

CASE NO. 687-AM-11 & 688-S-11 AMENDED

SUPPLEMENTAL MEMORANDUM

Champaign County
December 6, 2012

Department of Planning & Zoning

**PLANNING &
ZONING**

Petitioners:
Philip W. and Sarabeth F. Jones
175N CR1600E
Villa Grove, IL

Site Area:

Approx. 14 acres

Time Schedule for Development:

Immediate

Prepared by:

John Hall
Zoning Administrator

Andrew Kass
Associate Planner

Case 688-S-11

Request: Authorize the construction and use of a "Restricted Landing Area" for use by airplanes consistent with Illinois Department of Transportation regulations and also for helicopter use for public safety assistance as needed and with limited helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1 that requires compliance with Footnote 11 of Section 5.3.

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

(217) 384-3708

Case 687-AM-11

Request: Amend the Zoning Map to change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.

Location for Case 687 & 688: **An approximately 14 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.**

STATUS

The Petitioner revised the request and submitted a Revised Site Plan on November 9, 2012, and an improved site plan on November 19, 2012. The Revised Site Plan is attached and reviewed below.

There is no clear achievement of Goals 4, 6, 8, and 10 in Case 687-AM-11. See below.

Special conditions are recommended for Case 688-S-11. Certain conditions are reviewed below but see pages 17 and 18 of the Summary of Evidence of Case 688-S-11 for all special conditions.

AMENDED APPLICATION AND REVISED SITE PLAN

As reviewed in the Supplemental Memorandum of May 23, 2012, the original legal advertisement for Case 688-S-11 did not match what the petitioner had indicated on the application even though the intent (both a Restricted Landing Area and a Restricted Landing Area for helicopter use) was the same. That same Memorandum reviewed the three alternatives for proceeding with these cases. On November 19, 2012, the Petitioner notified the Zoning Administrator of his selection of the third alternative reviewed in the May 23 Memorandum which was a "Restricted Landing Area with helicopter use".

Since there is no longer request for a heliport the amount of helicopter use for non-public safety assistance should be limited by a special condition and so the description in the revised legal advertisement was "Restricted Landing Area with helicopter use for public safety assistance as needed and with limited helicopter use for personal use".

The Revised Site Plan received November 19, 2012, is somewhat similar to the previous site plan except that the total area has been increased to provide the following:

- The minimum 1,600 feet runway length required by IDOT.
- A 90 feet setback from Illinois Route 130 in order to provide the minimum IDOT required clearance of 15 feet over a state highway based on the IDOT approach slope of 15 feet horizontal per each 1 feet vertical and considering the actual ground elevations.
- A 250 feet long Runway Safety Area according to FAA requirements and which is 10 feet longer than the Zoning Ordinance requires, is at each end of the proposed landing area.
- A minimum rear yard (at the west end of the RLA) of 25 feet.
- A hanger area sufficient to provide all required yards if the RLA lot is ever separated from the residential property.

LIMITATIONS ON HELICOPTER USE

From the beginning the Petitioner has stated his desire to provide his aircraft as requested by public safety officials and the importance of this location to making that service convenient and timely. Staff does not recommend any limit on the use of aircraft for public safety assistance.

Since there has not been a request for a "heliport RLA" there should be some limit on the use of the helicopter for personal use and, to be consistent with the authorized uses, the amount of personal helicopter use authorized should be less than the amount of airplane use. Limitation on the amount of airplane use is reviewed separately below.

Enforcing limits on use will always be difficult but that is the challenge of adopting a Zoning Ordinance in the first place. Staff recommends the Board consider **limiting personal use of any helicopter to no more than two take offs and two landings in any 28 day period whether that use is by the petitioner or an invited guest.**

PROXIMITY TO NEAREST DWELLING

The dwelling on the nearest lot is only approximately 107 feet from the easternmost Runway Safety Area for the proposed RLA based on the dimensions given on the Revised Site Plan and the side yard dimension for the nearest dwelling as stated on the most recent Zoning Use Permit site plan for that property.

Note the Runway Safety Area is generally considered a more dangerous area than land located on either side of the Landing Area.

Because of the proximity to this dwelling, the Board should carefully consider the RLA request. This request may reveal a missing Ordinance requirement for a minimum separation between an RLA and a dwelling under different ownership.

MINIMUM SEPARATION TO NEAREST DWELLING

Staff reviewed a limited number of other Illinois county zoning ordinances to find if any contained “minimum separation requirements from adjacent dwellings”. The only minimum separation found in an ordinance was in the Kane County, Illinois Zoning Ordinance (see attached excerpts) which includes both a “Private Landing Strip” and a “Restricted Landing Field” which are authorized as follows:

- “Private Landing Strip” is a Special Use in the Farming Zoning District (F District) subject to certain restrictions such as compliance with the Illinois Department of Transportation-Division of Aeronautics requirements, limits the number of planes to 2, requires that it must be used in connection with a permitted use in the district. Additional requirements include minimum separation distances of 500 or 1,000 feet (depending on how the runway is oriented) for runways from a highway, street, or railroad right-of-way. A private landing strip can also not be located within 1½ miles of an incorporated city, within a 5 mile boundary of any public use airport, and a run up area (undefined) or blast area (undefined) must be a minimum of 200 feet from an adjacent residence or property line. Kane County also requires that all land area used by an aircraft be provided with a dustless surface.
- “Restricted Landing Fields” are a permitted use in the A1 Airport District-Restricted Landing Field zoning district. This zoning district allows Restricted Landing Field as a permitted use if there are 10 airplanes or less. If there are more than 10 plans but no more than 45 a Special Use Permit is required. This zoning district has the same requirements as those for “private landing strip” (see above) and also includes a maximum plane weight limit of 12,500 pounds gross weight.
- “Heliport” is authorized as a Special Use Permit A1 Airport District-Restricted Landing Field zoning district. A heliport must meet IDOT-Division of Aeronautics requirements and more than one helicopter is not authorized unless specified otherwise.

Even if the Kane County Ordinance were applicable in this instance it is not clear whether that Ordinance would require a 200 feet separation to the adjacent dwelling because the Kane County Ordinance does not define either “run up area” or “blast area”.

Because of the proximity of the proposed RLA to the nearest dwelling, the Board should consider imposing special conditions for the following:

- **Require a greater distance of separation between the RLA and the nearest dwelling.** Staff recommends a **minimum separation of 230 feet** between the RLA and the nearest dwelling under different ownership. This minimum separation is based solely on the minimum required average lot width of 200 feet and the minimum required side yard for a principal structure of 15 feet in both the CR and AG-1 Districts. It is also anticipated that the numbers of take offs and landings will be limited even with this greater separation.

This requirement may not actually be suitable as a "special condition" since it would likely require either more land to be rezoned (to either provide the greater separation) or require the rezoning to be at a greater distance from the proposed location and in either case the Board would be justified in requiring a new site plan.

Also, the Petitioner must accept any special condition that is imposed. If the Board determines that a greater minimum separation is required but the Petitioner does not agree to provide that separation then the Board should consider denying the Special Use Permit

- **Limit the overall use of the RLA by fixed wing aircraft.** Another approach to reducing the impact of the proximity to the nearest dwelling is to limit the overall use of the RLA by airplanes. Enforcing limits on use will always be difficult but that is the challenge of adopting a Zoning Ordinance in the first place.

Staff recommends the Board impose the following conditions:

Limit use of the landing area by fixed wing aircraft used for non-public safety assistance to no more than three take offs and three landings in any 28 day period whether that use is by the petitioner or an invited guest.

- **Require minimum insurance in case of accidents.** In a written statement read at the August 11, 2011, public hearing neighbor Larry Hall (resident of the nearest dwelling) asked the Board to require a minimum liability insurance requirement of \$5 million and that a current certificate of insurance be required to be on file at the Department of Planning and Zoning at all times.

SPECIAL CONDITIONS

See Item 12 of the Draft Summary of Evidence for Case 688-S-11 for all special conditions for the proposed Special Use Permit. No special conditions are proposed for the requested map amendment.

COMPATIBILITY WITH ADJACENT CR DISTRICT

It remains to be seen whether or not the trees on the land in the CR District to the west will ever encroach into the approach area off the west end of the proposed RLA. If the trees did grow that high the encroachment could put the RLA Certification by IDOT at risk. A prudent RLA owner might well acquire that land eventually so that the trees could be managed in some way so as to prevent any encroachment but the Petitioner testified at the August 11, 2011, public hearing that the trees will not be damaged, touched, or violated in any way during the use of the proposed RLA.

Footnote 11 to Section 5.3 of the Ordinance is relevant and states as follows:

11. In no case, however, shall a BUILDING or STRUCTURE be erected or vegetation be maintained that would create an obstruction in an approach slope or transition slope for an existing AIRPORT, RESIDENTIAL AIRPORT, HELIPORT, RESTRICTED LANDING AREA, or HELIPORT- RESTRICTED LANDING AREA permitted under the terms of this Ordinance unless a SPECIAL USE Permit is granted per Section 9.1.5.D.4.

Footnote 11 is intended to deal with any BUILDING or STRUCTURE or vegetation that occurs after the approval of the RLA. In this instance the vegetation of concern exists already and is an important part of the CR District and therefore the legal advertisement included a waiver of this requirement.

GOALS AND POLICIES WITHOUT A STAFF RECOMMENDATION

The Findings for Case 687 and 688 are interrelated and the Board needs to carefully coordinate the evidence and Findings in both cases. The most careful coordination will be required for the following objective and policies in Case 687 for which there is no staff recommendation:

Goal 4 due to concerns about policy 4.3.1 that states as follows:

“On other than best prime farmland, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.”

Goal 6 due to concerns about Objective 6.1 that states as follows:

“Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety”

Goal 8 due to concerns about the following policies:

Policy 8.5.1 that states **“For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.”**

Policy 8.5.2 that states **“The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.”**

Policy 8.6.2 that states:

- a. **“For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.**
- b. **With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.”**

Goal 10 due to concerns about policy 10.1.1 that states as follows:

“The County will work to identify historic structures, places and landscapes in the County.”

ATTACHMENTS

- A Revised Site Plan received November 19, 2012
- B Proximity to Nearest Dwelling (included separately)
- C Excerpts from the Kane County, Illinois Zoning Ordinance
- D Goals, Objectives, and Policies excerpted from the Champaign County Land Resource Management Plan
- E 12/6/12 Revised Draft Summary of Evidence for Case 688-S-11 (included separately)
- F 12/6/12 Revised Finding of Fact for Case 687-AM-11 (included separately)

RESTRICTED LANDING AREA AND HANGER SITE
 PHILLIP JONES PROPERTY
 LOCATED IN NORTHEAST QUARTER OF SECTION 27
 TOWNSHIP 17 NORTH, RANGE 9 EAST OF 3rd P.M.

RECEIVED

NOV 19 2012

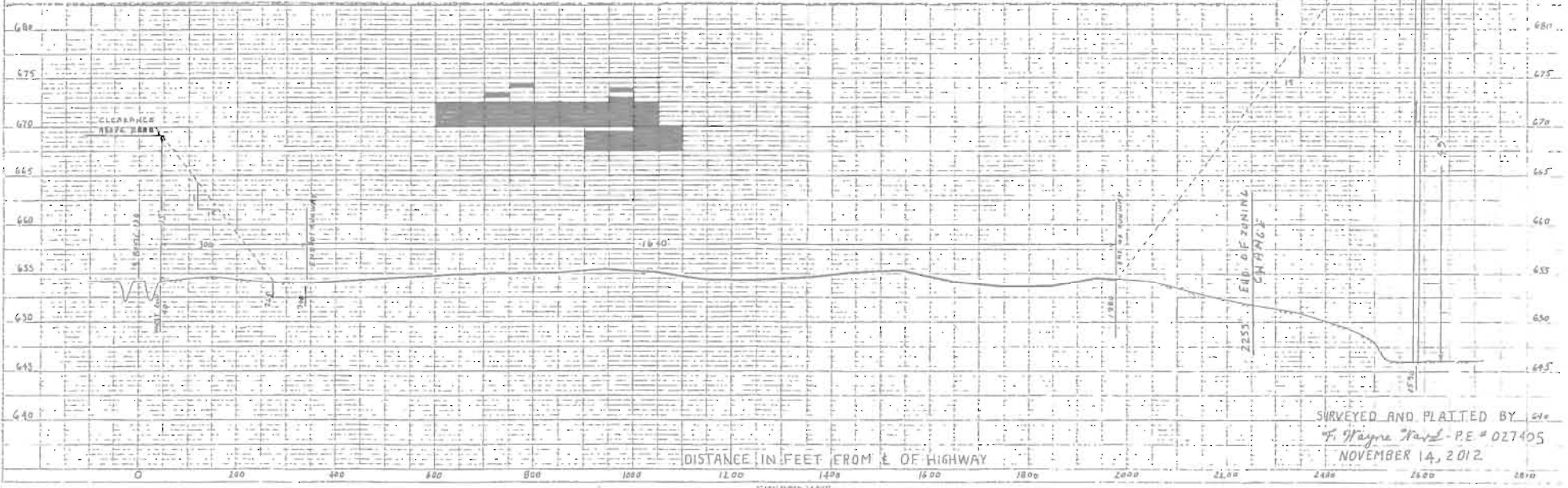
CHAMPAIGN CO. P & Z DEPARTMENT

PLAN AND PROFILE OF LANDING AREA



PROPERTY DESCRIPTION
 Part of the Northeast Quarter of Section 27, Township 17 North, Range 9 East of the Third Principal Meridian located in Champaign County, Illinois, being more particularly described as follows:
 Commence at the Northeast corner of said Section 27, said corner being marked by a brass monument, thence with the East line of said Section 27, South 00° 36' 50" East - 1,328.00 feet to the Point Of Beginning; thence continue with said East line, South 00° 36' 50" East - 250.05 feet; thence leaving said East line, South 89° 03' 10" West - 2,255.00 feet; thence North 00° 36' 50" West - 255.05 feet; thence North 89° 03' 10" East - 705.00 feet; thence North 00° 36' 50" West - 295.00 feet; thence North 89° 03' 10" East - 150.00 feet; thence South 00° 36' 50" East - 295.00 feet; thence North 89° 03' 10" East - 1,400.00 feet to the Point Of Beginning, containing 13.98 Acres more or less.

NORTH
 SCALE
 HORIZONTAL - 1" = 200'
 VERTICAL - 1" = 10'



SURVEYED AND PLATTED BY
 F. Wayne Havel - P.E. # 027405
 NOVEMBER 14, 2012

APPENDIX B-ZONING

Porch, open: A covered platform at an entrance to a house which is not enclosed wholly or in part.

Poultry Farm: Any tract of land on which poultry or poultry products are raised or produced for sale.

Private Landing Strip: Any area of land which is used or intended for use for landing and taking off of airplanes and any appurtenant land areas which are used or intended for use as housing for such airplanes or storage facilities connected therewith.

Property Lines: The lines bounding a lot of record or a zoning lot, as defined herein.

Public Use Airport: An area of land which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas, including right-of-ways, which are used or intended for use for buildings or other facilities related to the operation, service and storage of aircraft on said area of land.

Public Way: Any sidewalk, street, alley, highway, or other public thoroughfare.

