007, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners are Louis and JoAnn Wozniak, owners of the subject property.
2. The subject property is located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township, and commonly known as the field on the west side of Route 47 between CR 2650N and CR 2600N.
3. The subject property is not located within the one and a half mile extraterritorial jurisdiction of a municipality with zoning.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioners indicated the following:

No error exists. Request change according to this petition.

5. Land use and zoning on the subject property and in the immediate vicinity are as follows:
 - A. The subject property is zoned AG-1 and is currently in agricultural use.
 - B. Land adjacent to and located north, west, and south of the subject property is zoned AG-1. Land to the south is used as farmland. Land to the west is used as farmland and a small lake. Land to the north is used as large lot single family residential development.

Item 5. (continued)

- C. Land adjacent to and located east of the subject property is zoned CR Conservation-Recreation and is used as farmland.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

- 6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. 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:
 - (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.
 - C. 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:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on drainage both upstream and downstream;
 - (3) The suitability of the site for onsite wastewater systems;
 - (4) The availability of water supply to the site;
 - (5) The availability of emergency services to the site;
 - (6) The flood hazard status of the site;
 - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
 - (8) The presence of nearby natural or man-made hazards;
 - (9) Effects on nearby farmland and farm operations;
 - (10) Effects of nearby farm operations on the proposed residential development;

Item 6.C. (continued)

- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;
- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site;

GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES

7. 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 (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies. LURP's 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

Item 7.C. (continued)

- (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 1.5.3 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.
- F. 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

- 8. 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 (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. There can be no more than three new lots smaller than 35 acres in area that can be created from this 81.5 acre subject property without authorization for the RRO Zoning District. The number of 35 acre lots that could also be created depends upon the how the smaller lots are created. It is reasonable to assume that the smaller lots would not be created by a Plat of Subdivision that needs County approval. However, this tract has been this size and shape since before 1959 and two lots that are each less than five acres in area could be created without a Plat of Subdivision and the third smaller lot could be no larger than five acres which means that the three small lots could be created and take up no more than 10 acres of the property thereby leaving enough land for two 35 acre lots for a total of five RRO exempt lots.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 9. The proposed RRO lots meet or exceed the minimum lot standards in the Zoning Ordinance. The proposed Concept Plan has been subject to one revision, as follows:

Item 9. (continued)

- A. The original Concept Plan was received on February 16, 2006, and described the following:
- (1) There were 34 buildable lots and three outlots proposed. The buildable lots ranged in size from 1.3 acres to 2.8 acres; the average lot area after subtracting rights-of-way is 1.886 acres.
 - (2) A 30 foot wide pipeline easement was indicated along the entire perimeter of the proposed subdivision, this area was also marked as a bike and walking path.
 - (3) The proposed subdivision could be accessed from CR 2600N and CR 2650N with one access road connecting both entrances. Three cul-de-sacs branched off from the local access road.
 - (4) The drainage from the swale that runs through the middle of the subject property was proposed to be carried in roadside ditches and one of the outlots was a stormwater detention pond.
- B. The revised Concept Plan was received on August 14, 2006, and described the following:
- (1) There are 11 buildable lots and no outlots proposed. Since the subject property can be divided into as many as three lots by right, the proposed RRO is for only 8 lots. Mr. Wozniak testified at the August 31, 2006, public hearing that he is asking for an 8 lot RRO but the 81.5 acres will have 11 lots in total because three of the lots are “by-right”.
 - (2) The 11 new lots will range in size from 5.25 acres to 10.3 acres; the average lot area is 7.28 acres.
 - (3) Each lot provides adequate area for a home to be built outside the People’s Gas 90 foot pipeline easement, and outside the potential impact radius of the adjacent high pressure gas pipeline (see item 17).
 - (4) There are no new roads proposed in the revised Concept Plan, but there are seven new driveways accessing the roads around the subject property as follows:
 - (a) Along the north side of the property there are two entrances that access CR 2650N: one for Lot 1 and a shared entrance for both Lots 10 and 11.
 - (b) Along the east side of the property there are two entrances that access IL Rt. 47, one is shared between Lots 2 and 3, and the other is shared between Lots 4 and 5.
 - (c) Along the south side of the property there are three entrances that access CR 2600N: a shared entrance for Lots 8 and 9; a single entrance for Lot 7; and a single entrance for Lot 6.
 - (5) In the revised plan the swale is proposed to be protected by means of an easement 80 feet wide.

Item 9. B.(continued)

- (6) At the February 1, 2007, public hearing the petitioner indicated that the proposed RRO District would consist of lots 1, 2, 3, 4, 5, 6, 10, and 11 on the revised Concept Plan was received on August 14, 2006, and lots 7, 8, and 9 are the RRO exempt lots.
- C. Compliance with County land use regulations is as follows:
- (1) All of the lots in the requested RRO District meet or exceed all of the minimum lot standards in the *Zoning Ordinance*.
 - (2) Because the new lots in the proposed RRO District are larger than 5 acres and no new streets are proposed the subject property will not be subject to the provisions of the *Subdivision Regulations*.
 - (3) Regarding the *Stormwater Management Policy*, there is not clear conformance to paragraphs 7.2C and 7.2D.
 - (4) The subject property is not located within Zone A on the Flood Insurance Rate Map, therefore it is not subject to any of the provisions of the *Special Flood Hazard Areas Ordinance*

