

CASE NO. 853-S-16

PRELIMINARY MEMORANDUM

November 3, 2016

Petitioner: Kevin and Angela Pagel

Request: Authorize a Special Use Permit for construction of an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District

Location: A tract of land in the Northeast Quarter of the Southeast Quarter of Section 23 of Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township with an address of 2639 CR 500E, Mahomet, Illinois.

Site Area: 10.18 acres

Time Schedule for Development: In progress

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

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

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

BACKGROUND

The petitioners have a permit (ZUPA #239-16-01, approved September 29, 2016) to construct a single family home with attached garage, a detached storage shed and a pond less than one acre in area. They will use the dirt from creating the pond for fill around the proposed house.

They are currently building a smaller pond, which does not require a Special Use Permit, and will soon construct a shed to protect the lumber for construction of the house in the spring. They are pursuing the Special Use Permit for a 1.6-acre pond because they anticipate needing more fill around the house. An artificial lake of 1 acre or more requires a Special Use Permit.

If the Special Use Permit is denied, the petitioners plan to haul in dirt to fill around the house.

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Newcomb Township, which has a Plan Commission. Townships with Plan Commissions do not have protest rights on Special Use Permits; however, they do receive notice of such cases and they are invited to comment.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Vacant	AG-1 Agriculture
North	Residential	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Residential	AG-1 Agriculture
South	Residential	AG-1 Agriculture

BEST PRIME FARMLAND STATUS

The 10-acre lot size was reviewed for Best Prime Farmland in order to determine if a maximum lot size variance would be required as per Section 5.3, Footnote 13. The review showed that the property was lawfully created before the establishment of the current definition of Best Prime Farmland, making it a non-conforming lot that does not need a variance for exceeding maximum lot area. The following information can be found in the Summary of Evidence:

Under Item 8:

- F. The subject property is considered Best Prime Farmland. The soil on the subject property consists of Drummer silty clay loam 152A, Blount silt loam 23A, Blount silt loam 23B2, and Camden silt loam 134B, and has an average Land Evaluation Factor (LE) of 84 as per the Natural Resource Report received from the Champaign County Soil and Water Conservation District on October 3, 2016.

Under Item 9.B:

- (2) Regarding Best Prime Farmland:
 - a. The subject property is non-conforming with respect to the current definition of Best Prime Farmland by virtue of the Plat of Survey that was recorded on October 5, 2005, prior to the adoption of Case 711-AT-12 on November 27, 2012, which established the current definition of Best Prime Farmland.
 - (a) The minimum Land Evaluation Factor for Best Prime Farmland at the time of survey was 85.
 - (b) Even though the site includes a significant amount (approximately 24%) of Agriculture Value Group 1 soils as determined by the Champaign County LESA system, which would make it Best Prime Farmland by current definition, this lot was lawfully created and is therefore nonconforming with respect to the maximum lot size requirement.

STORMWATER AND EROSION CONTROLS

Approved ZUPA #239-16-01 included special conditions related to stormwater and erosion control because the petitioners will disturb greater than an acre of land during construction. The petitioners were notified that they require an Illinois Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) ILR10 General Construction Storm Water Permit. Compliance with state and local regulations will be checked during construction and during the Zoning Compliance Certificate inspection done post-construction.

A copy of the IEPA Notice of Coverage Under Construction Site Activity Storm Water General Permit dated October 6, 2016 and petitioner's Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit dated August 29, 2016, was received November 1, 2016.

CONSTRUCTION CONCERNS

The following evidence was added under Item 8:

- I. Regarding neighborhood concerns:
 - a. On October 5, 2016, staff was contacted with a concern that the construction stockpiles are too close to the property line.
 - b. Staff visited the site on October 19, 2016, and noted that stockpiles did seem to be closer than 30 feet from the property line as required by the IEPA and the Champaign County Stormwater Management and Erosion Control Ordinance.

PROPOSED SPECIAL CONDITIONS

- A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Stormwater Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