Rap Parlor: An establishment or place primarily in the business of providing non-professional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Recreational Camp: A "recreational camp" is any area of land where one or more tents, travel trailers, or other nonpermanent type shelters are erected or maintained primarily for recreational camping activities. It shall include all related buildings and facilities and may include not more than one permanent residence for manager or caretaker. Related buildings and facilities may include an office and delicatessen and/or grocery store to be operated during the camping season for patrons of camp only. Individual sites for tents, travel trailers, or other temporary shelters shall be not less than one thousand (1,000) square feet in area, not including any required roadways, walkways or screening.

Research Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but no facilities for the manufacture of products for sale.

Reservoir Parking Facilities: Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

Restaurant: A business establishment within which food is offered for sale and consumption within the structure on the premises, or, on the premises.

Restaurant Drive-in: (See "Drive-in and/or Take-out Establishment").

Restaurant Takeout: (See "Drive-in and/or Take-out Establishment").

Restricted Landing Field: Any area of land which is used or intended for use for the landing and taking off of aircraft authorized in an A-1 District and any appurtenant areas, including right-of-ways, which are used or intended for use for buildings or other facilities related to the operation, service and storage of aircraft based on said area of land.

Ringelmann Chart: A chart which is described in the U. S. Bureau of Mines Information Circular 8333 and on which are illustrated graduated shades of grey for use in estimating the light obscuring capacity of smoke and smoke density.

Ringelmann Number: The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light obscuring capacity of the smoke.

Roadside Stand: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

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All yards and other open spaces allocated to a building or dwelling group shall be located on the same lot as such building or dwelling group.

5.10-4 Required yards, existing buildings.

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

5.10-5 Permitted obstructions in required yards.

The following shall not be considered to be obstructions when located in the required yards specified:

- a. In All Yards. Decks and patios not over three feet (3') above the average level of the adjoining ground, but not including a permanently roofed-over deck, patio, or porch; steps four feet (4') or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty four inches (24") or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air-conditioners projecting not more than eighteen inches (18") into the required yard; overhanging eaves, gutters and awnings projecting three feet (3') or less into the yard.
- b. In Front Yards. One story bay windows projecting three feet (3') or less into the yards.
- c. In Rear Yards. Open off-street parking spaces; balconies; breezeways and open porches; one story bay windows projecting three feet (3') or less into the yard.

Permitted obstructions and detached accessory structures shall not, in the aggregate, occupy more than twenty five percent (25%) of any required yard. (Ord. No. 79-229, § 3, 12-11-79; Ord. No. 97-240, 9-9-97; Ord No. 12-295, 10-9-12)

Sec. 5.11. Existing special uses.

Where a use is classified as a special use under this Ordinance, and exists as a special use at the date of the adoption of this Ordinance, it shall be considered to be a legal special use. (Ord. No. 79-229, § 3, 12-11-79)

Sec. 5.12. Regulations along limited access highways.

Along all limited access highways, the setback of all buildings and structures shall be not less than fifty feet (50') from the existing or recorded proposed right-of-way line. (Ord. No. 79-229, § 3, 12-11-79)

Sec. 5.13. Public use airports, restricted landing fields, private landing strips and heliports.

The provisions of this Ordinance are in addition to the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, which rules and regulations are the minimum standards for purposes of this ordinance. In the event of conflict between the provisions of this ordinance and the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, the more restrictive of the two (2) shall prevail.

The definitions of the words and phrases used herein shall be the same as the definitions of like words and phrases contained in the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, unless otherwise defined herein.

Restricted landing fields, private landing strips and heliports, as defined in the provisions of this ordinance are included in the term "Restricted Landing Areas" as used in the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics, and also within that term as it is used in this section.

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Public Use Airports as defined in the provisions of this ordinance are included in the term "Commercial Airports" as used in the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics.

Public use airports, restricted landing fields, private landing strips and heliports shall be subject to the regulations and restrictions in this Article V, Section 5.12 and applicable succeeding sections of this ordinance and subsequent amendments thereto.

5.13-1. Restrictions on Location.

No public use airport, restricted landing field, private landing strip, heliport, or any other facility designated as a restricted landing area of any kind in the rules and regulations of the Department of Transportation, Division of Aeronautics, or any part thereof, shall be located:

- a. Within one and one-half ($1\frac{1}{2}$) miles of any incorporated city or village or any unincorporated area within any circle drawn from any point on the subject property with a radius of two thousand (2,000) feet that contains more than two hundred (200) dwelling units.
- b. Within five (5) miles of the boundary of any public use airport as defined herein.
- c. In a location which is inconsistent with the plans, policies, and ordinances of Kane County which are now and may from time to time be in effect.

5.13-2 Distance Between Restricted Landing Areas.

The minimum distance between restricted landing areas shall be not less than three (3) miles measured from the nearest points of the landing strips, and when approach planes are located in one extended straight line, the distance shall be not less than four (4) miles.

5.13-3 Distance from Highway or Railroad Right-of-Way.

Runways shall not be located within one thousand (1,000) feet of any highway, street or railroad right-of-way if the runway is perpendicular to such right-of-way and shall not be located within five hundred (500) feet of such right-of-way if the landing strip is parallel with such right-of-way.

5.13-4 Obstructions.

Any obstructions, such as power lines, trees and buildings, shall be cleared from the landing area by a five (5) percent approach plane or five (5) feet in height to every one hundred (100) feet distance measured from the level of the runway.

5.13-5 Distance Between Property Lines and Blast Areas.

No run up area or blast area shall be located within a distance of two hundred (200) feet from any residence or property line except a residence or property line within the boundaries of an A-1 or A-2 District or a residence adjacent to and owned by the state licensee of a private landing strip.

5.13-6 Dustless Surface.

Every land area used by any aircraft under its own power shall be provided with a dustless surface, as defined herein. (Ord. No. 80-37, § 3, 3-13-80)

Sec. 5.14. Development of air rights.

The development of air rights above land located in any zoning district and utilized for public or private use, shall

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be permitted subject to all the requirements of the zoning district within which such development is located. However, plans for all such air rights development shall be submitted to the Zoning Enforcing Officer for recommendations as to the appropriateness of the development in regard to the location of structures, traffic control, placement of utilities, and all other matters related to the physical development of said air rights. Such recommendations shall be forwarded to, and shall be subject to the approval of, the County Board. (Ord. No. 79-229, § 3, 12-11-79)

Sec. 5.15. Interpretation of use lists.

The Enforcing Officer may allow land-uses which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the County Development Department staff and a favorable report has been received by the Enforcing Officer. The non-listed uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision. (Ord. No. 79-229, § 3, 12-11-79)

ARTICLE VI. NONCONFORMING BUILDINGS, STRUCTURES, AND USES

Sec. 6.1. Purpose.

This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

The purpose of this Article (VI) is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be permitted to continue.

Sec. 6.2. Authority to continue nonconforming buildings, structures, and uses.

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

Sec. 6.3. Restrictions on nonconforming buildings, structures, and uses.

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of this Article VI, Section 6.3.

6.3-1 Repairs and Alterations.

So long as a building, structure, advertising sign, or business sign is used or is eligible for use in a nonconforming manner, only ordinary repairs and maintenance, including replacement of roof covering and veneering of outer walls, shall be permitted. In no case shall such repairs include structural alterations, or other work which will extend appreciably the normal life of the building, structure, advertising sign, or business sign.

For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.

6.3-2 Relocation of Building or Structure.

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Sec. 6.7. Restrictions on nonconforming airports, restricted landing areas and heliports.

Any airport, restricted landing area, or heliport lawfully in existence prior to the date of passage of this ordinance, which does not conform to the applicable provisions of Article V, Section 5.13, Article VIII, Section 8.1-2 as amended, and Article XIII shall be deemed nonconforming, but shall be allowed to continue subject to the provisions of this Article VI, Sections 6.3 and 6.7.

Notwithstanding the provisions of Article V, Section 5.13-1(a) and (b), no public use airport, restricted landing field, private landing strip or any other area designated as a restricted landing area by the Illinois Department of Transportation, Division of Aeronautics shall be rendered nonconforming by municipal annexation or unincorporated residential development subsequent to the passage of this amendment.

a. Certificate of Nonconforming Aviation Use.

- (1) The state certificate holder of any restricted landing field, private landing strip or heliport which does not conform with the provisions of this ordinance regulating aviation uses shall apply for a "Certificate of Nonconforming Aviation Use" within sixty (60) days of the enactment of this ordinance.
- (2) Such application shall be made to the Zoning Enforcement Officer, shall be verified by affidavit and shall describe in detail or provide:
 - (a) The specific uses made of the premises;
 - (b) The number of aircraft based thereon;
 - (c) Whether the aircraft so based are in hangar facilities or tie-down facilities; and
 - (d) The time such use has continued.
- (3) Failure to comply with the requirements of this section shall automatically suspend the nonconforming use until such time as there is compliance with the provisions of this Section 6.7.
- (4) Upon compliance with the terms of this Section 6.7 a Certificate of Nonconforming Aviation Use shall issue.

b. Increased Intensity or Volume of Nonconforming Airport Use.

A nonconforming use as restricted landing area shall not be intensified by increasing the number of aircraft based at such restricted landing area. The number of aircraft to be housed in hangars lawfully under construction at the date of the enactment of this ordinance shall be included in the number of aircraft based at a nonconforming restricted landing area for purposes of this Section 6.7(b). (Ord. No. 80-37, § 4, 3-13-80)

Sec. 6.8. Records.

The Zoning Enforcing Officer shall make and keep a record, including photographs, of all buildings, structures and land-uses which do not conform to the use regulations of the districts in which they are located.

ARTICLE VII. ZONING DISTRICTS

Sec. 7.1. Classification.

For the purpose of this ordinance, all the land in Kane County lying outside the limits of cities, villages and incorporated towns is hereby divided and classified into the following districts:

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proper and not projecting over four feet (4') from building proper may be permitted, provided such canopy or awning does not come closer than three feet (3') from any adjoining property line, or closer than twenty feet (20') from any adjoining public or private street or highway right-of-way line.

- d. Telephone booths as provided for in estate districts and the residential districts.
- e. In LI District, the setback from right-of-way line shall be fifty feet (50').
- f. Light poles and standards for the lighting of the business areas, such as gasoline service stations and parking lots may be placed immediately outside the right-of-way line, providing no portion of said pole or standard or any bracket or any part attached thereto extends over the right-of-way line, and providing that the lights so supported are directed on to the business area and not toward the road or neighboring property in such fashion as would constitute a nuisance or a traffic hazard and provided the requirements of Article XIV, Section 14.1-6 of this Ordinance are met.
- g. Along all limited access roads, the setback of all buildings and structures shall be not less than fifty feet (50') from the existing or proposed road or street right-of-way line, except public informational sign permitted under Section 8.1-1, q., shall be not less than five feet (5') from existing road or street right-of-way line.

In the case of a corner lot officially on record at the time of passage of this Ordinance, or subsequently officially approved by the Development Committee of the County Board of Kane County, Illinois, this requirement shall not reduce the building area to less than twenty five feet (25') by eighty feet (80'), except that the minimum setback from the property lines of said lot, adjoining any public or private street or highway or right-of-way, shall in no case be less than the sideyard for said lot, as provided in Section 7.5-1 of this Ordinance.

7.5-3 Minimum Setback for Fences and Hedges at Intersections.

Within one hundred feet (100') of the center line of any intersecting road, street or railroad at grade, no fence or hedge which cannot be viewed through or over from a three foot (3') height above the traveled roadway shall be constructed, planted or allowed to grow nearer to the road or street center line than the dimensions set forth above in Section 7.5-2.

No fence equipped with or having barbed wire, spikes or any similar device, or any electrically charged fence, sufficient to cause shock, shall be erected, placed or maintained on or within any lot used for residential purposes. (Ord. No. 78-79, § 6, 6-13-78; Ord. No. 82-66, 5-11-82; Ord. No. 88-62, 5-10-88; Ord. No. 93-338, 12-14-93; Ord 02-81, 3-12-02)

Cross reference—Special setbacks for certain streets, § 17.4.

ARTICLE VIII. FARMING DISTRICT

Sec. 8.1. F District—Farming.

8.1-1 Permitted Uses.

In the F District, the following uses are permitted:

- a. The uses as permitted in the R-1 District except for Section 9.5-1 a. and p. thereof. However single-family residential uses are permitted provided:
 - (1) The one-family residential use was an existing residential structure on December 11, 1979; provided, that the size of the zoning lot may not be reduced after December 11, 1979, unless done in compliance with this Ordinance;
 - (2) The land on which the one-family residential use is proposed is a parcel of land recorded with this County Recorder of Deeds prior to December 11, 1979, whether the recording is by a deed or deeds, or by a

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contract to purchase or memorandum of purchase on which there is a detailed legal description; provided the parcel contains a minimum of twenty thousand (20,000) square feet and is at least seventy five feet (75') in width; provided further that all other zoning, waste water disposal and building ordinance requirements are complied with; or

- (3) The residence is located on a parcel of not less than fifteen (15) acres in area which parcel has been recorded with the Kane County Recorder between December 11, 1979 and 12:00 o'clock noon (CDT), September 8, 1992.
 - (4) The residence is located on a parcel of not less than forty (40) acres in an area recorded with the Kane County Recorder and with two hundred fifty feet (250') of frontage on a public right of way and the principal use of said zoning lot is agricultural as defined in this Ordinance.
- b. Agriculture as defined herein (see definition Article III), except that neither animals nor poultry may be housed; stabled, kenneled or yarded closer than one hundred feet (100') from any residence other than that of the owner or user of the property. Sale of seed shall also be permitted.
 - c. Carnivals and circuses (temporary) operating not longer than ten (10) days, and not including the sale of beer or alcoholic liquors.
 - d. Hunting, fishing, fish and game preserves.
 - e. Governmental and judicial centers.
 - f. Picnic grounds, groves and temporary refreshment and amusement stands.
 - g. Produce stand (one portable) for the display and sale of only products which are produced on the premises, provided:
 - (1) That such stand shall comply with the setback requirements.
 - (2) That adequate parking space be provided for the motor vehicles of customers off the highway right of way. (See Article XIV of this Appendix, Off Street Parking.)
 - (3) That the lot from which the sale of products are produced and sold shall contain not less than five (5) acres of land area.
 - h. Pigeon lofts and poultry farms as herein defined.
 - i. Pipelines, electric substations, or transformer stations, telephone repeater stations and automatic exchanges, radio stations and towers, etc. (See Sections 5.4-3 and 5.4-5 of this Appendix.)but shall not include electrical generation plants, "peaker" plants, and ancillary transmission and distribution facilities.
 - j. Sign, one, not larger than twenty (20) square feet in area, pertaining to the sale, lease, or identification of the premises upon which it is located or the sale of farm products produced thereon.
 - k. Sign, one, temporary and seasonal, not larger than two (2) square feet, which directs attention to and identifies different varieties of seeds and plants used in the production of food for animal and human use or identifies special conservation practices. Such sign must conform to established setback provisions and may only be displayed during the period between June 1 and December 1 of any given year.
 - l. Stables, boarding, as defined herein.
 - m. Stables, private, as defined herein.

