

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

SUPPLEMENTAL MEMORANDUM

March 8, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners:

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

Site Area:

Approx. 14 acres

Time Schedule for Development:

Immediate

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.**

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.**

STATUS

These cases are continued from the December 13, 2013, public hearing. See the attached excerpt of Approved Minutes.

No new information has been received from the Petitioner.

Evidence to date has been included in the Revised Draft Summary of Evidence for Case 688-S-11 and the Revised Draft Finding of Fact for Case 687-AM-11.

The special conditions recommended for Case 688-S-11 have also been revised. Certain conditions are reviewed below but see pages 27 through 30 of the Summary of Evidence of Case 688-S-11 for all special conditions.

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

12/13/12 HANDOUT FROM ALAN SINGLETON

The handout from Petitioner's Attorney Alan Singleton that was received at the December 13, 2012, public hearing is included as a listed Attachment but copies have not been provided in the mailing but the document is available on the ZBA website "687-AM-11 & 688-S-11 Handout" for the 12/13/12 meeting and copies are available for pick-up in the Department upon request and prior arrangement (384-3708).

STATE'S ATTORNEY'S REVIEW

The ZBA had requested a State's Attorney's legal review of Champaign County's authority to establish minimum separation requirements for a dwelling from a Restricted Landing Area under different ownership. That review may be available at the public hearing.

SEPARATION TO NEAREST DWELLING UNDER DIFFERENT OWNERSHIP

Item 8.S. in the Summary of Evidence for Case 688-S-11 reviews the evidence regarding the proposed separation between the proposed RLA and the existing house at 177 CR1600E, Villa Grove belonging to Larry Hall and Julia Wright Hall. The same evidence has been included under policy 4.3 in the Draft Finding of Fact for Case 687-AM-11.

A minimum separation of 230 feet is still recommended as special condition {item#} in Case 688-S-11.

The adequacy of the separation to the nearest dwelling under different ownership is a critical consideration in required Finding of Fact #2 for Case 688-S-11 and in item 14.C. in the Finding of Fact for Case 687-AM-11.

LIKELY IMPACTS TO SCENIC AND NATURAL AREAS IN THE CR DISTRICT

Item 8.T. in the Summary of Evidence for Case 688-S-11 reviews the evidence regarding the impacts to the natural and scenic areas in the CR District caused by the proposed RLA.

Regarding the impact to habitat on the 1.7 acres of CR District located at the west end of the proposed RLA and underneath the "Approach Area" required by IDOT, alternatives are as follows:

A. This area is not currently wooded and it appears that it was only partially wooded in the Supervisor of Assessments 1973 aerial photograph. The proposed RLA will have **LITTLE TO NO IMPACT** on the scenic and natural qualities of the CR District and therefore no special condition is warranted. (Note: This paragraph could be added as item 8.T.(3) in the Summary of Evidence for Case 688-S-11 and added to item 18.A. in the Finding of Fact for Case 687-AM-11.)

- OR -

B. This area is not currently wooded and it appears that it was only partially wooded in the Supervisor of Assessments 1973 aerial photograph. However, the proposed RLA will limit the allowable height of vegetation on this portion of the property and therefore the proposed RLA will have a **SIGNIFICANT IMPACT** on the scenic and natural qualities of the CR District and the following special condition is warranted (Note that the following special condition is just one example of how this impact could be mitigated):

The petitioner shall re-establish native vegetation in the 1.7 acre area at the end of the proposed RLA consistent with Natural Resources Conservation Service guidelines and methods.

The above condition is necessary to ensure the following:

The impact of the special use permit on the scenic and natural qualities of the CR District shall be mitigated to the extent possible.

(Note: The above paragraph (with the exception of the special condition) could be added as item 8.T.(3) in the Summary of Evidence for Case 688-S-11 and also added to item 18.A. in the Finding of Fact for Case 687-AM-11. The special condition should be included in item 13. of the Summary of Evidence for Case 688-S-11.)

Regarding the impact to the 30,750 square feet (.706 acre) portion of the CR District that is currently wooded and is proposed to be rezoned to the AG-1 District for the construction and development of the proposed hangar, alternatives are as follows:

- A. This area is only .706 acre in area and the quality of the existing habitat has not been established and the petitioner has already planted 2,500 trees on the subject. The loss of this habitat due to the proposed RLA will have **LITTLE TO NO IMPACT** on the scenic and natural qualities of the CR District and therefore no special condition is warranted. (Note: This paragraph could be added as item 8.T.(4) in the Summary of Evidence for Case 688-S-11 and added to item 18.A. in the Finding of Fact for Case 687-AM-11.)

- OR -

- B. This area is only .706 acre in area and the quality of the existing habitat has not been established but this is not the only possible location for a hangar and the fact that petitioner has already planted 2,500 trees on the subject will not mitigate the loss of this existing woodland habitat. The loss of this habitat due to the proposed RLA will have a **SIGNIFICANT IMPACT** on the scenic and natural qualities of the CR District and no special condition can adequately mitigate this unnecessary impact.

- OR -

- C. This area is only .706 acre in area and the quality of the existing habitat has not been established but this is not the only possible location for a hangar and the fact that petitioner has already planted 2,500 trees on the subject will not mitigate the loss of this existing woodland habitat. The loss of this habitat due to the proposed RLA will have a **SIGNIFICANT IMPACT** on the scenic and natural qualities of the CR District. The following special condition may help mitigate this unnecessary impact:

The petitioner shall establish at least 1.4 acres of woodland habitat vegetation in an area that is not current wooded on the subject property in a manner consistent with Natural Resources Conservation Service guidelines and methods.

The above condition is necessary to ensure the following:

The impact of the special use permit on the scenic and natural qualities of the CR District shall be mitigated to the extent possible.

(Note: The above paragraph (with the exception of the special condition) could be added as item 8.T.(3) in the Summary of Evidence for Case 688-S-11 and also added to item 18.A. in the Finding of Fact for Case 687-AM-11. The special condition should be included in item 13. of the Summary of Evidence for Case 688-S-11.)

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 which are reviewed below.

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 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.”

SPECIAL CONDITIONS

See Item 12 of the Draft Summary of Evidence for Case 688-S-11 for the special conditions proposed by the petitioner at the December 13, 2012, public hearing. Revisions and additions to the special conditions proposed by staff are included in Item 13 of the Draft Finding of Fact for Case 688-S-11. No special conditions are proposed for the requested map amendment.

ATTACHMENTS

- A AS APPROVED minutes for Cases 687-AM-11 and 688-S-11 excerpted from the minutes of the December 13, 2012, public hearing (included separately)
- B Handout from Petitioner's Attorney Alan Singleton received at the December 13, 2012, public hearing; indicated on ZBA website (included only for the Board but available upon request and on the ZBA website for 12/13/12 meeting as "687-AM-11 & 688-S-11 Handout")
- C Plan And Profile Of Landing Area Annotated To Illustrate Proposed Separations
- D Proximity to Runway Aero-Place Subdivision (included separately)
- E Plan And Profile Of Landing Area Annotated To Illustrate Likely Impacts To CR District Habitat
- F Excerpts including Sheet 82 of 85 and pps. 137-138 and Table 11 from the *Soil Survey of Champaign County, Illinois*. United States Department of Agriculture Natural Resources Conservation Service. 2003.
- G pp. 8,9, 54, 55 from *Field Guide to Native Oak Species of Eastern North America*, Stein, John and Denise Binion and Robert Acciavatti. USDA Forest Service. January 2003.
- H Native Trees of the Midwest from the Morton Arboretum located in Lisle, Illinois
- I Restricted Landing Areas Minimum Separation and Gradient Standards from IDOT Aviation Safety Rules guidebook.
- J *Sport Aviation Magazine* article from the July 2010 issue titled "Grass Landing" written by Bob O'Quinn, submitted by Larry Hall at the December 13, 2012, public hearing
- K REVISED Draft Summary of Evidence, Finding of Fact, Documents of Record and Final Determination for Case 688-S-11 (included separately)
- L REVISED Draft Finding of Fact, Documents of Record and Final Determination for Case 687-AM-11 (included separately)

RECEIVED

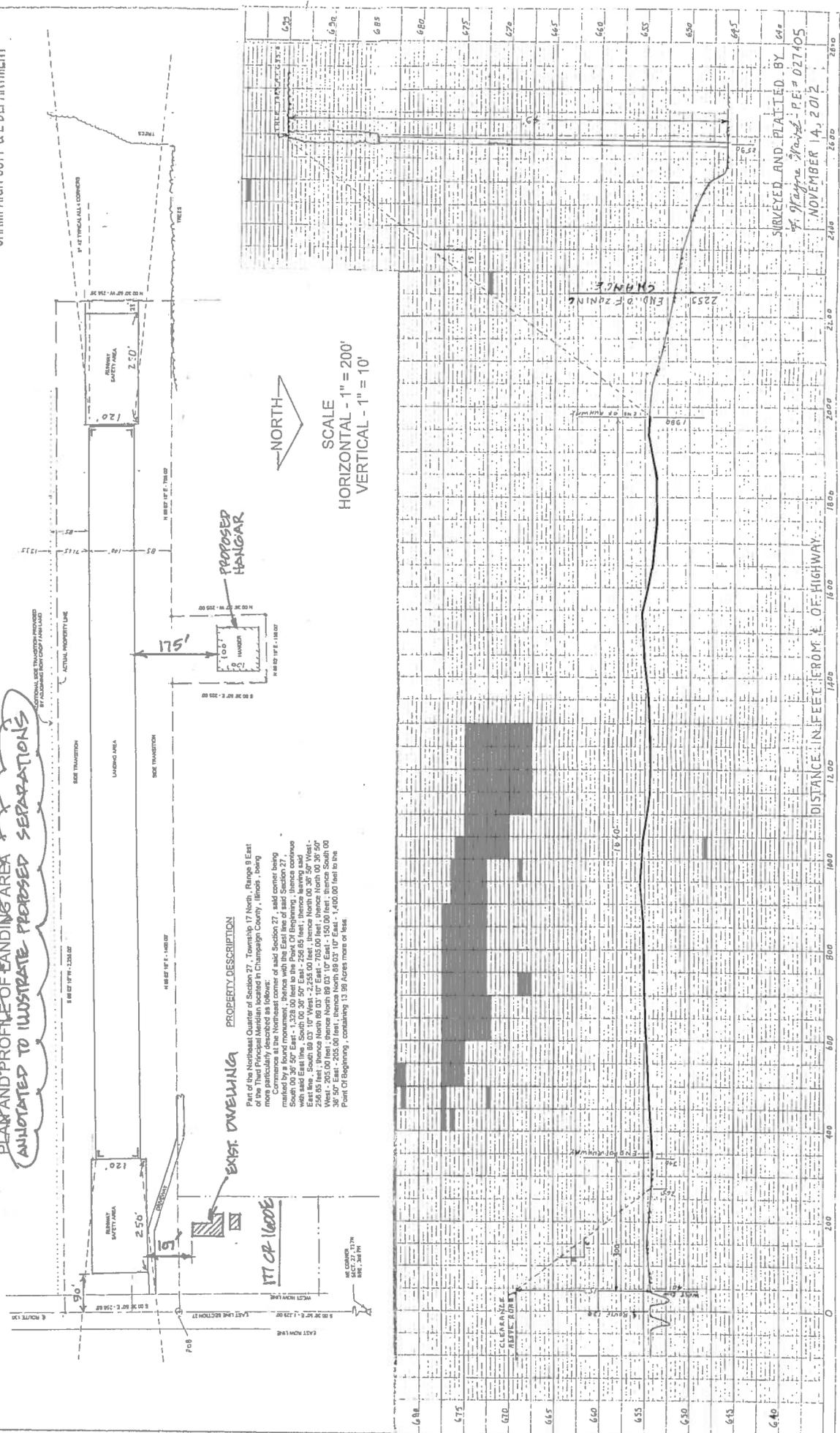
NOV 19 2012

CHAMPAIGN CO. P & Z DEPARTMENT

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.

PLAN AND PROFILE OF LANDING AREA
ANNOTATED TO ILLUSTRATE PROPOSED SEPARATIONS



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

PROPOSED HANGAR

EXIST. DWELLING

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 found monument, thence with the East line of said Section 27, South 89° 03' 10" East - 256.95 feet; thence South 89° 03' 10" East - 256.95 feet; thence South 89° 03' 10" East - 256.95 feet; thence North 00° 36' 50" West - 256.95 feet; thence North 89° 03' 10" East - 705.00 feet; thence North 00° 36' 50" West - 256.95 feet; thence North 89° 03' 10" East - 1400.00 feet to the Point Of Beginning, containing 13.99 Acres more or less.

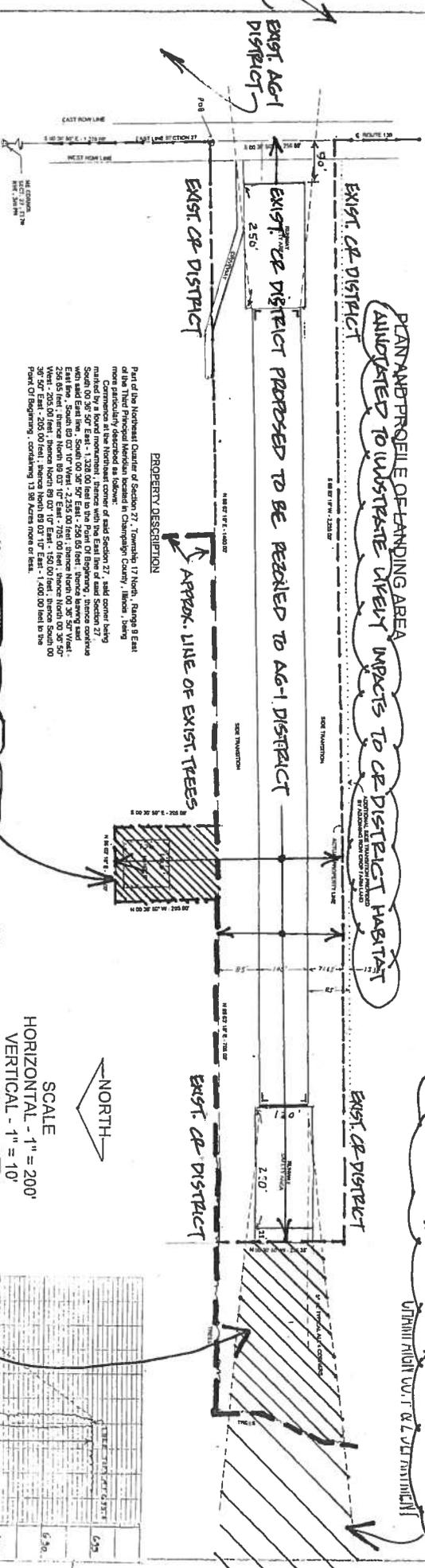
SURVEYED AND PLATTED BY
W. Wayne Spalding, P.E. # 021405
NOVEMBER 14, 2012

DISTANCE IN FEET FROM E. OF HIGHWAY

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.