GENERALLY REGARDING THE SOILS ON THE PROPERTY

10. A Section 22 Natural Resource Report was prepared for the entire 81.5 acre property by the Champaign County Soil and Water Conservation District, which discusses the types of soils and other site characteristics, as follows:
 - A. Regarding the soils on the subject property, their extents, and their relative values:
 - (1) Approximately 45.4 acres of the subject property consists of soils considered Best Prime Farmland and consists of the following:
 - (a) Ashkum silty clay loam, 0 to 2% slopes (map unit 232A), makes up about 52% (about 42.5 acres) of the subject property; and
 - (b) Raub silt loam, 0 to 2% slopes (map unit 481A), makes up about 2.2% (about 1.8 acres) of the subject property; and
 - (c) Drummer silty clay loam, 0 to 2% slopes (map unit 152A), makes up about 1.3% (about 1.1 acres) of the subject property.
 - (2) The remainder of the property consists of a soil from Agriculture Value Group 5, Elliott silty clay loam, 4 to 6% slopes (map unit 146C2), which makes up 44.4% (about 36.2 acres) of the subject property.
 - B. The subject property is not Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:

Item 10.B. (continued)

- (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 the overall Land Evaluation factor for the soils on the subject property is only 83.
- C. Site specific concerns stated in the Section 22 report are the following:
- (1) The area that is to be developed has 2 soil types that have severe wetness characteristics and 2 that have severe ponding characteristics. This will be especially important for the septic systems that are planned.
 - (2) The property has a waterway running from south to north that drains land to the southwest that will need to be maintained. The placement of lots will make this difficult based on the existing plat.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

11. 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, the 8 new residences are estimated to account for an increase of approximately 80 ADT in total. The maximum traffic increase on each road bordering the subject property is as follows
 - (1) CR 2650N has three lots proposed to access it, which would be an increase of 30 ADT, and two driveways.
 - (2) IL Rte. 47 has four lots proposed to access it, which would be an increase of 40 ADT, and four driveways centralized at two locations.

AS APPROVED (RECOMMEND DENIAL)

Item 11.C. (continued)

- (3) CR 2600N has four lots proposed to access it but three are RRO exempt which would be an increase of 10 ADT and one driveway.
- 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). the most recent (2001) AADT data in the vicinity of the subject property are as follows:
- (1) CR 2650N on the north side of the subject property had an AADT for 2001 of 25.
 - (2) There is no reported AADT for CR 2600N on the south side of the subject property.
 - (3) IL Rt. 47 on the west side of the subject property had an AADT for 2001 of 3650. The traffic assumed to be generated by the proposed RRO is approximately 2.2% of the 2001 AADT.
- 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.

Item 11. (continued)

- H. At the July 13, 2006 ZBA meeting, Doug Emkes testified that the impact of 35 to 70 people on CR 2600N and 2650N could be severe if people don't want to travel on Rte. 47 with it being so busy. He also testified that two years ago there was an accident in the area when a woman got hit pulling out of her driveway.
- I. Overall, the subject property and proposed RRO are comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because access is from a Township Highway and is adjacent to IL 47 so any deficiencies are minor.

GENERALLY REGARDING DRAINAGE

- 12. 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 the Petitioner and Harry G. Wenzel, P.E. which can be summarized as follows (evidence that is no longer relevant to the revised Concept Plan received Aug. 14, 2006, is so indicated):
 - (1) The site slopes generally northward. It is mostly agricultural, except for the 90 foot wide swale running generally through the center of the subject property.
 - (2) The swale drains from south to north carrying drainage from farmland south of it and itself to the northwest corner; through two culverts under CR 2650N to a natural ditch; and then north to a Sangamon River tributary. There are no roadside ditches involved in drainage from this property.
 - (3) Two areas of significant ponding are indicated with one in the southeast corner of the subject property and one in the northeast corner.
 - (4) The proposed subdivision's internal road ditches, where feasible, will maintain current drainage flow. Minor surface recontouring would assure continual flow and correct ponding problems. (Not relevant to the revised Concept Plan received on Aug. 14, 2006)
 - (5) Stormwater detention is not required due to the low percent of impervious area.
 - (6) When completed the extensive grass covering the new development will filter runoff better than the single swale
 - B. The concept plan received on May 31, 2006 indicates topographic contours at five foot intervals. Review of these contours indicates the following:
 - (1) Ground slope varies between 0.7% and approximately 4%, 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.

Item 12.B. (continued)

- (2) Existing surface drainage for the subject property is via a natural drainage swale that drains towards the northwest corner of the subject property. The drainageway is indicated on the Surface Water Flow illustration in the Natural Resource Report prepared by the Champaign County Soil and Water Conservation District. Under the revised Concept Plan the natural drainage swale is preserved by means of an 80 foot easement.

Paragraph 7.1 B. of the Champaign County Stormwater Management Policy requires that natural drainageways be incorporated into any drainage system.

- C. At the July 13, 2006 ZBA meeting the following testimony was given regarding local drainage conditions:
 - (1) Doug Emkes testified that he has ground saturation problems on the land he owns and most of it drains to the east, and Frank Kamerer's land drains to the west. He also testified that the tile on the subject property is 8 to 10 inches.
 - (2) Dave Nelson, 2659 CR 350E, Mahomet, testified that his property adjoins the creek downstream and there was no concern shown for the downstream impact of the development regarding environmental effects or erosion. He said that the creek does flood and the creek bed does overflow and get as high as four or five feet, which is why he is concerned about erosion, and he is concerned about erosion in the creek on the backside of his property.
 - (3) Tom Knuth, 336 CR 2650N, testified that he has a drainage ditch that runs along the west side of his property and circles around the north end of his property and he was informed that a few years ago half of his back yard was under water. He has concerns about where that drainage is going to go if there is extra drainage from the subject property.
- D. Mr. Kevan Parrett, who resides at 180 CR 2400N, Mahomet testified at the August 31, 2006, meeting as follows:
 - (1) He is a farmer in the area where the proposed development is to be located and he is representing Keith Hazen, who is the manager of the Hazen Farm and Trust. He said that the Hazen farmground is located directly south of the Wozniak property on CR 2600N.
 - (2) He said that the Hazen ground has approximately 60 acres which drains through the swale and it is his assumption that there is tile on the Hazen land which is connected to the tile which runs under the Wozniak property. He said that the revised plan causes the Hazen estate concern regarding drainage. He said that it appears that Mr. Wozniak is trying to address the drainage issues by informing the lot purchaser about the existing tiles but there is concern about conveying this information to future owners. He said that Mr. Wozniak discussed an easement but it is his understanding that this is a private tile

Item 12.D. (continued)

therefore there would be no need for an easement because each landowner would be responsible for their tile for surface drainage. He said he would like to know what mechanism would be used for future landowners of the development in regard to the tile.