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- n. Truck gardening, nurseries, greenhouses, mushroom barns and apiaries.
- o. Waterways and such hydraulic power plants and terminals as may be erected by the County, State or Federal Government or public utilities for the use of the public.
- p. Weighing stations operated by the State of Illinois.
- q. Forest Preserve uses and activities at the Kane County Events Center, located at the corner of Kirk Road and Cherry Lane in Geneva Township, Illinois, related to educational, cultural, recreational, and sporting events, including public informational signs accessory to the use, provided said informational signs are not more than one hundred and fifty (150) square feet in display area per side and thirty feet (30') in height and are located on public property owned by the Forest Preserve District of Kane County. Furthermore, the size and setback of the public informational signs shall be reviewed by the Kane County Division of Transportation and a determination made that said signs do not interfere with any anticipated public highway improvements and do not create a hazard to public highway safety.
- r. Portable concrete plants, only for Kane County public road improvement projects, and approved by the Kane County Board, located on or immediately adjacent to the County public road right-of-way, and for a specified time period not to exceed one-hundred eighty (180) days.
- s. Country clubs, provided the country club use was existing prior to March 9, 1976.
- t. Migrant labor camps as defined in Section 3.1-1 and that are licensed by The State of Illinois Department of Public Health and comply with the Migrant Labor Camp Code 77 ILL. ADM. Code 935, and have established use with the Kane County Development Department in accordance with Section 4.3 of this Ordinance. The residence must comply with Section 8.1-1 a. of this Ordinance.
- u. Identification signs, deemed by the Kane County Board to be of interest to the general public, of an area not to exceed 6 square feet at the property line, which identify farmland that has been preserved through the Agricultural Conservation Easement Program. The location at the property line of these signs shall be reviewed by the Kane County Division of Transportation and a determination made that said signs do not interfere with any anticipated public highway improvements and do not create a hazard to public highway safety.

8.1-2 Special Uses.

- a. Special uses allowed in the R1 District are allowed in the F District.
- b. Private Landing Strips, as defined herein, subject to the following restrictions:
 - (1) Shall be located and be of such area, runway length and design as prescribed by the Illinois Department of Transportation, Division of Aeronautics and the provisions of Article V, Section 5.13 of this Ordinance;
 - (2) Shall be used in connection with a use permitted in this District;
 - (3) Shall base no more than two (2) airplanes; and
 - (4) Shall not be used by itinerant aircraft as defined herein except in cases of emergency.
- c. Asphalt plants, provided the principal ingredient is gravel mined on the premises where the plant is located, and operated from an active, licensed mining operation. Upon the exhaustion of the substance being mined for the aggregate, all mixing apparatus and equipment and other buildings and structures accessory thereto shall be removed from the premises.

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- d. Bins, warehouses and other facilities for the storage of surplus grain by the Federal Government, or any of its duly designated agencies.
- e. Boat marinas and boat liveryes, as herein defined.
- e.5. Burial grounds, private, for family members only. This is the only district in which this use shall be permitted.
- f. Cemeteries for human beings, including therein mausoleums and/or crematory.
- g. Commercial swimming pools and beaches.
- h. Commercial tennis courts.
- h.5. Commercial TV and radio towers.
- i. Country clubs.
- j. Fair grounds.
- k. Garbage disposal, as defined herein, shall be conducted in accordance with the Kane County Sanitary Landfill Control Ordinance and in accordance with all other applicable ordinances and resolutions of the County of Kane.
- l. Golf courses, public, semi-public and private, including ancillary uses normally provided, such as, restaurants, including the sale and consumption of alcoholic beverages, pro-shops, swimming pools and tennis courts, but not including continually operating driving ranges or miniature golf courses.
- m. Government military reservations.
- n. Health and recreation clubs, as defined herein, and provided that a detailed plat of the proposed club and all proposed improvements shall be submitted to the Zoning Board for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in strict accordance with said plat.
- o. Kennels, as defined herein.
- p. Mining of topsoil, earth, clay, gravel, peat, sand and stone, and structures incidental to loading the same, also processing, screening and washing yards and plants of a quasi-temporary nature which are commonly removed when the available deposits are worked out, but not including plants, building and yards for the manufacture of clay or concrete products. If such mining operations are conducted upon a lot, piece, parcel or tract of land by the owner thereof for the purpose of improving said lot, piece parcel or tract of land, and the owner thereof shall file with and to the satisfaction of the Enforcing Officer his affidavit that the foregoing conditions are applicable, such mining operations may be conducted without a hearing before the Zoning Board, without approval for the County Board, provided the area involved does not exceed two (2) acres. Restrictions relative to the mining of topsoil, earth, clay, gravel, peat, sand, and stone set forth in Article XV hereof and the Kane County Soil Erosion and Sediment Control Ordinance are applicable to all mining operations.
- q. Monasteries, nunneries, religious retreats, nursing and convalescent homes, assisted living facilities, boarding schools and orphanages.
- r. Penal institutions.
- s. Pet cemeteries and crematory facilities for animals.

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- t. Polo fields
- u. Pony riding tracks.
- v. Practice pistol and rifle ranges, skeet or trap shooting.
- w. Recreational camps, as defined herein, and provided that a detailed plat of the proposed camp and all proposed improvements shall be submitted to the Zoning Board for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in strict accordance with said plat.
- x. Repair of farm machinery and sales of feed and seed; provided, that these activities are accessory to the primary activity of farming, but not including sales of farm machinery.
- y. Sawmill operations.
- z. Sewage treatment works, publicly and/or privately owned.
- aa. Stables, public, as defined herein.
- bb. The sale and/or consumption of alcoholic beverages in conjunction with a permitted use or another special use.
- cc. In order to utilize existing land, structures and facilities which represent a valuable economic base, but which might remain idle or unused, out of spot zoning consideration, an "interim special use" is established for the F District classification only. Such use shall be in accordance with the requirements set forth in Section 4.8 of this Ordinance. In its recommendation to the County Board, the Zoning Board of Appeals shall specify time limitations and any other conditions they may deem appropriate for the protection of the area.
- dd. Other uses similar to those permitted herein as special uses.
- ee. In submitting a petition for any of the above special uses, a detailed plat of all improvements shall be submitted to the Zoning Board of Appeals for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in accordance with said plat.
- ff. Minor variations in the development of the approved plat may be authorized by the Development Committee.
- gg. Produce stand (one) for the display and sale of a minimum of five (5) products which are produced on the premises, plus, a maximum of ten (10) farm produce products, not grown on the site and not including any processed items of any kind, subject to the following restrictions:
 - (1) A temporary use permit upon proper application by such owner or operator is issued by the Zoning Enforcing Officer.
 - (2) Such permit shall not be valid for more than six (6) months (May 1 to November 1) out of each calendar year and a new permit shall be obtained each year during which the granted special use is in effect.
 - (3) Such permit shall require compliance with Article VIII, Section 8.1-1(g), subsection (1) and (2) of this Ordinance.
 - (4) Such permit shall not allow the serving or consumption of food on said premises.
 - (5) At the time the temporary use permit is applied for, the applicant shall submit a plot plan and sketch portraying an open-air structure, in detail, showing the construction of said structure for approval for the

APPENDIX B-ZONING

display and retail sale of the farm products.

- (6) The application for such permit shall list the types of produce to be sold, or offered for sale, which are grown or are to be grown on said parcel and shall also list the types of produce proposed to be imported for sale.
 - (7) Such special use, when granted, shall apply only to the original applicant.
 - (8) Where all produce sold or offered for sale is produced on the immediate premises, see subsection 8.1-1(g).
- hh. Concrete mixing plants, provided the principal ingredient is gravel mined on the premises where the plant is located, and operated from an active, licensed mining operation. Upon the exhaustion of the substance being mined for the aggregate, all mixing apparatus and equipment and other buildings and structures accessory thereto shall be removed from the premises.

8.1-3 Uses Expressly Prohibited.

Uses prohibited in the R1 District are prohibited in the F District. (Ord. No. 78-79, § 9, 6-13-78; Ord. No. 79-229, §§ 7, 9, 12-11-79; Ord. No. 80-37, §§ 6, 7, 3-13-80; Ord. No. 82-66, 5-11-82; Ord. No. 92-187, 9-8-92; Ord. No. 92-214, 10-13-92; Ord. No. 93-338, 12-14-93; Ord. No. 94-79, 4-12-94; Ord. No. 97-240, 9-9-97; Ord. No. 02-81, 3-12-02; Ord. No. 07-299, 9-11-07)

Sec. 8.2. F1 District—Rural residential.

8.2-1 Purpose.

The Kane County Board has established and adopted as a long-range goal, the preservation of prime agricultural land and has implemented this long-range goal through the adoption of a Comprehensive Plan and a Zoning Ordinance. However, the County Board is aware that some of the land indicated as agriculture in the Comprehensive Plan and zoned for agriculture will not be utilized as such because of soil productivity, vegetation, topography, man-made barriers, etc. The Rural Residential District is intended only for single-family residences and only for those areas indicated in the Comprehensive Plan for agriculture and for those areas therein shown to be unsuitable for such use.

8.2-2 Permitted Uses.

The following uses are permitted:

- a. Agricultural uses, as defined herein.
- b. One-family dwellings.
- c. Accessory uses to one-family dwellings.
- d. Signs permitted and as regulated in Section 9.5-1(b).

8.2-3 Conditions for Rezoning.

The Zoning Board of Appeals shall not recommend a rezoning to this zone district classification unless the applicant shall present clear and convincing evidence to the Zoning Board of Appeals that the property sought to be rezoned is not suitable for agricultural use.

The Zoning Board of Appeals in determining suitability of property for agricultural use shall make findings of fact

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ARTICLE XIII. AIRPORT DISTRICTS

Sec. 13.1. A1 Airport District–Restricted landing field.

13.1-1 Permitted Uses.

- a. Only restricted landing fields, as defined herein, basing ten (10) airplanes, or less, shall be permitted in the A-1 District subject to the following restrictions:
 - (1) Such field shall be located and be of such area, runway length, and design as prescribed by the Illinois Department of Transportation, Division of Aeronautics and the provisions of Section 5.13 of this ordinance.
 - (2) No airplanes exceeding twelve thousand five hundred (12,500) pounds maximum gross weight shall be based, operated or landed on or take off from a restricted landing field.
- b. Single Family Residences as permitted in the E-3, R-1 and PUD Districts.
- c. Glider runways.
- d. Private balloonports licensed by the Illinois Department of Transportation, Division of Aeronautics.
- e. Agriculture as defined herein, (see Definitions, Article III) except that neither animals nor poultry may be housed, stabled, kenneled or yarded closer than one hundred (100) feet from any residence other than that of the owner or user of property.

13.1-2 Special Uses.

- a. Restricted landing fields, as defined herein, basing a number of airplanes greater than that permitted by Section 13.1-1, Permitted Uses, to a maximum of forty-five (45) based airplanes unless otherwise specified in the ordinance granting a special use under this section, provided:
 - (1) Such field shall be located and be of such area, runway length and design as prescribed by the Illinois Department of Transportation, Division of Aeronautics, and the provisions of Section 5.13 of this ordinance; and
 - (2) No aircraft exceeding twelve thousand five hundred (12,500) pounds maximum gross weight shall be based, operated or landed on or take off from a restricted landing field.
- b. Fuel storage and sales facilities to be used in connection with the restricted landing fields. Use of such facilities shall be limited to based aircraft as defined herein and other aircraft in cases of emergency.
- c. Heliports, as defined herein, subject to the following restrictions:
 - (1) Shall be located and be of such landing area and design as prescribed by the applicable rules and regulations of the Illinois Department of Transportation, Division of Aeronautics and the provisions of Section 5.13 of this ordinance; and
 - (2) Shall base no more than one helicopter unless otherwise specified in the ordinance granting the special use.
- d. Commercial balloonports licensed by the Illinois Department of Transportation, Division of Aeronautics.

13.1-3 Uses Specifically Prohibited.

APPENDIX B-ZONING

- a. Itinerant student instruction.
- b. Airshows or exhibitions.
- c. Use of based aircraft to carry cargo or passengers for hire.
- d. Rental of aircraft. (Ord. No. 80-37, § 7, 3-13-80; Ord. No. 82-66, 5-11-82; Ord. No. 92-187, 9-8-92)

Sec. 13.2. A2 Airport District–Public Use Airport.

13.2-1 Permitted Uses.

In the A2 District, the following uses are permitted:

- a. Public Use Airports provided:
 - (1) Such airport shall comply with the provisions of Section 5.13 of this ordinance and the rules and regulations of the Illinois Department of Transportation, Division of Aeronautics; and
 - (2) Shall be controlled, operated and maintained by a local public entity or airport authority, authorized by the State of Illinois to operate and maintain an airport.
- b. Fuel storage and sales facilities to be used in connection with any other permitted use in this district. (Ord. No. 80-37, § 7, 3-13-80)

ARTICLE XIV. OFF-STREET PARKING

Sec. 14.1. Purpose.

Motor vehicle parking space shall be provided off the street or highway right-of-way for each housekeeping unit in residential uses hereafter established, and in case of other uses hereafter established or expanded, for employees, for patrons or customers not served in their motor vehicles, and for customers served in their motor vehicles, in such proportion as to assure free and uninterrupted movement of traffic on the public streets or highways.

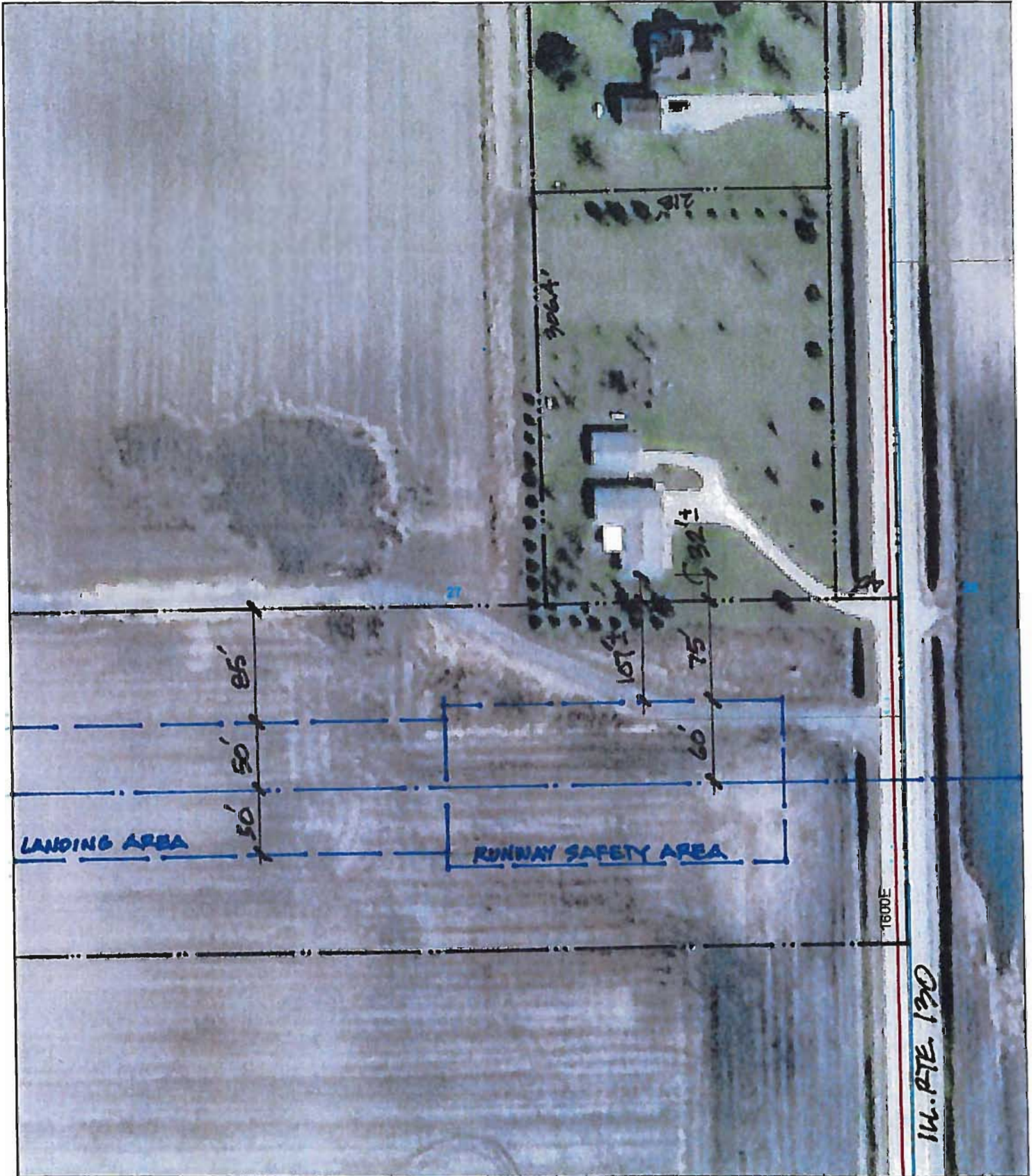
14.1-1 General Requirements.

