

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **June 11, 2009**  
Time: **7:00 P.M.**  
Place: **Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.  
Use Northeast parking lot via Lierman Ave.,  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings

**Case 634-AT-09 Part B. Petitioner: Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **Add definitions for “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER”.**
2. **Amend paragraph 4.3.1E. to add new height regulations that apply to “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER”.**
3. **In Section 5.2 replace “wind turbine” with “BIG WIND TURBINE TOWER”.**
4. **In Section 6.1.3 add new standard conditions for “BIG WIND TURBINE TOWER” that are similar to the standard conditions for WIND FARM.**
5. **Add new subsection 7.7 making “SMALL WIND TURBINE TOWER” an authorized accessory use by-right in all zoning districts and add requirements including but not limited to:**
  - a. **the turbine must be located more than one and one half miles from the nearest municipal zoning jurisdiction; and**
  - b. **minimum required yards that are the same as for other accessory structures in the district provided that the overall height is not more than 100 feet; and**
  - c. **an overall height limit of 200 feet provided that the separation from the nearest property line is at least the same as the overall height and authorize private waivers of the separation by adjacent neighbors; and**
  - d. **a limit of no more than two turbine towers per lot; and**
  - e. **allowable noise limits; and**
  - f. **a requirement for engineer certification; and**
  - g. **a requirement to notify the electrical power provider if interconnected to the electrical grid; and**
  - h. **a requirement for no interference with neighboring TV, radio, or cell phone reception; and**
  - i. **a requirement for the removal of inoperable wind turbines.**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**NOTICE OF REGULAR MEETING**  
**JUNE 11, 2009**  
**PAGE 2**

6. New Public Hearings

**\*Case 645-S-09**    Petitioner: **Robert and Barbara Gerdes**

Request:    **Authorize the construction and use of a "Restricted Landing Area" as a Special Use in the AG-1 Agriculture Zoning District.**

Location:    **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of Section 33 of Ayers Township and commonly known as the farm at 52 R 2700E, Broadlands.**

7. Staff Report

8. Other Business

9. Audience Participation with respect to matters other than cases pending before the Board

10. Adjournment

---

**\* Administrative Hearing. Cross Examination allowed.**

# CASE NO. 634-AT-08 Part B

## SUPPLEMENTAL MEMORANDUM

Champaign June 5, 2009

Petitioner: **Zoning Administrator**

Prepared by: **John Hall**  
Zoning Administrator

**J.R. Knight**  
Associate Planner



Request: **Amend the Champaign County Zoning Ordinance as follows:**

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

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

1. **Add definitions for “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER”.**
2. **Amend paragraph 4.3.1E. to add new height regulations that apply to “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER”.**
3. **In Section 5.2 replace “wind turbine” with “BIG WIND TURBINE TOWER”.**
4. **In Section 6.1.3 add new standard conditions for “BIG WIND TURBINE TOWER” that are similar to the standard conditions for WIND FARM.**
5. **Add new subsection 7.7 making “SMALL WIND TURBINE TOWER” an authorized accessory use by-right in all zoning districts and add requirements including but not limited to:**
  - a. **the turbine must be located more than one and one half miles from the nearest municipal zoning jurisdiction; and**
  - b. **minimum required yards that are the same as for other accessory structures in the district provided that the overall height is not more than 100 feet; and**
  - c. **an overall height limit of 200 feet provided that the separation from the nearest property line is at least the same as the overall height and authorize private waivers of the separation by adjacent neighbors; and**
  - d. **a limit of no more than two turbine towers per lot; and**
  - e. **allowable noise limits; and**
  - f. **a requirement for engineer certification; and**
  - g. **a requirement to notify the electrical power provider if interconnected to the electrical grid; and**
  - h. **a requirement for no interference with neighboring TV, radio, or cell phone reception; and**
  - i. **a requirement for the removal of inoperable wind turbines.**

---

### *STATUS*

This case was continued from the April 16, 2009, meeting and has been readvertised.

---

### **READVERTISED CASE**

The readvertised case incorporates the comments made at the April 16, 2009, meeting. The new case authorizes “SMALL WIND TURBINE TOWERS” to be up to 200 feet tall and authorizes two towers per lot. At this time the 200 feet maximum height is provisional pending the Board’s review.

A Draft Finding of Fact will also be available at the meeting. As is the practice in all other text amendments, all relevant evidence should be summarized in the Finding of Fact so that the County Board can understand the reasoning of the ZBA in the final recommendation.

## ATTACHMENTS

- A Proposed Changes To Section 3
- B Proposed Changes To Subpar. 4.3.1 E
- C Proposed Changes To Section 5.2
- D Proposed Addition to Subsection 6.1.3
- E Proposed New Subsection 7.7
- F Excerpt from *In the Public Interest How and Why to Permit for Small Wind Systems A Guide for State and Local Governments*. American Wind Energy Association. September 2008.

**Attachment A. Case 634-AT-08 Part B Draft Proposed Changes To Section 3**  
**JUNE 5, 2009**

**1. Add the following to Section 3.0 Definitions:**

WIND TURBINE TOWER, SMALL: A wind turbine and the supporting tower structure and associated control or conversion electronics that is owned by a private landowner and which produces electrical energy primarily to be used onsite but that also may be sold to a utility and which has a rated capacity of not more than 100 kilowatts (kW).

WIND TURBINE TOWER, BIG: A wind turbine nacelle and rotor and the supporting tower structure and associated control or conversion electronics that is owned by a private landowner for the purpose of producing electrical energy that may be used onsite or sold to a utility.

**Attachment B. Case 634-AT-08 Part B Draft Proposed Changes To Subpar. 4.3.1 E**  
**JUNE 5, 2009**

**1. Revise subparagraph 4.3.1 E. as follows:**

- E. Any tower (including antenna) over 100 feet in HEIGHT shall be subject to the SPECIAL USE requirements in the DISTRICT in which it is located except for the following:
- (1) any tower that meets the requirements of Section 4.3.1 C.; or
  - (2) any TEST WIND TOWER that does not exceed 200 feet in HEIGHT; or
  - (3) any WIND FARM TOWER except as HEIGHT regulations are required as a standard condition in Section 6.1.4. ; or
  - (4) a SMALL WIND TURBINE TOWER that is no more than {200} feet in HEIGHT (measured to the tip of the highest blade) provided that it meets the following:
    - (a) the required YARD and separations from property lines based on HEIGHT in paragraph 7.7 B.; and
    - (b) provided that it complies with Footnote 11 in Section 5.3.

**Attachment C. Case 634-AT-08 Part B Draft Proposed Changes To Section 5.2**  
**JUNE 5, 2009**

- 1. In Section 5.2 replace “Wind Turbine (1-3 wind turbines)” with “BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS)”**

**Attachment D. Proposed Draft Addition to Subsection 6.1.3**  
**JUNE 5, 2009**

**1. Add “BIG WIND TURBINE TOWER” to Subsection 6.1.3 and indicate the following standard conditions:**

1. No minimum fencing is required.
2. The Minimum lot size is the same as applicable in the zoning DISTRICT.
3. The Maximum HEIGHT is the same as par. 6.1.4 D. 6.
4. The minimum required YARDS are the following:
  - (a) The front setback is the same as par. 6.1.4 C.5.
  - (b) The SIDE and REAR YARDS are the same as par. 6.1.4 C.6.
5. Add the following explanatory provisions:
  - (a) No BIG WIND TURBINE shall be located in the following areas:
    - (1) Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.
    - (2) In any area leased for underground gas storage or under easement for same, unless the lease or easement requires that gas injection wells and other above-ground appurtenances be located in conformance with paragraph 6.1.4 C.9.
  - (b) The special use permit for a BIG WIND TURBINE TOWER shall include all land area within 1,320 feet of a public STREET right of way that is also within 1,000 feet from the base of each BIG WIND TURBINE TOWER except that in the case of BIG WIND TURBINE TOWER in compliance with the minimum STREET separation required by paragraph 6.1.4 C. 5. in which case land on the other side of the public STREET right of way does not have to be included in the SPECIAL USE Permit.
  - (c) The requirements of paragraphs 6.1.4 C. through 6.1.4 S. with the exception of paragraphs 6.1.4 E., L., and Q. shall apply.