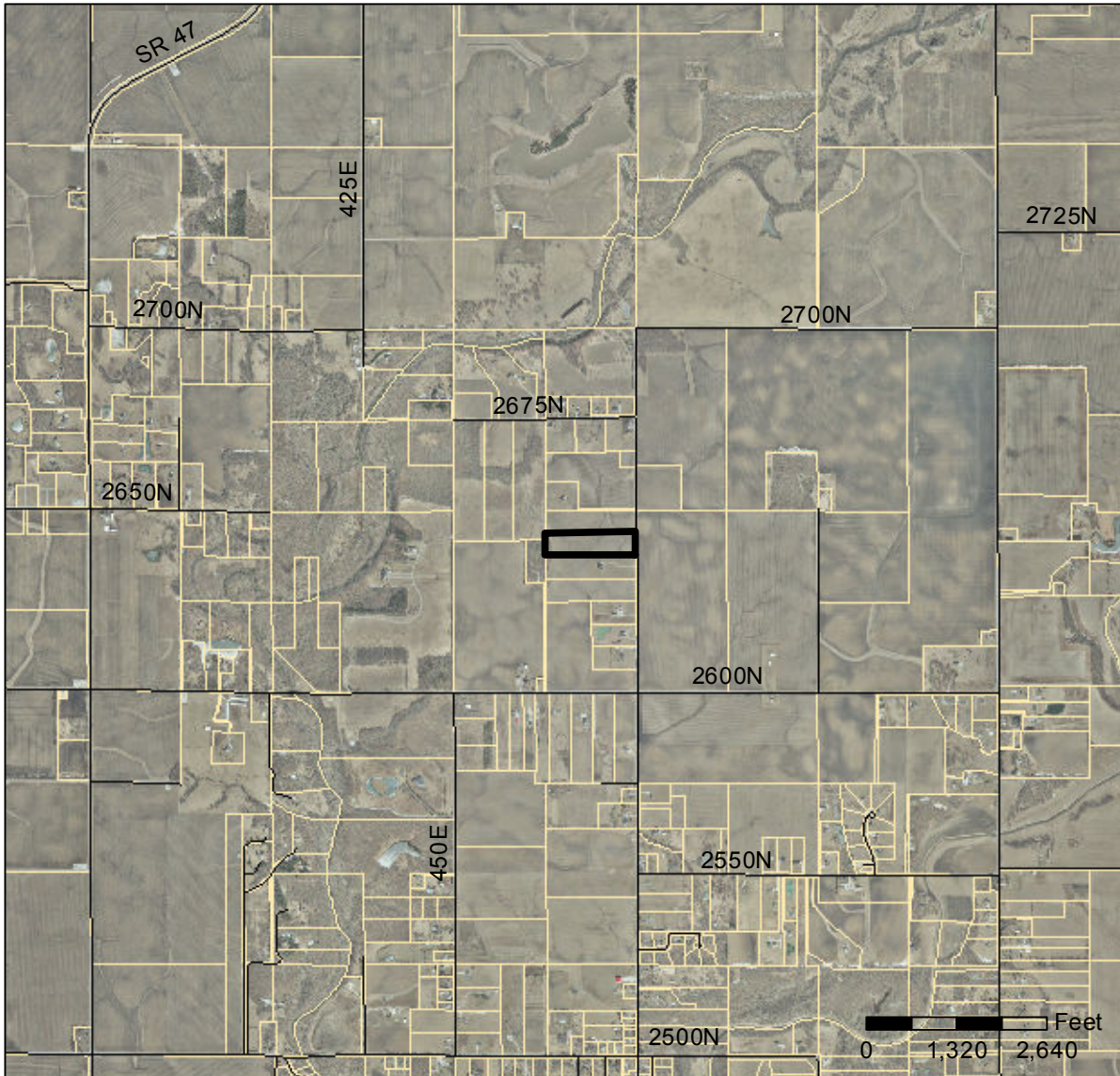
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received August 29, 2016
- C Revised Site Plan received November 1, 2016
- D Approved Site Plan from Zoning Use Permit Application #239-16-01
- E Zoning Use Permit #239-16-01, including special conditions
- F Natural Resources Report received October 3, 2016 from Champaign County Soil and Water Conservation District
- G IEPA Notice of Coverage Under Construction Site Activity Storm Water General Permit dated October 6, 2016 and petitioner's Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit dated August 29, 2016, and received November 1, 2016
- H Site Visit Photos taken September 26, 2016
- I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated November 3, 2016