- a. Location.

All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot within one hundred (100) feet of the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within five hundred (500) feet of such use if said spaces are located in a business or industrial district.

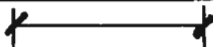
Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within five hundred (500) feet walking distance of a main entrance to the use served. Owners of property, nonconforming as to parking, who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section.

- b. Control of Off-site Parking Facilities.



DISCLAIMER:

This map was prepared by the Champaign County GIS Consortium (CCGIS) using the best available data. This map and its underlying data is intended to be used as a general index to land related information and is not intended for detailed use.


 1 inch = 100 feet



PROXIMITY TO
 NEAREST
 TAXID 1-1-10

REVISED DRAFT 12/06/12

687-AM-11

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

Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: **December 13, 2012**

Petitioners: **Philip W. and Sarabeth F. Jones**

Request: **Amend the Zoning Map to change the zoning district designation from CR
Conservation Recreation to AG-1 Agriculture.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, and December 13, 2012, the Zoning Board of Appeals of Champaign County finds that:

*1. The petitioners Philip W. and Sarabeth F. Jones own the subject property.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 688-S-11)

*2. Regarding the subject property where the special use is proposed to be located:

A. The subject property is an approximately ~~12.69~~ 14 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.

B. The subject property is directly south of and abuts the petitioner's approximately 37.80 acre residential / agricultural property that is also located at 175N CR1600E, Villa Grove.

*3. The subject property is not located within the one and one-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 petitioner has indicated:

"The land should be rezoned to AG-1 because it is used for commercial agriculture. The applicant is growing hay on the land and the selling it to third parties, the land is also enrolled in government agricultural programs related to subsidized hay production. The applicant is engaged in many other activities related to agriculture, such as pollination and crop inspection, which are now restricted because of the limitations of use of the CR District. The property has overall elevation higher than the Base Flood Elevation of 654.5 and therefore should be excluded from the Special Flood Hazard Area."

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

A. **"Even though the land is not considered best prime farmland for Champaign County, it is very suitable for agricultural activities, particularly of the type activities applicant is engaged in- growing and selling hay. This type of use prevents erosion and sedimentation. In addition, if rezoned, the land would serve the agricultural needs of the applicant's other agricultural properties and activities as the applicant will be applying for an RLA special use permit, which would not be permissible with current zoning."**

- B. **“Commercial agriculture is the highest and best use of land in the rural areas of Champaign County. Rezoning to AG-1 allows for more efficient use of the land whether as a matter of right (plant nursery, advertising signs, tree sales lot) or with special use permit (e.g., RLA permit, among many others). Applicant would like to be able to take advantage of all of these commercially beneficial activities, encouraged by the Land Use Regulatory Policies.”**

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 and the petitioner’s adjacent residential/ agricultural property are currently zoned CR Conservation Recreation and are in use as a residential property with horses and pasture.
- B. Land on the north, south, and west of the subject property petitioner’s adjacent residential/ agricultural property is also zoned CR Conservation Recreation and is in use as follows:
- (1) Land on the north has been divided into residential lots. Most of these lots were formerly part of the petitioner’s residential/ agricultural property and two of those lots are now owned by others. ~~but require and are currently proposed to be rezoned with the Rural Residential Overlay Zoning District and are the subject of zoning cases 689-AM-11 and 690-AM-11. The property in Case 689-AM-11 is also the subject of Zoning Enforcement Case ZN-08-01/33 which was referred to the Champaign County State’s Attorney on April 7, 2009.~~
- (2) The residential lots on the north also occupy most of the west boundary but some of the land bordering on the west is the wooded bottomland for the East Branch of the Embarras River.
- C. Zoning and land use east of the petitioner’s adjacent residential/ agricultural property and north of the subject property is as follows:
- (1) Land to the east of the subject property is zoned AG-1 and is in use as farmland.
- (2) Land east of the petitioner’s adjacent residential/ agricultural property and north of the subject property is zoned CR and has been divided into residential lots. The dwelling on the nearest lot is only approximately 107 feet from the easternmost Runway Safety Area for the proposed RLA.
7. There have been no zoning cases in the vicinity of the subject property.

- *8. Regarding the proposed RESTRICTED LANDING AREA (RLA) in related Case 688-S-11:
- A. The revised site plan received November 19 2012, includes the following:
- (1) A 100' × 1640' runway.
 - (2) A 120' × 250' runway safety area at the east and west end of the runway. The east runway safety area is 90 feet from the centerline of Route 130. The west runway safety area will have a rear yard of 25 feet.
 - (3) Threshold markings at the east and west end of the runway.
 - (4) A 100' × 100' hangar north of the runway on the adjacent property.
 - (5) The driveway off of Route 130 that leads to the petitioner's residence on the adjacent property.
 - (6) Two 85' wide side transitions on the north and south sides of the runway. The south side transition is not entirely on the petitioner's property, 13.35 feet will be on the adjacent property.
- B. The amended request is for construction and use of a "Restricted Landing Area" for use by airplanes consistent with Illinois Department of Transportation regulations and also for helicopter use for public safety assistance as needed and with limited helicopter use for personal use.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

89. 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 CR Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - (2) 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.
- 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 CR district is generally located in natural and scenic areas prone to flooding.

C. The suitability of the subject property for the CR District was analyzed in the Supplemental Memorandum dated 6/16/11 using land cover, topography, and 100-year floodplain. The subject property was not found to be an area “most suitable for the CR District” using those following factors and with following result:

- (1) 1973 Land Cover. The CR District was planned in 1973 and thus was based on the pattern of vegetation that existed at that time. Comparing the 1973 aerial photo to the 2008 aerial photo reveals that the vegetative land cover on the subject property and in the vicinity was almost the same in 1973 as it is today. Except for a small area of permanent vegetation at the west end, the subject property was nearly all farmland in 1973 and remains so today.
- (2) Topography. Topography (the surface of the ground) is generally the clearest indication of the major stream networks in the County particularly at locations further downstream where the river valley has the best defined form. LIDAR topographic contours at two feet intervals for the subject property and vicinity were compared to the 2008 aerial photo. The contours indicate that the stream valley is clearly defined only on the south side of the river and not well defined on the north side of the stream. The subject property appears to be nearly flat.
- (3) Area Below the Base Flood Elevation. The area below the Base Flood Elevation is the actual 100-year flood plain. A topographic survey prepared for Phillip Jones by Wayne Ward Engineering dated November 22, 2010, that was included with the Preliminary Memorandum for Case 688-S-11 indicates that only about the west 185 feet of the subject property is below the Base Flood Elevation.

ⒸD. 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 6 types of uses authorized by right in the CR District:

(a) The following 10 uses are authorized in the AG-1 District (asterisk indicates uses also authorized by right in the CR District):

- *Single family dwellings;
 - *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

Item 9.D.(1)(a) (continued)

- (b) The only used authorized by-right in the CR District that is not also authorized by-right in the AG-1 District is Public Park or Recreation Facility.
- (c) The uses authorized by-right in the AG-1 District should be compatible with the uses authorized by-right in the CR District.
- (2) There are 39 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 28 types of uses authorized by SUP in the CR District:
- (a) The following 39 uses may be authorized by SUP in the AG-1 District (asterisk indicates uses also authorized by right in the CR District):
- *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 Area;
 - Farm Chemicals and Fertilizer Sales;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
 - 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;
- Contractors Facilities with outdoor operations and/or storage;
- *Small Scale Metal Fabricating Shop;
- Gas Turbine Peaker;
- Big Wind Turbine (1-3 turbines);
- Wind Farm;
- Sawmills, Planing Mills, and related activities; and
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

(b) The following uses are authorized by SUP in the CR District but not in the AG-1 District:

- Public Fairgrounds;
- Resort or Organized Camp;
- Bait Sales;
- Country club or golf course;
- Country Club Clubhouse;
- Lodge or private club;
- Outdoor commercial recreational enterprise (except amusement park);
- Public Camp or picnic area;
- Seasonal hunting or fishing lodge;

(c) Any Special Use that is proposed on the subject property in the AG-1 District can be evaluated on a case by case basis for compatibility with the adjacent CR District uses.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

910. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

~~10~~11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

The proposed amendment is ***NOT BE RELEVANT*** to Goal 1.

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise ***NOT RELEVANT*** to the proposed rezoning.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

~~11~~12. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment is ***NOT BE RELEVANT*** to Goal 2.

~~12~~13. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment is *NOT RELEVANT* to Goal 3.

1314. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

~~Goal 4 has 9 objectives and 22 policies. The proposed amendment is *NOT RELEVANT* to Goal 4 because both the existing and the proposed zoning district are rural zoning districts.~~

Goal 4 has 9 objectives and 22 policies. The proposed amendment *{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}* Goal 4 for the following reasons:

A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land bas and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning *ACHIEVES* Objective 4.1 because of the following:

(1) Objective 4.1 has nine policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 are not relevant to the proposed rezoning.

(2) Policy 4.1.1 states, “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. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

The proposed rezoning *ACHIEVES* Policy 4.1.1 because the subject property is not best prime farmland and will remain partially in agricultural production.

(3) Policy 4.1.6 states, “Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on best prime farmland, the County may authorize non-residential discretionary development; or
- c) the County may authorize discretionary review development on tracts consisting of other than best prime farmland.”

The proposed rezoning {DOES/ DOES NOT} conform with Policy 4.1.6 as follows:

- a) The Champaign County Soil and Water Conservation District prepared a Natural Resource Report dated April 29, 2011, that indicated the subject property has an LE factor of 84 and is not considered Best Prime Farmland.
- b) Note that the definition of “best prime farmland” in the Zoning Ordinance was later amended on November 27, 2012, and under the new definition the subject property would be considered Best Prime Farmland.
- c) The rezoning application should be reviewed under the Ordinance that was in place at the time of application and the original applications were received on April 29, 2011, and therefore the subject property is not considered Best Prime Farmland.
- d) The proposed use requires a Special Use Permit in the AG-2 Agriculture District, which allows consideration of site suitability, adequacy of public infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas as part of the criterion regarding, “injurious to public health, safety, and welfare.”
- e) Achievement of Policy 4.1.6 requires achievement of related Objectives 4.2 and 4.3.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each discretionary review development will not interfere with agricultural operations.”

The proposed rezoning ACHIEVES Objective 4.2 because of the following:

- (1) Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a rural area than in an urban area.”

The proposed rezoning *ACHIEVES* Policy 4.2.1 for the following reasons:

- (a) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- (b) Regarding the proposed Restricted Landing Area (RLA) proposed in related Zoning Case 688-S-11:
- i. An RLA is better provided in a rural area than an urban area and may be authorized in the AG-1 District with a Special Use Permit.
 - ii. The RLA is not primarily intended to be used for agriculture purposes but could be.

- (2) Policy 4.2.2 states, “The County may authorize discretionary review development in a rural area if the proposed development:
- a. is a type that does not negatively affect agricultural activities; or
 - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
 - c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”

The proposed rezoning *ACHIEVES* Policy 4.2.2 for the following reasons:

- (a) A Restricted Landing Area (RLA) such as proposed in related Zoning Case 688-S-11 does not negatively affect agricultural activities if adequate separation is provided from tall crops and adequate separation appears to be provided in Case 688-S-11.
- (b) There is no evidence to suggest that the RLA proposed in related Zoning Case 688-S-11 has not been designed to minimize exposure to any negative affect caused by agricultural activities.
- (c) There is no evidence to suggest that the RLA proposed in related Zoning Case 688-S-11 will interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.

Item 14.B. (continued)

- (3) Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”

The proposed rezoning *ACHIEVES* Policy 4.2.3 because there is no reason to believe that the Restricted Landing Area (RLA) proposed in related Zoning Case 688-S-11 would negatively affect agricultural activities.

- (4) Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

The proposed rezoning *ACHIEVES* Policy 4.2.4 because there is no reason to believe that any additional buffering is required for the Restricted Landing Area (RLA) proposed in related Zoning Case 688-S-11 other than the separation that is already proposed in order to deal with tall crops.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states, “Champaign County will require that each *discretionary review development* is located on a suitable site.”

The proposed rezoning *{ACHIEVES/ DOES NOT ACHIEVE}* Objective 4.3 because of the following:

- (1) Policy 4.3.1 states, “On other than best prime farmland, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.”

The proposed rezoning *{ACHIEVES/ DOES NOT ACHIEVE}* Policy 4.3.1 for the following reason:

- (a) As reviewed above in Item 14.A.(2)(a) the subject property is not considered Best Prime Farmland and so this Policy is applicable.

- (b) Regarding suitability of the subject property for the proposed Restricted Landing Area (RLA):

I The subject property is located such that the proposed RLA is only about 107 feet from the nearest dwelling under other ownership which is an unusually close proximity.

ii. The subject property is currently zoned CR Conservation Recreation and the west end of the proposed RLA will abut the remainder of the CR District which contains trees that could encroach into the approach area of the proposed RLA which could put the RLA certification by the Illinois Department of Transportation at risk. A

prudent RLA owner might acquire that land eventually so that the trees could be managed so as to prevent any encroachment and that could have a deleterious effect on the natural habitat provided by the trees and be incompatible with the purpose and intent of the CR District.

- (2) Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.

The proposed rezoning is NOT RELEVANT to Policy 4.3.2 because as reviewed above in Item 14.A.(2)(a) the subject property is not considered Best Prime Farmland.

- (3) Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support the proposed development effectively and safely without undue public expense.”

The proposed rezoning ACHIEVES Policy 4.3.3 for the following reason:

- (a) Letters of support for the proposed RLA were received from both Dan Walsh, Champaign County Sheriff, and Charlie McGrew, Douglas County Sheriff, and Bill Keller, former Champaign County Emergency Management Director. The Sheriff letters from cite the many instances when the Petitioner has provided flying service assistance in public emergency situations. None of those letters suggested anything about the various zoning issues related to impact on the immediate neighborhood but each letter make clear that having both the fixed wing (airplane) and helicopter assets conveniently available could be very valuable and an additional public safety benefit to both counties.

- (4) Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”

The proposed rezoning ACHIEVES Policy 4.3.4 because there is no evidence to suggest that the existing public infrastructure is not adequate to support the RLA proposed in related Zoning Case 688-S-11

Item 14.C. (continued)

- (5) Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:
- a. it also serves surrounding agriculture uses or an important public need; and cannot be located in an urban area or on a less productive site; or
 - b. the use is otherwise appropriate in a rural area and the site is very well suited to it.”