PLAN AND PROFILE OF LANDING AREA ADAPTED TO WILDBIRD WRELY IMPACTS TO CR DISTRICT HABITAT

CR District (wooded) to remain and no maintenance of vegetation to be allowed simply to protect RLA ^{above habitat} (varies from 43' height on east to 67' height on west; approx. 3.9 acres)

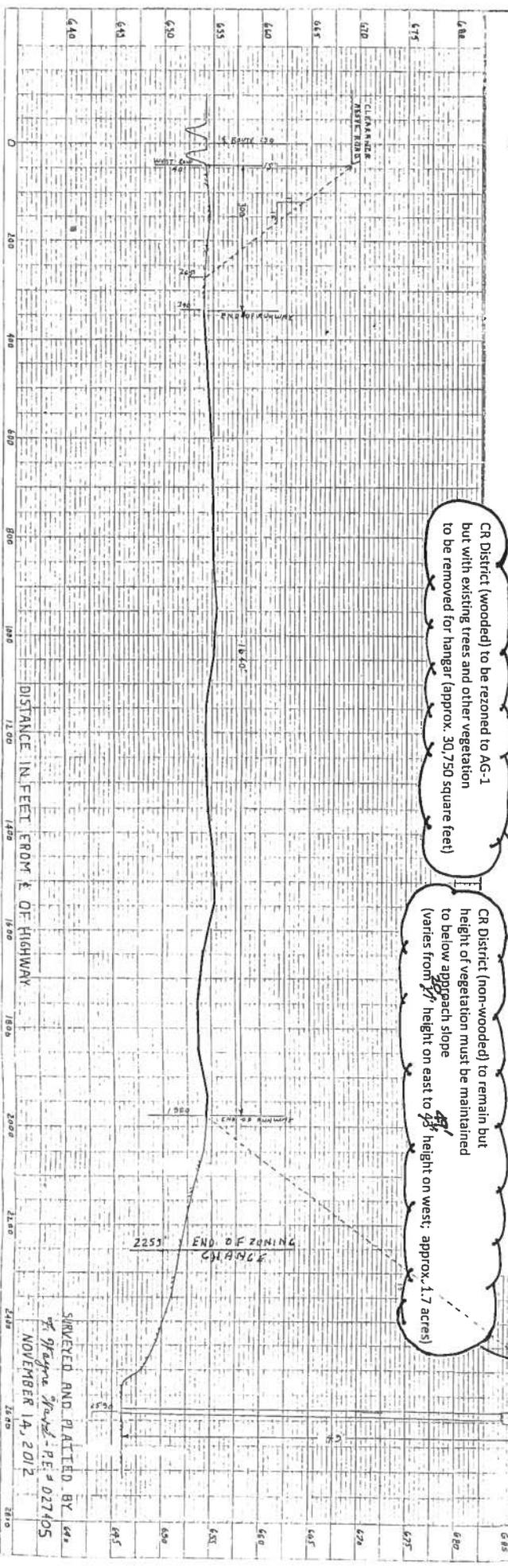


PROPERTY DESCRIPTION
 Part of the Northeast Quarter of Section 27, Township 17 North, Range 9 East of the Third Principal Meridian located in Champeau County, Illinois. Being more particularly described as follows:
 Commence at the Northeast corner of said Section 27, said corner being the intersection of the East and West lines of said Section 27, and run South 00° 36' 57" East - 1,320.00 feet to the Point Of Beginning, thence continue with said East line, South 00° 36' 57" East - 256.55 feet, thence bearing said East line, South 03° 02' 00" East - 256.55 feet, thence North 00° 36' 57" West - 205.00 feet, thence North 89° 02' 10" East - 150.00 feet, thence South 89° 02' 00" East - 205.00 feet, thence North 89° 02' 10" East - 1,400.00 feet to the Point Of Beginning, containing 13.50 Acres more or less.

CR District (wooded) to be rezoned to AG-1 but with existing trees and other vegetation to be removed for hangar (approx. 30,750 square feet)

CR District (non-wooded) to remain but height of vegetation must be maintained to below approach slope (varies from 43' height on east to 67' height on west; approx. 1.7 acres)

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



DRAWN AND PLATTED BY G.H.
 OF STAGNE & ASSOCIATES, P.E.# 027405
 NOVEMBER 14, 2012

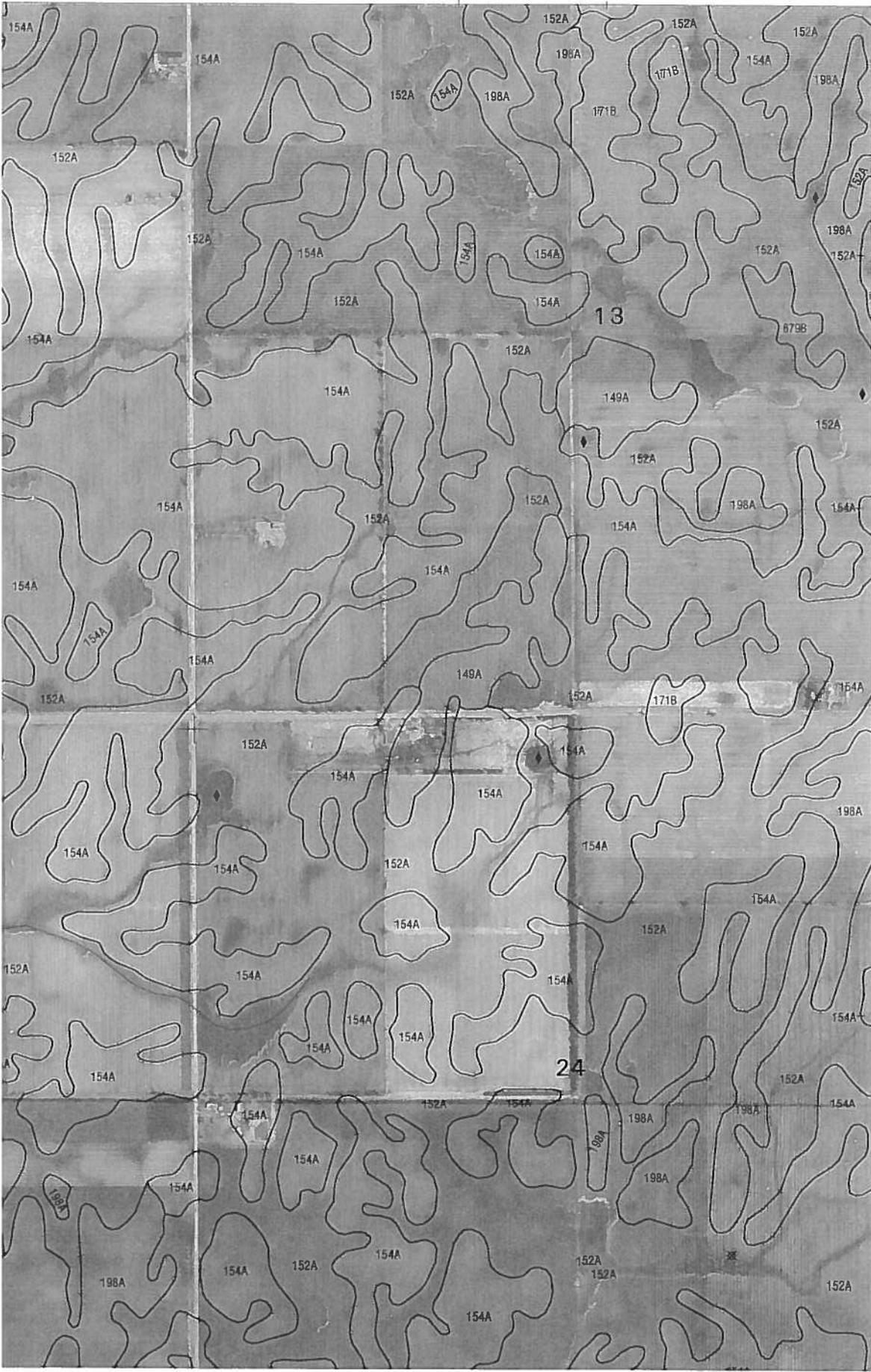
CHAMPAIGN COUNTY, ILLINOIS
VILLA GROVE NW SE QUADRANGLE
SHEET NUMBER 82 OF 85

403

154A

88° 07' 30"

39° 56' 15"



4421

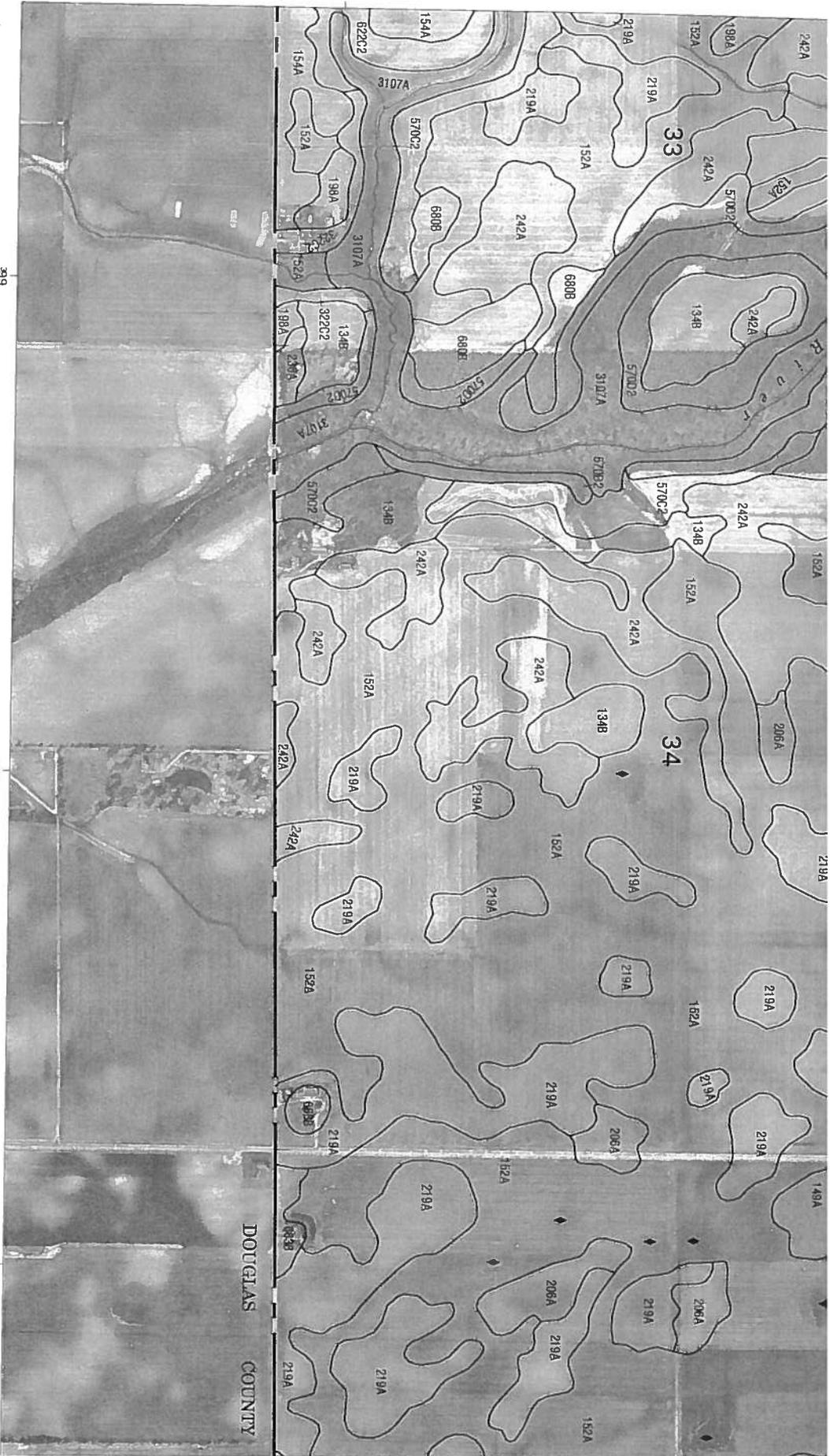
4420

4419



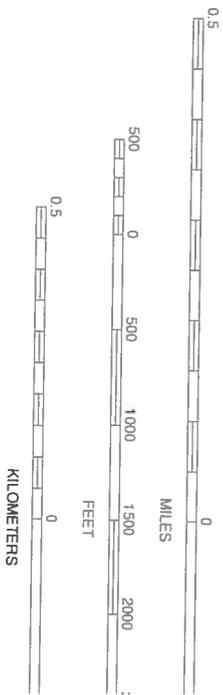
T. 16 N. | T. 17 N.

39° 52' 30"
88° 11' 15"



This soil survey was compiled by the U.S. Department of Agriculture, Natural Resources Conservation Service, formerly Soil Conservation Service, and cooperating agencies. Base maps are orthophotographs prepared by the U.S. Department of Interior, Geological Survey, from 1993 & 1994 aerial photography.

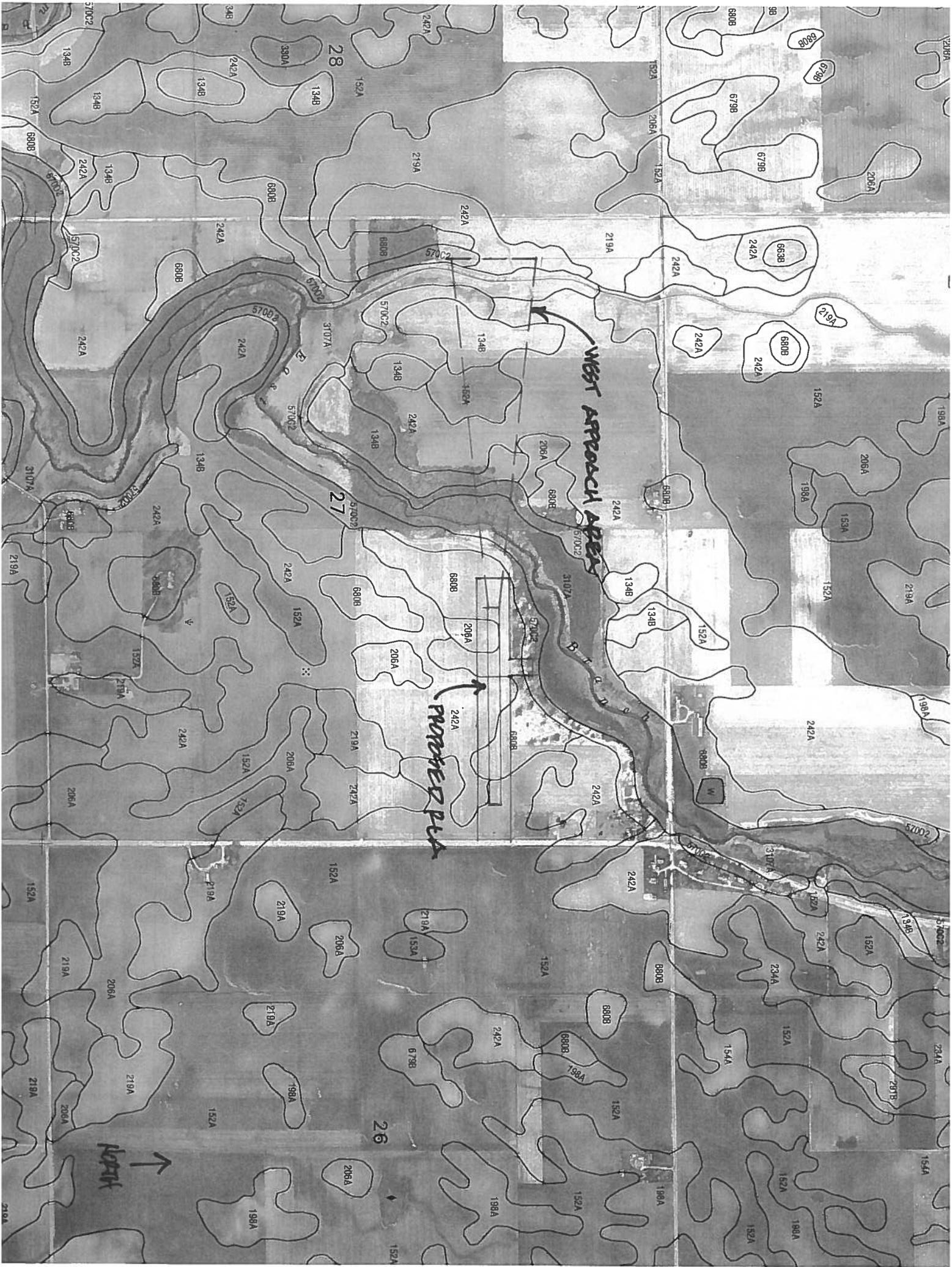
North American Datum of 1983 (NAD83), GRS-80 Spheroid
 1000-meter ticks: Universal Transverse Mercator, zone 16.
 Coordinate grid ticks and land division data, if shown, are approximately positioned. Digital data are available for this quadrangle.