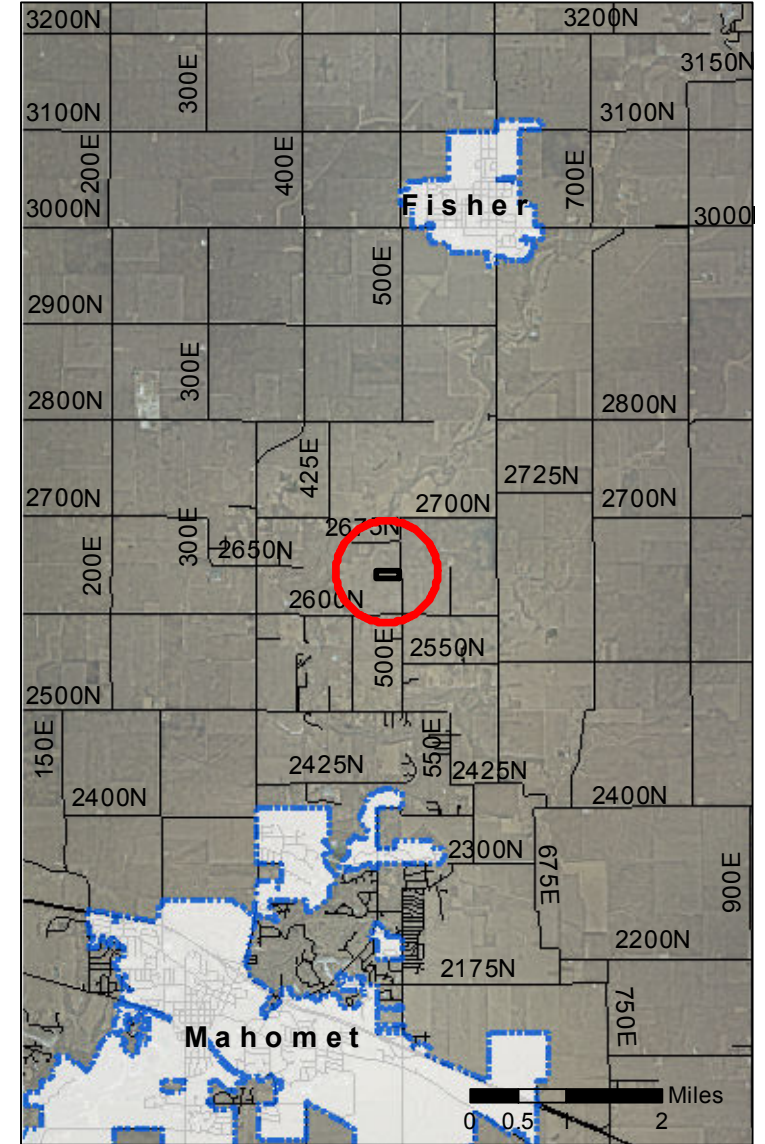
Location Map

Case 853-S-16
November 10, 2016

Subject Property



Property location in Champaign County



Legend

-  Subject Property
-  Municipal Boundary
-  Parcels
-  Streets



Land Use Map

Case 853-S-16

November 10, 2016



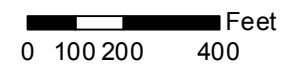
Legend

 Subject Property

 Parcels

SF Single Family Residential