- F. Overall, the subject property and proposed RRO are comparable to “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) All of the soils on the subject property are “wet” soils.
 - (2) There is good surface drainage with adequate outlets and the property does not drain over adjacent land.

GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

13. Regarding the suitability of the site for onsite wastewater systems:
- A. A soil percolation test of the subject property was performed by the Petitioner and submitted on June 27, 2006 and the results were as follows:
- (1) Tests were made on: March 24, 2006 and June 26, 2006 at three different locations:
 - (a) Location 1 is in the southwest corner of the subject property, which is an area of Ashkum soil (map unit 232A).
 - (b) Location 2 is in the northeast corner of the subject property, which is an area of Elliott soil (map unit 146C2)
 - (c) Location 3 is in the southeast corner of the subject property, which is an area of Drummer soil (map unit 152A)
 - (2) Findings reported from the test were as follows:
 - (a) The test was for the purpose of assessing septic field tile absorption adequacy. Location 3 was chosen as the benchmark location because it yielded the worst possible absorbency. The early March date was chosen as the benchmark date for the same reason.
 - (b) In order to pass the percolation test water must be absorbed at an average rate of not less than 1 inch per hour for the last 6 inches above the water table. Location 3 at the March testing date just met the 1 inch per hour criterion, taking a full 6 hours for the last 6 inches of water to be absorbed. All other tests on the subject property exceeded the 1 inch per hour criterion.
 - (c) The only mention of observed groundwater levels appears to be that groundwater was observed at a depth of 27 inches in the March, 2006, test. Groundwater is not mentioned in the other tests.

Item 13.A. (continued)

- (d) The Petitioner asserts that based on the percolation test results the soil of the site will support septic field absorption requirements.
- 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) Elliott silt loam (map unit 146B) has a medium suitability for septic tank leach fields with a soil potential index of 79. Elliott has severe wetness problems due to both low permeability and a high groundwater level (1 to 3 feet below the surface of the ground). The typical corrective measures are fill or subsurface drainage improvements (underground drain tiles or curtain drains) to lower the groundwater level. Elliott soil makes up about 44.4% (about 36.2 acres) of the subject property and is likely to make up a significant portion of all proposed lots except Lot 7.
 - (2) Ashkum silty clay loam (map unit 232A) has a low suitability for septic tank leach fields with a soil potential index of 49. Ashkum has severe ponding problems due to low permeability, severe flooding, and a high groundwater level similar to Drummer soil (one-half foot above to 2 feet below the surface of the ground). The typical corrective measures are fill, a large absorption field, or subsurface drainage improvements (underground drain tiles or curtain drains) to lower the groundwater level. Ashkum soil makes up about 52% (about 42.5 acres) of the subject property and is likely to make up a significant portion of all proposed lots
 - (3) Raub silt loam (map unit 481A) has a medium suitability for septic tank leach fields with a soil potential index of 79. Raub has severe wetness problems due to low permeability and a high groundwater level (1 to 3 feet below the surface of the ground). The typical corrective measures are fill, a large absorption field, or subsurface drainage improvements (underground drain tiles or curtain drains) to lower the groundwater level. Raub soil makes up about 2.2% (about 1.8 acres) of the subject property and all Raub soil is located outside the buildable area on Lot 7.
 - (4) Drummer silt loam (map unit 152A) has a low suitability for septic tank leach fields with a soil potential index of 53. Drummer has severe wetness problems due to low permeability and a high groundwater level. The typical corrective measures are fill, a large absorption field, or subsurface drainage improvements (underground drain tiles or curtain drains) to lower the groundwater level. Drummer soil makes up about 1.3% (about 1.1 acres) of the subject property and all Drummer soil is outside the buildable area on Lot 6.

Item 13.B. (continued)

- (5) Overall septic suitability of the soils on the proposed RRO District can be summarized as follows:
 - (a) Approximately 56.3% of the proposed RRO District consists of soils that have a medium suitability for septic tank leach fields due to a high groundwater level and low permeability.
 - (b) Approximately 43.7% of the proposed RRO District consists of soils that have a low suitability for septic tank leach fields due to severe wetness problems due to flooding and a high groundwater level as well as low permeability.
 - (c) All the soils on the subject property have severe problems of one sort or another when considering septic suitability. Curtain drains will be required for all the proposed lots to lower the water table to allow onsite septic systems to function properly. All proposed lots, in the revised site plan, have a significant area of Elliot soil that could be used as a location for the septic system, except Lot 7.
 - (d) According to the percolation tests performed on the subject property the permeability of the soils will not be a problem; however, high water tables, as shown by the ponding that continues to occur on the subject property will be a problem without the installation of curtain drains to lower the water table in absorption fields.
- C. Under the revised Concept Plan the natural drainage swale is preserved by means of an 80 foot easement.
- D. The wetness of the soils as indicated by the Champaign County Soil Survey indicates that basements and crawl spaces in the proposed development can be expected to be wet unless provided with sump pumps to lower the groundwater level. Sump pumps would produce “dry weather flows” of groundwater that need to be accommodated by some means other than discharge to the swale or hooking into agricultural drainage tile. The very low overall density resulting from the large average lot area of 7.2 acres in the revised Concept Plan may mitigate the concerns related to wetness of the soils on the subject property.
- E. At the July 13, 2006 ZBA meeting Dave Nelson, 2659 CR 350E, Mahomet, testified that the petitioner’s perc tests need to be reviewed because the area has been in drought conditions and the perc tests should be performed in normal conditions. He also testified that after living out there for ten years he has seen some problems with septic systems that his neighbors have been able to work out, but this will be a different situation. He said that finding someone to service these systems and maintain them for you is not as easy as one might think because of proprietary rights.