SCALE 1:12000

R. 9 E.

CHAMPAIGN COUNTY, ILLINOIS NO. 82



Forestland

When the first settlers arrived in the survey area, forests covered about 6 percent of the land (Iverson and others, 1989). Since that time, most of the trees have been cleared from the areas that are the most suitable for cultivation.

By 1997, only 5,330 acres, or less than 1 percent of the acreage in the county, was forested (USDA, 1997). Most of the forestland acreage is privately owned. The major woodland species are oaks, hickories, elms, ashes, and maples, especially soft maple. The rest of the forestland is mainly in areas that have some type of severe limitation affecting their use for cultivated crops. If properly managed, the soils in these forested areas are generally well suited to growing high-quality trees. The largest areas of forestland are along the major streams in the county, such as the Sangamon River and the Middle Fork Vermilion River.

The productivity of many of the remaining forestland stands could be improved with proper management. Management measures needed in these areas are those that exclude livestock from the stands and that protect the stands from fire, insects, and diseases. Using proper logging methods and proven silvicultural practices that enhance growth and regeneration are also needed.

Forestland Management and Productivity

Information about the productivity and management of the forested map units in the county is given in table 11. This table can be used by forest managers in planning the use of the soils for wood crops. Only the soils that are suitable for wood crops are listed.

In table 11, *slight*, *moderate*, and *severe* indicate the degree of the major soil limitations to be considered in management.

Erosion hazard is the probability that damage will occur as a result of site preparation and cutting where the soil is exposed along roads, skid trails, and fire lanes and in log-handling areas. Forests that have been burned or overgrazed also are subject to erosion. Ratings of the erosion hazard are based on the percent of the slope. A rating of *slight* indicates that no

particular prevention measures are needed under ordinary conditions. A rating of *moderate* indicates that erosion-control measures are needed in certain silvicultural activities. A rating of *severe* indicates that special precautions are needed to control erosion in most silvicultural activities.

Equipment limitation reflects the characteristics and conditions of the soil that restrict use of the equipment generally needed in forestland management or harvesting. The chief characteristics and conditions considered in the ratings are slope, stones on the surface, rock outcrops, soil wetness, and texture of the surface layer. A rating of *slight* indicates that under normal conditions the kind of equipment and season of use are not significantly restricted by soil factors. Soil wetness can restrict equipment use, but the wet period does not exceed 1 month. A rating of *moderate* indicates that equipment use is moderately restricted because of one or more soil factors. If the soil is wet, the wetness restricts equipment use for a period of 1 to 3 months. A rating of *severe* indicates that equipment use is severely restricted either as to the kind of equipment that can be used or the season of use. If the soil is wet, the wetness restricts equipment use for more than 3 months.

Seedling mortality refers to the death of naturally occurring or planted tree seedlings, as influenced by the kinds of soil, soil wetness, or topographic conditions. The factors used in rating the soils for seedling mortality are texture of the surface layer, depth to a seasonal high water table and the length of the period when the water table is high, rock fragments in the surface layer, effective rooting depth, and slope aspect. A rating of *slight* indicates that seedling mortality is not likely to be a problem under normal conditions. Expected mortality is less than 25 percent. A rating of *moderate* indicates that some problems from seedling mortality can be expected. Extra precautions are advisable. Expected mortality is 25 to 50 percent. A rating of *severe* indicates that seedling mortality is a serious problem. Extra precautions are important. Replanting may be necessary. Expected mortality is more than 50 percent.

Windthrow hazard is the likelihood that trees will be

uprooted by the wind because the soil is not deep enough for adequate root anchorage. The main restrictions that affect rooting are a seasonal high water table and the depth to bedrock, a fragipan, or other limiting layers. A rating of *slight* indicates that under normal conditions no trees are blown down by the wind. Strong winds may damage trees, but they do not uproot them. A rating of *moderate* indicates that some trees can be blown down during periods when the soil is wet and winds are moderate or strong. A rating of *severe* indicates that many trees can be blown down during these periods.

Plant competition ratings indicate the degree to which undesirable species are expected to invade and grow when openings are made in the tree canopy. The main factors that affect plant competition are depth to the water table and the available water capacity. A rating of *slight* indicates that competition from undesirable plants is not likely to prevent natural regeneration or suppress the more desirable species. Planted seedlings can become established without undue competition. A rating of *moderate* indicates that competition may delay the establishment of desirable

species. Competition may hamper stand development, but it will not prevent the eventual development of fully stocked stands. A rating of *severe* indicates that competition can be expected to prevent regeneration unless precautionary measures are applied.

The *potential productivity* of merchantable or *common trees* on a soil is expressed as a *site index* and as a *volume* number. The site index is the average height, in feet, that dominant and codominant trees of a given species attain in a specified number of years. The site index applies to fully stocked, even-aged, unmanaged stands. Commonly grown trees are those that forestland managers generally favor in intermediate or improvement cuttings. They are selected on the basis of growth rate, quality, value, and marketability.

The *volume*, a number, is the yield likely to be produced by the most important trees. This number, expressed as cubic feet per acre per year, indicates the amount of fiber produced in a fully stocked, even-aged, unmanaged stand.

Suggested trees to plant are those that are suitable for commercial wood production.

Table 11.--Forestland Management and Productivity--Continued

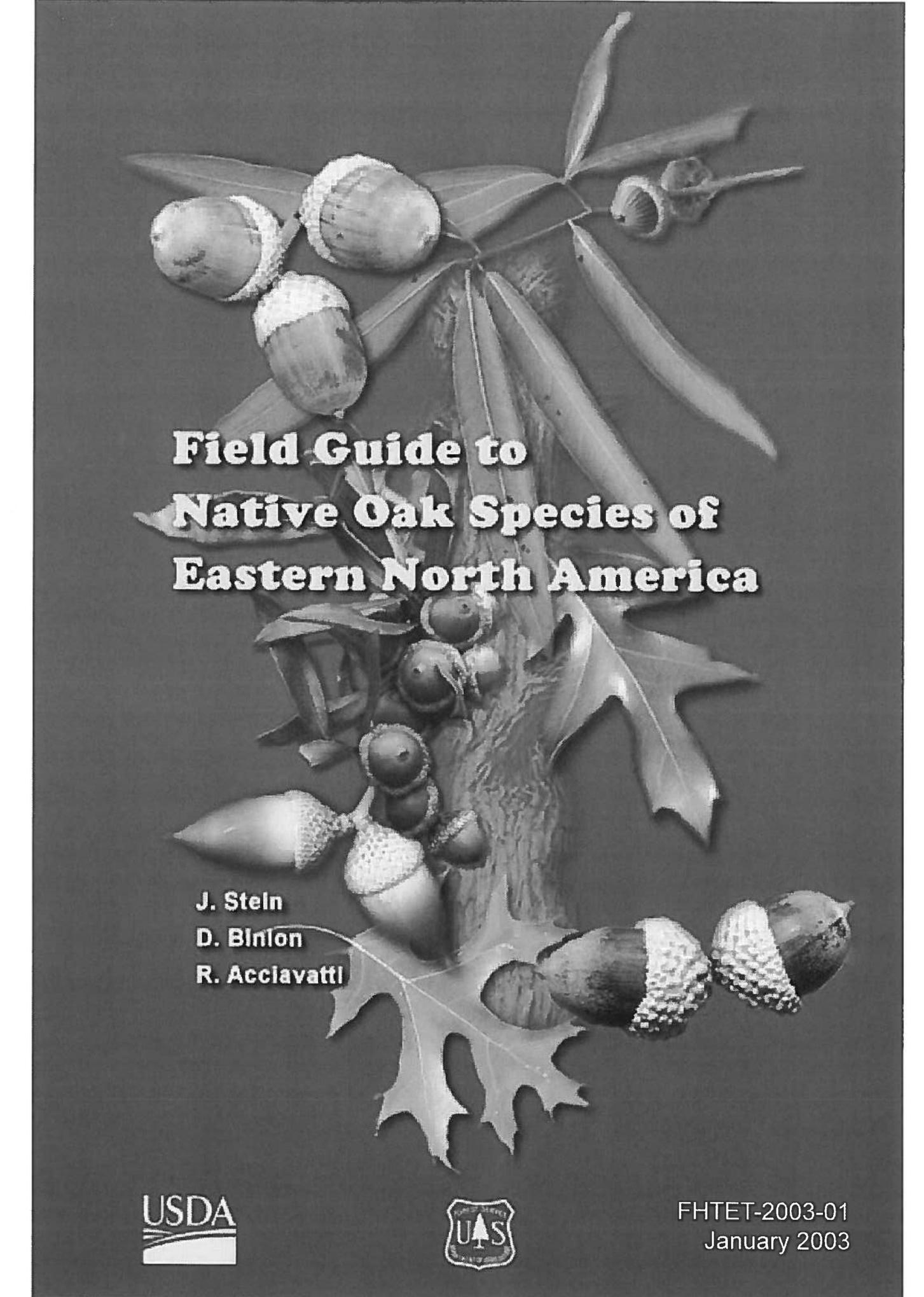
Map symbol and soil name	Management concerns					Potential productivity			Suggested trees to plant
	Erosion hazard	Equip-ment limita-tion	Seedling mortal-ity	Wind-throw hazard	Plant competi-tion	Common trees	Site index	Volume of wood fiber*	
530B: Ozaukee-----	Slight	Slight	Slight	Moderate	Severe	Northern red oak----	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
						Sugar maple-----	---	---	
						White ash-----	---	---	
						American basswood---	---	---	
530C2: Ozaukee-----	Slight	Slight	Slight	Moderate	Severe	Northern red oak----	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
						Sugar maple-----	---	---	
						White ash-----	---	---	
						American basswood---	---	---	
530D2: Ozaukee-----	Slight	Slight	Slight	Moderate	Severe	Northern red oak----	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
						Sugar maple-----	---	---	
						White ash-----	---	---	
						American basswood---	---	---	
530E2: Ozaukee-----	Moderate	Moderate	Slight	Moderate	Severe	Northern red oak----	66	57	White oak, northern red oak, green ash, white ash, eastern white pine.
						Sugar maple-----	---	---	
						White ash-----	---	---	
						American basswood---	---	---	
570B: Martinsville---	Slight	Slight	Slight	Slight	Severe	White oak-----	80	57	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
						Sweetgum-----	76	72	
						Tuliptree-----	98	100	
570C2: Martinsville---	Slight	Slight	Slight	Slight	Severe	White oak-----	80	57	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
						Sweetgum-----	76	72	
						Tuliptree-----	98	100	
570D2: Martinsville---	Slight	Slight	Slight	Slight	Severe	White oak-----	80	57	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
						Sweetgum-----	76	72	
						Tuliptree-----	98	100	

See footnote at end of table.

Table 11.--Forestland Management and Productivity--Continued

Map symbol and soil name	Management concerns					Potential productivity			Suggested trees to plant
	Erosion hazard	Equip-ment limita-tion	Seedling mortal-ity	Wind-throw hazard	Plant competi-tion	Common trees	Site index	Volume of wood fiber*	
618B: Senachwine-----	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
618C2: Senachwine-----	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
618D2: Senachwine-----	Slight	Slight	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
618E2: Senachwine-----	Moderate	Moderate	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, green ash, white ash, eastern white pine.
618F: Senachwine-----	Moderate	Moderate	Slight	Slight	Severe	White oak----- Sweetgum----- Tuliptree-----	90 76 98	72 72 100	White oak, northern red oak, green ash, white ash, eastern white pine.
680B: Campton-----	Slight	Slight	Slight	Slight	Severe	White oak----- Green ash----- Northern red oak---- Sweetgum----- Tuliptree-----	85 --- 85 --- 95	72 --- 72 --- 100	White oak, northern red oak, black walnut, green ash, white ash, eastern white pine.
3107A: Sawmill-----	Slight	Moderate	Severe	Severe	Severe	Pin oak----- American sycamore---- Eastern cottonwood-- Sweetgum-----	90 --- --- ---	72 --- --- ---	Swamp white oak, bur oak, baldcypress, green ash, pin oak, hackberry, northern white-cedar.

See footnote at end of table.



**Field Guide to
Native Oak Species of
Eastern North America**

**J. Steln
D. Binlon
R. Acclavatti**



FHTET-2003-01
January 2003

**FOREST HEALTH
TECHNOLOGY ENTERPRISE TEAM**

**TECHNOLOGY
TRANSFER**

Oak Identification

**Field Guide to
Native Oak Species of
Eastern North America**

John Stein and Denise Binion
Forest Health Technology Enterprise Team
USDA Forest Service
180 Canfield St., Morgantown, WV 26505

Robert Acciavatti
Forest Health Protection
Northeastern Area State and Private Forestry
USDA Forest Service
180 Canfield St., Morgantown, WV 26505



United States
Department of
Agriculture



Forest
Service

FHTET-2003-01
January 2003

Quercus alba Linnaeus

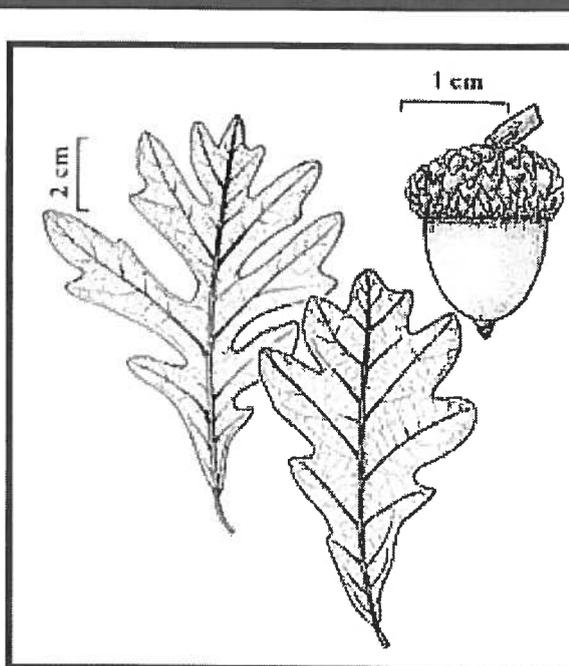
White oak

eastern white oak,
stave oak,
forked-leaf white oak

GROWTH FORM: popular and long-lived shade tree, which grows to 100 feet (30.5 m), with a wide-spreading rounded crown and with numerous horizontal branches. **BARK:** light gray, shallow furrows forming scaly ridges or plates. **TWIGS**

and BUDS: slender to stout, gray to reddish-green

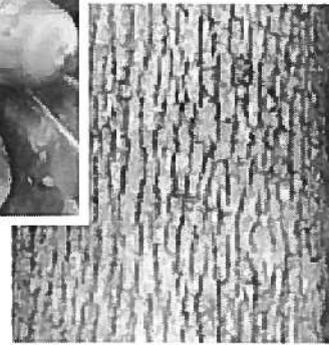
twigs with star-shaped pith; buds are reddish-brown and broadly oval and hairless. **LEAVES:** petiole $\frac{3}{8}$ - 1 inch (10 - 25 mm) in length; obovate to elliptical leaves, 4 - 8 inches (101 - 203 mm) long, $2\frac{3}{4}$ - $4\frac{3}{4}$ inches (70 - 121 mm) wide, margin with 5 - 9 lobes that are widest beyond middle, deep sinuses extending a third or more to midrib; base acute to cuneate, apex broadly rounded; dull or shiny grayish green above, light green with slight pubescence which becomes smooth