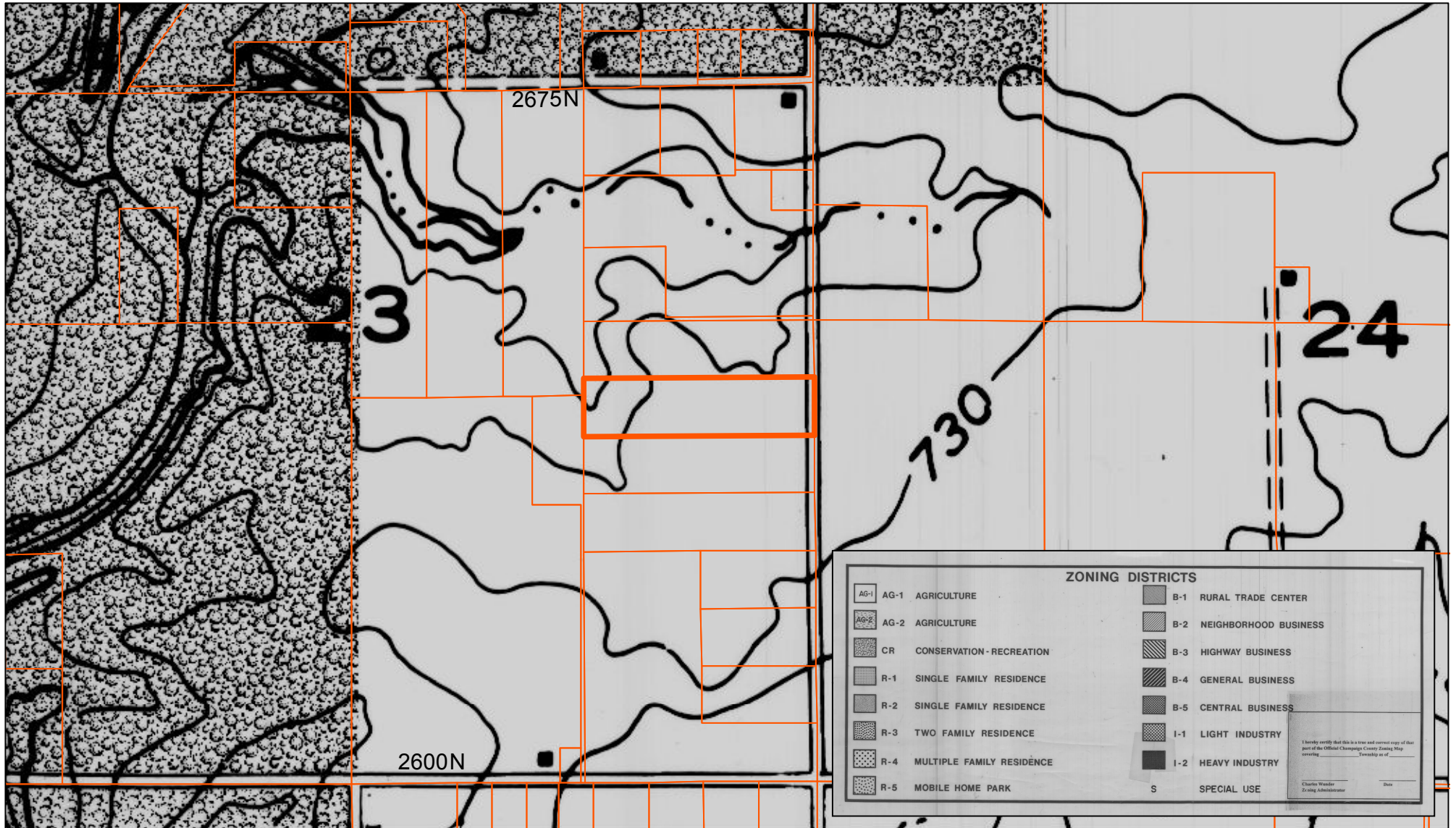
AG Agriculture





Zoning Map

Case 853-S-16

November 10, 2016



Legend

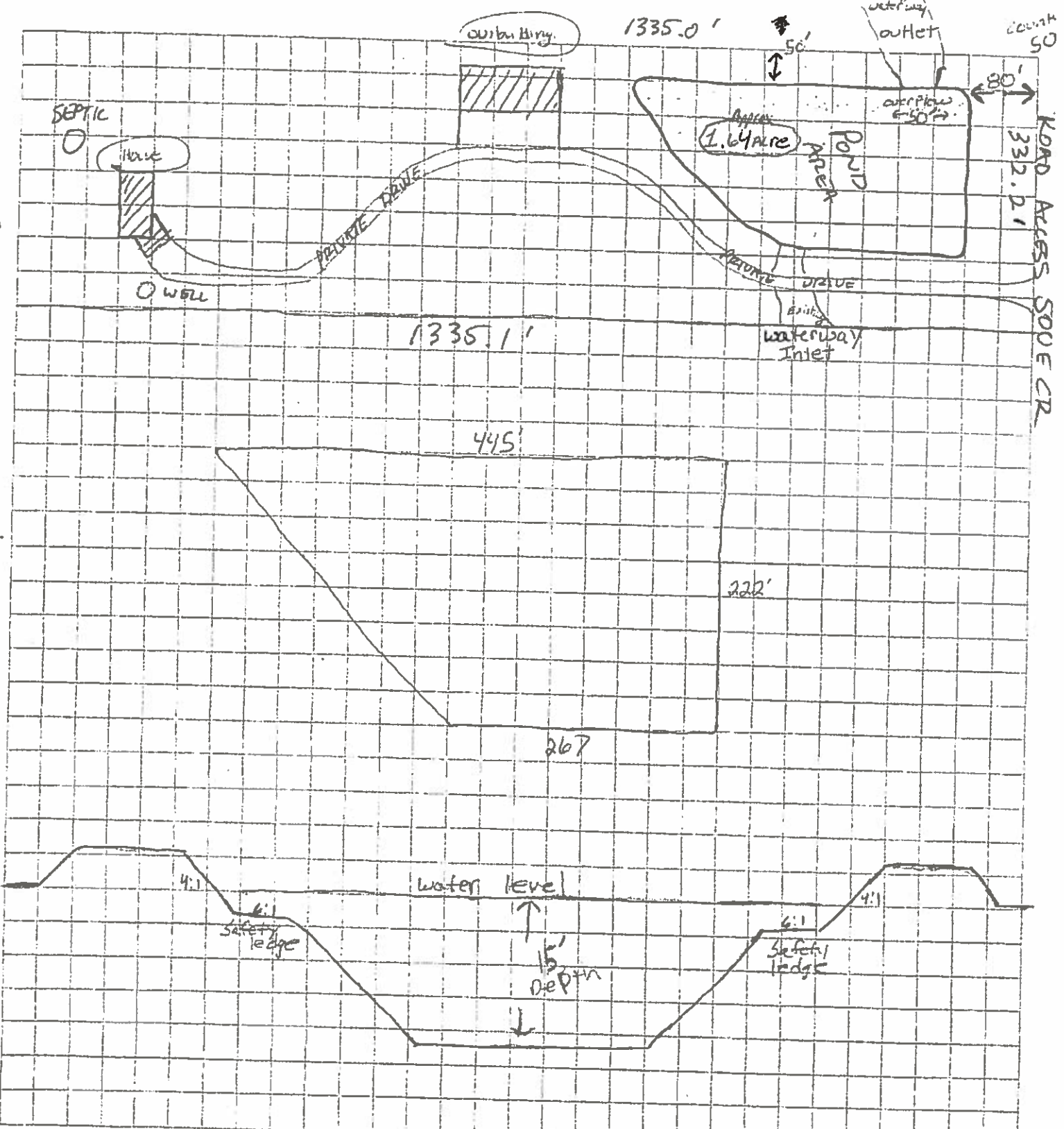
-  Subject Property
-  Parcels

0 200 400 800 Feet



Champaign County
Department of
**PLANNING &
ZONING**

332.31



Check which applies: Site Plan Date Received: North Arrow: Approval (Office Use Only):