Item 13. (continued)

- F. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the suitability for onsite wastewater systems because about 56% of the soils in the proposed RRO District have medium septic suitability compared to the approximately 51% of the entire County that has a Low Potential but all soils should be considered wet until better information is provided.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

- 14. 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. Overall, the subject property and proposed RRO are comparable to “typical” conditions for Champaign County in terms of common conditions for the availability of water supply because there is reasonable confidence of water availability; and there is no reason to suspect impact on neighboring wells.

GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE

- 15. Regarding the availability of emergency services to the site:
 - A. The subject property is located approximately 4.5 miles from the Cornbelt Fire Protection District station on Main Street in Mahomet; the approximate travel time is 7 minutes. The Fire District Chief has been notified of this request for rezoning.
 - B. At the July 13, 2006 ZBA meeting, the petitioner, Louis Wozniak, testified that, the Cornbelt Fire Protection District has an agreement with the Sangamon Valley Fire Protection District, and therefore, this property has two responding stations.
 - C. Overall, the subject property and proposed RRO are comparable to “typical” conditions for Champaign County in terms of common conditions for the availability of emergency services because the site is between four and five road miles from the Cornbelt fire station.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

- 16. Regarding the flood hazard status of the site; pursuant to Federal Emergency Management Agency Panel No. 170894-0100 none of the subject property is located within the Special Flood Hazard Area.

17. Regarding the presence of nearby natural or man-made hazards; there are several natural gas line hazards near the subject property, and a 14 acre lake as follows:
- A. Gas pipeline easements are mentioned in the Open Title Policy submitted by the petitioner. Natural gas pipelines for the Manlove Gas Storage facility run along the east, and south sides of the subject property. There are also natural gas injection wells for the Manlove Gas Storage facility at the northeast and southeast corners of the subject property as well as one at the midpoint of the west boundary.
 - B. Minimum safety requirements for gas pipelines are included under Title 49 of the Code of Federal Regulations (CFR), Part 192 that establishes the following:
 - (1) Potential impact radius (PIR) is defined by 49 CFR 192.03 as the radius of a circle within which the potential failure of a gas pipeline could have significant impact on people or property. PIR is determined by the formula $r=0.69*(\sqrt{p*d^2})$, where r' is the radius of a circular area in feet surrounding the point of pipeline failure, p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and d' is the nominal diameter of the pipeline in inches.
 - (2) Class location is based upon population density using a standard class location unit that is defined by 49 CFR 192.5 as an onshore area that extends 220 yards on either side of the centerline of any continuous one mile length of pipeline. Defined class locations are the following:
 - (a) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.
 - (b) A Class 1 location is any class location unit that has 10 or fewer buildings intended for human occupancy
 - (c) A Class 2 location is any class location unit that has more than 10 but fewer than 46 buildings intended for human occupancy.
 - (d) A Class 3 location is any class location unit that has more than 46 buildings intended for human occupancy; or anywhere a pipeline lies within 100 yards (91 meters) of an identified site, which is either a building or a small, well-defined outside area (such as a playground, recreation area, outside theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12 month period. (The days and weeks need not be consecutive.)
 - (e) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

Item 17.B. (continued)

- (3) Class location may change as a result of development within 220 yards of a pipeline and whenever an increase in population density indicates a change in class location for a segment of pipeline operating at a hoop stress not commensurate with that class location the pipeline operator must within 24 months of the change in class location make a study as outlined in 49 CFR 192.609 and reduce the operating pressure of the pipeline in the covered segment to that allowed by 49 CFR 192.611.
 - (4) A high consequence area is undefined but is apparently an area where population density is great enough that the consequences in terms of impact on people or property from an undesired event are so great that a pipeline operator is required to develop and follow a written integrity management plan for all pipeline segments within high consequence areas. High consequence areas are classified as the following:
 - (a) An area defined as either a Class 3 or 4 location under 49 CFR 192.5; or any area in a Class 1 or 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or any area in a Class 1 or 2 location where the potential impact circle contains an identified site, which is either an outdoor area like a playground or other public gathering area; or a building such as a church, public meeting hall, or other public gathering place.
 - (b) Or the area within a potential impact circle containing 20 or more buildings intended for human occupancy; or an identified site.
- C. Regarding specific safety considerations related to the high pressure gas pipelines near the subject property:
- (1) The area around the subject property is classified under 14 CFR 192 as follows:
 - (a) The high pressure natural gas pipeline that follows the south and east lot lines of the subject property is apparently a Class 1 location.
 - (b) The high pressure natural gas pipeline and injection well that sits at the midpoint of the west lot line of the subject property is apparently a Class 1 location.
 - (c) There are also no high consequence areas on or near the subject property.
 - (2) In a letter dated July 7, 2006, and in testimony at the July 13, 2006, meeting Thomas L. Purrachio, Gas Storage Manager for The Peoples Gas Light and Coke Company testified as follows:
 - (a) Peoples' has three pipelines along the east and south lot lines of the subject property, including, an alcohol line, a water line, and a high pressure natural gas line, with a 30 foot easement for each and a total easement width of 90 feet.

Item 17.C.(2)(a) (continued)

Along the north lot line of the subject property Peoples' has only a water line and only a 30 foot easement. Along the west line of the subject property the only easement Peoples' has is a 90 foot circular easement area surrounding the injection well placed at the midpoint of the west lot line. These easements give Peoples' the right to lay any additional lines they find "necessary or desirable" and when they install these new lines their overall easement expands by an appropriate dimension described in the easement document. They are limited, however, to place their lines within 50 feet of a section line, a quarter section line, a highway right-of-way line, or an established fence line.