The proposed rezoning is *NOT RELEVANT* to Policy 4.3.5 because as reviewed above in Item 14.A.(2)(a) the subject property is not considered Best Prime Farmland.

1415. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

The proposed amendment is *NOT RELEVANT* to Goal 5 because the proposed map amendment is for urban development.

1516. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. Three of the objectives and 6 of the policies are clearly not relevant. The proposed amendment should ~~HELP ACHIEVE/DETRACT FROM~~ {WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE} Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning {WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE} Objective 6.1 because of the following:

- (1) Objective 6.1 has three policies none of the policies are relevant to the proposed map amendment.
- (2) The petitioner provides search and rescue services to local public safety agencies free of charge and both the Douglas County Sheriff and the Champaign County Sheriff have testified to the value of the proposed RLA.

- (3) The east Runway Safety Area of the proposed RLA is only about 107 feet from the nearest adjacent dwelling under different ownership. This is an unusually close proximity and it is not clear if safety concerns are unfounded or very reasonable.

1617. LRMP Goal 7 is entitled "Transportation" and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment should be ~~NOT RELEVANT to~~ **WILL NOT IMPEDE** the achievement of Goal 7. ~~for the following reasons:~~

1718. LRMP Goal 8 is entitled "Natural Resources" and states as follows:

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment should ~~{HELP ACHIEVE/DETRACT FROM}~~ **{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}** Goal 8 ~~based on the following:~~ for the following reasons:

- A. Objective 8.5 is entitled "Aquatic and Riparian Ecosystems" and states "**Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.**"

The proposed rezoning ~~{WILL ACHIEVE / WILL NOT ACHIEVE}~~ Objective 8.5 for the following reason:

- (1) Objective 8.5 has 5 policies. Policies 8.5.3, 8.5.4, and 8.5.5 are not relevant to the proposed rezoning.

- (2) Policy 8.5.1 states, "**For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.**"

The proposed rezoning ~~{WILL / WILL NOT}~~ ACHIEVE Policy 8.5.1 for the following reasons:

- (a) A report received April 29, 2011, from the Champaign County Soil and Water Conservation District reports that if preventative measures are taken for erosion and sedimentation there should be no issue with water quality.
- (b) The proposed hangar, if constructed would require some of the wooded area on the subject property to be cut down.
- (c) The Petitioner testified at the August 11, 2011, public hearing that the trees will not be damaged, touched, or violated in any way during the use of the proposed RLA.

Item 18.A.(2) (continued)

(d) In related Case 688-S-11 the Zoning Board of Appeals found that the proposed RLA Special Use *{WILL NOT / WILL}* be injurious to the surrounding CR district and *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance.

(3) Policy 8.5.2 states, “The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.”

The proposed rezoning *{WILL / WILL NOT}* ACHIEVE Policy 8.5.2 for the same reasons as for Policy 8.5.1 above.

B. Objective 8.6 is entitled “Natural Areas and Habitat” and states “Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species.”

The proposed rezoning *{WILL / WILL NOT}* ACHIEVE Objective 8.6 for the following reason(s):

(1) Objective 8.6 has 6 policies. Policies 8.6.1, 8.6.5, and 8.6.6 are not relevant to the proposed rezoning.

(2) Policy 8.6.2 states:

a. “For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.

b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.”

The proposed rezoning *{WILL / WILL NOT}* ACHIEVE Policy 8.5.2 for the same reasons as for Policy 8.5.1 above.

(3) Policy 8.6.3 states, “For discretionary development, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.”

The proposed rezoning ACHIEVES Policy 8.6.3 for the following reasons:

(a) The petitioner has had the Illinois Department of Natural Resources (IDNR) conduct a Natural Resource Review.

(b) The IDNR Natural Resource Report indicates that adverse effects on natural resources are unlikely provided compliance with all federal, state, and local environmental laws, regulations, and ordinances are complied with.

(4) Policy 8.6.4 states, “The County will require implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.”

The proposed rezoning *ACHIEVES* Policy 8.6.4 for the following reasons:

(a) The petitioner has had the Illinois Department of Natural Resources (IDNR) conduct a Natural Resource Review.

(b) The IDNR Natural Resource Report indicates that adverse effects on natural resources are unlikely provided compliance with all federal, state, and local environmental laws, regulations, and ordinances are complied with.

1819. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment should-is *NOT RELEVANT* to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

1920. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 is *NOT RELEVANT* to the proposed amendment. The proposed amendment *{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}* Goal 8 for the following reasons:

A. Objective 10.1 is entitled “Cultural Amenities” and states “Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.”
The proposed rezoning *{WILL ACHIEVE / WILL NOT ACHIEVE}* Objective 10.1 for the following reason:

(1) Policy 10.1.1 states, “The County will work to identify historic structures, places and landscapes in the County.”

Item 20.A.(1) (continued)

The proposed rezoning ~~WILL~~ **WILL NOT** ACHIEVE Policy 10.1.1 for the following reason(s):

- (a) The State Historic Preservation Agency has requested a Phase I Archaeological Survey be done on the subject property.
- (b) A Phase I Archaeological Survey is the minimum work required to determine if there are important historic resources on a property.
- (c) The Petitioner has not yet provided the results of a Phase I Archaeological Survey.

GENERALLY REGARDING THE LaSalle Factors

2021. 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.

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Site	Hayfield	CR Conservation-Recreation
Adjacent property (also owned by applicant)	Single family dwelling w/ horses and pasture	
North	Single family residential	CR Conservation-Recreation
East	Farmland	AG-1 Agriculture
West	Single family residential (same as to the north) Wooded bottomland of the East Branch of the Embarras River	CR Conservation-Recreation
South	Farmland	CR Conservation-Recreation

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 residential properties, it is not clear if the requested map amendment would have any effect. In a letter received August 4, 2011, Daniel Cothorn from Keller Williams Realty contends that in his professional opinion, the proposed restricted landing area would have a significant negative impact on the Hall's (adjacent neighbor) property value and will significantly diminish their ability to sell their home in the future.

A letter received August 11, 2011, from Jackie Harbin of the Hillard Agency reported that an airplane runway should not affect property values of neighboring property, but that the improvements the Jones' have made to their property should increase the neighboring property values.

- (3) In regards to the value of the subject property it also is not clear if the requested map amendment would have any effect.

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.**

There have been two conflicting reports from real estate professionals on the effects the proposed use of the subject property would have on surrounding properties, neither of these reports are formal evaluations. The proposed rezoning and related Special Use Permit would permit a Restricted Landing Area on the subject property. The petitioner lives adjacent to the subject property and it would allow a quick response to a request for assistance in search and rescue.

D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**

The relative gain to the public is that the petitioner would be able to respond to requests for assistance in search and rescue situations faster since he would not have to drive to where his aircraft are currently stored.

The hardship imposed on the property owner is that without the proposed rezoning the Restricted Landing Area cannot be established in the CR, Conservation-Recreation Zoning District.

Item 21 (continued)

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. Currently, the property is used for agricultural production and will continue to be used for agricultural production if the proposed rezoning and Special Use Permit in related Case 688-S-11 are approved.
- 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.**
The CR District was planned in 1973 and thus was based on the pattern of vegetation that existed at that time. 1973 and 2008 aerial photos were compared and it appears that the land cover in 1973 exists today on the subject property and in the vicinity. Currently, the property is agricultural production and was in 1973.
- G. **Sinclair factor: The need and demand for the use.**
The proposed use, if rezoned is a Restricted Landing Area for the petitioner's aircraft. The need and demand for the use is for personal use.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The land will remain in agricultural production.

REGARDING RELEVANT TESTIMONY IN THE PUBLIC HEARING

22. Relevant testimony in the public hearing can be summarized as follows:

- A. Letters of support have been received from the following:
- (1) Dan Walsh, Champaign County Sheriff.
 - (2) Bill Keller, former Champaign County Emergency Management Director.
 - (3) Charlie McGrew, Douglas County Sheriff.
 - (4) Ben Shadwick, 1004 North Fox Run, Villa Grove.
 - (5) Charles and Shelley Sollers; 507 South Harrison Street, Philo.
 - (6) Carl Brown, 1577 CR 200N, Tolono.
 - (7) Jud Nogle, 303 Jay Street, Savoy.
- B. Letters of opposition have been received from the following:
- (1) Larry Hall, 177 N CR 1600E, Villa Grove.
 - (2) Julia Wright Hall, 177 N CR 1600E, Villa Grove.
 - (3) Jean Fisher, 195 N CR 1600E, Villa Grove.
 - (4) Stephen R. Gast, 1580 CR 200N, Tolono.
- C. At the August 11, 2011, public hearing adjacent landowner Larry Hall submitted a petition signed by those in opposition of the proposed rezoning in related Case 687-AM-11. The following people signed the petition:

- (1) Larry & Julia Hall, 177 N CR 1600E, Villa Grove.
- (2) Danielle N. Risken, 187 CR 1600E, Villa Grove.
- (3) Damon Hood, 187 CR 1600E, Villa Grove.
- (4) Bill Yeakel, 1602 CR 700N, Villa Grove.
- (5) Mark & Jean Fisher 195 CR 1600E, Villa Grove.
- (6) Josh Fisher, 195 CR 1600E, Villa Grove.
- (7) Carol Zell, 1574 CR 100N, Villa Grove.
- (8) Karen L. Scott, 405 North Pine Street, Villa Grove.
- (9) Stephen & Letha Gast, 1580 CR 200 N, Tolono.
- (10) Martha A. Gast, 1562 CR 200N, Tolono.
- (11) Rhys G. Baker, 1562 CR 200N, Tolono.
- (12) J.D. Crawford, 1548 CR 100N, Villa Grove.
- (13) J.C. Crawford, 1545 CR 200N, Tolono.
- (14) Kenneth J. Henry Jr., 16026 CR 200N, Villa Grove.
- (15) Trent Miller, 1601 CR 200N, Villa Grove.
- (16) Shannon Wright, 1006 North Possum Trail, Villa Grove.
- (17) Darren R. Wright, 405 North Pine Street, Villa Grove.
- (18) Walt Ezell, 1574 CR 100N, Villa Grove.
- (19) Hunter Ezell, Villa Grove.
- (20) Phyllis Williams, 1548 CR 100N, Villa Grove.
- (21) Kevin Drum, 1548 CR 100N, Villa Grove.
- (22) Lisa Goin, 1548 CR 100N, Villa Grove.
- (23) Paul & Cindy Garrett, 1602 CR 200N, Villa Grove.
- (24) Wes & Donna Miller, 1603 CR 200N, Villa Grove.
- (25) Joshua Cler, 151 CR 1700E, Villa Grove.
- (26) Kerry Cheely, 1576 CR 200N, Villa Grove.
- (27) Denny Brown, 151 CR 1700E, Villa Grove.
- (28) Terry Brown, 151 CR 1700E, Villa Grove.
- (29) La Tonya Fleming, 1601 East Florida, Urbana.
- (30) Tyran Jackson, 1601 East Florida, Urbana.
- (31) Jesse Fisher, 195 CR 1600E, Villa Grove.
- (32) Christine Fisher, RR1 Fowler, Paloma.
- (33) John Liffick, 1573 CR 200N, Tolono.

D. In a written statement read at the August 11, 2011, public hearing, neighbor Larry Hall (resident of the nearest dwelling) stated as follows:

- (1) He and his wife Julia Hall oppose the proposed rezoning.
- (2) If the rezoning is approved he and his wife request the following restrictions be considered for the proposed RLA and/or Heliport-RLA:
 - (a) If the Heliport-RLA is approved deny the airstrip (RLA) for fixed wing aircraft.
 - (b) Limit the use of the Heliport-RLA to only two helicopters.

Item 22.D.(2) (continued)

- (c) If the RLA is approved he and his wife request the following restrictions be considered for the proposed RLA:
 - i. The RLA can only be used for personal aircraft and aircraft owned by immediate family.
 - ii. All identifying numbers of authorized aircraft shall be on file with the Department of Planning and Zoning.
 - iii. The landing strip shall not be paved.
 - iv. The RLA should not be used for commercial purposes but if used for crop dusting no take off or landings earlier than 7:30AM or later than 5PM and only on Monday through Friday and not on any holiday that falls on a Monday through Friday; and any commercial aircraft shall a minimum liability insurance requirement of \$5 million; and no more than two aircraft shall use the RLA at the same time.

- (3) No inoperative aircraft or parts stored or maintained except inside a full enclosed building.

- (4) The Special Use Permit not be transferable to any future owner of the property.

- (5) The Board should require the Petitioner to have minimum liability insurance of \$5 million and a current certificate of insurance be on file at the Department of Planning and Zoning at all times.

- E. In a written statement read at the August 11, 2011, public hearing, neighbor Julia Hall (resident of the nearest dwelling to the RLA) stated she and her husband are opposed to the rezoning.

REGARDING SPECIAL CONDITIONS OF APPROVAL

No special conditions are proposed for the rezoning case

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Philip W. and Sarabeth F. Jones received on April 29, 2011, with attachments:
 - A List of property owners adjacent to or within 250 feet
 - B United States Geological Survey (USGS) aerial photograph of Villa Grove NW Quadrangle annotated to indicate subject property
 - C Sketch of land parcels adjacent or within 250 feet
 - D Land Parcel Description prepared by F. Wayne Ward
 - E Natural Resource Report from Champaign County Soil and Water Conservation District received April 29, 2011
 - F Letter from Rick Petruszka of Illinois Department of Natural Resources Division of Ecosystems and Environment for Project Number 1109213 dated March 1, 2011
 - G Illinois Department of Natural Resources Eco CAT Natural Resource Review Results for Project Number 1109346 dated 3/02/2011
 - H Plat "B" Prepared for Ed Gire Ground Elevation Survey Proposed Building Site prepared by F. Wayne Ward dated January 14, 2004
 - I Topographic Survey prepared for Phillip Jones by Wayne Ward Engineering dated November 22, 2010
 - J Proposed RLA site plan, 11 x 17 inch grid paper (at 1 inch equals 200 feet)
 - K Letter from Rick Petruszka of Illinois Department of Natural Resources Division of Ecosystems and Environment for Project Number 1109346 dated March 3, 2011
 - L Cover Letter to Illinois Historic Preservation Evaluation prepared by Alan R. Singleton Law Firm received April 29, 2011
 - M Letter from Anne E. Haaker Deputy State Historic Preservation Officer dated April 2, 2011
 - N Letter of Support from Champaign County Sheriff Dan Walsh dated February 11, 2011
 - O Letter of Support from Champaign County Emergency Management Agency Director Bill Keller dated November 22, 2010
 - P Letter of Support from Douglas County Sheriff Charlie McGrew dated November 23, 2010

2. Special Use Permit Application signed by Philip W. and Sarabeth F. Jones received on April 29, 2011, with attachments:
 - A List of property owners adjacent to or within 250 feet
 - B United States Geological Survey (USGS) aerial photograph of Villa Grove NW Quadrangle annotated to indicate subject property
 - C Sketch of land parcels adjacent or within 250 feet
 - D Land Parcel Description prepared by F. Wayne Ward
 - E Natural Resource Report from Champaign County Soil and Water Conservation District received April 29, 2011
 - F Proposed RLA site plan, 8½ x 11 inches (not to scale)
 - G Proposed RLA site plan, 11 x 17 inch grid paper (at 1 inch equals 200 feet)
 - H Letter of Support from Champaign County Sheriff Dan Walsh dated February 11, 2011
 - I Letter of Support from Champaign County Emergency Management Agency Director Bill Keller dated November 22, 2010