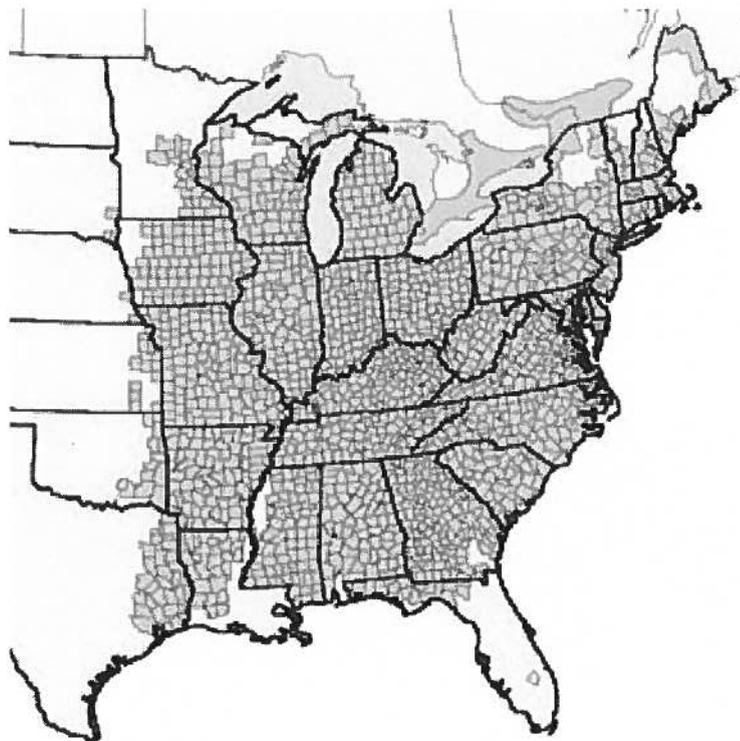
beneath as they mature.

ACORNS: annual; 1 - 3 acorns on peduncle up to $1\frac{1}{4}$ inch (32 mm) long, light gray pubescent cup, enclosing $\frac{1}{4}$ of the nut; light brown, oblong nut, up to 1 inch (25 mm) long; germinates in the fall after dropping to the ground. **HABITAT:** dry upland slopes to well-drained loam in bottomlands;

may grow as a shrub at 4,500 feet (1,372 m) elevation in the southern Appalachian Mountains and reaches maximum potential height on lower slopes of the Allegheny Mountains and bottomlands of the Ohio Basin.



DISTRIBUTION: eastern Canada and the United States from Quebec and Ontario west to Minnesota, south to Texas, east to Florida, and north to Maine.



COMMENTARY: White oak is one of the most important species in the white oak group. The wood is used for furniture, flooring, and specialty items such as wine and whiskey barrels. Used for shipbuilding in colonial times. Continues to be displaced in the market place by several species of red oaks. Acorns are a favorite food source for birds, squirrels, and deer. Used as medication by Native Americans. The largest known white oak specimen had a circumference of 32 feet and grew in the Wye Oak State Park, Talbot County, Maryland. It was destroyed during a storm on June 6, 2002.

Quercus macrocarpa Michaux

Bur oak

mossy-cup oak, blue oak,
prairie oak,
mossy-overcup oak

GROWTH FORM: slow growing, large tree that grows to 100 feet (30.5 m), with a massive trunk, broad crown, and large branches.

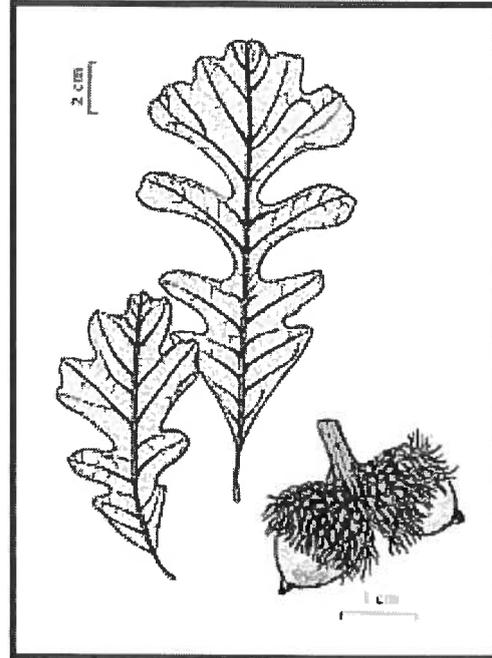
BARK: thick light gray bark, deep furrows producing scaly ridges, fire resistant.

TWIGS and BUDS: pubescent light brown twigs with corky wings or ridges; ovoid light brown to gray buds, smooth ¼ inch (6 mm) long.

LEAVES: petiole ⅝ - 1 inch (16 - 25 mm) in length; leaf blade is obovate to narrowly elliptical in outline, 2 ¾ - 6 inches (70 - 152 mm) long, 2 - 5 inches (51 - 127 mm) wide, 5 - 7 lobed with center sinuses nearly reaching midrib, base rounded to cuneate, rounded apex; dark green above, grayish-green with finely dense pubescence below.

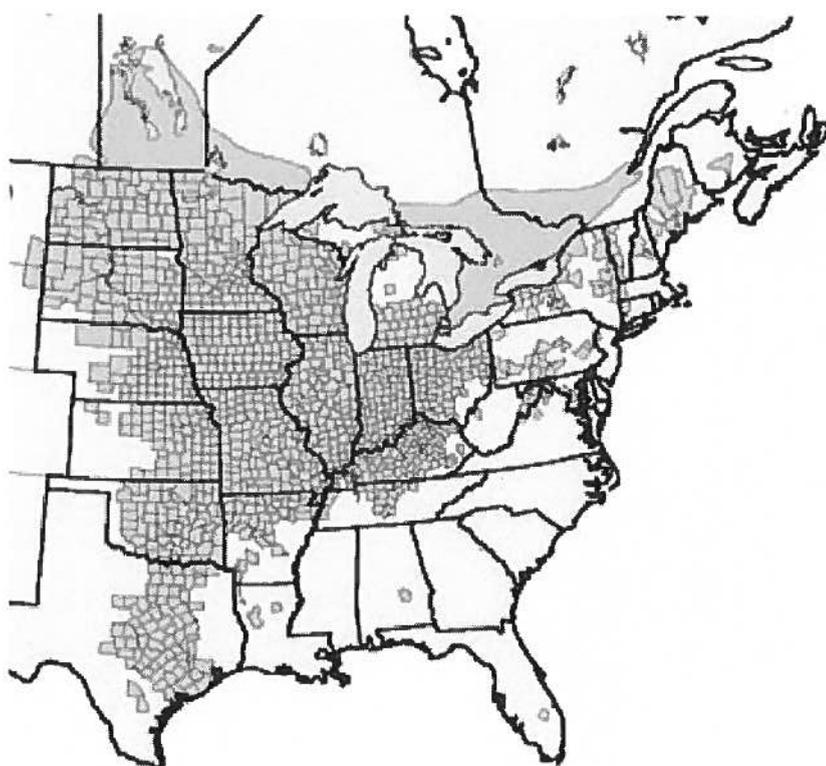
ACORNS: annual; 1 - 3 acorns on stout peduncle ¼ - ¾ inch (6 - 19 mm)

long; deep cup with grayish pubescent scales, scales near cup rim forming a fringe around the nut, enclosing ½ - ⅞ of nut; light brown, broadly elliptical nut, finely pubescent, 1 - 2 inches (25 - 51 mm)



long. **HABITAT:** widely distributed and capable of withstanding a wide range of harsh conditions (one of the most drought resistant oaks) throughout eastern North America; usually found on limestone or calcareous clay.

DISTRIBUTION: Saskatchewan east to New Brunswick, southwest to Texas, and north to Montana.



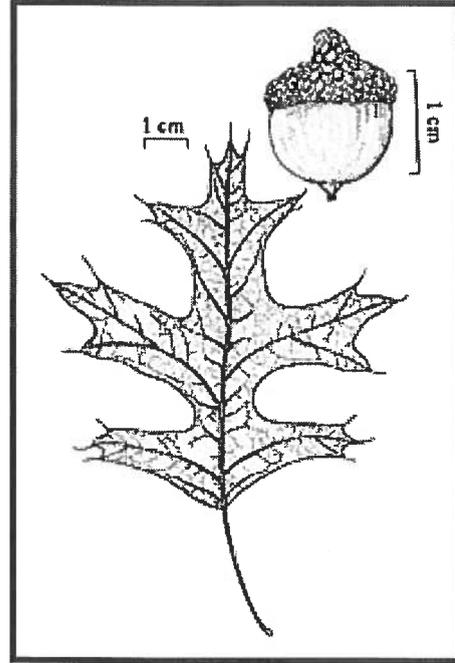
COMMENTARY: Bur oak extends farther north than any other oak species and becomes shrubby at the northern and eastern limits of its range. This oak's wood quality is similar to white oak and is often used for construction, flooring, and cooperage. The common name is derived from the bur-like fringe of the acorn cup. Many bur oaks are historically important and one has been designated as a National Historic Landmark in Kansas. Native Americans used bur oak as medication for heart problems and other ailments. The largest known specimen grows near Parris, Bourbon County, Kentucky.

Quercus palustris Muenchhausen

Pin oak

swamp oak, Spanish oak,
swamp Spanish oak, water oak

GROWTH FORM: medium to large tree 50 - 130 feet (15.2 - 39.6 m), somewhat conical crown with horizontal inner branches and lower branches angled downward. **BARK:** gray-brown, smooth juvenile bark, mature bark with broad scaly ridges, pink inner bark. **TWIGS and BUDS:** twigs shiny chestnut-brown; ovoid bud with pointed apex, chestnut-brown scales. **LEAVES:** smooth petiole $\frac{3}{4}$ - 2 $\frac{1}{2}$ inches (19 - 63 mm) long; elliptical to oblong leaf, 2 - 6 $\frac{1}{4}$ inches (51 - 159 mm) long, 2 - 4 $\frac{3}{4}$ inches (51 - 121 mm) wide, base truncate, apex acute, margin with 5 - 7 lobes with 1 - 3 bristle-tipped teeth, deep sinuses nearly to the midvein, basal lobes somewhat recurved; glossy dark green above, light green below with axillary tufts or tomentum next to raised veins.



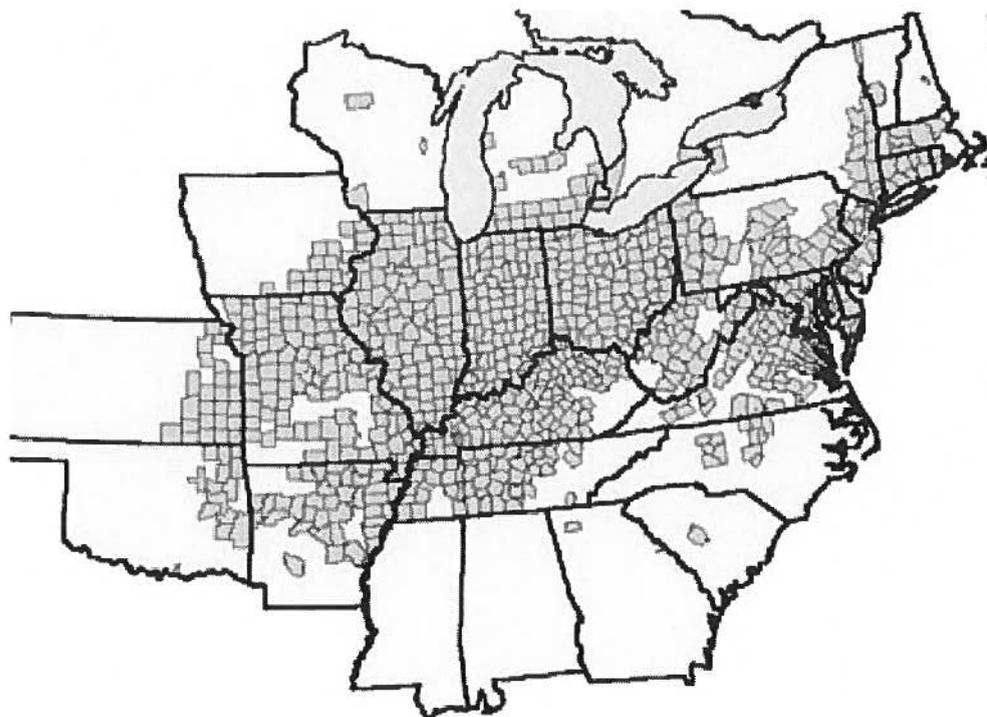
ACORNS:

biennial, clusters of 1 - 2 acorns on each peduncle, thin reddish-brown cup, smooth scales, enclosing $\frac{1}{4}$ of the nut; rounded nut, $\frac{5}{8}$ inch (16 mm) in length, light brown and often striped.

HABITAT: wet-site species found in nearly pure stands on poorly-drained soils; usually tolerates intermittent flooding during the dormant season but not during the growing season; extensive stands



of pin oak are found on glacial till, with excessive moisture during the winter and spring; not adapted to alkaline soils. **DISTRIBUTION:** Vermont and Ontario, south to North Carolina, west to Oklahoma, and north to Wisconsin.



COMMENTARY: Pin oak is extensively planted as an ornamental in North America and has been introduced into central and western Europe as a shade tree. It is noted for a shallow root system that allows easy transplanting. Native Americans used bark from this tree for medicine. The largest known pin oak grows in Bell County, Kentucky.

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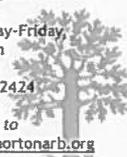
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NATIVE TREES OF THE MIDWEST

Tagged as: [Native Trees](#)

Native Trees of the Midwest for the Home Landscape

A native plant is considered to be a species that existed in an area prior to the arrival of European settlers, as opposed to a naturalized plant, which has been introduced into a new habitat by human influence. Native trees are part of the rich and complex relationships among plants, animals, insects, and microorganisms in natural ecosystems (woodlands, prairies, wetlands, etc.) of the Midwest. The diversity of native trees provides interesting textures, colors, shapes, flowers, and foliage. Planting native species is a way to re-establish natural diversity and restore our regional landscapes, and they help to sustain habitats for many of our native birds and insects.

Uses in the Landscape

- Provide food and shelter for wildlife
- Promote plant diversity
- Provide shade
- Create privacy or a sense of enclosure
- Define boundaries
- Screen unwanted views
- Muffle noise
- Provide a focal point in the landscape

Advantages of Native Trees

- When properly planted, native trees have the advantage of being adapted to Midwest growing conditions: they are vigorous and hardy, enabling them to survive cold winters and hot, dry summers
- Once established, native trees are more adapted to resist the negative effects of insect and disease problems
- Using native trees in the landscape, or in combination with cultivated plants, enhances our natural surroundings

Factors to consider**Mature size and growth rate**

Many factors, including soil, moisture, and hardiness affect tree size. A tree in its native habitat may reach 100 feet, whereas growing in your home landscape it may only reach 35 to 40 feet. The accompanying chart reflects the average size in the home landscape at maturity. When selecting a plant, consideration should be given to the ultimate height and width of the plant, and how it will eventually fill the landscape.