- (b) The conceptual, preliminary, and final plats of subdivision should show the pipeline easement areas consistent with the 1965 easement document and any zoning approval should delineate maximum permissible building areas and expressly prohibit any construction of principal or accessory buildings anywhere outside the maximum permissible building areas. The majority of pipeline incidents nationwide are the result of third-party damage and the likelihood of third-party damage naturally increases with population density.
- (c) The gas pipelines on the east and south sides of the property are nominal 12 inch diameter (12.75 inch actual outside diameter) with a maximum operating pressure of 2,000 pounds per square inch (PSI) and are located approximately three to five feet below grade. Similar pipelines service the adjacent gas injection wells. This results in a potential impact radius of 393 feet which is much greater than the potential impact radius for gas lines at 30 or 40 or 60 or 150 PSI that might be in normal subdivisions.
- (d) Peoples Gas has not asked the Board to prohibit building within the red zone on the map of Manlove Storage Area and Shiloh Swale Subdivision that is attached to the letter dated July 7, 2006, but the red zone is indicated to educate the Board and the public about requirements of the pipeline safety code.
- (e) Peoples Gas has an outstanding safety record and endeavors to meet or exceed all pipeline safety regulations but the 393 feet of potential impact radius is a fair approximation of the pipeline and well rupture that occurred in 1998. In that event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast and one should not expect a pipeline rupture to go straight up, depending upon the weather.
- (f) The pipeline in the ground at the subject property already meets the more stringent requirement of a Class 2 area and Peoples Gas would not have to replace the existing pipelines if the subdivision were built as proposed.

Item 17.C.(2) (continued)

- (g) Although not a safety issue, on occasion maintenance activities require venting of gas at any time of day or night without notice to adjacent property owners that might result in noise for a few hours.
- (3) In testimony at the July 13, 2006 meeting the petitioner, Louis Wozniak, testified as follows:
 - (a) The easement document does not state where the easements are and all of the pipelines are within 30 or 40 feet of Route 47.
 - (b) The easement was granted in 1965 and renewed in 1980 and the easement has not been renewed since and are the easements still there.
 - (4) In testimony at the July 13, 2006, meeting Frank Kamerer, 2648 CR350E testified as follows:
 - (a) As people have moved to smaller lots in this area some of them have built houses almost on top of the gas pipeline.
 - (b) He was up there when a joint blew out of a gas pipeline and it put a hole in the ground so big you could put a bus in it.
 - (c) Peoples' replaced three quarters of a mile of gas pipeline on his property last year.
 - (d) These pipelines are man made and some day they are going to fail, but Peoples' has done a good job so far.
 - (5) In testimony at the July 13, 2006, meeting Dave Nelson, 2659 CR 350E, Mahomet, testified as follows:
 - (a) He was present during the pipeline and well rupture event in 1998 and his house was one mile away from where the event occurred, and it sounded like a jet was landing on Rte. 47. He said the staging area for the Cornbelt Fire Department was at the Shiloh Methodist Church and they could not go any closer until Peoples' shut down the gas line. He tried to film the incident but he could not get his camera to focus on the flames until they had died down significantly.
 - (b) He said Peoples' Gas are great neighbors and they try to keep the gas line safe.
 - (6) In testimony at the August 31, 2006 meeting the petitioner, Louis Wozniak, testified as follows:
 - (a) He said that if the July 13, 2006, minutes are reviewed Mr. Puracchio states that, "clearly the regulations do not in any way require that building not be allowed within the zone and that's not the intent of the code and that's not what he is trying to tell the Board..."

Item 17.C.(2)(6) (continued)

- (b) His easement contract clearly holds People's Gas responsible for any damage that occurs from installation and operation of the gas pipeline.
 - (c) He said that Mr. Puracchio stated that the pipeline was designed to handle 2,000 pounds per square inch (PSI) but they only operate at approximately 1750 pounds per square inch. Mr. Wozniak stated that operating at 250 PSI less than design means that the approximate 400 feet changes, depending upon what pressure is used, and the design is merely a safety factor which makes the pipeline stronger. He said that the "flashing red light" zone should be on the operating pressure and not the design pressure.
 - (d) He said that when an injection well is near a home People's Gas installs a fence around the injection well but as the photographs, attached to the distributed memorandum, indicate a child can crawl under the fence therefore ignoring safety. He said that there are approximately 90 wells in the area which include unlocked doors for easy access to valves and levers which regulate the gas. He said that on July 24, 2006, he contacted the ICC in Springfield regarding his concerns and on August 10, 2006, he met with Mr. Rex Evans, manager of pipeline safety at the Illinois Commerce Commission, and Mr. Puracchio at one of the wells. He said that during the meeting at the injection well his intention was to show Mr. Evans how easily the valves could be accessed and manipulated. He said that Mr. Puracchio admitted that the valves are sometimes faulty and could be manipulated and that the doors were left unlocked. He said that hopefully the County Board would approve a resolution which would require the gas companies to secure the valves so that they cannot be accessed. He said that you cannot fight stupidity but you can design around it.
- (7) In testimony at the July 13, 2006, meeting Thomas L. Puracchio, Gas Storage Manager for The Peoples Gas Light and Coke Company testified as follows:
- (a) He said that they do feel that they do have a very strong safety record.
 - (b) When he and Mr. Wozniak met with Mr. Rex Evans, who is the manager of pipeline safety at the Illinois Commerce Commission at the well site Mr. Evans stated that People's Gas was in compliance with all applicable pipeline safety regulations and codes.