- J Letter of Support from Douglas County Sheriff Charlie McGrew dated November 23 ,2010
- K Color copies of Phillip Jones Airstrip Soils Map by the Champaign County Soil and Water Conservation District received April 29, 2011
- L Color copies of United States Geological Survey (USGS) aerial photograph of Villa Grove NW Quadrangle annotated to indicate subject property

3. Preliminary Memorandum for Case 687-AM-11 dated June 10, 2011, with attachments:
 - A Case Maps for Cases 687-AM-11 & 688-S-11 (Location, Land Use , Zoning)
 - B Land Parcel Description prepared by F. Wayne Ward
 - C Letter from Rick Petruszka of Illinois Department of Natural Resources Division of Ecosystems and Environment for Project Number 1109346 dated March 3, 2011
 - D Illinois Department of Natural Resources Eco CAT Natural Resource Review Results for Project Number 1109346 dated 3/02/2011
 - E Cover Letter to Illinois Historic Preservation Evaluation prepared by Alan R. Singleton Law Firm received April 29, 2011
 - F Letter from Anne E. Haaker Deputy State Historic Preservation Officer dated April 2, 2011
 - G Preliminary Finding of Fact for Case 687-AM-11

4. Preliminary Memorandum for related Case 688-S-11 dated June 10, 2011, with attachments:
 - A Zoning Case Maps for Cases 687-AM-11 & 688-S-11 (Location, Land Use, Zoning)
 - B Natural Resource Report from Champaign County Soil and Water Conservation District received April 29, 2011
 - C Excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984
 - D Excerpt of Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois. Illinois State Water Survey. August 2002.
 - E Proposed RLA site plan, 8½ x 11 inches (not to scale)
 - F Proposed RLA site plan, 11 x 17 inch grid paper (at 1 inch equals 200 feet)
 - G Plat "B" Prepared for Ed Gire Ground Elevation Survey Proposed Building Site prepared by F. Wayne Ward dated January 14, 2004
 - H Topographic Survey prepared for Phillip Jones by Wayne Ward Engineering dated November 22, 2010
 - I Excerpts of *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)*
 - J Jones RLA Imaginary Surfaces (staff illustration)
 - K Letter of Support from Champaign County Sheriff Dan Walsh dated February 11, 2011
 - L Letter of Support from Champaign County Emergency Management Agency Director Bill Keller dated November 22, 2010
 - M Letter of Support from Douglas County Sheriff Charlie McGrew dated November 23 ,2010
 - N Preliminary Draft Summary of Evidence for Case 688-S-11

5. Supplemental Memorandum for related Case 687-AM-11 dated June 16, 2011, with attachments:
 - A Draft 1973 Land Cover for Subject Property and Vicinity
 - B Stream Related Soils for Subject Property and Vicinity
 - C Topography for Subject property and Vicinity

- D Area Below Base Flood Elevation for Subject Property and Vicinity
- E Draft Composite sketch Map of CR District Suitability for Subject Property and Vicinity
- F Draft Sketch Map of Areas Most Suitable for CR District for Subject Property and Vicinity
- G Best Prime Farmland Soils for Subject Property and Vicinity

6. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 5, 2011, with attachments:

- A Draft Minutes of June 16, 2011, public hearing (included separately)
- B Photographs submitted by Jean Fisher at the public hearing on June 16, 2011
- C Photographs submitted by Julia Wright Hall at the public hearing on June 16, 2011
- D Photographs submitted by Jean Fisher on July 5, 2011
- E Written material submitted by Jean Fisher on July 11, 2011
- F Letter to Zoning Board of Appeals submitted by Larry Hall on August 1, 2011
- G Letter to Zoning Board of Appeals submitted by Julia Wright Hall on August 1, 2011, with attachments:
 - (1) Database information of single engine aircraft accidents in Illinois from 01/10 to 7/31/11
 - (2) Five Year Comparative U.S. Civil Helicopter Safety Trends
 - (3) FAA National Wildlife Strike Database Query Results
 - (4) Switchboard article
 - (5) EPA Regulatory Announcements
 - (6) Photograph of property
 - (7) Photograph of berm vegetation
 - (8) Letter from Daniel M. Cothorn, Keller Williams Real Estate
- H 6/21/11 Staff Mark Up of Proposed Site Plan

7. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 11, 2011, with attachments:

- A Cover Letter and Revised Site Plan received August 11, 2011
- B Email and cover letter date August 11, 2011, from Alan Singleton with attachments:
 - (1) Noise levels and property value summary
 - (2) Safety summary
 - (3) Letter dated August 10, 2011, in support of Cases 687-AM-11 and 688-S-11 from Ben Shadwick (petitioner in related Case 690-S-11)
 - (4) Letter in support of Phillip and Sara Jones from Chuck and Shelley Sollers (petitioners in related Case 689-S-11)
 - (5) Letter dated August 9, 2011, in support of Cases 687-AM-11 and 688-S-11 from neighbor Carl Brown
 - (6) Webpage from the Experimental Aircraft Association (EAA) regarding aviation fuels and auto fuel STC information
 - (7) Animal Outfitters web pages
 - (8) Photograph of Fisher property
- C Email dated August 9, 2011, from penny Castillo to Jean Fisher

- D Webpage from the Illinois Department of Agriculture Entitled Agrichemical Facilities Containment Program
 - E *Effects of Jet Engine Noise on Hearing Thresholds*. Pakistan Journal of Otolaryngology. Vol. 2010. (not attached but distributed for review by the ZBA at the August 11, 2011, meeting)
 - F Web page from eHow.com entitled *Harmful Effects of Jet Engine Noise* (not attached but distributed for review by the ZBA at the August 11, 2011, meeting)
 - G *Effects of Aircraft Noise and Sonic Booms On Domestic Animals and Wildlife: A Literature Synthesis*. Engineering and Services Center, U.S. Air Force and Fish and Wildlife Services, U.S. Department of the Interior. June 1988. (not attached but distributed for review by the ZBA at the August 11, 2011, meeting)
8. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 15, 2011, with attachments:
- A Cover letter dated August 11, 2011, from Alan Singleton with attachments:
 - (1) Sec. 160.160 of the Illinois Administrative Code
 - (2) Appendix A to Section 16 of the Illinois Administrative Code
 - B Letter dated August 11, 2011, from Jackie Harbin of the Hillard Agency, Inc.
 - C Letter of concern dated August 9, 2011, from Stephen R. Gast
 - D Petition of opposition to the proposed rezoning submitted by Larry Hall
 - E Diagram illustrating the slope of the berm on the Jones property submitted by Larry Hall
 - F Email from Jean Fisher received on August 12, 2011
9. Letter of support from Jud Nogle received August 26, 2011
10. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated November 10, 2011
11. Revised Site Plan received December 14, 2011
12. Revised Site Plan received December 16, 2011
13. Letter from Linda K. Schumm, IDOT-Division of Aeronautics, received February 27, 2012
14. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated May 23, 2012 with attachment:
 - A Excerpt from Special Use Permit Application received April 29, 2011
15. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 10, 2012
- *16. Email from Alan Singleton to Andrew Kass sent at 4:34PM Friday, November 9, 2012, with attached copy of letter dated March 30, 2012, from John Hall

17. Revised Site Plan received November 9, 2012
18. Cover Letter from F. Wayne Ward, P.E., received November 14, 2012, with attachments:
 - A Revised legal Description
 - B Site Plan
19. Revised Site Plan received November 19, 2012
20. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated December 6, 2012, with attachments:
 - A Revised Site Plan received November 19, 2012
 - B Proximity to Nearest Dwelling (included separately)
 - C Excerpts from the Kane County, Illinois Zoning Ordinance
 - D Goals, Objectives, and Policies excerpted from the Champaign County Land Resource Management Plan (included separately)
 - E 12/6/12 Revised Draft Summary of Evidence for Case 688-S-11 (included separately)
 - F 12/6/12 Revised Finding of Fact for Case 687-AM-11 (included separately)

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, and December 13, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment *{WILL/ WILL NOT}* HELP ACHIEVE the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment *{WILL / WILL NOT}* HELP ACHIEVE the following LRMP goals:
 - Goal 4 Agriculture
 - Goal 6 Public Health and Safety
 - Goal 8 Natural Resources
 - Goal 10 Cultural Amenities
 - B. The proposed Zoning Ordinance text amendment *WILL NOT IMPEDE* the achievement of the other LRMP goals:
 - Goal 7 Transportation
 - C. The proposed Zoning Ordinance map is *NOT RELEVANT* to the following five LRMP goals:
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 3 Prosperity
 - Goal 5 Urban Land Use
 - Goal 9 Energy Conservation
2. The proposed Zoning Ordinance map amendment *{IS / IS NOT}* consistent with the *LaSalle* and *Sinclair* factors.

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 Zoning Ordinance Amendment requested in **Case 687-AM-11** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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REVISED DRAFT 12/06/12

688-S-11

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

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

Date: **December 13, 2012**

Petitioners: **Philip W. and Sarabeth F. Jones**

Request: **Authorize the construction and use of a “Restricted Landing Area” for use by airplanes consistent with Illinois Department of Transportation regulations and also for helicopter use for public safety assistance as needed and with limited helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1 that requires compliance with Footnote 11 of Section 5.3.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, and December 13, 2012, the Zoning Board of Appeals of Champaign County finds that (Note: asterisk indicates items of evidence that are identical to evidence in Case 688-S-11):

- *1. The petitioners Philip W. and Sarabeth F. Jones own the subject property.
- *2. Regarding the subject property where the special use is proposed to be located:
 - A. The subject property is an approximately ~~12.69~~ 14 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.
 - B. The subject property is directly south of and abuts the petitioner's approximately 37.80 acre residential / agricultural property that is also located at 175N CR1600E, Villa Grove.
- *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 and the petitioner's adjacent residential/ agricultural property are currently zoned CR Conservation Recreation and are in use as a residential property with horses and pasture.
 - B. Land on the north, south, and west of the subject property petitioner's adjacent residential/ agricultural property is also zoned CR Conservation Recreation and is in use as follows:
 - (1) Land on the north has been divided into residential lots. Most of these lots were formerly part of the petitioner's residential/ agricultural property and two of those lots are now owned by others. ~~but require and are currently proposed to be rezoned with the Rural Residential Overlay Zoning District and are the subject of zoning cases 689-AM-11 and 690-AM-11. The property in Case 689-AM-11 is also the subject of Zoning Enforcement Case ZN-08-01/33 which was referred to the Champaign County State's Attorney on April 7, 2009.~~
 - (2) The residential lots on the north also occupy most of the west boundary but some of the land bordering on the west is the wooded bottomland for the East Branch of the Embarras River.

- C. Zoning and land use east of the petitioner's adjacent residential/ agricultural property and north of the subject property is as follows:
- (1) Land to the east of the subject property is zoned AG-1 and is in use as farmland.
 - (2) Land east of the petitioner's adjacent residential/ agricultural property and north of the subject property is zoned CR and has been divided into residential lots. The dwelling on the nearest lot is only approximately 107 feet from the easternmost Runway Safety Area for the proposed RLA.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the ~~proposed site plan for the~~ proposed HELIPORT/ RESTRICTED LANDING AREA (RLA):
- A. The revised site plan received November 19, 2012, includes the following:
- (1) A 100' × 1640' runway.
 - (2) A 120' × 250' runway safety area at the east and west end of the runway. The east runway safety area is 90 feet from the centerline of Route 130. The west runway safety area will have a rear yard of 25 feet.
 - (3) Threshold markings at the east and west end of the runway.
 - (4) A 100' × 100' hangar north of the runway on the adjacent property.
 - (5) The driveway off of Route 130 that leads to the petitioner's residence on the adjacent property.
 - (6) Two 85' wide side transitions on the north and south sides of the runway. The south side transition is not entirely on the petitioner's property, 13.35 feet will be on the adjacent property.
- B. The amended request is for construction and use of a "Restricted Landing Area" for use by airplanes consistent with Illinois Department of Transportation regulations and also for helicopter use for public safety assistance as needed and with limited helicopter use for personal use.

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 "HELIPORT- RESTRICTED LANDING AREA" as a Special Use in the AG-1, AG-2, B-1, B-3, B-4, I-1, and I-2 Districts. ~~No HELIPORT or~~ A RESTRICTED LANDING AREA is not authorized in the CR District.

Item 6. (continued)

- 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) Within 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. Ordinance No. 848 (Zoning Case 634-AT-08 Part A) was adopted on May 21, 2009, and added requirements for wind farms to the *Zoning Ordinance*. Part of those requirements included a 3500 feet separation between any wind turbine tower and an RLA.
- D. 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.
 - (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.
- E. 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.
- F. 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.
- G. A proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to findings (1) that the waiver is in accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.

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 as follows:

“As applicant is engaged in a number of agricultural activities, the SUP should be granted because “uses can and should be accommodated in rural areas if they compliment agriculture, or supplement farm income” (1.6 Land Use Regulatory Policies). Applicant owns 130 acres farmed in corn and beans, grows sunflowers, soybeans, sugar beets, alfalfa, etc., and uses the helicopter to pollinate; provides crop tours for farmers from the U.S. and abroad; has a contract with a seed dealer. In addition, public convenience would be served by the special use because the applicant has offered to provide and has provided law enforcement and public safety assistance free of cost to the Champaign and Douglas County Sheriff’s Office and Emergency Management (see the attached letters). The applicant has provided such assistance free of cost using both the helicopter and aircraft.”

Item 7. (continued)

- B. Letters of support for the proposed RLA were received from both Dan Walsh, Champaign County Sheriff, and Charlie McGrew, Douglas County Sheriff, and Bill Keller, former Champaign County Emergency Management Director. The Sheriff letters from cite the many instances when the Petitioner has provided flying service assistance in public emergency situations. None of those letters suggested anything about the various zoning issues related to impact on the immediate neighborhood but each letter make clear that having both the fixed wing (airplane) and helicopter assets conveniently available could be very valuable and an additional public safety benefit to both counties.

- C. At the June 16, 2011, public hearing the Petitioner testified that the majority of the farmland that the Petitioner owns is over 100 acres of farmland in Douglas County but that land is divided by a road and a river and does not have adequate length for an RLA and that land is 20 minutes away from his home.

- D. At the August 11, 2011, public hearing the Petitioner testified that having the RLA at this location would save him the 45 minute ordeal for him to get to where his helicopter is currently based and it creates a huge difference in response time versus the 10 minutes at the proposed location.

- E. The evidence in related Case 687-AM-11 for Policy 4.2 established that the proposed Special Use is a service better provided in a rural area than in an urban area.

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, “The total dimensions of the SUP zone are 2,080 feet in length and 256.65 feet in width, thus satisfying all IDOT requirements: length of runways, 1,600.00 feet, width of 100.00 feet, side transitions and safety areas. Obstruction clearance requirements are satisfied as only low crops grow on the sides of the runway. There is 750.00 feet clearance from the trees on the West side and 240.00 feet from the Route 130 on the East side. The Heliport- RLA requirements are also met: TLOF and FATO areas of 100 square feet, and minimum obstruction clearance slope of more than 500.00 feet and 4,000.00 feet on each side (see the attached RLA plans).”**

 - B. The Champaign County Soil and Water Conservation District prepared a Natural Resource Report and the report can be summarized as follows:
 - (1) The area to be developed had two soil types that have severe ponding characteristics.