**1. Add the following new subsection 7.7:**

**7.7 SMALL WIND TURBINE TOWER**

7.7.1 SMALL WIND TURBINE TOWER shall be allowed as an ACCESSORY USE by Zoning Use Permit in all DISTRICTS as follows:

- A. No SMALL WIND TURBINE TOWER shall be located less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.
- B. A SMALL WIND TURBINE TOWER (including any guy cables and anchors) shall be allowed within any YARD in all DISTRICTS subject to the provisions of Section 7.2 and the following:
  - 1. Provided that the HEIGHT is not more than 100 feet.
  - 2. A SMALL WIND TURBINE TOWER with a HEIGHT that is more than 100 feet but less than *{200}* feet must have a separation distance to the nearest property line that is at least the same dimension as the overall HEIGHT. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of the adjacent property. The PRIVATE WAIVER must specify both the agreed minimum separation and the maximum HEIGHT and the locations of guy cable anchors and must be recorded as part of the chain of title in the deed to any relevant tract of land prior to authorization of any relevant ZONING USE PERMIT. A copy of the recorded PRIVATE WAIVER must be provided to the Zoning Administrator at the time of application.
- C. No more than two SMALL WIND TURBINE TOWERS shall be allowed per LOT.
- D. The noise level from the SMALL WIND TURBINE TOWER shall not exceed the regulatory standards set by the Illinois Pollution Control Board. The SMALL WIND TURBINE TOWER shall be considered a Class C land use for the purposes of the Illinois Pollution Control Board regulations.
- E. The SMALL WIND TURBINE TOWER shall have an automatic over speed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
- F. Orange safety balls shall be installed on each side of the SMALL WIND TURBINE TOWER where guy cables are used for SMALL WIND TURBINE TOWERS more than 100 feet in HEIGHT.

**Attachment E. Case 634-AT-08 Part B Draft Proposed New Subject. 7.7**  
**JUNE 5, 2009**

- G. SMALL WIND TURBINE TOWERS shall comply with all applicable regulations of the FAA. Evidence of FAA approval shall be required for any SMALL WIND TURBINE TOWER within four miles of an airport.
- H. No illumination of the SMALL WIND TURBINE TOWER shall be allowed unless required by the Federal Aviation Administration.
- I. The SMALL WIND TURBINE TOWER shall be painted white or gray or another non-reflective, unobtrusive color that shall be specified in the Zoning Use Permit application.
- J. The Zoning Use Permit application for the SMALL WIND TURBINE TOWER shall include the following:
  - 1. A copy of the manufacturers standard drawings of the wind turbine structure and stamped engineering drawings of tower, base, footings, and/ or foundations as provided by the manufacturer. Wet stamps shall not be required.
  - 2. Evidence must be given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - 3. Such evidence and documentation as required to verify that the SMALL WIND TURBINE TOWER meets all other Zoning Ordinance requirements.
- K. If a wind turbine is inoperable and or not in operation for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower and also remove the tower if it has guy cables, for safety reasons. If the owner fails to remove the wind turbine within one month the Zoning Administrator shall send a notice that the wind turbine is in violation of the Zoning Ordinance and subject to a daily fine as provided for in Section 10.

# APPENDIX: AWEA MODEL SMALL WIND ZONING ORDINANCE

## Writing Small Wind into Existing Laws

This model zoning ordinance is used by many localities across the country and aims to strike an equitable balance among the interests of the consumer, industry, and community. It is the product of lessons learned over decades of industry experience and tens of thousands of installations.

### AWEA MODEL ZONING ORDINANCE

#### Use Regulation for Small Wind Energy Conversion Systems

##### Section 1: Purpose

It is the purpose of this regulation to allow the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

##### Section 2: Findings

The [city or county] finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio. Small wind systems also make the electricity supply market more competitive by promoting customer choice.

The State of \_\_\_\_\_ has enacted a number of laws and programs to encourage the use of small-scale renewable energy systems including rebates, net metering, property tax exemptions, and solar easements. [As appropriate] However, many existing zoning ordinances contain restrictions, which while not intended to discourage the installation of small wind turbines, that can substantially increase the time and costs required to obtain necessary construction permits.

Therefore, we find that it is necessary to standardize and streamline the proper issuance of building permits for small wind energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.

##### Section 3: Definitions

**Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

**Tower Height:** The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

**Total Extended Height:** The height above grade to a blade tip at its highest point of travel.

##### Section 4: Allowed Use

Small wind energy systems shall be allowed as an accessory use in all zoning districts where structures of any sort are allowed; subject to the requirements of Section 5 below. Small wind energy systems not meeting the performance standards of Section 5 may be allowed by conditional use permit.

See p. 4 for a sample of cities, counties, and states that have enacted zoning laws for small wind systems.

Section 5: Use Standards for Small Wind Electric Conversion System

5.01	<b>Setback:</b> The base of the tower shall be set back from all property lines, public right-of-ways, and public utility lines a distance equal to the total extended height. Turbines shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways.
5.02	<b>Tower Height:</b> So long as the total extended height meets sound and set-back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations as stated in 5.07.
5.03	<b>Sound:</b> Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.
5.04	<b>Wind Turbine Equipment:</b> Small wind turbines must have been approved under the state public benefits program or any other small wind certification program recognized by the American Wind Energy Association.
5.05	<b>Requirement for Engineered Drawings:</b> Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.
5.06	<b>Soil Studies:</b> For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.
5.07	<b>Compliance with FAA Regulations:</b> No WEC shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
5.08	<b>Compliance with National Electric Code:</b> Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
5.09	<b>Utility Notification:</b> No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
5.10	<b>Insurance:</b> Additional insurance beyond homeowners' coverage shall not be required.
5.11	<b>Abandonment:</b> If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the zoning code.
5.12	<b>Signage:</b> All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
5.13	<b>Lighting:</b> No illumination of the turbine or tower shall be allowed unless required by the FAA.
5.14	<b>Access:</b> Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.

For more information contact Ron Stimmel at [rstimmel@awea.org](mailto:rstimmel@awea.org).

# CASE NO. 645-S-09

## PRELIMINARY MEMORANDUM

June 11, 2009

Champaign  
County  
Department of



Petitioners: **Robert and Barbara Gerdes**

Request: **Authorize the construction and use of a "Restricted Landing Area" as a Special Use in the AG-1 Agriculture Zoning District**

Site Area: **approx. 83 acres**

Location: **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**

Time Schedule for Development:

**Immediate**

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

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

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

---

## BACKGROUND

The Petitioners' son, Jed Gerdes, first contacted the department about establishing a Restricted Landing Area on his parents' property on April 2, 2009. Mr. Gerdes explained to staff that no one in his family has a pilot's license, but they have used an airstrip operated by one of their neighbors as a base for aerial application and spraying of the crops. Their neighbor has tilled the airstrip area so it will no longer be available for use to them. The petitioners are therefore proposing to establish their own runway on their property in Ayers Township.

The subject property is located in an area where a wind farm developer has expressed interest in locating a wind farm, however, no formal application has been received as yet. The petitioner owns more land 13 1/2 miles to the north and it is not clear if the RLA must be in this location.

## EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Farmstead and Farmland	AG-1 Agriculture
North	Farmland	AG-1 Agriculture
East	Farmland	AG-1 Agriculture
West	Farmland	AG-1 Agriculture
South	Farmland	Douglas County (No Zoning)

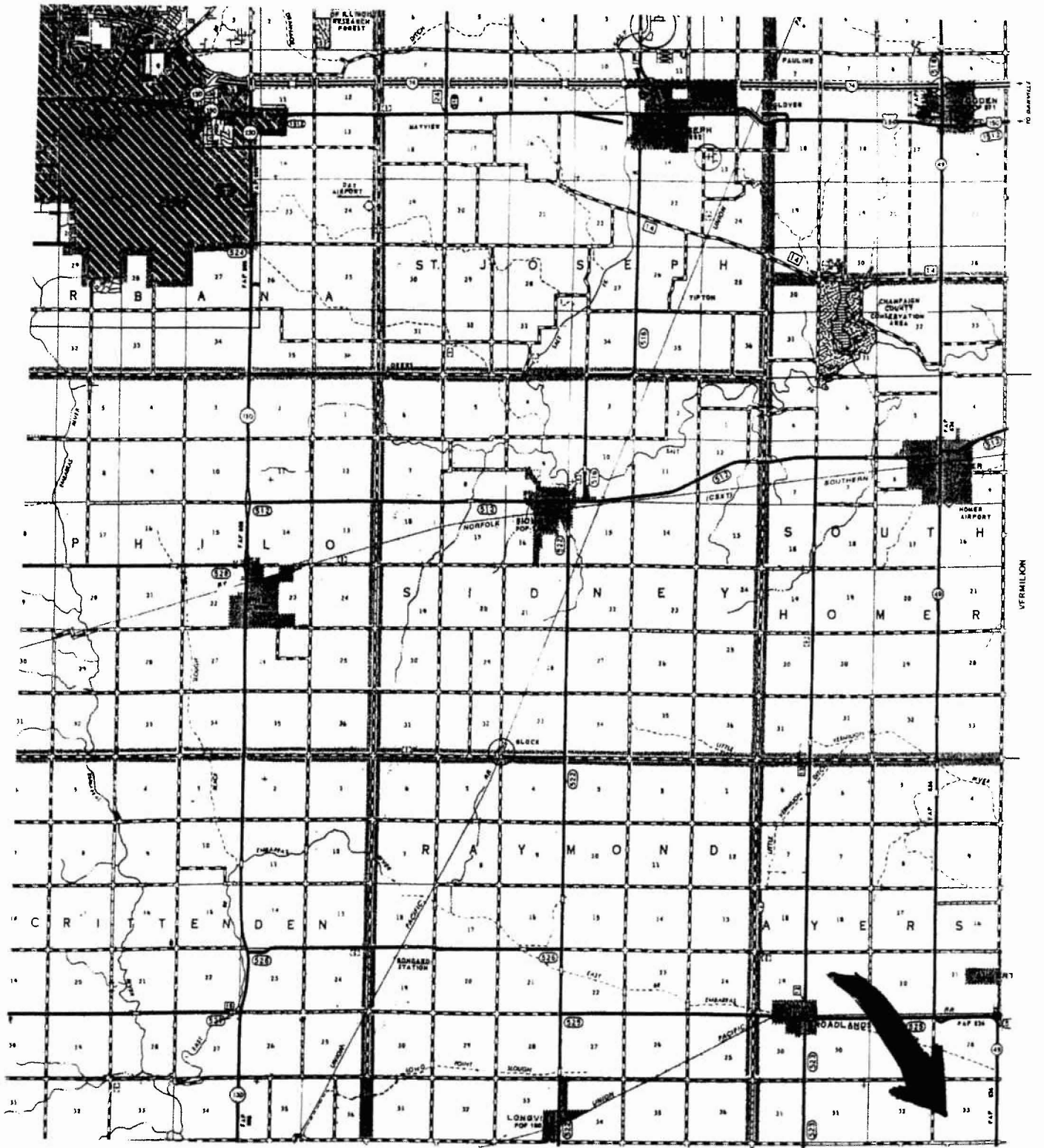
**ATTACHMENTS**

- A Zoning Case Maps (Location, Land Use, Zoning)
- B Proposed site plan received April 24, 2009
- C Letter from Dale Rust, Flight Safety Coordinator, to Jed Gerdes dated April 21, 2009
- D Excerpts of *Illinois Aviation Safety Rules* (92 Ill. Admin. Code Part 14)
- E IDOT Traffic Map of vicinity of subject property
- F Preliminary Draft Summary of Evidence for Case 645-S-09

ATTACHMENT A. LOCATION MAP

Case 645-S-09

JUNE 11, 2009

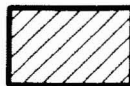
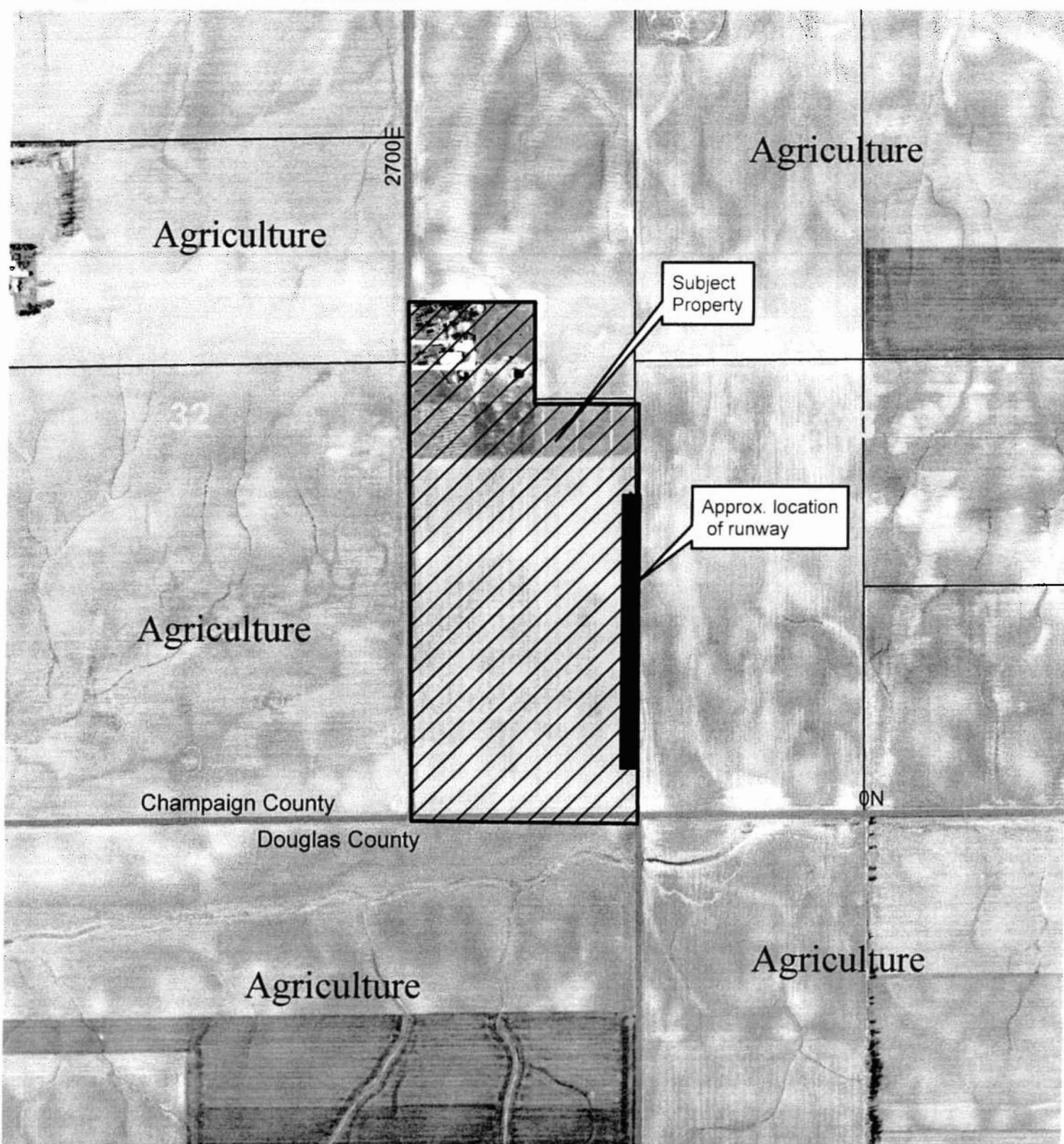