Item 17. (continued)

- D. Regarding different results of the Potential Impact Radius formula depending upon the values used in the formula:
- (1) If the actual outside diameter of the pipeline (12.75 inches) is used with the maximum allowable operating pressure (2,000 psi), the result is 393 feet. However, if the nominal diameter of the pipeline (12 inches) is used with the maximum allowable operating pressure (2,000 psi), the result is 373 feet. The Potential Impact Radius is between 393 feet and 373 feet depending upon which pipeline diameter is used.
 - (2) If the actual outside diameter of the pipeline (12.75 inches) is used with the approximate normal allowable operating pressure (1,700 psi), the result is 363 feet. If the nominal diameter of the pipeline (12 inches) is used with the approximate normal operating pressure (1,700 psi), the result is 341 feet. This is not the Potential Impact Radius as defined by Title 49, Part 192 of the Code of Federal Regulations but may be useful in a zoning context.
- E. The revised concept plan received on August 14, 2006, indicates the following in regards to pipeline safety:
- (1) The proposed RRO will affect the current class locations as follows:
 - (a) The high pressure natural gas pipeline that follows the south and east lot lines of the subject property will take on four to eight new buildings intended for human occupancy, most likely raising it to a Class 2 location.
 - (b) The high pressure natural gas pipeline and injection well that sits at the midpoint of west lot line of the subject property will take on four new buildings intended for human occupancy, but remain a Class 1 location.
 - (c) The proposed RRO will not create any high consequence areas.
 - (2) There is a non-buildable area approximately 400 feet deep that runs along the east and south lot lines of the subject property, and another non-buildable, semi-circular area 400 feet in radius at the midpoint of the west lot line of the subject property.
 - (3) There are no easements indicated for either pipeline area.
- F. At the July 13, 2006 ZBA meeting Doug Emkes testified that he owned a 14 acre lake which would be an attractive hazard for young boys living in the proposed RRO and that he would like some kind of fence between his property and the proposed subdivision.

Item 17. (continued)

- G. Overall, the subject property and proposed RRO are comparable to “much worse than typical” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards because there are gas lines on the north, east and south sides and a gas well on the west side.

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

18. 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 more than half of the land area within the immediate vicinity of the proposed RRO District and occurs on about one-half of the perimeter of the proposed RRO. Illinois Route 47 on the east side provides some separation from the farmland to the east.
 - (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.
 - (3) There are two known livestock management facility within one mile of the subject property. One livestock management facility is located directly east of the subject property and across Ill. Rte. 47 and the other livestock management facility is located about one quarter mile southeast of the subject property. The proposed RRO District is upwind of both livestock facilities and the prevailing wind may help mitigate any odors associated with livestock facilities.
- B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development.

GENERALLY REGARDING THE LESA SCORE

19. Regarding the LESA score of the proposed RRO District:
- A. The Champaign County, Illinois 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.

Item 19.A. (continued)

- (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 82.
 - (2) The Site Assessment component rating for the proposed RRO District is 120 to 130 depending upon the compatibility with nearby agriculture.
 - (3) The total LESA score is 202 to 212 and indicates a High rating for protection of agriculture.
- C. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the LESA score because the LE score is 82. The Site Assessment score is 120 to 130 for a total score of 202 to 212.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

20. The subject property is not best prime farmland on average.

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

21. Regarding the effects on wetlands, endangered species, and natural areas:
- A. An application to the Illinois Department of Natural Resources (IDNR) for endangered species consultation was made on March 8, 2006, and a reply was received on March 31, 2006. The letter reply indicated that initial report from IDNR showed the presence of protected resources on the subject property, but concluded that adverse impacts to those resources are unlikely. The only protected resource listed as part of the reply was the Sangamon River INAI Site.
 - B. Regarding the effects on archaeological resources:
 - (1) The subject property is within the area with a high probability of archaeological resources, which required a Phase 1 Archaeological Reconnaissance Survey.
 - (2) A Phase 1 survey of the subject property was completed by Dr. Brian Adams of the Public Service Archaeology Program of the Department of Anthropology of the University of Illinois at Urbana-Champaign. The survey found no archaeological material and recommended project clearance.

Item 21. (continued)

- C. The subject property is currently farmed and so contains no significant wildlife habitat.
- D. Overall, the subject property and proposed RRO are comparable to “nearly ideal” conditions for Champaign County in terms of common conditions for the effect on wetlands, historic, or archaeological sites, natural or scenic areas, and/or wildlife habitat because there are no negative effects on any of the aforementioned areas.

GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

- 22. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
 - A. “Ideal or Nearly Ideal” conditions for two factors (flood hazard status and environmental concerns)
 - B. “Much Better Than Typical” conditions for four factors (road safety; effects of farms; LESA score, and septic suitability) and
 - C. “More or Less Typical” conditions for three factors (availability of water; emergency services; drainage).
 - D. “Much Worse Than Typical” conditions for one factor (other hazards)

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

- 23. Regarding the likely effects of the proposed development on nearby farm operations:
 - A. The surrounding land use on about two-thirds of the perimeter of the proposed RRO is agricultural farmland. 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. Given the close proximity of the proposed subdivision to Illinois Route 47 this concern should be minimal.

The 11 single-family dwellings that will result from the proposed RRO (including three by-right) will generate 120% more traffic than the non-RRO alternative development of only 5 homes.
 - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.

The 11 single-family dwellings that will result from the proposed RRO (including three by-right) will generate 120% more trespass than the non-RRO alternative development of only 5 homes.

Item 23.A. (continued)

- (3) Blowing litter into the adjacent crops make agricultural operations more difficult.

The 11 single-family dwellings that will result from the proposed RRO (including three by-right) will generate 120% more blowing litter than the non-RRO alternative development of only 5 homes.

- (4) Discharge of “dry weather flows” of stormwater or ground water (such as from a sump pump) can make agricultural operations more difficult. This type of drainage concern is not likely to affect any farmland adjacent to the proposed development.
- (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.

This concern may be reduced for the subject property given the small amount of 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.
- (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 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. There are two known livestock management facility within the vicinity of the subject property.