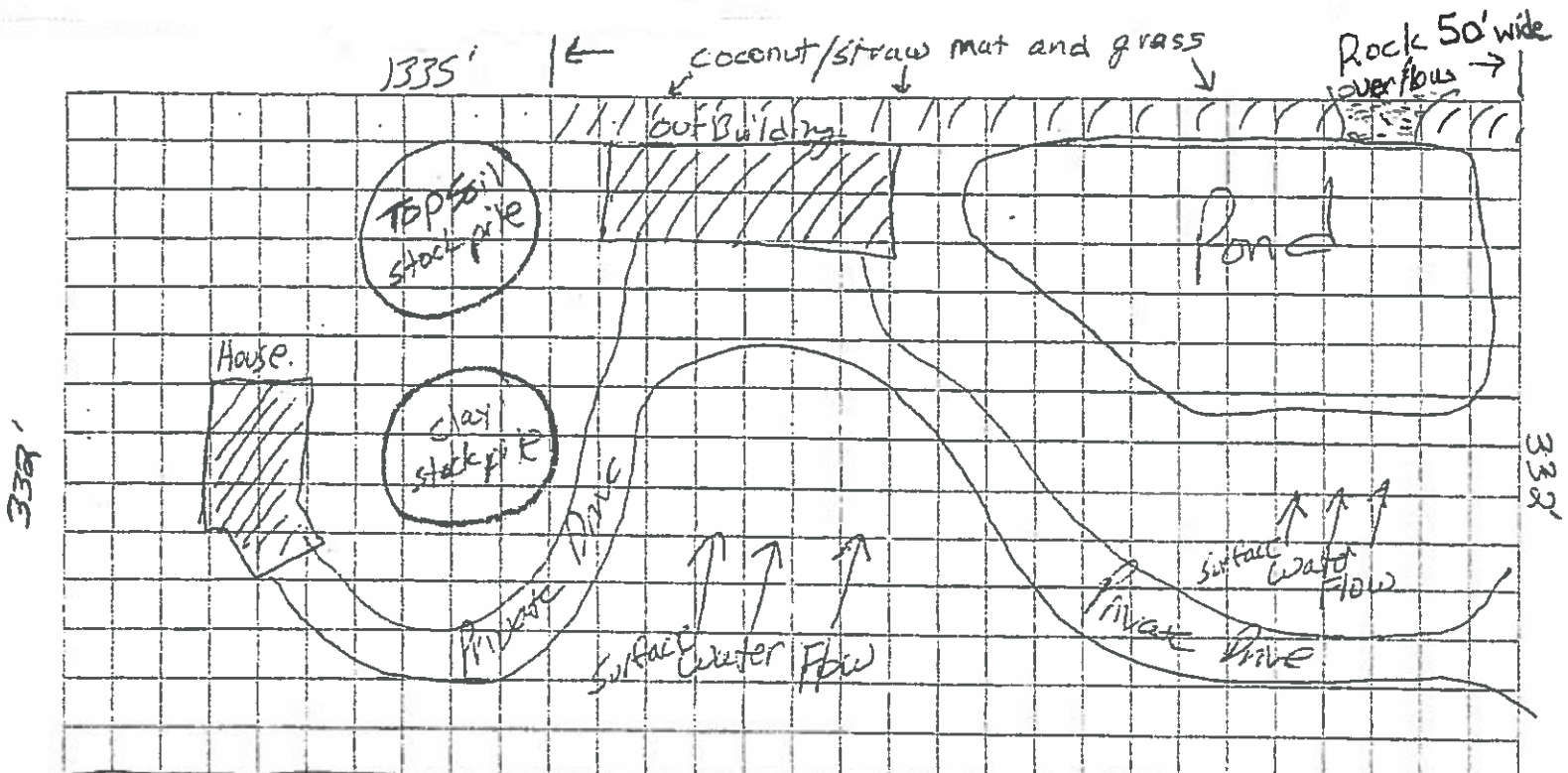
Erosion & Sediment Control Plan
 Other: _____

Permit Application No. _____
 Applicant Name: _____

RECEIVED

AUG 29 2016

CHAMPAIGN CO. P & Z DEPARTMENT



1335'

25-50' grass vegetation Barrier around entire property

All disturbed areas to be planted and strawed

RECEIVED

NOV 01 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Check which applies:

- Site Plan
- Erosion & Sediment Control Plan
- Other: _____

Date Received:

North Arrow:

Approval (Office Use Only):