Champaign  
County  
Department of  
**PLANNING &  
ZONING**

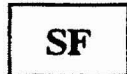
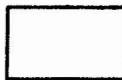
ATTACHMENT A. LAND USE MAP

Case 645-S-09

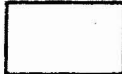
JUNE 5, 2009



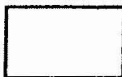
Area of Concern



Single Family



Farmstead

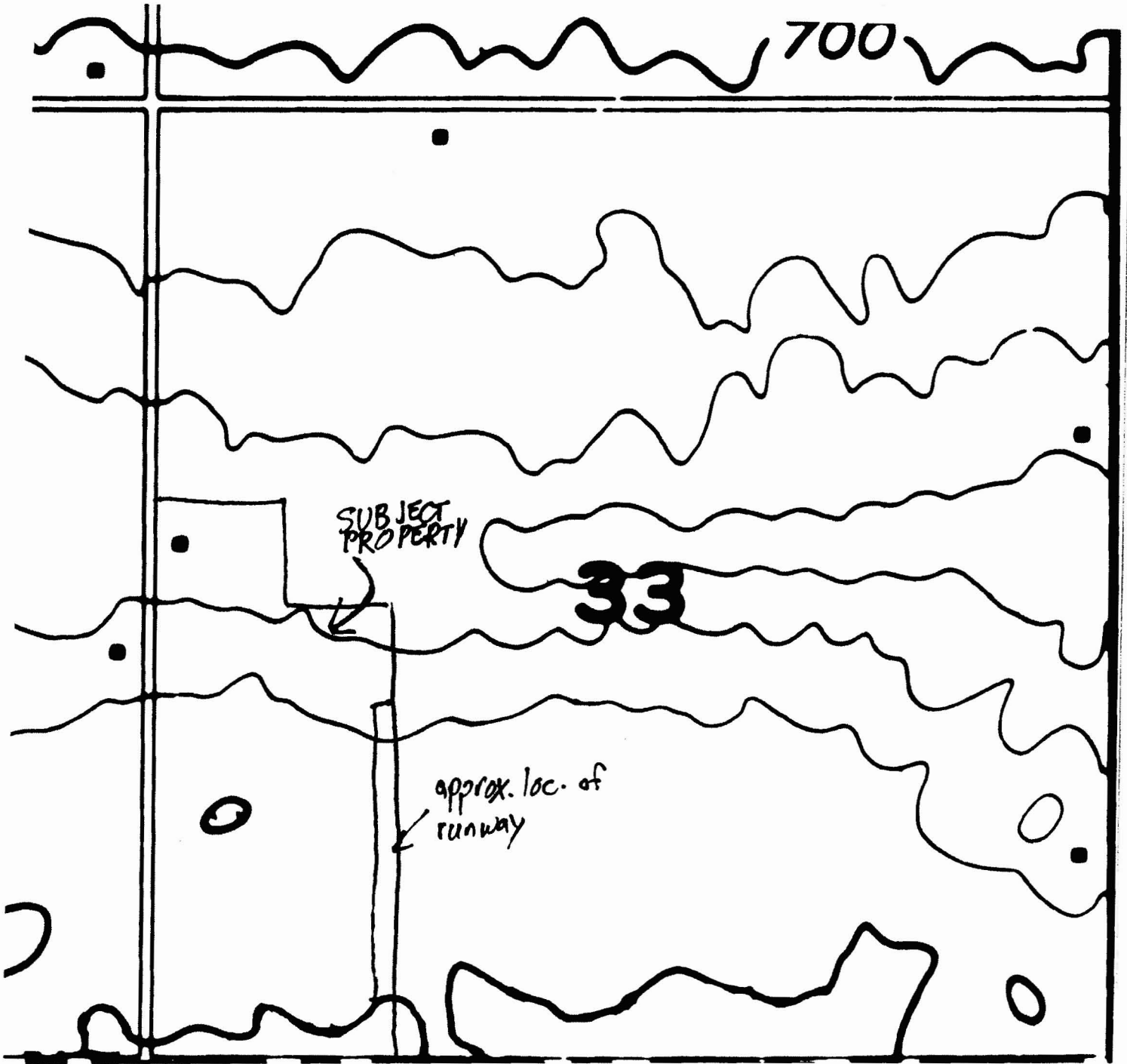


1 inch = 800 feet

Champaign  
County  
Department of  
**PLANNING &  
ZONING**



ATTACHMENT A. ZONING MAP  
 Case 645-S-09  
 JUNE 5, 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 Trade Center	B-4 General Business	I-2 Heavy Industry	



SCALE - 1/4" = 50 feet

center of road  
↑

ADJOINS PAGE 1

2420'

FIELD

RLA

RLA IS 100' x 1900'

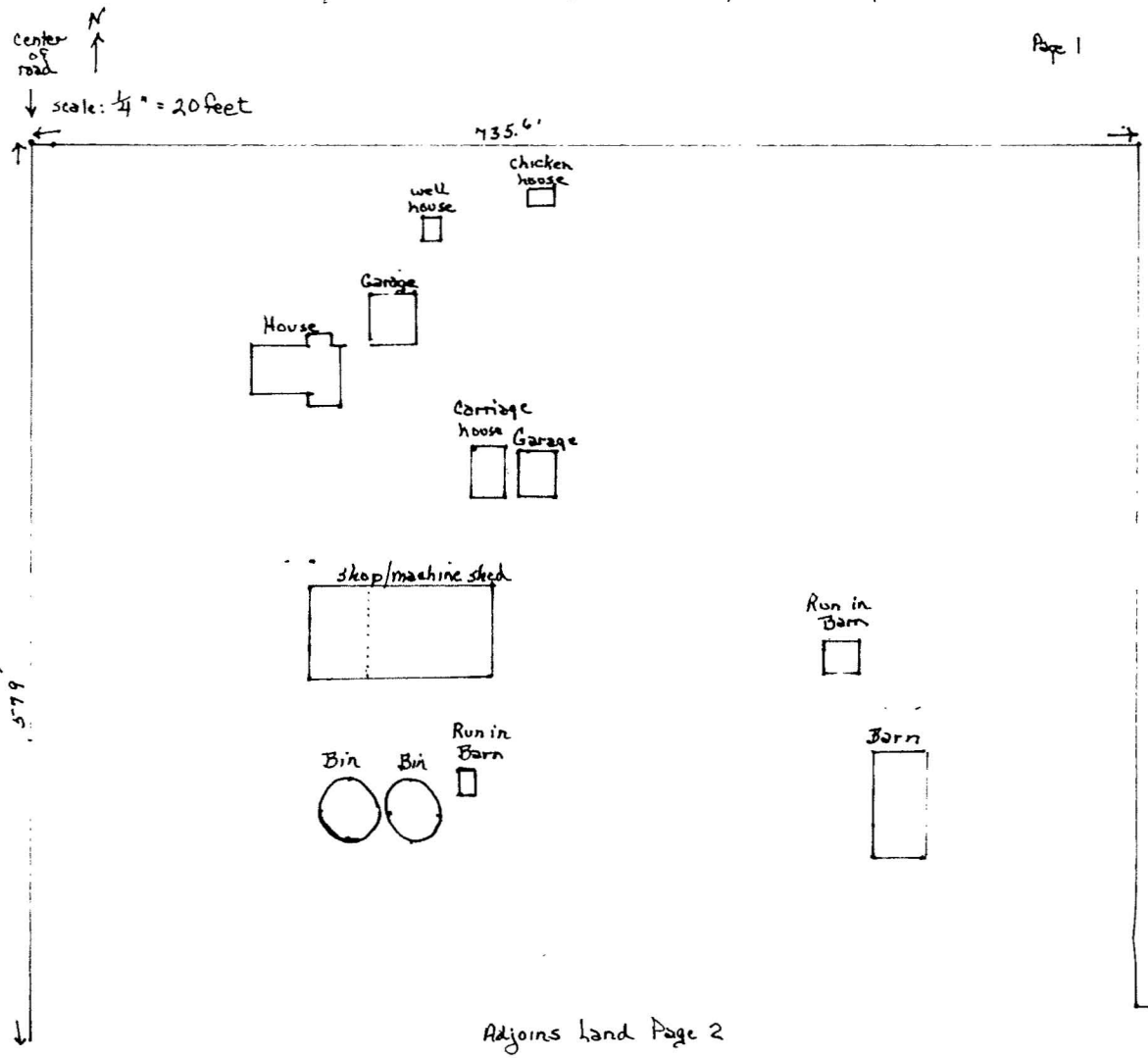
1900'