Item 23.B.(3) (continued)

- (a) Regarding the livestock management facility in the southeast corner of the intersection of CR 2650N and Rte. 47;
 - i. There are already several nonfarm residences within one-quarter mile of the facility; and
 - ii. The facility is already within one-half mile of a populated area containing 10 or more nonfarm dwellings; and
 - iii. The proposed RRO District will not change any requirement for this facility under the Illinois Livestock Management Facilities Act (510 ILCS 77/et seq); and
 - iv. The proposed RRO District is located upwind from the facility, which will help mitigate any odors, but there may be complaints from the proposed 8 lots.

- (b) Regarding the livestock management facility located on the east side of Ill. Rte. 47 and between CR 2600N and CR 2500N;
 - i. There are already several nonfarm residences within one-quarter mile of the facility; and
 - ii. The facility is already within one-half mile of a populated area containing 10 or more nonfarm dwellings; and
 - iii. The proposed RRO District will not change any requirement for this facility under the Illinois Livestock Management Facilities Act (510 ILCS 77/et seq); and
 - iv. The proposed RRO District is located more or less upwind from the facility and the prevailing wind may help mitigate any odors but there may be complaints from the proposed 8 lots.

24. Regarding possible special conditions of approval:

- A. Regarding the presence of the Manlove Gas Storage Facility on the subject property and the related high pressure gas pipelines on the property and related gas injection wells on adjacent property:
 - (1) Prospective lot purchasers should be aware that the property is part of the Manlove Gas Storage Facility and the following condition will provide that notice:

Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property

Item 24.A.(1) (continued)

to ensure that

as much as possible, all prospective lot purchasers have full knowledge of the Manlove Gas Storage Facility prior to purchase of a lot.

- (2) Prospective lot purchasers should be made aware of the existing easements for Peoples Gas Light and Coke Company. Such notice would generally be given in a Plat of Subdivision but because the proposed lots are larger than five acres and because there are no new streets, a Plat of Subdivision cannot be required. The following condition will provide notice of the easements:

Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on October 14, 1965, and recorded at pages 95 and 96 in Book 805 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 542-AM-06; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District

to ensure that

as much as possible, all prospective lot purchasers and lot owners have full knowledge of these easements before and after purchase.

- (3) Home construction should be restricted such that no dwelling can be built within the potential impact radius. This is a zoning regulation that will apply only to this RRO District and prospective lot purchasers should be made aware of these limits before they purchase a lot. Note that the potential impact radius is measured from the pipeline but the exact location of the pipeline is not known but the pipelines should be within 50 feet of the adjacent right of way. The following condition will provide notice of these restrictions and includes 50 feet (to provide for all possible pipeline locations) in addition to the 393 feet potential impact radius:

No dwelling shall be constructed closer than 443 feet to the right of way of Illinois Route 47 nor closer than 443 feet to the right of way of CR2600N nor closer than 443 feet to any gas injection well in the vicinity

to ensure that

as much as possible, all new dwellings are outside of the potential impact radius for any gas pipeline failure that might occur.

Item 24.A. (continued)

- (4) Prospective lot purchasers should be made aware that gas venting occurs at injection wells at anytime of the day or night and without prior warning and results in significant noise and the following condition will provide that notice:

Prospective lot purchasers shall be made aware that noise is caused by gas venting that occurs at gas injection wells in the vicinity of the property at anytime of the day or night and without prior warning

to ensure that

as much as possible, all prospective lot owners have full knowledge of the gas venting and resultant noise prior to purchase of a lot.

B. Regarding compliance with the Champaign County Stormwater Management Policy:

- (1) Paragraph 7.2 B. of the Champaign County Stormwater Management Policy requires that if no easement exists for existing agricultural drainage tile an easement shall be granted for access and maintenance. There is no easement for the underground agricultural drainage tile in the swale and the following condition would document this requirement:

Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and a prohibition on planting of woody vegetation

to ensure that

the existing agricultural drainage system can be easily maintained in the future; and is not harmed by the proposed Rural Residential Overlay Zoning District; and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

- (2) Paragraph 7.2 C. of the Champaign County Stormwater Management Policy request that all agricultural drainage tile located underneath areas that will be developed shall be replaced with non-perforated conduit to prevent root blockage provided that drainage district tile may remain with the approval of the drainage district. The tile in the swale is not drainage district tile and should be replaced by the petitioner unless authorized to remain by variance. The following condition would provide for either situation (replacement or a variance):

Item 24.B.(2) (continued)

Prior to offering any lots for sale the petitioner shall replace the underground drainage tile in the swale and any lateral drainage tile on the property connected thereto with non-perforated conduit as required by the Champaign County Stormwater Management Policy unless something less is authorized by variance by the Champaign County Zoning Board of Appeals

to ensure that

the existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

- (3) Even if the petitioner replaces the tile in the swale there may be other tile that must be replaced by lot owners if disturbed during construction and the following condition will provide notice of that requirement:

Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy

to ensure that

the existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

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

- (1) **All lots 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.

- (2) **All driveway entrance widths shall be 30 feet wide with a radius 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**

Item 24.C. (continued)

to ensure that

emergency services vehicles have adequate access to all properties.

D. The following special conditions will ensure that the homes built outside of the Potential Impact Radius of the high pressure gas pipelines are accessible by emergency vehicles:

- (1) **All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate**

to ensure that

all homes are accessible by emergency vehicles.

- (2) **Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate**

to ensure that

all homes are accessible by emergency vehicles.

E. Because the proposed lots are larger than five acres and because there are no new streets the proposed RRO District will not require a Plat of Subdivision and a Plat of Subdivision cannot be made a requirement. A Plat of Subdivision is where one would normally expect to find out about easements on a property and any special no-build limitations that were part of the plat approval. The following condition makes up for this lack of a plat and will serve to provide notice to prospective lot purchasers of all of the special conditions of approval:

Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 542-AM-06

to ensure that

prospective lot purchasers are aware of all of the conditions relevant to approval of the Rural Residential Overlay District on the subject property.