In newer residential areas, people often select trees that grow quickly. Although they are desirable for their rapid contribution to the landscape, fast-growing trees are often shorter-lived, more susceptible to disease and insect problems, and more likely to break from wind and ice.

Types of shade

The leaf and branching patterns of different tree species produce different kinds of shade. At maturity, some will create fairly deep shade, limiting what will grow beneath them, while others may create a light, filtered shade. Trees with dense canopies make more shade and are the best screens for an unwanted view.

Ornamental traits

Some trees develop outstanding bark, have showy fruit, flowers, or foliage, or attractive fall color. Many trees, however, drop flowers, seeds, or nuts, which may be a maintenance consideration if the tree is planted near a patio, deck, entry, walk, or driveway. Trees planted close enough to shade a house will also likely drop their leaves and seeds into the gutters, requiring periodic inspection and cleaning. It's important to assess your willingness to do these tasks before selecting a site and a tree.

Availability

Native plants should not be removed from the wild, but purchased from commercial nurseries. Collecting in the wild damages plant habitat and may deplete natural plant communities. Most retail nurseries and garden centers sell only plants that are familiar and popular, or ones that are easy to propagate in large quantities. Less familiar native plants are likely to be available only from smaller

nurseries or those that specialize in native plants. If you have trouble locating a specific plant, contact The Morton Arboretum Plant Clinic or The Sterling Morton Library for catalog information.

Trees to avoid

Some native trees have qualities that make them undesirable for planting in the home landscape. They may be prone to breaking, have messy fruit or thorns, or be more susceptible to insect and disease problems. Among the native trees not recommended for planting in the home landscape: black locust (*Robinia pseudoacacia*), black cherry (*Prunus serotina*), boxelder (*Acer negundo*), choke cherry (*Prunus virginiana*), dotted hawthorn (*Crataegus punctata*), eastern cottonwood (*Populus deltoides*), pin cherry (*Prunus pensylvanica*), and Washington hawthorn (*Crataegus phaenopyrum*).

The chart provides information about the size and other important characteristics of native trees recommended by The Morton Arboretum for their suitability and desirability in the Midwest. All trees listed are native to Illinois.

NATIVE TREES OF THE MIDWEST for the HOME LANDSCAPE							
Large Trees (over 40 feet)							
Botanical Name	Common Name	Height	Spread	Form	Rate	Zone	Cultural/Comments
 <i>Acer nigrum</i>	Black Maple	60-70'	50-75'	Upright oval	S	4-8	Sun to part shade; well-drained soil; higher heat & drought tolerance than sugar maple; salt sensitive
 <i>Acer saccharum</i>	Sugar Maple	60-70'	40-50'	Oval to rounded	S	4-8	Sun to dense shade; prefers a rich, well-drained soil; sensitive to drought, salt, and compact soils; many cultivars available
 <i>Betula nigra</i>	River Birch	40-70'	40-60'	Rounded to spreading	M/F	4-9	Full sun to part shade; native along rivers and stream banks; develops chlorosis in high pH soil and drought conditions
 <i>Carya cordiformis</i> ¹	Bitternut Hickory	50-75'	30-40'	Broadly Columnar	S	4-9	Sun or shade; native on moist or dry slopes; transplant in spring only
 <i>Carya illinoensis</i> ¹	Pecan	75-100'	50-75'	Oval to rounded	M/F	5-9	Sun; moist to wet sites
 <i>Carya ovata</i> ²	Shagbark Hickory	60-80'	40-50'	Irregular oval	M/F	4-8	Sun to shade; found on dry slopes and low, well-drained woods; drought tolerant; long-lived
 <i>Celtis occidentalis</i>	Hackberry	40-60'	40-50'	Broad oval to vase	M/F	3-9	Full sun; prefers rich, moist soils; pH adaptable; tolerant of drought, salt, and temporary wet sites; corky bark
 <i>Cladrastis kentuckea</i> (<i>C. lutea</i>)	Yellowwood	30-50'	40-50'	Broadly rounded	M	4-8	Sun; native on limestone cliffs and north-facing slopes; tolerant of clay soils; fragrant white flowers; yellow fall color
 <i>Diospyros virginiana</i>	Persimmon	35-60'	20-35'	Oval to rounded	S	5-9	Sun; prefers well-drained soil; can form thickets; blocky bark; large, fleshy orange fruit attractive but messy; male trees available
 <i>Gleditsia triacanthos</i> f. <i>inermis</i>	Thornless Honey Locust	40-70'	40-70'	Broad vase	F	4-9	Sun; prefers moist, well-drained soil; tolerant of drought, road salt, high pH, heat, and compacted soil; yellow fall color; f. <i>inermis</i> refers to the thornless form of the native species
 <i>Gymnocladus dioica</i>	Kentucky Coffeetree	50-60'	40-50'	Broadly rounded	S	4-8	Sun to part shade; best in moist soil; tolerant of drought and city conditions; yellow fall color; thick

							seedpods of female tree offer winter interest
 <i>Juglans nigra</i> ²	Black Walnut	50-70'	30-50'	Broadly rounded to oval	M	4-9	Sun; prefers deep fertile, moist, well-drained soil; tolerant of drought, high pH soils; all parts of tree produce juglone, toxic to some plants
 <i>Liquidambar styraciflua</i>	Sweet-Gum	60-70'	30-45'	Pyramidal to rounded	M/F	5-9	Sun; prefers deep, acidic soil; slow to establish; star-shaped leaves; red to purple fall color; "gumball" fruits can be messy; 'Moraine' recommended for northern Illinois
 <i>Liriodendron tulipifera</i>	Tulip-Tree	70-90'	35-50'	Pyramidal to rounded	M/F	4-9	Sun; prefers moist, well-drained soil; drought sensitive; goblet-shaped orangish-green flowers; unusual tulip-shaped leaves turn yellow in fall; spring plant only
 <i>Magnolia acuminata</i>	Cucumber Magnolia	50-80'	50-60'	Pyramidal to rounded	M/F	4-8	Sun to light shade; moist, well-drained soil; protect from wind or heat; will not tolerate extreme wet or drought soils; large, yellow-green flowers; attractive pinkish-red fruit pods
 <i>Nyssa sylvatica</i>	Tupelo, Black Gum	30-50'	20-30'	Pyramidal to spreading	S	4-9	Full sun to part shade; native in wet areas or dry, rocky uplands; horizontal branching; brilliant red fall color; spring plant only
 <i>Pinus strobus</i>	Eastern White Pine	50-80'	20-40'	Spreading	F	2-7	Sun; moist acidic soil; sensitive to high pH soil, salt, and windy sites; blue-green needles; open airy crown
 <i>Platanus occidentalis</i> ²	Sycamore, American Planetree	75-100'	50-75'	Irregular spreading	M/F	4-9	Sun to part shade; found in bottomlands and along riverbanks; tolerant of high pH soil; mottled creamy-white bark; do not grow near septic fields
 <i>Quercus alba</i>	White Oak	50-80'	50-80'	Broadly rounded	S	3-9	Sun; requires moist, slightly acidic soil; sensitive to soil disturbances and poor drainage; mulch beneficial for root system; lobed leaves turn red to wine fall color; state tree of Illinois
 <i>Quercus bicolor</i>	Swamp White Oak	50-60'	50-60'	Broadly rounded	M	4-8	Sun; found in moist bottomlands and river banks; chlorosis symptoms in high pH soils; tolerant of urban conditions
 <i>Quercus macrocarpa</i>	Bur Oak	70-80'	80-90'	Broadly spreading	S	3-8	Sun; very adaptable to most soil and pH conditions; hardiest of the oaks; excellent tree for large area
 <i>Quercus muhlenbergii</i> ¹	Chinkapin Oak	40-50'	50-70'	Rounded	S	5-7	Sun; found on dry limestone bluffs; tolerant of drought and alkaline soil; attractive foliage and branching
 <i>Quercus rubra</i>	Northern Red Oak	60-80'	60-75'	Broadly rounded	M	3-7	Sun to part shade; prefers slightly acidic, well-drained soils; develops chlorosis symptoms in high pH; tolerant of salt and air pollution; russet-red fall color; susceptible to oak

							wilt, prune only in dormant season
<i>Taxodium distichum</i> 	Bald Cypress	50-70'	20-30'	Pyramidal	M	4-10	Sun; adaptable to wet, dry, or swampy locations; chlorosis symptoms with high pH; deciduous, sage-green leaves turn a russet brown in fall before dropping; transplants well as a container specimen
<i>Tilia americana</i> 	American Basswood	60-80'	30-40'	Oval to rounded	M	3-8	Sun to part shade; prefers deep, fertile soil; heart-shaped leaves; fragrant flowers in June; dense shade tree
<i>Thuja occidentalis</i> 	Eastern Arborvitae	40-60'	10-15'	Broad pyramidal	S/M	3-7	Sun to part shade; evergreen; native to rocky, upland sites; tolerant of temporary flooding; foliage favorite of deer and rabbits; many cultivars available
Intermediate-Sized Trees (25-40 feet)							
<i>Aesculus glabra</i> 	Ohio Buckeye	20-40'	25-40'	Broadly rounded	M	4-7	Full sun to part shade; native in moist habitats; showy yellowish flowers in spring; prickly fruit favorite of squirrels
<i>Carpinus caroliniana</i> 	American Hornbeam	25-35'	20-30'	Rounded	S	3-9	Sun to dense shade; best in rich, moist soil; mulch in full sun; winged nuts provide a good food source for wildlife; orange-red fall color
<i>Ostrya virginiana</i> 	Ironwood, Hop-hornbeam	25-40'	15-20'	Rounded	S	3-9	Sun to shade; found in dry, gravelly soil as a understory tree; sensitive to salt and poorly drained soil; interesting hop-like seedpods; yellow fall color
<i>Sassafras albidum</i> 	Sassafras	30-60'	25-40'	Pyramidal to rounded	F	4-9	Sun to part shade; moist, slightly acidic, well-drained soil; forms thickets; aromatic, mitten-shaped leaves change to yellow orange, and purple in fall; good for naturalizing; spring plant only
Small Ornamental Trees (15-25 feet)							
<i>Aesculus pavia</i> ¹ 	Red Buckeye	10-20'	15-20'	Rounded to spreading	S/M	4-8	Full sun to part shade; prefers well-drained soil; maintain cool root system with mulch; attractive red flower spikes in early spring
<i>Amelanchier laevis</i> 	Allegheny Serviceberry	15-25'	15-20'	Oval	M	4-8	Sun to part shade; needs well-drained soil; sensitive to drought, pollution, and soil compaction; white flowers in early spring; orange-red fall color
<i>Asimina triloba</i> 	Pawpaw	15-20'	15-20'	Colony forming	S	5-8	Full sun to dense shade; prefers moist, well-drained soil; forms thickets; sensitive to drought; edible fruit; resistant to deer browse; cultivars available
<i>Cercis canadensis</i> 	Eastern Redbud	15-20'	20-25'	Rounded	M	4-8	Best in part shade; prefers well-drained soil; pH adaptable; rose-purple flowers in spring; yellow in fall; purchase trees from a northern source

<i>Cornus alternifolia</i> 	Pagoda Dogwood	15-25'	15-25'	Spreading to layered	M	3-7	Sun, but best in part shade; thrives in cool, moist, well-drained soils; small tree to large shrub; white flowers in late spring; blue-black fruit; reddish purple fall color; good wildlife food source
<i>Crataegus crus-galli</i> ² 	Cockspur Hawthorn	20-30'	20-35'	Broadly rounded	S/M	4-7	Sun; needs well drained soil; white flowers in spring; persistent red fruit; orange-red fall color; 2-3" thorns
<i>Crataegus viridis</i>	Green Hawthorn	20-35'	20-30'	Spreading vase	M	4-8	Sun; found in woodland edges, floodplains, and rocky pastures; white flowers mid-May; red-orange persistent fruit; 'Winter King' cultivar nearly thornless
<i>Ptelea trifoliata</i> 	Wafer Ash	15-20'	10-15'	Rounded	S/M	3-9	Sun to dense shade; found on moist woodland edges; has tendency to sucker; round, winged papery seeds; yellow fall color

1. May be difficult to obtain in local garden centers
2. Pests, diseases, or other problems may limit usefulness

Growth rate refers to the average annual rate of growth in the first 10 years after planting. Key to Growth Rate:

F = Fast (25 inches or more a year)
M/F = Medium to Fast (18 to 25 inches a year)
M = Medium (13 to 22 inches a year)
S/M = Slow to Medium (12 to 18 inches a year)
S = Slow (less than 12 inches per year)

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Botanical Name: *Quercus alba* Common Name: White Oak* Updated 12/2012 Click on an image to enlarge Form Leaf Fall leaf Fruit Bark Height: 50-80' Spread: 50-80' Habit/Form: Pyramidal in youth...

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Botanical Name: *Cercis canadensis* Common Name: Redbud Updated 2/2012 Click on an image to enlarge flowers fall color fruits bark Height: 15-20' Spread: 20-25' Habit/Form: Rounded to...

[River Birch 93%](#)

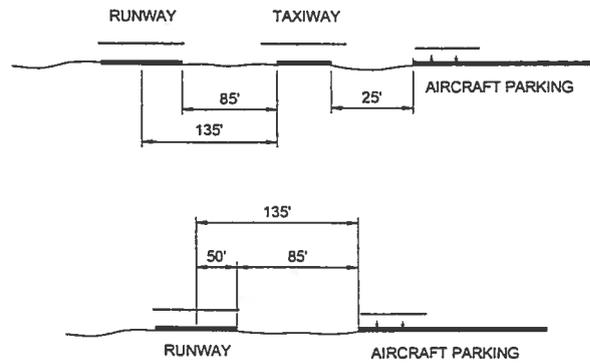
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Botanical Name: *Betula nigra* Common Name: River Birch* Updated 2/2012 Click on an image to enlarge. Form Winter form Leaf Bark Height: 40-70' Spread: 40-60' Habit/Form:...

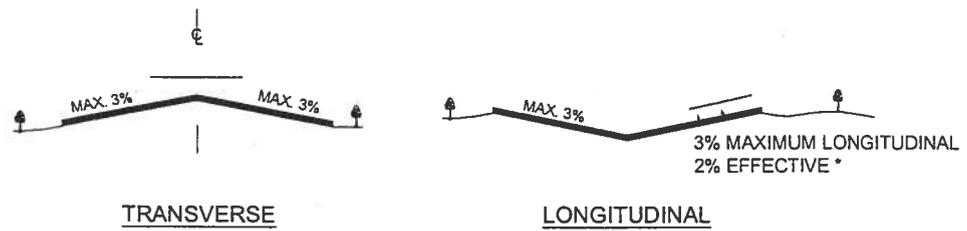
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ILLUSTRATION G-2 Restricted Landing Areas Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



- EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$



BOB O'QUINN
BETTER PILOT / SAFETY WIRE

X submitted by Larry Hall @
December 13, 2012 hearing

Grass Landing

Grass strips extend flying enjoyment and safety

DESPITE THE FACT THAT soft-field techniques are a required part of primary sport and private pilot training, too few pilots have ever experienced real grass runways during their flight training.

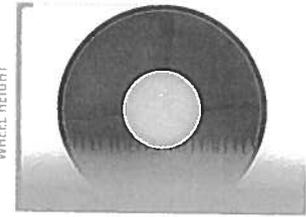
Although most aircraft flying in and out of grass fields are conventional gear (tailwheel) aircraft, more pilots of nosewheel-type aircraft are discovering the benefits and enjoyment of grass field capability. For instance, what would feel like a good landing on a paved surface often feels like a great landing as tires softly settle into the grass. Aircraft tires last many times longer landing on grass, compared to landing on a hard surface where every touchdown is like getting hit by a high-speed belt sander.