1314'  
ROAD

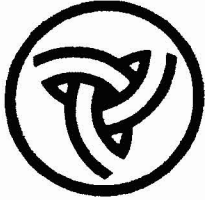
100'

RECEIVED

RECEIVED



RECEIVED



# Illinois Department of Transportation

Division of Aeronautics

1 Langhorne Bond Drive / Springfield, Illinois / 62707-8415

COPY

April 21, 2009

Mr. Jed Gerdes  
1448 County Road 2700 East  
Ogden, IL 61859

Re: Your Proposed Private-Use Restricted  
Landing Area Location in S.E. Champaign Co.

Dear Mr. Gerdes,

This is to inform you that I have given your proposed private-use Restricted Landing Area (RLA) location an aerial inspection and preliminary findings and study indicate that your proposed North/South airstrip, located in Section 33 in Ayers Township (T. 17 N. - R. 14 W), along the east side, can meet the State of Illinois standards for an RLA classification. The proposed location of the landing area provides sufficient length for a safe operation for its intended use and also takes into consideration the proposed size and layout and its relationship with other existing aeronautical facilities in the surrounding area. Final approval and state certification of the proposed airstrip will be contingent upon a final inspection of the completed airstrip.

The application legal process requires that the proposed RLA "Notice" and subsequent "Order" be published in the local applicable newspaper in the area of the proposed facility. (The Division of Aeronautics does this at no cost to the proponent). From these publications, any potentially affected individual *may* request a hearing (that can only pertain to SAFETY issues) regarding the proposed RLA. This is a State process and is of no cost to the proponent; however, any County permits, County hearing requirements, compliance with applicable zoning, etc., *if applicable*, will be the proponent's responsibility. Before submitting your State application, it would be beneficial, on your behalf, to contact any neighbor adjacent to your proposed airstrip, so there won't be any 'surprises' when it appears in the local newspaper indicated on your application (if you have not already done so).

The Division's policy is that no operating certificate will be issued if an objectionable FAA airspace results from the Division's FAA form submittal. In your case, an objectionable airspace from the FAA is very unlikely. We do, however, wait for the FAA's favorable response, before we process the application. You have 18 months to complete the airstrip after the Order appears in the paper (which is an integral part of our processing). After the airstrip is completed (within the 18 month period), I will complete my final inspection of the airstrip, and a State certificate will be issued and an FAA (activation) form (Form 5010) is submitted to that agency by me. Please feel free to call me at (217) 524-5269 if you have any questions.

Sincerely,

Dale L. Rust, Flight Safety Coordinator

(217) 524-5269

RECEIVED

MAY 18 2009

CHAMPAIGN CO. P & Z DEPARTMENT

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 92: TRANSPORTATION**  
**CHAPTER I: DEPARTMENT OF TRANSPORTATION**  
**SUBCHAPTER b: AERONAUTICS**  
**PART 14 AVIATION SAFETY**  
**SECTION 14.115 APPLICATION PROCESS FOR ORIGINAL CERTIFICATE OF APPROVAL**

**Section 14.115 Application Process for Original Certificate of Approval**

An applicant for an original Certificate of Approval for a new airport or RLA must complete the following process before a Certificate of Approval will be issued by the Division. All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100 (d).

- a) The applicant must personally contact the Division either by phone at 217-785-8516, in writing at 1 Langhorne Bond Drive, Capital Airport, Springfield, IL 62707, or by e-mail at Aero@nt.dot.state.il.us to request an initial inspection of the site proposed to be used for the airport or RLA.
- b) The applicant must include proof of continuing property interests in, and authority to operate, the requested airport or RLA on the subject property as evidenced by:
  - 1) the approval of the property owner (i.e., a letter with the property owner's signature) if not the same as the applicant, or
  - 2) a copy of the deed or long-term lease.
- c) Division personnel will visit the proposed site, as early as Division priorities will allow, to determine if the minimum standards for the operation of an airport or RLA, as prescribed in either Section 14.510(a), 610(a), 710(a) or 810(a), can be achieved.
  - 1) After an initial inspection has been performed and the site is determined to be acceptable under this Part, an Application for Certificate of Approval form (Form AER 2059 for an airport or RLA or Form AER 2060 for a heliport) must be completed and signed, along with FAA Forms 7480-1 (Notice of Landing Area Proposal) and 7480-2 (Sketch), and the originals mailed or hand-delivered to the Division at the address noted in Section 14.100(d).
  - 2) If the proposed site is not acceptable, under this Part, Division personnel will advise the applicant as to what can be done to achieve an acceptable site (e.g., cut trees, clear brush) or suggest an alternative site.

- d) The Division will submit FAA Forms 7480-1 and 7480-2 to the FAA for an airspace determination. Once the Division has received a favorable airspace determination from the FAA (in approximately 30-60 days), the applicant will be notified in writing and the Division will proceed in processing the application for Certificate of Approval. If the FAA issues a non-favorable airspace determination, the applicant will be notified in writing as to what criteria needs to be met to receive a favorable determination (e.g., pattern agreement with another airport or RLA, cut trees).
- e) The Division will publish a Notice in the local newspaper, within the county of the proposed site of the airport or RLA, indicating that the Division intends to publish an Order granting or denying a Certificate of Approval, with a copy simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, at the address noted in Section 14.100(d), within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)
- f) If no comments or opposition to the proposed airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county of the proposed site of the airport or RLA approving the construction, with a copy simultaneously mailed to the applicant. The Order will include the terms and restrictions (e.g., number of based aircraft, restrictions on use) associated with the issuance of the Certificate of Approval, as well as providing information as to a completion date for construction and for the final inspection of the airport or RLA that must occur before the Certificate of Approval will be issued. (See Section 60 of the Act.)
- g) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), at the address noted in Section 14.100(d), as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A Certificate of Approval may be issued anytime after the effective date of the Order. The Division will consider all comments received within the 15-day period prior to making a decision whether to grant or deny a Certificate of Approval. (See Section 60 of the Act.)
- h) After publication of the Order, if a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the proposed airport or RLA is to be located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the applicant as well as to the person or persons requesting the hearing.

- i) The applicant will have 18 months from the effective date of the Order to complete construction of the airport or RLA. The applicant shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of construction of the airport or RLA to schedule a final inspection with the Division. If the requirements of this Part have been met upon completion of construction and final inspection, the Division will issue a Certificate of Approval for the operation of the airport or RLA to the applicant.
  
- j) If the applicant is unable to complete construction of the airport or RLA, or, if the requirements of this Part have not been met within 18 months of the effective date of the Order, the applicant may request in writing, at the address noted in Section 14.100(d), an extension of time of the expiration date noted in the Order. The applicant must state the reasons for requesting the extension of time (e.g., weather delays, financial reasons) in the written request. The Division may grant or deny an extension of time based on whether the applicant has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If a request for an extension of time is denied, or if the minimum standards of this Part cannot be met, the application for a Certificate of Approval becomes null and void on the date the Order expires.