DOCUMENTS OF RECORD

1. Application, received February 16, 2006, with attachments:
 - A Discussion of RRO factors
 - B Section 22 Natural Resource Report from CCSWCD
 - C IDNR Report
 - D Phase I Archaeological Reconnaissance Survey (abridged)
 - E Newcomb Township Buried Gas Lines Map
 - F Code of Federal Regulations on Pipeline and Hazardous Materials Safety
 - G Schematic of Proposed Subdivision
 - H Copy of Title Policy
 - I Phase I Archaeological Reconnaissance Survey (full text)
 - J Professional Engineer report
 - K March 24, 2006 – June 26, 2006 Percolation Tests

2. Preliminary Memorandum with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Table of Petitioner Submittals
 - C Concept Plan of Shiloh Swale Subdivision received on 5/ 31/06
 - D Professional Engineer report (with figures) received on 5/31/06
 - E Champaign County Land Use Regulatory Policies as amended 11/20/01
 - F Factors affecting suitability for RRO District Establishment received on 5/ 31/06 (petitioner's submittal)
 - G Section 22 Natural Resource Report by the Champaign County Soil and Water Conservation District
 - H IDOT maps (two at different scales)
 - I Petitioner's percolation test results
 - J Excerpted worksheets from *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*
 - K Open Title Policy received on 5/31/06 (petitioner's submittal)
 - L Newcomb Twp. Buried Gas Lines map received on 5/ 31/06 (petitioner's submittal)
 - M Excerpt from Code of Federal Regulations received on 5/ 31/06 (petitioner's submittal)
 - N Land Evaluation and Site Assessment Worksheet
 - O Table Of Common Conditions Influencing The Suitability Of Locations For Rural Residential Development In Champaign County
 - P Comparing The Proposed Site Conditions To Common Champaign County Conditions
 - Q Summary Of Site Comparison For Factors Relevant To Development Suitability
 - R Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - S DRAFT Summary of Evidence (included separately)

3. Letter dated July 7, 2006 from Thomas L. Puracchio, Gas Storage Manager for the People's Gas Light and Coke Company, with attachments
 - A Easement document for subject property
 - B Plan drawing showing existing pipeline locations on the subject property
4. Revised Petitioner Submittals, received on August 14, 2006
 - A Concept Plan of Shiloh Swale Subdivision
 - B Petitioner's revised Factors affecting suitability for RRO District Establishment
5. Supplemental Memorandum dated August 25, 2006 with attachments:
 - A Revised Site Plan for Shiloh Swale Subdivision, received on August 14, 2006
 - B Petitioner's revised Factors for RRO Approval, received on August 14, 2006
 - C Draft minutes for case 542-AM-05 for July 13, 2006, ZBA meeting
6. Supplemental Memorandum dated August 31, 2006, with attachments:
 - A Revised Land Use Map
 - B Revised Land Use Map Indicating Areas within 220 yards of a High Pressure Gas Pipeline
 - C Page 28 from the 2005 Champaign County Plat Book with annotations
 - D Summary of Illinois Livestock Management Facilities Act General Requirements Related to Size of Facility
 - E Excerpts from Title 49 of the Code of Federal Regulations
 - F Revised Draft Summary of Evidence
7. Supplemental Memorandum dated November 9, 2006, with attachments:
 - A Revised Concept Plan of Shiloh Swale Subdivision received on August 14, 2006
 - B Site Comparison for Factors Relevant To Development Suitability
 - C Summary of Site Comparison for Factors Relevant To Development Suitability
 - D Revised Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - E Revised Draft Summary of Evidence
8. Handout by Louis Wozniak at the August 31, 2006, public hearing
9. Supplemental Memorandum dated January 25, 2007, with attachments:
 - A Revised Concept Plan of Shiloh Swale Subdivision received on August 14, 2006
 - B Draft minutes of hearing of August 31, 2006
 - C Site Comparison for Factors Relevant To Development Suitability
 - D Summary of Site Comparison for Factors Relevant To Development Suitability
 - E Revised Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - F Revised Draft Summary of Evidence

10. Supplemental Memorandum dated February 1, 2007, with attachments:
 - A Revised Concept Plan of Shiloh Swale Subdivision received on August 14, 2006, with RRO lots identified
 - B Section 22 Natural Resource Report by the Champaign County Soil and Water Conservation District
 - C Table Of Common Conditions Influencing The Suitability Of Locations For Rural Residential Development In Champaign County
 - D REVISED Site Comparison for Factors Relevant To Development Suitability
 - E REVISED Summary of Site Comparison for Factors Relevant To Development Suitability
 - F REVISED Draft Summary of Evidence
11. Letter from Warren York of York Well Drilling dated 1/ 10/07
12. Handout from petitioner Louis Wozniak at the February 1, 2007, public hearing

FINDING OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **July 13, 2006; and August 31, 2006; and November 16, 2006; and February 1, 2007**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site is **NOT SUITED** for the development of **8** residences because:

of the presence of nearby man-made hazards which are high-pressure gas pipelines and gas injection wells that take up a significant portion of five of the lots and which outweighs other features related to development suitability which are nearly ideal such as flood hazard status and environmental considerations and features which are much better than typical such as septic suitability, effects of nearby farms, LESA score, and road safety

and despite:

a condition that the homes are required to be built outside of the Potential Impact Radius of the high pressure gas pipelines and injection wells.

2. Development of the Proposed Site under the proposed Rural Residential Overlay development **WILL NOT BE COMPATIBLE** with surrounding agriculture because:

- A. **the impact on drainage is not known especially in regards to upstream landowners because of the uncertainty of the replacement of all underground tile; and**

- B. **the less reliable tile maintenance that will result under the proposed development;**

and despite:

- C. **the requirements of the Stormwater Management Policy; and**

- D. **the LE rating of 82 which is much better than typical for Champaign County.**

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 542-AM-06 should **NOT BE ENACTED** by the County Board.

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