Perhaps the most significant benefit of grass-field capability is the additional 11,000-plus potential emergency landing options that grass fields provide throughout the United States. Although most grass fields are privately owned and do not need to meet FAA requirements, they are likely better emergency options than an unfamiliar pasture that might have stumps, gopher holes, and ruts.

According to the Civil Aviation Authority (CAA), approximately one-third of reportable general aviation accidents in the United Kingdom occur at unlicensed (private) grass fields during takeoff or landing. In the United States, the National Transportation Safety Board data also indicates a similar situation. Accidents related to grass fields are often the result of inexperience and a lack of familiarity with the nuances of the grass-field environment.

Before taking advantage of grass fields, pilots need to acknowledge that the takeoff and landing distances on grass will be significantly different than on hard surfaces. They can always expect a longer takeoff roll, while landing and stopping distances will be appreciatively reduced by tall grass, rough surfaces, or uphill slopes. Conversely, a much greater stopping distance is needed after a heavy dew, frost, or rain, all of which can render aircraft brakes and steerable nose wheels and tail wheels virtually ineffective. Pilot's operating handbook figures are based on a dry grass runway and are therefore useless for calculating distances in other situations. The CAA suggests increasing

The CAA suggests increasing wet grass landing distances by 60 percent, "like an icy surface."



Do not land if grass is above 30 percent of wheel height.

wet grass landing distances by 60 percent, "like an icy surface."

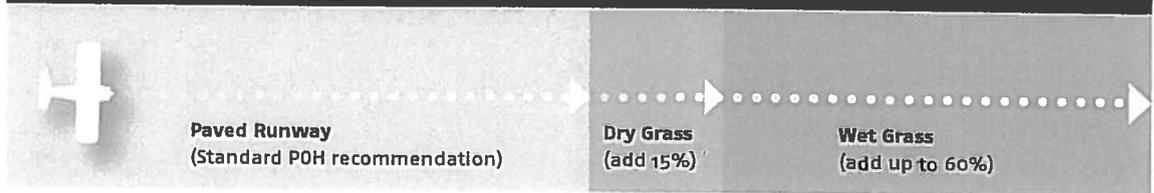
Since flying in and out of grass fields requires slightly different techniques for pilots of nose wheel and conventional gear aircraft, it is best to obtain dual instruction in grass-field operations prior to attempting it alone.

The ideal grass runway would have a firm, level surface of well-maintained (closely mowed) grass with good drainage to prevent standing water. There should also be no trees, power lines, or other obstructions nearby. However, in the real world, the grass runway environment might have trees or power lines on the approach ends or adjacent to the runway; wandering farm animals; a runway that slopes uphill, downhill, or both; only one side usable after a heavy rain; a questionable runway length; or long grass. Chances are that during grass-field transition training pilots will have to contend with several of these irregularities. Each pilot must set his or her own personal grass-field limitations based on experience and skill, as well as aircraft performance. A good one to begin with comes from a CAA safety brochure, "If the grass height is more than 30 percent of the wheel [outside diameter—top to bottom—of the tire], it's a no go!"

Like anything in aviation, judicious practice can make any pilot better and safer. *EAA*

Bob O'Quinn, EAA 742434, is a part-time certificated flight instructor whose primary focus is on tailwheel training. For links to more articles about flying on/off grass, visit www.SportAviation.org

COMPARATIVE LANDING DISTANCES



CAA Civil Aviation Authority



DISCLAIMER:

This map was prepared by the Champaign County GIS Consortium (CCGISC) 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, site-specific analysis. CCGISC does not warranty or guarantee the accuracy of this information for any purpose.

1 inch = 200 feet

N
 Proximity to Runway
 Aero Place Subdivision

REVISED DRAFT 3/8/13

687-AM-11

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

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

Date: **March 14, 2013**

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.**

Table of Contents

Finding of Fact.....Pages 2 - 28
Summary Finding of Fact.....Page 29
Documents of Record.....Pages 30 - 35
Final Determination.....Page 36

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, December 13, 2012, and March 14, 2013**, 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 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:
 - A. **"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 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.
 - (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~~ Plan and Profile of Landing Area (revised site plan) received November 19, 2012, includes the following:
- (1) A 100’ × 1640’ runway proposed to be located 85 feet south of the north property line.
 - (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 and 75 feet from the north property line. 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

9. 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
 - (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.

REVISED DRAFT 3/8/13

- (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

10. 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 Polices 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

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.

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)

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 RELEVANT*** to Goal 2.

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.

14. 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 *{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 WILL HELP ACHIEVE 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 WILL HELP ACHIEVE Policy 4.1.1 because the subject property is not best prime farmland and will remain partially in agricultural production, although it is unclear as to how much will be able to remain in production because of the safety recommendation to keep the grass cut to be no more than 30% of the wheel height.

- (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, 2998 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-1 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.

- (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 ***WILL HELP ACHIEVE*** 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 will { ***HELP ACHIEVE/ DOES-NOT HELP 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 will { ***HELP ACHIEVE/ DOES-NOT HELP 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.
 - iii. The Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12 indicates that the proposed landing strip area is 85 feet south of the north property line which means that the eastern Runway Safety Area is 75 feet south of the north property line. The house at 177 CR1600E, Villa Grove, is located on the property adjacent to the north property line and that house is approximately 32 feet from the north property line of the subject property based on the side yard dimension as stated on the

most recent Zoning Use Permit site plan for that property. Thus, the proposed RLA Runway Safety Area is approximately 107 feet south of the existing house at 177 CR1600E, Villa Grove. See Attachment B Proximity to Nearest Dwelling, included with the Supplemental Memorandum dated 12/13/12.

- iv. The Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12 indicates that the proposed hangar is proposed to be located approximately 90 feet north of the existing north property line which makes the proposed RLA runway is 175 feet south of the proposed hangar. Thus, the petitioner's proposed hangar is proposed to be 68 feet further from the proposed RLA runway than is the nearest dwelling under different ownership. See Plan And Profile Of Landing Area Annotated To Illustrate Proposed Separations included as an Attachment to the Supplemental Memorandum dated 3/8/13.
- v. The Runway Safety Area is generally considered a more dangerous area than land located on either side of the runway.
- vi. IDOT requires taxiways for RLAs to be at least 85 feet from an RLA runway and requires aircraft to be parked at least 85 feet from an RLA runway. See the attachment to the Supplemental Memorandum dated 3/8/13. The nearest adjacent dwelling under other ownership (the house at 177 CR1600E, Villa Grove) is located only 22 feet further away from the RLA runway.
- vii. 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 which includes both a "Private Landing Strip" and a "Restricted Landing Field". "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 various minimum separation distances from adjacent facilities and properties including a minimum separation of 200 feet from an adjacent residence or property line and any run up area (undefined) or blast area (undefined). Excerpts from the Kane County, Illinois Zoning Ordinance were included in Attachment C to the

REVISED DRAFT 3/8/13

Supplemental Memorandum dated 12/13/12. Even if the Kane County Ordinance were applicable in this instance it is not clear whether that Ordinance would require a 200 foot separation to the adjacent dwelling because the Kane County Ordinance does not define either “run up area” or “blast area”.

- viii. On December 13, 2012, the petitioner’s attorney, Alan Singleton, submitted a list of 16 RLA’s in and around Champaign County as evidence that “...all of them operating with no apparent problem for the neighborhoods and their residents.” Regarding that list of RLA’s in and around Champaign County and their proximities to dwellings under different ownership:
- (a) Eight of the RLA’s were indicated as not being located in Champaign County and six of those are located in counties that have not even adopted a zoning ordinance. A ninth RLA, the Clapper RLA, was indicated on the list as being located in Champaign County but is in fact located in Piatt County. For these properties located outside of Champaign County there was not enough time for staff to gather all of the information necessary to fully evaluate ownership and relations between adjacent properties
 - (b) Day Aero-Place was originally developed as a “residential airport” and included a runway and was therefore intended to be marketed towards owners who desired a close proximity to a landing area. Five of the 10 homes in the development border the runway and their proximity to the runway varies between 85 feet and 135 feet. See the Attachment to the Supplemental Memorandum dated 3/8/13.
 - (c) Regarding the other six RLAs and their proximity to the nearest dwelling under different ownership:
 - i. The Justus RLA appears to be about 130 feet from the nearest dwelling that is located on a separate tax parcel however the name of the owner of that parcel also has the last name “Justus” and so it not clear exactly what the relationship is between the two landowners.
 - ii. The Litchfield RLA appears to be about 300 feet from the nearest dwelling that is located on a separate tax parcel however the owner of that dwelling has testified in previous Champaign County Zoning Cases regarding his use of the Litchfield RLA and so

the relationship is not the same as proposed in this zoning case.

iii. The remaining four RLAs all appear to be at least ¼ mile from the nearest dwelling under different ownership.

ix. Based on the evidence, the proposed RLA runway safety area is only 107 feet from the nearest dwelling under different ownership (the house at 177 _____ CR1600E, Villa Grove) which is only 61% of the proposed separation to the proposed hangar and only about 8% of the typical separation for other _____ Champaign County RLAs that were reviewed.

(c) Refer to Item 22 for relevant testimony from the public hearings as well as information regarding letters of support and a petition of opposition that were submitted.

- (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.

- (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.

15. 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.

16. 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 {WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE} Goal 6 for the following reasons:~~ The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 6.

- 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.~~

17. 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 *WILL NOT IMPEDE* the achievement of Goal 7.

18. 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 and except as reviewed below will not be impeded by the proposed amendment. The proposed amendment ~~{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}~~ will ~~{ HELP ACHIEVE/ DOES NOT HELP ACHIEVE}~~ Goal 8 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}~~ will ~~{HELP ACHIEVE/ NOT HELP 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~~ will {HELP ACHIEVE/NOT HELP 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.
- (d) The Petitioner testified at the December 13, 2012, public hearing that he has planted over 2,500 native hardwood trees on his property.
- (e) At the December 13, 2012, public hearing, neighbor Larry Hall stated that the 30,750 square feet area for the proposed hangar would have to be removed and the removal of these trees would destroy a substantial habitat and conservation environment.
- (f) At the December 13, 2012, public hearing, nearby landowner Jean Fisher, testified that trees along the river basin provide habitat for wildlife, stabilize ground, filter watershed, and improve water and air quality.
- (g) A portion of the CR District that is currently wooded and is 30,750 square feet (.706 acre) in area is proposed to be rezoned to the AG-1 District for the construction and development of the proposed hangar. The existing vegetation in this area will necessarily be removed to allow construction of the proposed hangar and movement of aircraft to and from the hangar.
- (h) A portion of the CR District that is not currently wooded and is approximately 1.700 acres in area is proposed to remain in the CR District but is located at the west end of the proposed RLA and underneath the "Approach Area" required by IDOT. The slope of the Approach Area is 15 feet horizontal to one foot vertical and nothing is allowed to penetrate the imaginary plane of the Approach Area for a distance of 3,000 feet from the end of the RLA runway. Vegetation below the Approach Area must be maintained at a height such that it does not penetrate the Approach Area. The Approach Area is 17 feet above the runway on the east side of this area and approximately 43 feet above the runway on the west side. As indicated on the Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12, the surface of the ground slopes down to the channel of the East Branch of the Embarrass River and the allowed clear

height below the approach area will vary from 20 feet to 49 feet. It is unlikely that this area can ever have mature native trees so long as the IDOT Certificate is maintained for the proposed RLA.

- (i) A portion of the CR District that is currently wooded and is approximately 3.90 acres in area is located west of the proposed RLA and on the west side of the East Branch of the Embarrass River and this area will also be located underneath the IDOT required Approach Area. The ground elevations in this area are not indicated on the Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12 so the allowable clear height is not known with any accuracy. However, the Approach Area varies in height from 43 feet above the runway on the east side of this wooded area to 67 feet in height above the runway on the west side. This land is not currently owned by the petitioner but in order to retain the IDOT Certificate for the proposed RLA the trees below the Approach Area cannot penetrate above the imaginary surface of the Approach Area and therefore trees cannot be taller than the Approach Area.
- (j) 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*~~ *{WILL ACHIEVE / 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*~~ will *{HELP ACHIEVE / NOT HELP 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~~ will {HELP ACHIEVE / NOT HELP ACHIEVE} Policy 8.6.2 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 WILL HELP ACHIEVE 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 WILL HELP ACHIEVE 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.

19. 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 is **NOT RELEVANT** to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

20. 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. The proposed amendment ~~{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}~~ will {HELP ACHIEVE / 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}~~ will {HELP ACHIEVE / NOT HELP 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.**”
- The proposed rezoning ~~{WILL / WILL NOT} ACHIEVE~~ will {HELP ACHIEVE / NOT HELP 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

21. 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.

A letter received December 13, 2012, from Jongin Kim Craggs, Residential Appraiser at Craggs Appraisal Services, indicates that it is her professional opinion that the proposed RLA would not cause any decrease in property values and that

because of the assistance provided to local law enforcement property values may increase because of the greater community safety.

- (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 multiple 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.

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, although it is unclear as to how much will be able to remain in production because of the safety recommendation to keep the grass cut to be no more than 30% of the wheel height.

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 partially remain in agricultural production although it is unclear as to how much will be able to remain in production because of the safety recommendation to keep the grass cut to be no more than 30% of the wheel height.

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.
 - (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.
- G. At the December 13, 2012, public hearing Mr. Larry Hall, adjacent landowner, testified. Mr. Larry Hall's testimony is summarized as follows:
- (1) He prepared a large drawing for the Board to review during his testimony and submitted the drawing as a Document of Record.
 - (2) Based on his research and discussions with other pilots crosswinds could pose a risk to aircraft landing at the proposed RLA and would subsequently increase the risk that his family and property would incur, and he is concerned about the effect that any large crosswind from the south might have on an aircraft landing near his home.
 - (3) Based on his research and an article from *Sport Aviation Magazine* that he submitted as a Document of Record, an aircraft landing on a grass runway should not land if the grass is kept at more than 30% of the wheel height and 30% of the wheel height of the petitioners Cessna aircraft is 5.1 inches. If the grass will be kept at 6 to 8 inches this will exceed 30% of the wheel height. If the petitioner intends to operate in a safe manner and maintain the grass runway at 5 inches the hay cannot be harvested which in turn would be taking this land out of agricultural production.
 - (4) The trees in the 30,750 square feet area for the proposed hangar would have to be removed and the removal of these trees would destroy a substantial habitat and conservation environment.
 - (5) Approximately 500 trees were planted on top of the berm that was constructed behind the existing adjacent homes.
- H. At the December 13, 2012, public hearing Dr. Phillip Jones, petitioner, testified. Dr. Jones' testimony is summarized as follows:

- (1) He has planted over 2,500 native hardwood trees on his property therefore to indicate that he is creating a conservation problem is unfounded.
- (2) He has been flying over 20 years and has never had an incident of any kind and the argument regarding crosswinds is not an issue.
- (3) Larry Hall's house is further away than almost all airport hangars to a landing strip and it is impossible to drive an airplane through the five feet of grass that is near Mr. Hall's property.
- (4) An airplanes engine is on idle when it lands therefore his aircraft will be quieter than his diesel truck is when he drives down his lane. There may be a little noise when he takes off but he will be 1,000 feet in the air when he passes over Larry Hall's house.
- (5) He has not made any movement in purchasing any additional property. The property adjacent to his is zoned CR and he would have to purchase 60 and an additional 80 acres which would require a substantial amount of money.
- (6) His helicopter has one 315 horsepower engine the helicopter that generally lands at Carle Hospital has two 650 horsepower engines and comparing the noise it makes to the noise the helicopter that lands at Carle Hospital is like comparing a Nissan car to a semi-truck, and the noise is much less.