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 92: TRANSPORTATION**  
**CHAPTER I: DEPARTMENT OF TRANSPORTATION**  
**SUBCHAPTER b: AERONAUTICS**  
**PART 14 AVIATION SAFETY**  
**SECTION 14.700 RESTRICTED LANDING AREA CLASSIFICATION**

**Section 14.700 Restricted Landing Area Classification**

Restricted Landing Areas (RLAs) shall be classified as private-use only. For the purposes of this Subpart G, the word RLA includes RLAs utilizing aircraft having STOL capabilities. An RLA shall provide a landing area sufficient for a safe operation, taking into consideration the type of aircraft to be used and the skill level of the pilots using the RLA. The minimum standards for the establishment, management or operation of RLAs shall be in accordance with this Subpart G, including the minimum dimensional standards as shown in Section 14.Appendix E, Illustrations A and B.



**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 92: TRANSPORTATION**  
**CHAPTER I: DEPARTMENT OF TRANSPORTATION**  
**SUBCHAPTER b: AERONAUTICS**  
**PART 14 AVIATION SAFETY**  
**SECTION 14.740 FACILITIES**

**Section 14.740 Facilities**

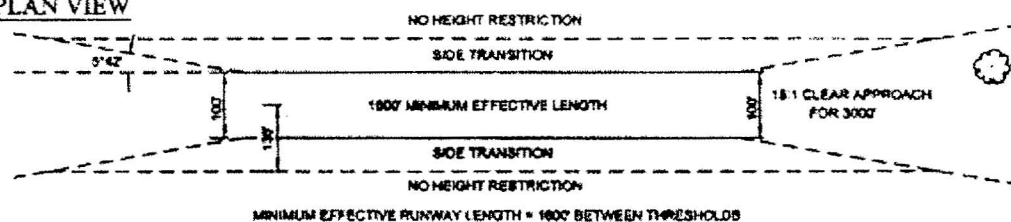
Every RLA shall provide:

- a) Wind direction/velocity indicator (must be lighted for night use); and
- b) Clearly marked thresholds and/or displaced thresholds visible from 1500' above ground level (AGL) as shown in Section 14.Appendix E, Illustration C.

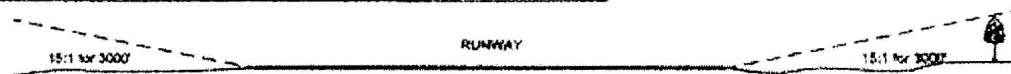
**Section 14.APPENDIX E Restricted Landing Areas Standards**

**Section 14.ILLUSTRATION A Restricted Landing Areas Minimum Dimensional Standards**

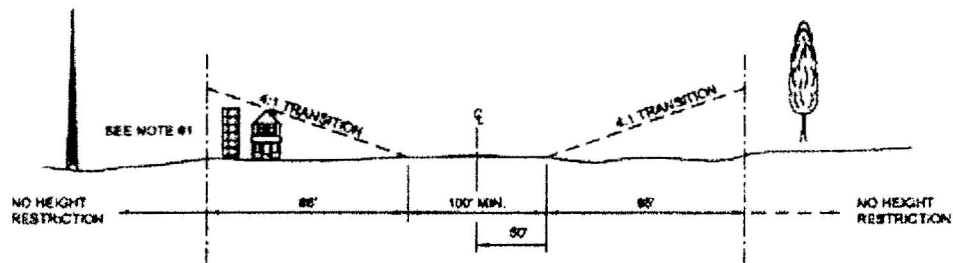
PLAN VIEW



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



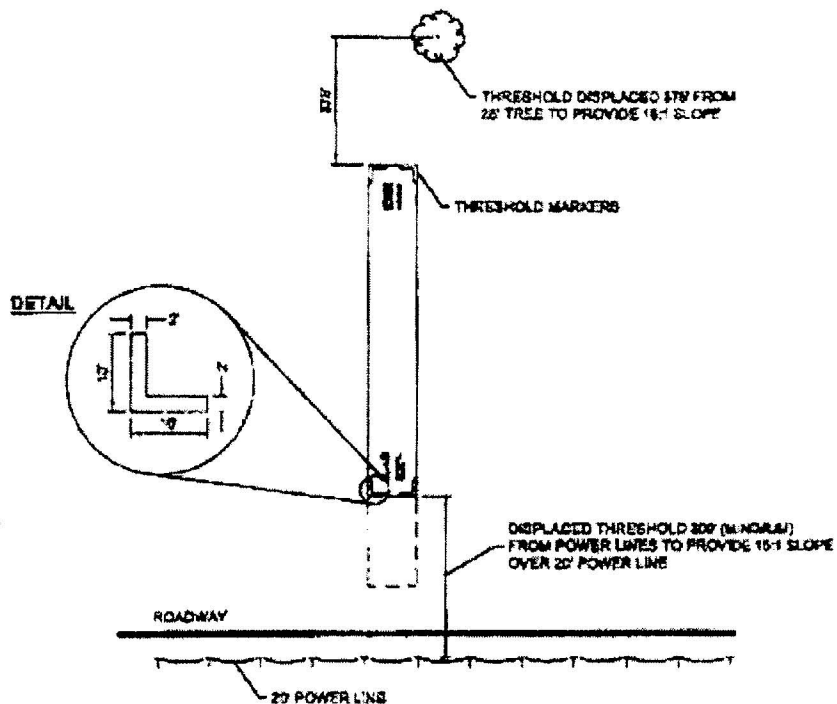
RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



- NOTES:**
1. NO PENETRATIONS TO 4:1 SIDE TRANSITION SURFACES FOR 135' FROM CENTERLINE
  2. NO PENETRATIONS TO 15:1 RUNWAY APPROACHES.
  3. NO CROPS 50' EACH SIDE OF CENTER LINE.
  4. CLEARANCES REQUIRED FOR APPROACHES:
    - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
    - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
    - 17' CLEARANCE OVER ALL INTERSTATES.
    - 23' CLEARANCE OVER ALL RAILROADS.

Section 14.APPENDIX E Restricted Landing Areas Standards


Section 14.ILLUSTRATION C Restricted Landing Areas Displaced Threshold Markings

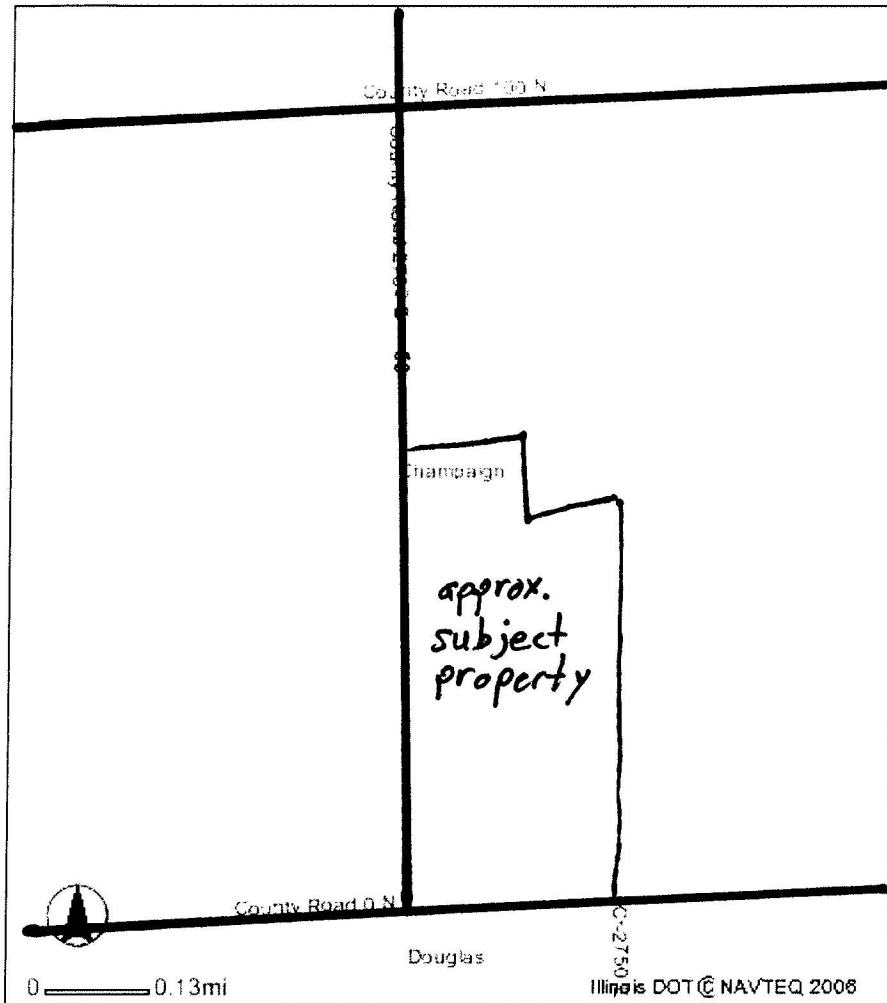


NOTE. MEASURE THE LEGS 12" LONG BY 2" WIDE. CUT A TRENCH 4" TO 5" DEEP. PUT SHEET PLASTIC IN THE BOTTOM AND FILL WITH CRUSHED WHITE ROCK OR OTHER DISTINGUISHABLE MATERIAL.