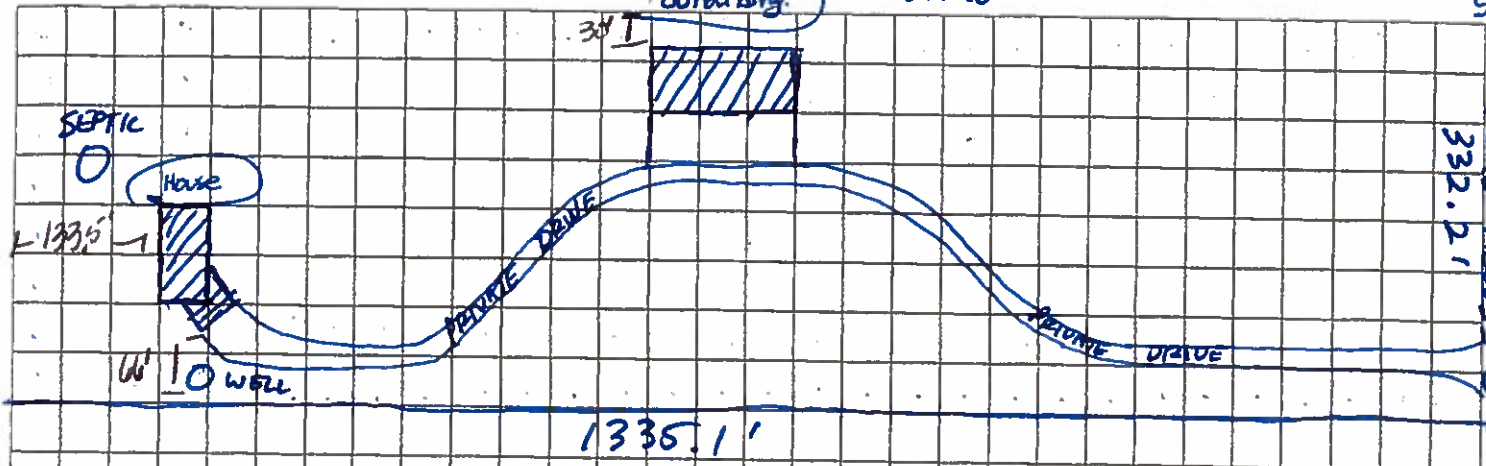
Permit Application No. _____

Applicant Name: _____

332.31

Kup
outbuilding 1335.0'

COUNTY SC0



Check which applies:

- Site Plan
- Erosion & Sediment. Control Plan
- Other: _____

Date Received:

North Arrow:

Approval (Office Use Only):

RECEIVED

AUG 26 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Permit Application No.

239-16-01

Applicant Name:

Kevin Pagel

CCDPZ Form 12/01/14

each square 44 1/2'

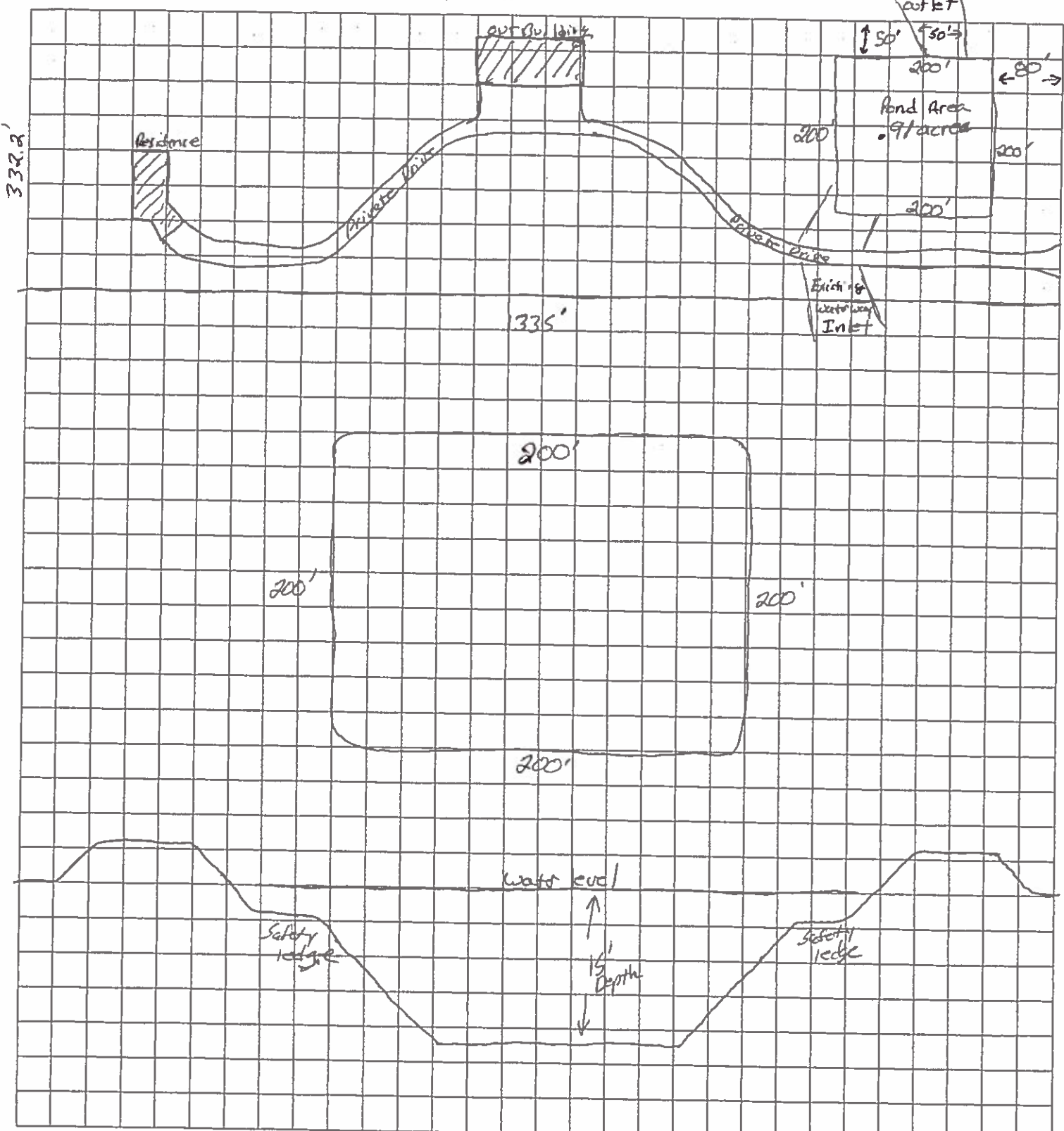
Champaign County
 Planning & Zoning Department
 Approved Site Plan
 Permit # 239-16-01
 Date: 9/29/16