 - (2) The site is subject to flooding and would not be usable as a landing site when flooded.

- (3) The subject property has an LE factor of 84 and is not considered Best Prime Farmland.
 - (4) Soil erosion could be a problem during the construction stages of the proposed hangar. A perimeter berm could be built around the construction site on the hangar to control runoff and erosion.
 - (5) Wetness may be a limitation associated with the soils on this site. Installing a properly designed subsurface drainage system will minimize adverse effects.
 - (6) Water quality should not be impacted as long as adequate erosion and sedimentation control systems are installed.
- C. Regarding surface drainage:
- (1) The subject property is not located in a 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.
- D. The subject property is located on the west side of Illinois 130 approximately ¼ mile south of the intersection with CR200N and County Highway 16. The subject property is accessed from Illinois 130 from an existing driveway entrance. It is very unlikely that the proposed Special Use will result in any increase in highway traffic.
- E. Regarding fire protection of the subject property:
- (1) The subject property is within the protection area of the Broadlands- Longview Fire Protection District but has contact service from the Villa Grove Fire Department. Chiefs for both fire protection services have been notified of this request, but no comments have been received at this time.
 - (2) The Petitioner testified at the August 11, 2011, public hearing that he had spoken with the Fire Protection District Chief and invited the Fire Protection District to come out to do a training day at the subject property.
- F. Part of the subject property is located within the Special Flood Hazard Area:
- G. Regarding outdoor lighting on the subject property, there is no indication on the site plan of outdoor lighting for any purpose.
- H. Regarding subsurface drainage, the site plan does not contain any information regarding agricultural field tile.

Item 8.(continued)

I. Regarding wastewater treatment and disposal on the subject property, the proposed use has no need for any wastewater treatment and disposal.

J. Regarding the Petitioner's testimony regarding the operations of the proposed RLA:

(1) The Petitioner's testimony at the June 16, 2011, public hearing can be summarized as follows:

(a) The runway is currently planted in bluegrass and fescue which will be used for his cattle and horses.

(b) The grass on the runway will be kept at about 6 to 8 inches.

(c) There will be no tillage of the ground but the hay will be baled.

(2) The Petitioner's testimony at the August 11, 2011, public hearing can be summarized as follows:

(a) He (the Petitioner) does not get the opportunity to fly more than twice per month currently therefore there is not going to be a huge amount of air traffic on the RLA.

(b) He would like to allow his father, who is also a licensed pilot, to utilize the airstrip.

(c) His (the Petitioner) home is approximately 200 feet east of the location of the finger of land for the proposed hanger.

(d) His (the Petitioner) frequency of flying is relative to the weather and time of year because he probably flies more during the month of June and in January.

(e) He (the Petitioner) owned several planes but he does not fly all of the planes all of the time because they are investments.

(f) Some of the planes he (the Petitioner) owns are registered under the Jones' Flying Association which is registered in Delaware and licensed in Illinois.

K. Regarding the Petitioner's testimony regarding the CR District adjacent to the subject property and proposed RLA:

(1) The Petitioner's testimony at the August 11, 2011, public hearing can be summarized as follows:

(a) The trees in the adjacent CR District were measured and the highest tree is 50 feet above the ground at that elevation and the elevation at that location is eight feet below the runway.

(b) There is a lot of room for the trees to continue to grow but to his best guess the trees are fully mature and are probably at their maximum height.

- (c) If the trees grew to 66 feet tall they might be a problem.
- (d) The trees will not be damaged, touched, or violated in any way during the use of the proposed RLA.

F L. Regarding basic safety and land use compatibility concerns related to any RLA:

- (1) Footnote 11 to Section 5.3 of the Ordinance requires that no BUILDING or STRUCTURE be erected or vegetation be maintained that would create an obstruction in an approach slope or transition slope for an existing AIRPORT, RESIDENTIAL AIRPORT, HELIPORT, RESTRICTED LANDING AREA or HELIPORT-RESTRICTED LANDING AREA permitted under the terms of this ordinance unless a SPECIAL USE permit is granted per Section 9.1.5 D.4.

M. Letters of support have been received from the following:

- (1) Dan Walsh, Champaign County Sheriff.
- (2) Bill Keller, former Champaign County Emergency Management Director.
- (3) Charlie McGrew, Douglas County Sheriff.
- (4) Ben Shadwick, 1004 North Fox Run, Villa Grove.
- (5) Charles and Shelley Sollers; 507 South Harrison Street, Philo.
- (6) Carl Brown, 1577 CR 200N, Tolono.
- (7) Jud Nogle, 303 Jay Street, Savoy.

N. Letters of opposition have been received from the following:

- (1) Larry Hall, 177 N CR 1600E, Villa Grove.
- (2) Julia Wright Hall, 177 N CR 1600E, Villa Grove.
- (3) Jean Fisher, 195 N CR 1600E, Villa Grove.
- (4) Stephen R. Gast, 1580 CR 200N, Tolono.

O. At the August 11, 2011, public hearing adjacent landowner Larry Hall submitted a petition signed by those in opposition of the proposed rezoning in related Case 687-AM-11. The following people signed the petition:

- (1) Larry & Julia Hall, 177 N CR 1600E, Villa Grove.
- (2) Danielle N. Risken, 187 CR 1600E, Villa Grove.
- (3) Damon Hood, 187 CR 1600E, Villa Grove.
- (4) Bill Yeakel, 1602 CR 700N, Villa Grove.
- (5) Mark & Jean Fisher 195 CR 1600E, Villa Grove.
- (6) Josh Fisher, 195 CR 1600E, Villa Grove.
- (7) Carol Zell, 1574 CR 100N, Villa Grove.
- (8) Karen L. Scott, 405 North Pine Street, Villa Grove.
- (9) Stephen & Letha Gast, 1580 CR 200 N, Tolono.
- (10) Martha A. Gast, 1562 CR 200N, Tolono.
- (11) Rhys G. Baker, 1562 CR 200N, Tolono.
- (12) J.D. Crawford, 1548 CR 100N, Villa Grove.

Item 8.O. (continued)

- (13) J.C. Crawford, 1545 CR 200N, Tolono.
- (14) Kenneth J. Henry Jr., 16026 CR 200N, Villa Grove.
- (15) Trent Miller, 1601 CR 200N, Villa Grove.
- (16) Shannon Wright, 1006 North Possum Trail, Villa Grove.
- (17) Darren R. Wright, 405 North Pine Street, Villa Grove.
- (18) Walt Ezell, 1574 CR 100N, Villa Grove.
- (19) Hunter Ezell, Villa Grove.
- (20) Phyllis Williams, 1548 CR 100N, Villa Grove.
- (21) Kevin Drum, 1548 CR 100N, Villa Grove.
- (22) Lisa Goin, 1548 CR 100N, Villa Grove.
- (23) Paul & Cindy Garrett, 1602 CR 200N, Villa Grove.
- (24) Wes & Donna Miller, 1603 CR 200N, Villa Grove.
- (25) Joshua Cler, 151 CR 1700E, Villa Grove.
- (26) Kerry Cheely, 1576 CR 200N, Villa Grove.
- (27) Denny Brown, 151 CR 1700E, Villa Grove.
- (28) Terry Brown, 151 CR 1700E, Villa Grove.
- (29) La Tonya Fleming, 1601 East Florida, Urbana.
- (30) Tyran Jackson, 1601 East Florida, Urbana.
- (31) Jesse Fisher, 195 CR 1600E, Villa Grove.
- (32) Christine Fisher, RR1 Fowler, Paloma.
- (33) John Liffick, 1573 CR 200N, Tolono.

P. In a written statement read at the August 11, 2011, public hearing, neighbor Larry Hall (resident of the nearest dwelling) stated as follows:

- (1) He and his wife Julia Hall oppose the proposed rezoning.
- (2) If the rezoning is approved he and his wife request the following restrictions be considered for the proposed RLA and/or Heliport-RLA:
 - (a) If the Heliport-RLA is approved deny the airstrip (RLA) for fixed wing aircraft.
 - (b) Limit the use of the Heliport-RLA to only two helicopters.
 - (c) If the RLA is approved he and his wife request the following restrictions be considered for the proposed RLA:
 - i. The RLA can only be used for personal aircraft and aircraft owned by immediate family.
 - ii. All identifying numbers of authorized aircraft shall be on file with the Department of Planning and Zoning.
 - iii. The landing strip shall not be paved.
 - iv. The RLA should not be used for commercial purposes but if used for crop dusting no take off or landings earlier than 7:30AM or later than 5PM and only on Monday through Friday and not on any holiday that falls on a Monday through Friday; and any commercial aircraft shall a minimum liability insurance requirement of \$5 million; and no more than two aircraft shall use the RLA at the same time.

- (3) No inoperative aircraft or parts stored or maintained except inside a full enclosed building.
 - (4) The Special Use Permit not be transferable to any future owner of the property.
 - (5) The Board should require the Petitioner to have minimum liability insurance of \$5 million and a current certificate of insurance be on file at the Department of Planning and Zoning at all times.
- Q. In a written statement read at the August 11, 2011, public hearing, neighbor Julia Hall (resident of the nearest dwelling to the RLA) stated she and her husband are opposed to the rezoning and that rezoning would reduce the property values for homes in the area. Ms. Hall also submitted a letter from Daniel M. Cothorn, Director of Commercial Real Estate for Keller Williams Realty, that can be summarized as follows:
- (1) Mr. Cothorn visited the home of Larry and Julia Hall to look over the proposed RLA site.
 - (2) Based on his observation and 12 years of professional experience in real estate it is his opinion that an RLA constructed on the proposed property would have a significant negative impact on the Hall's property value and the Hall's have already experienced some reduction in value due to the berms that have been constructed.
 - iii. He hoped there would be concern for the welfare of nearby residents due to safety concerns at all RLA sites.
- R. At the August 15, 2011, public hearing, the Petitioner submitted a letter from Jackie Harbin of the Hillard Agency, Inc. Insurance & Real Estate Brokers of Villa Grove, Illinois, that stated the following:
- (1) She has been in real estate for 19 years.
 - (2) In her opinion a [sic] airplane runway should not effect property values of neighboring property.
 - (3) The improvements made to the Jones' property should increase neighboring properties value.
- S. There is no evidence indicating that the Special Use will not be compatible with adjacent agriculture.
- T. Regarding safety concerns due to proximity of the nearest adjacent dwelling under separate ownership and compatibility with the adjacent residential uses, the subject site *{IS / IS NOT}* suitable for the proposed RLA. (Note: This item needs to be coordinated with evidence regarding Policy 4.3 in related Case 687-MA-11 (item 14.C.))

Item 8. (continued)

M-U. 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, **“As the RLA and the Heliport-RLA will be used to a significant degree for agricultural purposes, the special use will comply with the agricultural nature of the surroundings in addition to serving and complimenting agriculture on the parcel itself, neighboring and other lots owned by the applicant.”**

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,
- (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.
 - (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.
 - (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.

- (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.
 - ii. There are also requirements for separation distances between a runway, taxiway, and aircraft parking, but the petitioner has not indicated ~~any~~ a taxiway on the site plan.
 - iii. At either end of the runway a 15:1 slope extending 3,000 feet beyond the end of the runway.
 - iv. 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 site plan received November 19, 2012, indicates Runway Safety Areas on the east and west side of the runway with dimensions of 120' × 250'.

- (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:
- (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

Item 9.B.(5) (continued)

- (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.
 - (c) 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.
 - (d) No Runway Clear Zone will exist at the south end of the runway on the other side of CR 0N because that is Douglas County, which does not have zoning.
- (6) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.8 and Table 5.3 note (11) 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.
- D. Regarding the Special Flood Hazard Areas Ordinance and Subdivision Regulations:
 - (1) All of the subject property is located in the Special Flood Hazard Area but topographical elevations have been submitted that indicate that most of the subject property is above the Base Flood Elevation.
 - (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:
 - (1) Restricted Landing Area is permitted by Special Use Permit in the AG-1 Agriculture Zoning District.
 - (2) The proposed use **WILL NOT** hinder agricultural production on adjacent properties and agricultural production will still occur onsite. (from related Case 687-AM-11)
 - (3) The visual character of the subject property will not be changed much because agricultural production will still occur onsite in the same general area that has been under production.
 - (4) There will be no increase in traffic
 - (5) There will be no significant drainage impacts because the proposed special use will comply with the Stormwater Management Policy.
 - (6) The RLA is proposed in part to support the Petitioner's agricultural activities.

(7) There will no impact on public health.

(8) See the discussion under item 8.T. regarding any impact on public safety and nuisance effects due to the proximity to a dwelling under other ownership.

F. Currently, the subject property is zoned CR Conservation Recreation and the land to the north, west, and south will remain in the CR District. Regarding the whether or not the proposed special use will preserve the essential character of the surrounding AG-1 District:

(a) As reviewed in related Case 687-AM-11 the types of uses authorized by right in the AG-1 District are nearly identical to the by-right uses in the CR District and any proposed Special Use on this property should be evaluated for compatibility with the adjacent CR uses.

(b) Compatibility of the proposed special use with surrounding agriculture was evaluated in related case 687-AM-11 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed special use **WILL NOT** interfere with agricultural operations.

(c) The proposed special use will have no significant impact on traffic, drainage, public health, or visual character of the surrounding CR District.

(d) See the discussion under item 8.T. regarding any impact on public safety and nuisance effects due to the proximity to a dwelling under other ownership.

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.

Item 10.B. (continued)

- (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.
 - (b) In a written statement read at the August 11, 2011, public hearing, neighbor Julia Hall (resident of the nearest dwelling to the RLA) stated she and her husband are opposed to the rezoning and :
 - i. Rezoning the property to allow for an RLA would prevent her from securing safety due to the possibility of an aircraft accident.
 - ii. She submitted accident information from the National Transportation Safety Board (NTSB) indicating there were 34 recorded single engine plane crashes in Illinois from 1/5/10 to 7/7/11.
 - iii. She submitted information from a 2009 publication of the *Helicopter Association International* indicating there were 161 civil helicopter accidents in 2009.
 - iv. The pond constructed by the Jones' attracts waterfowl which creates a distinct hazard to aircraft landing or taking off and according to data from the FAA there were 486 bird strikes by planes in Illinois in 2010.
 - (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 a written statement read at the August 11, 2011, public hearing, neighbor Julia Hall (resident of the nearest dwelling to the RLA) stated she and her husband are opposed to the rezoning and the rezoning would reduce the property values for homes in the area. Ms. Hall also submitted a letter from Daniel M. Cothorn, Director of Commercial Real Estate for Keller Williams Realty, that stated in general that the RLA would have a negative impact on property value and is summarized above under item 8.O.
 - (b) At the August 15, 2011, public hearing, the Petitioner submitted a letter from Jackie Harbin of the Hillard Agency, Inc. Insurance & Real Estate Brokers of Villa Grove, Illinois, that stated in general that the runway should not effect property values of neighboring property and is summarized above under item 8.P.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.
- (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 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

Item 10.C.(7) (continued)

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.
- (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.
 - (a) A report received April 29, 2011, from the Champaign County Soil and Water Conservation District reports that if preventative measures are taken for erosion and sedimentation there should be no issue with water quality.
 - (b) The proposed hangar, if constructed would require some of the wooded area on the subject property to be cut down.
 - (c) In a written statement read at the August 11, 2011, public hearing, neighbor Julia Hall (resident of the nearest dwelling to the RLA) stated she and her husband are opposed to the rezoning and the rezoning would not protect the forested area.
 - (d) The Petitioner testified at the August 11, 2011, public hearing that the trees will not be damaged, touched, or violated in any way during the use of the proposed RLA.