# Illinois Department of Transportation

 Send to printer



Date: 6/5/2009

All rights reserved. Use subject to License/Copyright  
Illinois Department of Transportation  
2300 S. Dirksen Pky  
Springfield, IL 62764

**PRELIMINARY DRAFT**

**645-S-09**

**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION**

**of**

**Champaign County Zoning Board of Appeals**

---

Final Determination: { *GRANTED / GRANTED WITH CONDITIONS / DENIED* }

Date: June 11, 2009

Petitioners: Robert and Barbara Gerdes

Request: Authorize the construction and use of a "Restricted Landing Area" as a Special Use in the AG-1 Agriculture Zoning District.

---

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 11, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Robert and Barbara Gerdes, own the subject property.
2. The subject property is an approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

4. 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 a farmstead and associated farmland.
  - B. Land north, east, and west of the subject property is zoned AG-1 and is in use as farmland.
  - C. Land to the south of the subject property is in Douglas County, which does not have a zoning ordinance. The land is in use as farmland.

**PRELIMINARY DRAFT**

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the proposed site plan for the proposed RESTRICTED LANDING AREA (RLA), as follows:
  - A. The runway is located along the east lot line of the subject property. It is a strip of land 100 feet wide and 1900 feet long. Based on comments on the application the actual runway is only 1600 feet long and is located 300 feet north of CR 0N.
  - B. The proposed site plan does not currently show the required side yard or runway safety area, however there appears to be adequate space available on the subject property to meet these requirements.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a “RESTRICTED LANDING AREA” as a Special Use in the AG-1 Zoning District in the *Zoning Ordinance*:
  - A. Section 5.2 authorizes a “RESTRICTED LANDING AREA” as a Special Use in the AG-1, AG-2, I-1, and I-2 Districts.
  - B. Section 6.1.3 establishes the following standard conditions for RESTRICTED LANDING AREAS:
    - (1) Must meet the requirements of the Federal Aviation Administration and Illinois Department of Transportation, Division of Aeronautics.
    - (2) The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.
    - (3) No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B District nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located:
      - (a) Within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or
      - (b) The Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the Primary Surface, 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the primary surface.
    - (4) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.7 and Table 5.3 note (12) shall apply.
  - C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) “AIRCRAFT” is any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

ITEM 6.C. CONTINUED.

- (2) "RESTRICTED LANDING AREA" is any area described or defined as a Restricted Landing Area under the *Illinois Aviation Safety Rules* (92 Ill. Admin. Code Part 14) and as further regulated by the Illinois Department of Transportation, Division of Aeronautics.
  - (3) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.
  - (4) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION**

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner has testified on the application, **"Our farming operation has used aerial spraying and/or seeding for 5 years. An air landing strip we have used to load is not available, the land has been tilled. Rye grass is bulky and requires frequent loading."**

**PRELIMINARY DRAFT**

- B. The proposed RLA is intended for private use, but the owner does not fly and it is intended solely for use by the aerial applicator. The owner has other land approximately 13 ½ miles to the north.
- C. The subject property is located in an area where a wind farm is anticipated. The recent Zoning Ordinance amendment authorizing wind farms prohibits any wind turbines located within 3,500 feet of a RLA.
- D. It is not clear how much land the Gerdes farm and where that land is located in relation to the subject property.

**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioner has testified on the application, **“Dale Rust, Flight Safety Coordinator of Illinois Department of Transportation has inspected the site, stated it is satisfactory, and it follows his recommendations. It allows 1900’ for landing area (300’ for road). It is a positive tool for agriculture.”**
  - B. Regarding surface drainage:
    - (1) The subject property is located in the Union Drainage District.
    - (2) The existing amount of impervious area on the subject property does not trigger any requirement for stormwater detention under the *Champaign County Stormwater Management Policy*, and no new impervious area is proposed as part of the RLA.
    - (3) Notice was sent to the Union Drainage District, but no comments have been received to date.
  - C. The subject property is located on CR 2700E, one-half mile from CR 0N. The subject property is accessed from CR 2700E on the west side of the property. Regarding the general traffic conditions on CR 2700E at this location and the level of existing traffic and the likely increase from the proposed Special Use:
    - (1) 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 Average Daily Traffic (ADT). The most recent ADT data, in the vicinity of the subject property, is from 2001, as follows:
      - (a) Along CR 2700E where it passes the subject property the ADT is 50 trips.
      - (b) The proposed RLA is for private use only and is proposed to be used for agricultural purposes making an increase in traffic unlikely.



ITEM 8.C. CONTINUED.

- (2) 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):
    - (a) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
    - (b) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
    - (c) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
    - (d) 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.
  - (3) The width of CR 2700E was measured by J.R. Knight, Associate Planner, during a site visit on June 2, 2009, to be 16 feet wide.
  - (4) The Township Road Commissioner has been notified of this case, but no comments have been received at this time.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Allerton Fire Protection District and is located approximately three road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. The subject property does not appear to be located within a Special Flood Hazard Area.
- F. Regarding outdoor lighting on the subject property, there is no indication on the site plan of outdoor lighting for any purpose. However, the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* require all RLA's to have a wind direction/velocity indicator that is lighted for night use.

**PRELIMINARY DRAFT**

ITEM 8. CONTINUED

- G. Regarding subsurface drainage, the site plan does not contain any information regarding agricultural field tile. There is no proposed construction as part of the RLA, however, the landing of aircraft on the runway could possibly damage tile located underneath the runway.
- H. Regarding wastewater treatment and disposal on the subject property, the proposed use has no need for any wastewater treatment and disposal.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

**GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner has testified on the application, **“Yes, Grass areas are part of agriculture, as pastures and waterways.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) The proposed RLA complies with all area and placement requirements for the AG-1 District in Section 5.3, with the exception of the east side yard. The east side yard is indicated to be 0 feet in lieu of the minimum required 15 feet for a principal use in the AG-1 District. There appears to be adequate area on the subject property to meet the minimum side yard.
    - (2) Regarding parking on the subject property, it is unclear what the exact parking requirements for an RLA would be, however, there appears to be more than adequate area around the farmstead to accommodate parking for the proposed use.
    - (3) Regarding compliance with the standard condition requiring a proposed RLA must meet the requirements of the Federal Aviation Administration (FAA) and Illinois Department of Transportation, Division of Aeronautics (IDOT/DOA):
      - (a) The FAA requirements for RLA’s mostly deal with operation of the RLA once it is established. However, the FAA does make an airspace determination before the RLA is established. This airspace determination must be favorable for the RLA to be established, the IDOT/DOA requirements incorporate this requirement.
      - (b) IDOT/DOA enforces the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* which contains regulations for establishment of a RLA.

ITEM 9.B.(3) CONTINUED

- (c) RLA's are required to be private use only, to provide a sufficient landing area taking into account the skill of the pilots using the facility and the type of aircraft used, and to meet minimum dimensional standards.