I. At the December 13, 2013, public hearing Mrs. Jean Fisher, neighbor, testified. Mrs. Fisher's testimony is summarized as follows:

- (1) The Morton Arboretum website references native trees of the Midwest and describes the uses of such trees as food, shelter for wildlife and the advantages of trees in the landscape. Many of the common trees such as Sycamore, Oak, Maple, Basswood, Hickory Pines, and River birch grow to heights of 40 to 100 feet and are characterized as either fast or slow growing. Fast growing trees may average 25 inches per year, medium growing trees can average 13 to 22 inches per year, and slow growing trees may average less than 12 inches per year.
- (2) Trees located along the river basin provide habitat for wildlife, stabilize ground, filter watershed, and improve water and air quality.
- (3) If area homeowners decide to sell their property, especially Larry Hall, they would have to fully disclose that the property abuts an RLA and in her opinion that hurts property values and the proximity to an RLA could be a deal breaker for potential buyers.

- J. At the December 13, 2012, public hearing Mrs. Sarabeth Jones, petitioner, testified. Mrs. Jones' testimony is summarized as follows:
- (1) She cannot believe that the cutting of the trees would cause more damage than what they have added to the property because they have enhanced the area by adding prairie and habitat areas for the different wildlife.
 - (2) She rides her horse on the entirety of the property and to her knowledge there are no Sycamore or Red Oak trees although they do have White Oak trees on the property.
- K. At the December 13, 2013, public hearing Linda Schumm, Bureau Chief Aviation Safety IDOT, testified that air traffic control will not tell a pilot to land in an RLA, but will tell the pilot that there is an RLA in the area because it is always safer to land on a runway than on a cornfield or road.
- L. A letter received December 13, 2012, from Jongin Kim Craggs, Residential Appraiser, indicates that it is her professional opinion that the proposed RLA would not cause any decrease in property values and that because of the assistance provided to local law enforcement property values may increase because of the greater community safety.
- M. A letter received December 13, 2012, from J.C. Crawford, nearby landowner, requested that his name be removed from the petition of opposition that was submitted at the August 11, 2011, public hearing.

REGARDING SPECIAL CONDITIONS OF APPROVAL

No special conditions are proposed for the rezoning case

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, December 13, 2012, and March 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

Summary Finding of Fact will be provided later.

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~~ Plan and Profile of Landing Area 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~~ Revised Plan and Profile of Landing Area
19. ~~Revised Site Plan~~ Revised Plan and Profile of Landing Area 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~~ Revised Plan and Profile of Landing Area 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)
21. Cover Letter from Alan Singleton received December 13, 2012, with attachments:
 - A Letter from J.C. Crawford
 - B Letter from Jongin Kim Craggs
 - C Letter from Linda K. Schumm, IDOT-Division of Aeronautics, dated February 24, 2012
 - D Applicable Case Law Summary
 - E Wright v. County of Winnebago Case Summary
 - F County of Lake v. First National Bank of Lake Forest Case Summary
 - G Jones RLA Special Conditions
 - H RLAs in and around Champaign County (various maps and images)
 - I News-Gazette article dated August 31, 2011
 - J News-Gazette article dated October 26, 2011
22. Sport Aviation Magazine article from the July 2010 issue titled "Grass Landing" written by Bob O'Quinn, submitted by Larry Hall at the December 13, 2012, public hearing
23. Diagram and photo submitted by Larry Hall at the December 13, 2012, public hearing
23. "Native Trees of the Midwest" article from the Morton Arboretum website submitted by Jean Fisher at the December 13, 2012, public hearing
24. IDOT Aviation Safety Rules guidebook submitted by Linda Schumm at the December 13, 2012, public hearing
25. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated March 8, 2013, with attachments:

- A AS APPROVED minutes for Cases 687-AM-11 and 688-S-11 excerpted from the minutes of the December 13, 2012, public hearing
- B Handout from Petitioner's Attorney Alan Singleton received at the December 13, 2012, public hearing; indicated on ZBA website (included only for the Board but available upon request and on the ZBA website for 12/13/12 meeting as "687-AM-11 & 688-S-11 Handout")
- C Plan and Profile Of Landing Area Annotated To Illustrate Proposed Separations
- D Proximity to Runway Aero-Place Subdivision
- E Plan and Profile Of Landing Area Annotated To Illustrate Likely Impacts To CR District Habitat
- F Excerpts including Sheet 82 of 85 and pps. 137-138 and Table 11 from the *Soil Survey of Champaign County, Illinois*. United States Department of Agriculture Natural Resources Conservation Service. 2003.
- F pp. 8,9, 54, 55 from *Field Guide to Native Oak Species of Eastern North America*, Stein, John and Denise Binion and Robert Acciavatti. USDA Forest Service. January 2003
- G Native Trees of the Midwest from the Morton Arboretum located in Lisle, Illinois
- H *Sport Aviation Magazine* article from the July 2010 issue titled "Grass Landing" written by Bob O'Quinn, submitted by Larry Hall at the December 13, 2012, public, hearing

FINAL DETERMINATION

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

The 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

REVISED DRAFT 3/8/13

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: **March 14, 2013**

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.**

Table of Contents

Summary of Evidence.....Pages 2 – 30
Documents of Record.....Pages 31 – 36
Finding of Fact.....Pages 37 – 39
Final Determination.....Page 40

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, December 13, 2012, and March 14, 2013**, 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 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.
 - (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 RESTRICTED LANDING AREA (RLA):
 - A. The revised ~~site plan~~ Plan and Profile of Landing Area (revised site plan) received November 19, 2012, includes the following:
 - (1) A 100' × 1640' runway proposed to be located 85 feet south of the north property line.
 - (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 and 75 feet from the north property line. 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. A RESTRICTED LANDING AREA is not authorized in the CR District.
 - 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.

REVISED DRAFT 3/8/13

- (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;

Item 6. (continued)

- (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.”
 - 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.

Item 8.B.(continued)

- (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.
- 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.

Item 8.(continued)

- 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, HELIPOINT, RESTRICTED LANDING AREA or HELIPOINT-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.
 - (13) J.C. Crawford, 1545 CR 200N, Tolono (A letter of withdrawal from JC Crawford was received on December 13, 2012.)
 - (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.

Item 8.P.(continued)

- (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. Regarding possible effects on property values:

- (1) 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:
 - (a) Mr. Cothorn visited the home of Larry and Julia Hall to look over the proposed RLA site.
 - (b) 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.
 - (c) He hoped there would be concern for the welfare of nearby residents due to safety concerns at all RLA sites.
- (2) 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:
 - (a) She has been in real estate for 19 years.
 - (b) In her opinion a [sic] airplane runway should not affect property values of neighboring property.
 - (c) The improvements made to the Jones' property should increase neighboring properties value.
- (3) A letter received December 13, 2012, from Jongin Kim Craggs, Residential Appraiser at Craggs Appraisal Services, indicates that it is her professional opinion that the proposed RLA would not cause any decrease in property values and that because of the assistance

provided to local law enforcement property values may increase because of the greater community safety.

- R. At the December 13, 2012, public hearing Mr. Larry Hall, adjacent landowner, testified. Mr. Larry Hall's testimony is summarized as follows:
- (1) He prepared a large drawing for the Board to review during his testimony and submitted the drawing as a Document of Record.
 - (2) Based on his research and discussions with other pilots crosswinds could pose a risk to aircraft landing at the proposed RLA and would subsequently increase the risk that his family and property would incur, and he is concerned about the effect that any large crosswind from the south might have on an aircraft landing near his home.
 - (3) Based on his research and an article from *Sport Aviation Magazine* that he submitted as a Document of Record, an aircraft landing on a grass runway should not land if the grass is kept at more than 30% of the wheel height and 30% of the wheel height of the petitioners Cessna aircraft is 5.1 inches. If the grass will be kept at 6 to 8 inches this will exceed 30% of the wheel height. If the petitioner intends to operate in a safe manner and maintain the grass runway at 5 inches the hay cannot be harvested which in turn would be taking this land out of agricultural production.
 - (4) The trees in the 30,750 square feet area for the proposed hangar would have to be removed and the removal of these trees would destroy a substantial habitat and conservation environment.
 - (5) Approximately 500 trees were planted on top of the berm that was constructed behind the existing adjacent homes.
- S. (Note: This item needs to be coordinated with evidence regarding Policy 4.3 in related Case 687-AM-11 (item 14.C.) Regarding safety concerns about safety, noise, preserving the essential character of the District, and land use compatibility due to the proximity of the nearest adjacent dwelling under separate ownership and ~~compatibility with the adjacent residential uses~~ the proposed RLA, the subject site {IS / IS NOT} suitable for the proposed RLA based on the following:
- (1) The Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12 indicates that the proposed landing strip area is 85 feet south of the north property line which means that the eastern Runway Safety Area is 75 feet south of the north property line. The house at 177 CR1600E, Villa Grove, is located on the property adjacent to the north property line and that house is approximately 32 feet from the north property line of the subject property based on the side yard dimension as stated on the most recent Zoning Use Permit site plan for that property. Thus, the proposed RLA Runway Safety Area is approximately 107 feet south of the existing house at 177

CR1600E, Villa Grove. See Attachment B Proximity to Nearest Dwelling, included with the Supplemental Memorandum dated 12/13/12.

- (2) The Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12 indicates that the proposed hangar is proposed to be located approximately 90 feet north of the existing north property line which makes the proposed RLA runway is 175 feet south of the proposed hangar. Thus, the petitioner's proposed hangar is proposed to be 68 feet further from the proposed RLA runway than is the nearest dwelling under different ownership. See Plan And Profile Of Landing Area Annotated To Illustrate Proposed Separations included as an Attachment to the Supplemental Memorandum dated 3/8/13.
- (3) The Runway Safety Area is generally considered a more dangerous area than land located on either side of the runway.
- (4) IDOT requires taxiways for RLAs to be at least 85 feet from an RLA runway and requires aircraft to be parked at least 85 feet from an RLA runway. See the attachment to the Supplemental Memorandum dated 3/8/13. The nearest adjacent dwelling under other ownership (the house at 177 CR1600E, Villa Grove) is located only 22 feet further away from the RLA runway.
- (5) 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 which includes both a "Private Landing Strip" and a "Restricted Landing Field". "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 various minimum separation distances from adjacent facilities and properties including a minimum separation of 200 feet from an adjacent residence or property line and any run up area (undefined) or blast area (undefined). Excerpts from the Kane County, Illinois Zoning Ordinance were included in Attachment C to the Supplemental Memorandum dated 12/13/12. 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".
- (6) On December 13, 2012, the petitioner's attorney, Alan Singleton, submitted a list of 16 RLA's in and around Champaign County as evidence that "...all of them operating with no apparent problem for the neighborhoods and their residents." Regarding that list of RLA's in and around Champaign County and their proximities to dwellings under different ownership:

Item 8.S(continued)

- (a) Eight of the RLA's were indicated as not being located in Champaign County and six of those are located in counties that have not even adopted a zoning ordinance. A ninth RLA, the Clapper RLA, was indicated on the list as being located in Champaign County but is in fact located in Piatt County. For these properties located outside of Champaign County there was not enough time for staff to gather all of the information necessary to fully evaluate ownership and relations between adjacent properties
- (b) Day Aero-Place was originally developed as a "residential airport" and included a runway and was therefore intended to be marketed towards owners who desired a close proximity to a landing area. Five of the 10 homes in the development border the runway and their proximity to the runway varies between 85 feet and 135 feet. See the Attachment to the Supplemental Memorandum dated 3/8/13.
- (c) Regarding the other six RLAs and their proximity to the nearest dwelling under different ownership:
- i.* The Justus RLA appears to be about 130 feet from the nearest dwelling that is located on a separate tax parcel however the name of the owner of that parcel also has the last name "Justus" and so it not clear exactly what the relationship is between the two landowners.
- ii.* The Litchfield RLA appears to be about 300 feet from the nearest dwelling that is located on a separate tax parcel however the owner of that dwelling has testified in previous Champaign County Zoning Cases regarding his use of the Litchfield RLA and so the relationship is not the same as proposed in this zoning case.
- iii.* The remaining four RLAs all appear to be at least ¼ mile from the nearest dwelling under different ownership.
- (7) Based on the evidence, the proposed RLA runway safety area is only 107 feet from the nearest dwelling under different ownership (the house at 177 CR1600E, Villa Grove) which is only 61% of the proposed separation to the proposed hangar and only about 8% of the typical separation for other Champaign County RLAs that were reviewed.
- (8) The petitioner has submitted two opinions from real estate professionals that the proposed RLA will not have a negative impact on adjacent property values and Larry and Julia Hall, the immediate neighbors on the north side of the RLA, have submitted one opinion that the proposed RLA would have a negative impact on their property value (see Item 8.Q)

- T. (Note: This item needs to be coordinated with evidence regarding Policy 4.3 in related Case 687-AM-11 (item 14.C.) Regarding safety concerns due to impacts on the remaining natural and scenic areas in the surrounding CR District, the subject site *{IS / IS NOT}* suitable for the proposed RLA based on the following:
- (1) An Attachment to the Supplemental Memorandum dated 3/8/11 titled Plan And Profile Of Landing Area Annotated To Illustrate Likely Impacts To CR District Habitat indicates the following three types of impacts to adjacent habitat areas in the surrounding CR District:
 - (a) A portion of the CR District that is currently wooded and is 30,750 square feet (.706 acre) in area is proposed to be rezoned to the AG-1 District for the construction and development of the proposed hangar. The existing vegetation in this area will necessarily be removed to allow construction of the proposed hangar and movement of aircraft to and from the hangar.
 - (b) A portion of the CR District that is not currently wooded and is approximately 1.700 acres in area is proposed to remain in the CR District but is located at the west end of the proposed RLA and underneath the "Approach Area" required by IDOT. The slope of the Approach Area is 15 feet horizontal to one foot vertical and nothing is allowed to penetrate the imaginary plane of the Approach Area for a distance of 3,000 feet from the end of the RLA runway. Vegetation below the Approach Area must be maintained at a height such that it does not penetrate the Approach Area. The Approach Area is 17 feet above the runway on the east side of this area and approximately 43 feet above the runway on the west side. As indicated on the Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12, the surface of the ground slopes down to the channel of the East Branch of the Embarrass River and the allowed clear height below the approach area will vary from 20 feet to 49 feet. It is unlikely that this area can ever have mature native trees so long as the IDOT Certificate is maintained for the proposed RLA.
 - (c) A portion of the CR District that is currently wooded and is approximately 3.90 acres in area is located west of the proposed RLA and on the west side of the East Branch of the Embarrass River and this area will also be located underneath the IDOT required Approach Area. The ground elevations in this area are not indicated on the Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12 so the allowable clear height is not known with any accuracy. However, the Approach Area varies in height from 43 feet above the runway on the east side of this wooded area to 67 feet in height above the runway on the west side. This land is not currently owned by the petitioner but in order to retain the IDOT Certificate for the proposed RLA the trees below the Approach Area cannot penetrate above the imaginary surface of the Approach Area and therefore trees cannot be taller than the Approach Area.