10/2/16

1335.0'

Existing
waterway
outlet

500' CR
332.2'
500' CR



Check which applies:

- Site Plan
- Erosion & Sediment. Control Plan
- Other: _____

Date Received:

North Arrow:

Approval (Office Use Only):

Permit Application No.
239-16-01

Applicant Name:
Kevin Pagel

Champaign County
Planning & Zoning Department
 Approved Site Plan
 Permit # 2391601
 Date: 9/29/16

2062 APP

RECEIVED

AUG 29 2016

CHAMPAIGN CO. P & Z DEPARTMENT

ZONING USE PERMIT

No.: 239-16-01

Application Date: 08/26/16

Township: Newcomb Section: 23 Receipt #: 5336

P.I.N.: 16-07-23-400-020 Fee: \$1,997.00

Location (Address, directions, etc.): Address to be assigned

Owner/s: Kevin and Angie Pagel

Issued to: Owner: X Agent: Zoning District: AG-1 Lot Area: 10.183 acres

Legal Description: A tract of land located in Part of the NE Corner of the SE 1/4 of Section 23, Newcomb Township

Project Is To: construct a single family home with attached garage, a detached storage shed and a pond less than one acre in area

Use Is: Accessory: X Principal: X Conforming: X Non-Conforming:

By: Appeal #: Special Use #: Variance #:

Special Conditions: SEE REVERSE FOR SPECIAL CONDITIONS OF APPROVAL

Standard Conditions

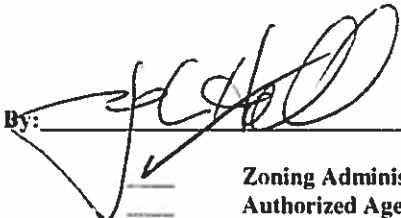
1. This permit is issued with the understanding that all construction, use and occupancy will be in compliance with the application as filed with the Planning and Zoning Department, and with all provisions of the Champaign County Zoning Ordinance.

2. This Zoning Use Permit expires if the work described in the application has not begun within 180 consecutive days from issuance or if the work is not substantially completed within 365 consecutive days from issuance.

Date: 9/29/16

3. As evidenced in the Zoning Use Permit Application, the owner has expressly granted permission for representatives of the Champaign County Department of Planning & Zoning to enter the premises at reasonable times for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance.

4. A Zoning Compliance Certificate must be obtained from the Department of Planning and Zoning, in writing, prior to occupancy or use of the work or structures covered by this permit (Section 9.1.3).