The petitioners submitted a letter from Dale Rust, Flight Safety Coordinator, with IDOT/DOA, dated April 21, 2009, that indicates the proposed location of the landing area provides sufficient length for a safe operation and takes into account other aeronautical facilities in the area.

- (d) RLA's are required to obtain a Certificate of Approval from IDOT/DOA, which involves an application process with an initial inspection of the proposed area, obtaining an FAA airspace determination, publication of notice in a local newspaper, the chance for concerned neighbors to request a hearing, and a final inspection.

The petitioners submitted a letter from Dale Rust, Flight Safety Coordinator, with IDOT/DOA, dated April 21, 2009, that indicates Mr. Rust performed the initial inspection and has indicated a favorable result. There is no information regarding the FAA airspace determination, but Mr. Rust did indicate that a negative determination is unlikely.

- (e) RLA's are also required to meet minimum runway dimensions and to have imaginary surfaces of specified slope on all four sides of the runway that are free from obstruction by any structures or natural obstructions, as follows:

- i. An RLA runway is required to be a minimum of 100 feet wide and to have a minimum length of 1600 feet. It is possible that due to certain obstructions a runway may be longer than 1600 feet but only for landings or take offs in certain directions.

The petitioner has indicated on the site plan and application that the runway will be 1600 feet long and separated from CR 0N by 300 feet.

- ii. There are also requirements for separation distances between a runway, taxiway, and aircraft parking, but the petitioner has not indicated any taxiway or aircraft parking on the site plan.

- i. At either end of the runway a 15:1 slope extending 3,000 feet beyond the end of the runway.

The only obstruction near the runway that appears to require a minimum clearance is CR 0N, which requires a 15 feet clearance according to IDOT/DOA requirements. The runway is located 300 feet north of the street providing a 20 feet clearance.

**PRELIMINARY DRAFT**

ITEM 9.B.(3)(E) CONTINUED

- ii. On either side of the runway a 4:1 slope extending 135 feet from the centerline of the runway.

There does not appear to be any obstruction that would interfere with the side transition slopes.

- (f) Overall it appears that if the petitioners obtain a positive airspace determination from the FAA they will meet all state and federal requirements for establishing an RLA. There are also numerous requirements for safe operation of an RLA, which the petitioners are also required to meet or be in violation of their SUP.

- (4) The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.

The petitioner has not indicated the required runway safety area on the site plan, however, there does appear to be adequate area on the subject property to accommodate this requirement so no waiver is recommended.

- (5) No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B District nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located:

- i. Within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or
- ii. The Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the Primary Surface, 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the primary surface.
- iii. These areas are not indicated on the site plan, but they are not required to be entirely contained on the subject property and there are no structures within the described areas.

- (6) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.7 and Table 5.3 note (12) shall apply.

This condition does not appear to be a requirement on the petitioners, but instead on anyone who is building a structure of some sort close enough to the RLA that it might be a hazard to aircraft.

- C. Regarding compliance with the *Stormwater Management Policy*, the proposed use will not require any stormwater detention.

ITEM 9. CONTINUED

- D. Regarding the Special Flood Hazard Areas Ordinance and Subdivision Regulations:
  - (1) The subject property does not appear to be located in a Special Flood Hazard Area.
  - (2) The subject property complies with the Subdivision Regulations.
- E. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Zoning District, the RLA is proposed to support agricultural activities.

***GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE***

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A “RESTRICTED LANDING AREA” may be authorized in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements are met.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.7 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

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 types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
    - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
      - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan is in full compliance with those requirements.

**PRELIMINARY DRAFT**

ITEM 10.C. CONTINUED

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
  - (a) In regards to the value of nearby properties, the proposed Special Use Permit will likely have a negligible effect on property value.
  - (b) With regard to the value of the subject property, the proposed Special Use Permit will likely have a negligible effect on property value
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The current IDOT traffic count is from 2001, and indicates that CR 2700E could handle a 200% increase in traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit complies with the *Champaign County Stormwater Management Policy* and is outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
  - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in full compliance.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions. No special conditions appear to be necessary

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed Special Use is not an existing nonconforming use.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

There are no natural areas on the subject property.

*PRELIMINARY DRAFT*

ITEM 10.C. CONTINUED.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

This purpose is not relevant to the proposed Special Use Permit because the AG-1 District is not for urban development.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

*GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE*

11. The proposed Special Use is an existing NONCONFORMING USE because the existing use has been on the subject property since before the adoption of the *Zoning Ordinance* on October 10, 1973.  
A. The Petitioner has testified on the application, **“Does not apply”**

*GENERALLY REGARDING ANY SPECIAL CONDITIONS OF APPROVAL*

12. At this time no special conditions of approval have been proposed.



**DOCUMENTS OF RECORD**

1. Special Use Permit Application from Robert and Barbara Gerdes received on April 24, 2009, with attachments:
  - A Proposed site plan
2. Letter from Dale Rust, Flight Safety Coordinator, to Jed Gerdes dated April 21, 2009
3. Preliminary Memorandum for Case 645-S-09, with attachments:
  - A Zoning Case Maps (Location, Land Use, Zoning)
  - B Proposed site plan received April 24, 2009
  - C Letter from Dale Rust, Flight Safety Coordinator, to Jed Gerdes dated April 21, 2009
  - D Excerpts of *Illinois Aviation Safety Rules* (92 Ill. Admin. Code Part 14)
  - E IDOT Traffic Map of vicinity of subject property
  - F Preliminary Draft Summary of Evidence for Case 645-S-09

**PRELIMINARY DRAFT**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **645-S-09** held on **June 11, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* *{ IS / IS NOT }* necessary for the public convenience at this location because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* is so designed, located, and proposed to be operated so that it *{ WILL / WILL NOT }* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ ADEQUATE / INADEQUATE }* traffic capacity and the entrance location has *{ ADEQUATE / INADEQUATE }* visibility.
  - b. Emergency services availability is *{ ADEQUATE / INADEQUATE }* *{ because: }^1* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - c. The Special Use will be designed to *{ CONFORM / NOT CONFORM }* to all relevant County ordinances and codes.
  - d. The Special Use *{ WILL / WILL NOT }* be compatible with adjacent uses *{ because: }^1* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - e. Surface and subsurface drainage will be *{ ADEQUATE / INADEQUATE }* *{ because: }^1* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - f. Public safety will be *{ ADEQUATE / INADEQUATE }* *{ because: }^1* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - g. The location *{ IS / IS NOT }* suitable for the proposed onsite wastewater system *{ because: }^1* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - h. *(Note: The Board may include other relevant considerations as necessary or desirable in each case.)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3a. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }** conform to the applicable regulations and standards of the DISTRICT in which it is located.
  - 3b. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }** preserves the essential character of the DISTRICT in which it is located because:
    - a. The Special Use will be designed to **{ CONFORM / NOT CONFORM }** to all relevant County ordinances and codes.
    - b. The Special Use **{ WILL / WILL NOT }** be compatible with adjacent uses.
    - c. Public safety will be **{ ADEQUATE / INADEQUATE }**.
    - d. *(Note: The Board may include other relevant considerations as necessary or desirable in each case.)*
- 
- 

- 4. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { IS / IS NOT }** in harmony with the general purpose and intent of the Ordinance because:
    - a. The Special Use is authorized in the District.
    - b. The requested Special Use Permit **{ IS / IS NOT }** necessary for the public convenience at this location.
    - c. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }** is so designed, located, and proposed to be operated so that it **{ WILL / WILL NOT }** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
    - d. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }** preserves the essential character of the DISTRICT in which it is located.
    - e. *(Note: The Board may include other relevant considerations as necessary or desirable in each case.)*
- 
- 

- 5. The requested Special Use **{ IS / IS NOT }** an existing nonconforming use.
- 6. **{ NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW: }**

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B. *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 645-S-09 is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners **Robert and Barbara Gerdes** to authorize **the construction and use of a “Restricted Landing Area” as a Special Use in the AG-1 Agriculture Zoning District.**

*{SUBJECT TO THE FOLLOWING SPECIAL CONDITION(S)}*

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