Item 8.T.(continued)

- (2) Regarding the height of trees that may be growing in the CR District on the west side of the East Branch of the Embarrass River:
- (a) The 2003 update of the *Soil Survey of Champaign County, Illinois* indicates that for the relevant portion of the CR District on the west side of the East Branch of the Embarrass River the predominant soils are map units 3107A Sawmill silty clay loam, 0 to 2 percent slope, frequently flooded and 570C2 Martinsville loam 5 to 10% slopes, eroded. Table 11 provides relevant data regarding forestland management and productivity for each soil map unit, and is summarized as follows for the relevant soils:
- i.* Common trees and their site index (average height) found on 570C2 Martinsville soil are White oak (80), Sweetgum (76), and Tulip tree (98).
- ii.* Common trees and their site index (average height) found on 3107A Sawmill soil are Pin oak (90), American sycamore (---), Eastern cottonwood (---), and Sweetgum (---). Note that the site index (average height) for a given species may vary depending on the soil type and the symbol (---) apparently indicates no average height has been determined for that species on that soil type.
- (b) The petitioner's wife, Sarabeth Jones, testified at the December 13, 2012, public hearing that to her knowledge there are no Sycamore trees on their property but there are White oak trees.
- (c) If there are White oak trees on the petitioner's property there likely are White oak trees on the land on the west side of the East Branch of the Embarrass River.
- (d) Excerpts from the *Field Guide to Native Oak Species of Eastern North America* by the USDA Forest Service were included as an Attachment to the Supplemental Memorandum dated 3/8/13 and state that the White oak tree grows to 100 feet tall.
- (e) An excerpt from the Native Trees of the Midwest that is maintained on the website of the Morton Arboretum located in Lisle, Illinois indicates that a tree in its native habitat may reach much greater height than the same tree growing in a home landscape and the heights of trees indicated in Native Trees of the Midwest reflect the average size in the home landscape. White Oak trees are indicated to have a mature height of 50 feet to 80 feet in Native Trees of the Midwest but that height reflects the average size in the home landscape and not the native habitat. The *Field Guide to Native Oak Species of Eastern North America* by the USDA Forest Service (see above) indicates that the White oak tree grows to 100 feet tall in the native habitat. The 2003 update of the *Soil Survey of Champaign County,*

Illinois indicates that the average height of White oak trees found on 570C2 Martinsville soil is 80 feet.

(f) If there are White Oak trees on the west side of the East Branch of the Embarrass River located beneath the Approach Area of the proposed RLA the White oak trees are likely to be on higher ground elevations than the river bottom and may already penetrate the proposed Approach Area. A special condition has been proposed to prohibit landscape or tree maintenance in the wooded area in the CR District on the west side of the East Branch of the Embarrass pursuant to the RLA.

U. At the December 13, 2012, public hearing Dr. Phillip Jones, petitioner, testified. Dr. Jones' testimony is summarized as follows:

- (1) He has planted over 2,500 native hardwood trees on his property therefore to indicate that he is creating a conservation problem is unfounded.
- (2) He has been flying over 20 years and has never had an incident of any kind and the argument regarding crosswinds is not an issue.
- (3) Larry Hall's house is further away than almost all airport hangars to a landing strip and it is impossible to drive an airplane through the five feet of grass that is near Mr. Hall's property.
- (4) An airplanes engine is on idle when it lands therefore his aircraft will be quieter than his diesel truck is when he drives down his lane. There may be a little noise when he takes off but he will be 1,000 feet in the air when he passes over Larry Hall's house.
- (5) He has not made any movement in purchasing any additional property. The property adjacent to his is zoned CR and he would have to purchase 60 and an additional 80 acres which would require a substantial amount of money.
- (6) His helicopter has one 315 horsepower engine the helicopter that generally lands at Carle Hospital has two 650 horsepower engines and comparing the noise it makes to the noise the helicopter that lands at Carle Hospital is like comparing a Nissan car to a semi-truck, and the noise is much less.

V. At the December 13, 2013, public hearing Mrs. Jean Fisher, neighbor, testified. Mrs. Fisher's testimony is summarized as follows:

- (1) The Morton Arboretum website references native trees of the Midwest and describes the uses of such trees as food, shelter for wildlife and the advantages of trees in the landscape. Many of the common trees such as Sycamore, Oak, Maple,

Basswood, Hickory Pines, and River birch grow to heights of 40 to 100 feet and are characterized as either fast or slow growing. Fast growing trees may average 25 inches per year, medium growing trees can average 13 to 22 inches per year, and slow growing trees may average less than 12 inches per year.

(2) Trees located along the river basin provide habitat for wildlife, stabilize ground, filter watershed, and improve water and air quality.

(3) If area homeowners decide to sell their property, especially Larry Hall, they would have to fully disclose that the property abuts an RLA and in her opinion that hurts property values and the proximity to an RLA could be a deal breaker for potential buyers.

W. At the December 13, 2012, public hearing Mrs. Sarabeth Jones, petitioner, testified. Mrs. Jones' testimony is summarized as follows:

(1) She cannot believe that the cutting of the trees would cause more damage than what they have added to the property because they have enhanced the area by adding prairie and habitat areas for the different wildlife.

(2) She rides her horse on the entirety of the property and to her knowledge there are no Sycamore or Red Oak trees although they do have White Oak trees on the property.

X. At the December 13, 2013, public hearing Linda Schumm, Bureau Chief Aviation Safety IDOT, testified that air traffic control will not tell a pilot to land in an RLA, but will tell the pilot that there is an RLA in the area because it is always safer to land on a runway than on a cornfield or road.

Y. A letter received December 13, 2012, from J.C. Crawford, nearby landowner, requested that his name be removed from the petition of opposition that was submitted at the August 11, 2011, public hearing.

Z. There is no evidence indicating that the Special Use will not be compatible with adjacent agriculture.

AA. 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:

REVISED DRAFT 3/8/13

- 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
 - (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~~ may 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 automobile or truck 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.~~
 - (6) There will be no impact on public health.
 - (7) See the discussion under item 8.S. regarding any impact on public safety, nuisance effects and property values due to the proximity to a dwelling under other ownership and Item 8.T. regarding the impacts on the CR District.

- 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 CR District:
- (1) 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.
 - (2) 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.
 - (3) The proposed special use will have no significant impact on traffic, drainage, public health, or visual character of the surrounding CR District.
 - ~~(4) See the discussion under item 8.A.A. regarding any impact on public safety and nuisance effects due to the proximity to a dwelling under other ownership.~~
 - ~~(4) See the discussion under item 8.S. regarding any impact on public safety and nuisance effects due to the proximity to a dwelling under other ownership. and Item 8.T. regarding the impacts on the CR District.~~
 - ~~(5) 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.~~
 - ~~(6) There will be no increase in automobile or truck traffic~~
 - ~~(7) There will be no significant drainage impacts because the proposed special use will comply with the Stormwater Management Policy.~~
 - ~~(8) There will be no impact on public health.~~

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A "RESTRICTED LANDING AREA" may be authorized in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements are met.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

- (1) Subsection 5.1.7 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.

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

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

(a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan is in full compliance with those requirements.

(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,

REVISED DRAFT 3/8/13

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.Q.

- (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.
- (c) A letter received December 13, 2012, from Jongin Kim Craggs, Residential Appraiser at Craggs Appraisal Services, indicates that it is her professional opinion that the proposed RLA would not cause any decrease in property values and that because of the assistance provided to local law enforcement property values may increase because of the greater community safety.

- (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 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~~ Special conditions have been proposed (see Item 13).

- (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.

REVISED DRAFT 3/8/13

- (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.
 - (e) The Petitioner testified at the December 13, 2012, public hearing that he has planted over 2,500 native hardwood trees on his property.
 - (f) At the December 13, 2012, public hearing, neighbor Larry Hall stated that the 30,750 square feet area for the proposed hangar would have to be removed and the removal of these trees would destroy a substantial habitat and conservation environment.
 - (g) At the December 13, 2012, public hearing, nearby landowner Jean Fisher, testified that trees along the river basin provide habitat for wildlife, stabilize ground, filter watershed, and improve water and air quality.
 - (h) At the December 13, 2012, public hearing Mrs. Sarabeth Jones, petitioner, testified that she cannot believe that the cutting of the trees would cause more damage than what they have added to the property because they have enhanced the area by adding prairie and habitat areas for the different wildlife.
- (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.
 - A. The Petitioner has testified on the application, “**Not applicable**”

GENERALLY REGARDING ANY SPECIAL CONDITIONS OF APPROVAL

12. The following special conditions of approval were proposed by the petitioner on December 13, 2012, but were not included as required special conditions:

A. **There will be no tight northbound departures below 1000 feet.**

The above condition was not included as a requirement for the RLA because this condition cannot be enforced by the Zoning Administrator. Nonetheless, the petitioner is encouraged to follow such a rule on an honor basis so as to help ensure good neighborly relations.

B. **There will be an increased traffic pattern altitude of 1500 feet above ground level as opposed to the standard 1000 feet above ground level**

The above condition was not included as a requirement for the RLA because this condition cannot be enforced by the Zoning Administrator. Nonetheless, the petitioner is encouraged to follow such a rule on an honor basis so as to help ensure good neighborly relations.

13. 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.

- 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 when take-offs and/ or landings may occur at the RLA, public liability and property damage insurance with a minimum coverage of \$5 million dollars and a copy of a valid certificate of insurance shall be on file with the Zoning Administrator when any take-offs or landings do occur.**

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. **No pre-operation run up procedures shall be conducted east of the proposed hangar location.**

The above condition is necessary to ensure the following:

To prevent nuisance conditions resulting from the RLA.

- H. **All landing traffic patterns shall be flown exclusively south of the RLA to maximize the distance between the aircraft landing at the RLA and the neighboring residential properties to the north.**

The above condition is necessary to ensure the following:

To minimize nuisance conditions resulting from the RLA.

GI. 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.

HJ. 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.

IK. **The only aircraft that may be stored at the RLA and on the owner's adjacent property shall be limited to the owner's aircraft and aircraft owned by the parents, children, or siblings of the owner which in no case shall exceed eight aircraft at any given time.**

The above condition is necessary to ensure the following:

That the proposed RLA only be used for aircraft of the owner and the immediate family.

L. **This RLA Special Use Permit does not authorize landscape or tree maintenance in the wooded area in the CR District on the west side of the East Branch of the Embarrass River and any tree trimming or removal of trees in that area pursuant to the RLA shall cause this Special Use Permit to become void.**

The special condition above is necessary to ensure the following:

To ensure that the environmental quality of the wooded area is not damaged for the purpose of protecting the RLA certification by IDOT.

M.‡ 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.

N. Generally regarding the above Special Condition:

- (1) At the December 13, 2012, public hearing Alan Singleton, Attorney for the petitioner testified that adding additional safety precautions such as an additional setback that is not contained within IDOT standards is not permissible by Illinois law, and he provided copies of the previous legal cases under Tabs 4, 5, and 6 of his handout packet.

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 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 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~~ Plan and Profile of Landing Area 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~~ Revised Plan and Profile of Landing Area
19. ~~Revised Site Plan~~ Revised Plan and Profile of Landing Area 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~~ Revised Plan and Profile of Landing Area 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)
21. Handout from Petitioner's Attorney Alan Singleton received at the December 13, 2012, public hearing, with attachments:
 - A Letter from J.C. Crawford
 - B Letter from Jongin Kim Craggs
 - C Letter from Linda K. Schumm, IDOT-Division of Aeronautics, dated February 24, 2012
 - D Applicable Case Law Summary
 - E Wright v. County of Winnebago Case Summary
 - F County of Lake v. First National Bank of Lake Forest Case Summary
 - G Jones RLA Special Conditions
 - H RLAs in and around Champaign County (various maps and images)
 - I News-Gazette article dated August 31, 2011
 - J News-Gazette article dated October 26, 2011
22. Sport Aviation Magazine article from the July 2010 issue titled "Grass Landing" written by Bob O'Quinn, submitted by Larry Hall at the December 13, 2012, public, hearing
23. Diagram and photo submitted by Larry Hall at the December 13, 2012, public hearing
23. "Native Trees of the Midwest" article from the Morton Arboretum website submitted by Jean Fisher at the December 13, 2012, public hearing

24. IDOT Aviation Safety Rules guidebook submitted by Linda Schumm at the December 13, 2012, public hearing
25. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated March 8, 2013, with attachments:
 - A AS APPROVED minutes for Cases 687-AM-11 and 688-S-11 excerpted from the minutes of the December 13, 2012, public hearing
 - B Handout from Petitioner's Attorney Alan Singleton received at the December 13, 2012, public hearing; indicated on ZBA website (included only for the Board but available upon request and on the ZBA website for 12/13/12 meeting as "687-AM-11 & 688-S-11 Handout")
 - C Plan and Profile Of Landing Area Annotated To Illustrate Proposed Separations
 - D Proximity to Runway Aero-Place Subdivision
 - E Plan and Profile Of Landing Area Annotated To Illustrate Likely Impacts To CR District Habitat
 - F Excerpts including Sheet 82 of 85 and pps. 137-138 and Table 11 from the *Soil Survey of Champaign County, Illinois*. United States Department of Agriculture Natural Resources Conservation Service. 2003.
 - F pp. 8,9, 54, 55 from *Field Guide to Native Oak Species of Eastern North America*, Stein, John and Denise Binion and Robert Acciavatti. USDA Forest Service. January 2003
 - G Native Trees of the Midwest from the Morton Arboretum located in Lisle, Illinois
 - H *Sport Aviation Magazine* article from the July 2010 issue titled "Grass Landing" written by Bob O'Quinn, submitted by Larry Hall at the December 13, 2012, public, hearing

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, December 13, 2012, and March 14, 2013,** 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:
- The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - 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
- The Special Use is authorized in the District.
 - The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - 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.
 - 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:~~
6. Regarding necessary waivers of standard conditions:
- Regarding the requested waiver of the standard condition in Section 6.1.3 for an RLA that **requires compliance with Footnote 11 of Section 5.3 regarding maintenance of vegetation that obstructs the west approach slope of the proposed RESTRICTED LANDING AREA:**
 - The waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION 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*}*:
 - Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district *{because*}*:

- (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction *{because*}*:
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant *{because*}*:
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure *{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

CASE NO. 738-S-12

SUPPLEMENTAL MEMORANDUM

March 8, 2013

Petitioners: **Terry W. Plampin**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **5 acres**

Time Schedule for Development: **First
Quarter 2013**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Authorize a Therapeutic Riding Center as a "Riding Stable" as a Special Use with waivers of Special Use standard conditions for (1) a minimum fence height of 5 feet; (2) a minimum front setback of 55 feet from the centerline of CR 700E; and (3) a minimum front yard of 25 feet in the AG-1 Agriculture Zoning District.**

Location: **A 5 acre tract in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter in Section 17 of Pesotum Township and commonly known as the home and buildings at 378 CR 700E, Pesotum.**

STATUS

This case is continued from the February 28, 2013, public hearing. Additions to the Summary of Evidence, Finding of Fact, and Final Determination are provided below.

PROPOSED EVIDENCE

Add the following to Item 5.A. of the Summary Evidence, Finding of Fact, and Final Determination:

5. Regarding the site plan and operations of the Therapeutic Riding Center:
 - A. The site plan received October 29, 2012, and revised on February 28, 2013, shows the entirety of the 5 acre subject property and indicates the following:

Add the following to Item 5.A. of the Summary Evidence, Finding of Fact, and Final Determination:

- (9) The location of a proposed restroom facility adjacent to the horse stable to be added in the future.

PESOTUM TOWNSHIP ROAD COMMISSIONER

Staff was able to contact Steven Miller, Pesotum Township Road Commissioner, on March 5, 2013, and Mr. Miller had no comments or objections regarding the proposed Therapeutic Riding Center. This case will be ready for final action at the March 14, 2013, public hearing.