- (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 not 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, “**Not applicable**”

GENERALLY REGARDING ANY SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
A. The proposed RLA must receive a Certificate of Approval for operation from the Illinois Department of Transportation Division of Aeronautics (IDOT). Likewise, IDOT requires the RLA to have any necessary county zoning approvals. The following condition will ensure that the proposed RLA must be in conformance with IDOT in order to remain in conformance with the Champaign County Zoning Ordinance:

The Restricted Landing Area must be used in compliance with the approved Certificate of Approval for operation from the Illinois Department of Transportation Division of Aeronautics.

The above condition is necessary to ensure that:

The proposed RLA is operated so as to ensure public safety.

Item 12. (continued)

- B. **The petitioner shall apply for a Change of Use Permit within 30 days of the approval of the special use permit or the proposed rezoning in related zoning case 687-AM-11, whichever occurs last.**

The above condition is necessary to ensure the following:

Compliance with the Zoning Ordinance within a reasonable time frame.

- C. **The use of the RLA by fixed wing aircraft for non-public safety assistance shall be no more than three take offs and three landings in any 28 day period whether that use is by the petitioner or an invited guest.**

The above condition is necessary to ensure the following:

That the use of the RLA does not become excessive in such close proximity to a dwelling under other ownership.

- D. **The use of the RLA for personal helicopter use shall be limited to no more than two take offs and two landings in any 28 day period whether that use is by the petitioner or an invited guest.**

The above condition is necessary to ensure the following:

That the use of the helicopter(s) for personal use does not exceed the amount of use authorized for fixed wing aircraft given that no Heliport-RLA has been requested .

- E. **No “Fly-In Event” (more than 6 planes) as described in 92 Ill. Adm. Code 14.760 shall occur on the subject property.**

The above condition is necessary to ensure the following:

That the use of the RLA does not become excessive in such close proximity to a dwelling under other ownership.

- F. **The petitioner shall obtain and maintain at all times during the lifetime of the RLA public liability and property damage insurance with a minimum coverage of \$5 million dollars.**

The above condition is necessary to ensure the following:

That the petitioner has adequate insurance to compensate anyone affected by injury or property damage resulting from the operation of the RLA in such close proximity to a dwelling under other ownership.

- G. **The Special Use Permit shall not be transferrable to future owners of the subject property.**

The above condition is necessary to ensure the following:

That any future owner(s) of the subject property must also receive the proper approvals for an RLA.

H. All aircraft (operable and inoperable) and aircraft parts must be stored in a fully enclosed building/hangar at all times.

The above condition is necessary to ensure the following:

That nuisance problems do not arise as a result of the establishment of the RLA.

I.‡ There shall be a minimum separation distance of at least 230 feet between the nearest point of the RLA and the nearest dwelling.

The above condition is necessary to ensure the following:

That the use of the RLA does not pose unusual safety or nuisance concerns due to even closer proximity to a dwelling under other ownership.

‡Note that this requirement is probably not suitable as a “special condition” and has been included here simply so that it will not be overlooked. If the Board is inclined to require a greater separation it should require a different site plan and a different legal description that describes a location that provides the greater separation.

DOCUMENTS OF RECORD

1. Special Use Permit Application signed by Philip W. and Sarabeth F. Jones received on April 29, 2011, with attachments:
 - A List of property owners adjacent to or within 250 feet
 - B United States Geological Survey (USGS) aerial photograph of Villa Grove NW Quadrangle annotated to indicate subject property
 - C Sketch of land parcels adjacent to or within 250 feet
 - D Land Parcel Description prepared by F. Wayne Ward
 - E Natural Resource Report from Champaign County Soil and Water Conservation District received April 29, 2011
 - F Proposed RLA site plan, 8½ x 11 inches (not to scale)
 - G Proposed RLA site plan, 11 x 17 inch grid paper (at 1 inch equals 200 feet)
 - H Letter of Support from Champaign County Sheriff Dan Walsh dated February 11, 2011
 - I Letter of Support from Champaign County Emergency Management Agency Director Bill Keller dated November 22, 2010
 - J Letter of Support from Douglas County Sheriff Charlie McGrew dated November 23, 2010
 - K Color copies of Phillip Jones Airstrip Soils Map by the Champaign County Soil and Water Conservation District received April 29, 2011
 - L Color copies of United States Geological Survey (USGS) aerial photograph of Villa Grove NW Quadrangle annotated to indicate subject property

2. Petition for Zoning Map Amendment signed by Philip W. and Sarabeth F. Jones received on April 29, 2011, with attachments:
 - A List of property owners adjacent to or within 250 feet
 - B United States Geological Survey (USGS) aerial photograph of Villa Grove NW Quadrangle annotated to indicate subject property
 - C Sketch of land parcels adjacent to or within 250 feet
 - D Land Parcel Description prepared by F. Wayne Ward
 - E Natural Resource Report from Champaign County Soil and Water Conservation District received April 29, 2011
 - F Letter from Rick Petruszka of Illinois Department of Natural Resources Division of Ecosystems and Environment for Project Number 1109213 dated March 1, 2011
 - G Illinois Department of Natural Resources Eco CAT Natural Resource Review Results for Project Number 1109346 dated 3/02/2011
 - H Plat "B" Prepared for Ed Gire Ground Elevation Survey Proposed Building Site prepared by F. Wayne Ward dated January 14, 2004
 - I Topographic Survey prepared for Phillip Jones by Wayne Ward Engineering dated November 22, 2010
 - J Proposed RLA site plan, 11 x 17 inch grid paper (at 1 inch equals 200 feet)
 - K Letter from Rick Petruszka of Illinois Department of Natural Resources Division of Ecosystems and Environment for Project Number 1109346 dated March 3, 2011

- L Cover Letter to Illinois Historic Preservation Evaluation prepared by Alan R. Singleton Law Firm received April 29, 2011
 - M Letter from Anne E. Haaker Deputy State Historic Preservation Officer dated April 2, 2011
 - N Letter of Support from Champaign County Sheriff Dan Walsh dated February 11, 2011
 - O Letter of Support from Champaign County Emergency Management Agency Director Bill Keller dated November 22, 2010
 - P Letter of Support from Douglas County Sheriff Charlie McGrew dated November 23, 2010
3. Preliminary Memorandum for Case 687-AM-11 dated June 10, 2011, with attachments:
- A Case Maps for Cases 687-AM-11 & 688-S-11 (Location, Land Use , Zoning)
 - B Land Parcel Description prepared by F. Wayne Ward
 - C Letter from Rick Petruszka of Illinois Department of Natural Resources Division of Ecosystems and Environment for Project Number 1109346 dated March 3, 2011
 - D Illinois Department of Natural Resources Eco CAT Natural Resource Review Results for Project Number 1109346 dated 3/02/2011
 - E Cover Letter to Illinois Historic Preservation Evaluation prepared by Alan R. Singleton Law Firm received April 29, 2011
 - F Letter from Anne E. Haaker Deputy State Historic Preservation Officer dated April 2, 2011
 - G Preliminary Finding of Fact for Case 687-AM-11
4. Preliminary Memorandum for related Case 688-S-11 dated June 10, 2011, with attachments:
- A Zoning Case Maps for Cases 687-AM-11 & 688-S-11 (Location, Land Use, Zoning)
 - B Natural Resource Report from Champaign County Soil and Water Conservation District received April 29, 2011
 - C Excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984
 - D Excerpt of Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois. Illinois State Water Survey. August 2002.
 - E Proposed RLA site plan, 8½ x 11 inches (not to scale)
 - F Proposed RLA site plan, 11 x 17 inch grid paper (at 1 inch equals 200 feet)
 - G Plat "B" Prepared for Ed Gire Ground Elevation Survey Proposed Building Site prepared by F. Wayne Ward dated January 14, 2004
 - H Topographic Survey prepared for Phillip Jones by Wayne Ward Engineering dated November 22, 2010
 - I Excerpts of *Illinois Aviation Safety Rules* (92 Ill. Admin. Code Part 14)
 - J Jones RLA Imaginary Surfaces (staff illustration)
 - K Letter of Support from Champaign County Sheriff Dan Walsh dated February 11, 2011
 - L Letter of Support from Champaign County Emergency Management Agency Director Bill Keller dated November 22, 2010
 - M Letter of Support from Douglas County Sheriff Charlie McGrew dated November 23 ,2010
 - N Preliminary Draft Summary of Evidence for Case 688-S-11

5. Supplemental Memorandum for related Case 687-AM-11 dated June 16, 2011, with attachments:
 - A Draft 1973 Land Cover for Subject Property and Vicinity
 - B Stream Related Soils for Subject Property and Vicinity
 - C Topography for Subject property and Vicinity
 - D Area Below Base Flood Elevation for Subject Property and Vicinity
 - E Draft Composite sketch Map of CR District Suitability for Subject Property and Vicinity
 - F Draft Sketch Map of Areas Most Suitable for CR District for Subject Property and Vicinity
 - G Best Prime Farmland Soils for Subject Property and Vicinity

6. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 5, 2011, with attachments:
 - A Draft Minutes of June 16, 2011, public hearing (included separately)
 - B Photographs submitted by Jean Fisher at the public hearing on June 16, 2011
 - C Photographs submitted by Julia Wright Hall at the public hearing on June 16, 2011
 - D Photographs submitted by Jean Fisher on July 5, 2011
 - E Written material submitted by Jean Fisher on July 11, 2011
 - F Letter to Zoning Board of Appeals submitted by Larry Hall on August 1, 2011
 - G Letter to Zoning Board of Appeals submitted by Julia Wright Hall on August 1, 2011, with attachments:
 - (1) Database information of single engine aircraft accidents in Illinois from 01/10 to 7/31/11
 - (2) Five Year Comparative U.S. Civil Helicopter Safety Trends
 - (3) FAA National Wildlife Strike Database Query Results
 - (4) Switchboard article
 - (5) EPA Regulatory Announcements
 - (6) Photograph of property
 - (7) Photograph of berm vegetation
 - (8) Letter from Daniel M. Cothorn, Keller Williams Real Estate
 - H 6/21/11 Staff Mark Up of Proposed Site Plan

7. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 11, 2011, with attachments:
 - A Cover Letter and Revised Site Plan received August 11, 2011
 - B Email and cover letter date August 11, 2011, from Alan Singleton with attachments:
 - (1) Noise levels and property value summary
 - (2) Safety summary
 - (3) Letter dated August 10, 2011, in support of Cases 687-AM-11 and 688-S-11 from Ben Shadwick (petitioner in related Case 690-S-11)
 - (4) Letter in support of Phillip and Sara Jones from Chuck and Shelley Sollers (petitioners in related Case 689-S-11)
 - (5) Letter dated August 9, 2011, in support of Cases 687-AM-11 and 688-S-11 from neighbor Carl Brown

- (6) Webpage from the Experimental Aircraft Association (EAA) regarding aviation fuels and auto fuel STC information
 - (7) Animal Outfitters web pages
 - (8) Photograph of Fisher property
 - C Email dated August 9, 2011, from penny Castillo to Jean Fisher
 - D Webpage from the Illinois Department of Agriculture Entitled Agrichemical Facilities Containment Program
 - E *Effects of Jet Engine Noise on Hearing Thresholds*. Pakistan Journal of Otolaryngology. Vol. 2010. (not attached but distributed for review by the ZBA at the August 11, 2011, meeting)
 - F Web page from eHow.com entitled *Harmful Effects of Jet Engine Noise* (not attached but distributed for review by the ZBA at the August 11, 2011, meeting)
 - G *Effects of Aircraft Noise and Sonic Booms On Domestic Animals and Wildlife: A Literature Synthesis*. Engineering and Services Center, U.S. Air Force and Fish and Wildlife Services, U.S. Department of the Interior. June 1988. (not attached but distributed for review by the ZBA at the August 11, 2011, meeting)
8. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 15, 2011, with attachments:
- A Cover letter dated August 11, 2011, from Alan Singleton with attachments:
 - (1) Sec. 160.160 of the Illinois Administrative Code
 - (2) Appendix A to Section 16 of the Illinois Administrative Code
 - B Letter dated August 11, 2011, from Jackie Harbin of the Hillard Agency, Inc.
 - C Letter of concern dated August 9, 2011, from Stephen R. Gast
 - D Petition of opposition to the proposed rezoning submitted by Larry Hall
 - E Diagram illustrating the slope of the berm on the Jones property submitted by Larry Hall
 - F Email from Jean Fisher received on August 12, 2011
9. Letter of support from Jud Nogle received August 26, 2011
10. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated November 10, 2011
11. Revised Site Plan received December 14, 2011
12. Revised Site Plan received December 16, 2011
13. Letter from Linda K. Schumm, IDOT-Division of Aeronautics, received February 27, 2012
14. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated May 23, 2012 with attachment:
- A Excerpt from Special Use Permit Application received April 29, 2011
15. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated August 10, 2012

16. Email from Alan Singleton to Andrew Kass sent at 4:34PM Friday, November 9, 2012, with attached copy of letter dated March 30, 2012, from John Hall
17. Revised Site Plan received November 9, 2012
18. Cover Letter from F. Wayne Ward, P.E., received November 14, 2012, with attachments:
 - A Revised legal Description
 - B Site Plan
19. Revised Site Plan received November 19, 2012
20. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated December 6, 2012, with attachments:
 - A Revised Site Plan received November 19, 2012
 - B Proximity to Nearest Dwelling (included separately)
 - C Excerpts from the Kane County, Illinois Zoning Ordinance
 - D Goals, Objectives, and Policies excerpted from the Champaign County Land Resource Management Plan (included separately)
 - E 12/6/12 Revised Draft Summary of Evidence for Case 688-S-11 (included separately)
 - F 12/6/12 Revised Finding of Fact for Case 687-AM-11 (included separately)

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **688-S-11** held on **June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, and December 13, 2012**, 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 NOT / WILL}* 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}* *{because¹}*: _____

 - 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 *{because¹}*: _____

 - e. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because¹}*: _____

 - f. Public safety will be *{ADEQUATE / INADEQUATE}* *{because¹}*: _____

 - h. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because¹}*: _____

 - i. *(Note the Board may include other relevant considerations as necessary or desirable in each case.)* _____

(Note: The original application for these cases pre-dates the recent amendment that modified criteria #2 and the Final Determination should be based on the Ordinance that was in place at the time of application.)

- 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}* preserve 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}*.

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 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* preserve the essential character of the DISTRICT in which it is located.

5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use.

6. The requested waiver of the standard condition in Section 6.1.3 that requires ~~a runway safety area to be located entirely on the lot~~ compliance with Footnote 11 of Section 5.3 *{ IS / IS NOT }* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:

7. ***{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. for approval *{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 **688-S-11** is hereby *{APPROVED/ APPROVED WITH CONDITIONS/ DENIED}* to the petitioners **Philip W. and Sarabeth F. Jones** to authorize the construction and use of a “Restricted Landing Area” for use by airplanes consistent with Illinois Department of Transportation regulations and helicopter use for public safety assistance as needed and with limited helicopter use for personal use as a Special Use; and with a waiver of a Special Use standard condition required by Section 6.1 that requires compliance with Footnote 11 of Section 5.3, *{WITH WAIVERS AND SPECIAL CONDITIONS AS FOLLOWS}*

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date