Signed By: 
Zoning Administrator
Authorized Agent

1. If the building will have a floor drain or a private sewage system or well, permits must be obtained from the Champaign County Public Health Department. Information can be found at www.c-uphd.org in the Environmental Health section. Phone: 217-363-3269.
2. The pond shall be less than one acre in area until a Special Use Permit is granted for a pond greater than 1 acre in area (Case 853-S-16 docketed for November 10, 2016).
3. See the handout *Erosion Control In Rural Champaign County*. All land disturbance is subject to the relevant requirements of the *Champaign County Storm Water Management and Erosion Control Ordinance* including but not necessarily limited to the following:
 - a. Stockpiles of soil that total 150 cubic yards or more in total volume must be located at least 30 feet from a property line as required by section 6.4D. of the *Champaign County Storm Water Management and Erosion Control Ordinance*. Stockpiles of soil that total 150 cubic yards or more in total volume should be indicated on all site plans with dimensions noted for all required separations. **A revised site plan that indicates the stockpile location(s) and dimensions should be submitted as soon as possible.**
 - b. Sump pump outlets and wastewater surface outlets and discharges shall be at least 25 feet from a property line and/or roadside ditch as required by section 6.1D. of the *Champaign County Storm Water Management and Erosion Control Ordinance*. All sump pump outlets and wastewater surface outlets should be indicated on all site plans with dimensions noted for all required separations. **A revised site plan that indicates the relevant outlet(s) and dimensions should be submitted as soon as possible.**
 - c. Any soil or sediment tracked onto the public street shall be removed before the end of the workday if directed by the Township Highway Commissioner or if a complaint is received from neighbors as required by section 6.4F. of the *Champaign County Storm Water Management and Erosion Control Ordinance*.
 - d. Other appropriate erosion and sedimentation controls shall be required if valid complaints of erosion and/or sedimentation are received from adjacent property owners as authorized by sections 6.1F. and 6.4A. of the *Champaign County Storm Water Management and Erosion Control Ordinance*.
 - e. All construction waste and debris shall be properly disposed of and prevented from being carried offsite by either wind or water and shall not be buried or burned.
3. Your Zoning Use Permit #239-16-01 appears to propose an acre or more of land disturbance and State of Illinois requirements regarding erosion and sedimentation may apply **although are not a requirement for approval of Zoning Use Permit #239-16-01**. In the State of Illinois, an acre or more of land disturbance must be authorized under an Illinois Environmental Protection Agency (IEPA) National Pollutant Discharge Elimination System (NPDES) "ILR10" General Construction Storm Water Permit. Application for an ILR10 permit is made by filing a Notice of Intent with the IEPA. Appropriate erosion and sedimentation (E&S) controls are required and IEPA fees apply. See www.epa.state.il.us/water/permits/storm-water/construction.html. The local IEPA contact for storm water compliance is Holly Hirschert at Holly.Hirschert@illinois.gov



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccswd.com

NATURAL RESOURCE REPORT

Development Name: Kevin Pagel

Date Reviewed: September 6, 2016

Requested By: Kevin Pagel

Address: 511 Ridge Road
Mahomet, IL 61853

RECEIVED

OCT 3 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Location of Property: part of the NE ¼ of sec.23 in T. 21 N., R.7 E., of the 3rd. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on September 9th, 2016.

September 28, 2016



Champaign County

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 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- www.ccsxcd.com

SITE SPECIFIC CONCERNS

1. The area that is and to be developed has 3 soil types (Drummer Silty Clay Loam 152A, Blount Silt Loam 23A & 23B2, Camden Silt Loam 134B) that severe ponding to Severe wetness for dwellings without a basement.

SOIL RESOURCE

a) Prime Farmland:

This tract is **not** considered best prime farmland for Champaign County by the LE calculation.

This tract has an L.E. Factor of 84; see the attached worksheet for this calculation.

b) Soil Characteristics:

There are three (3) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields	Steel Corrosion	Concrete Corrosion
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate
23A	Blount Silt Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	high
23B2	Blount Silt Loam	2-4%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	high
134B	Camden Silt Loam	2-5%	Severe: cutbank ca	Moderate: shrink	Severe: low strength	Moderate: perc sld	moderate	moderate

c) Erosion:

This area that still may be developed, will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has a slight slope to the North which could allow erosion during construction and heavy rainfall events. The area is currently in pasture and has not been disturbed more than general areas for foundation testing at the time of inspection, erosion control measures must be installed before construction starts.



Champaign County

Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- www.ccsxcd.com

d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after.

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

This link has a resource to help develop a SWPPP for small lots:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

WATER RESOURCE

a) Surface Drainage:

The site has a slit slope to the North. The developed areas seem to have good drainage. The water from the site will leave by way of the Grass waterways and possible field tiles. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.

b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

Severe ponding, along with Severe wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.



Champaign County

Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- www.ccsxcd.com

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.

A new small lots plan can be found at this website location:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>

d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspiration and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



Champaign County

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(217) 352-3536 Extension 3 --- www.ccswcd.com

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.


The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location: Sangamon River INAI Site.

c) Plant:

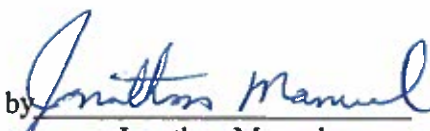
For eventual landscaping of the site, the use of native species is recommended whenever possible. The soil types will support trees such as Bur Oak, Norway Spruce, Black Oak, and Silky Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by


Steve Stierwalt
Board Chairman

Prepared by


Jonathon Manuel
Resource Conservationist

Kevin Pagel

Date: 9/12/2016

Field Office: CHAMPAIGN SERVICE CENTER

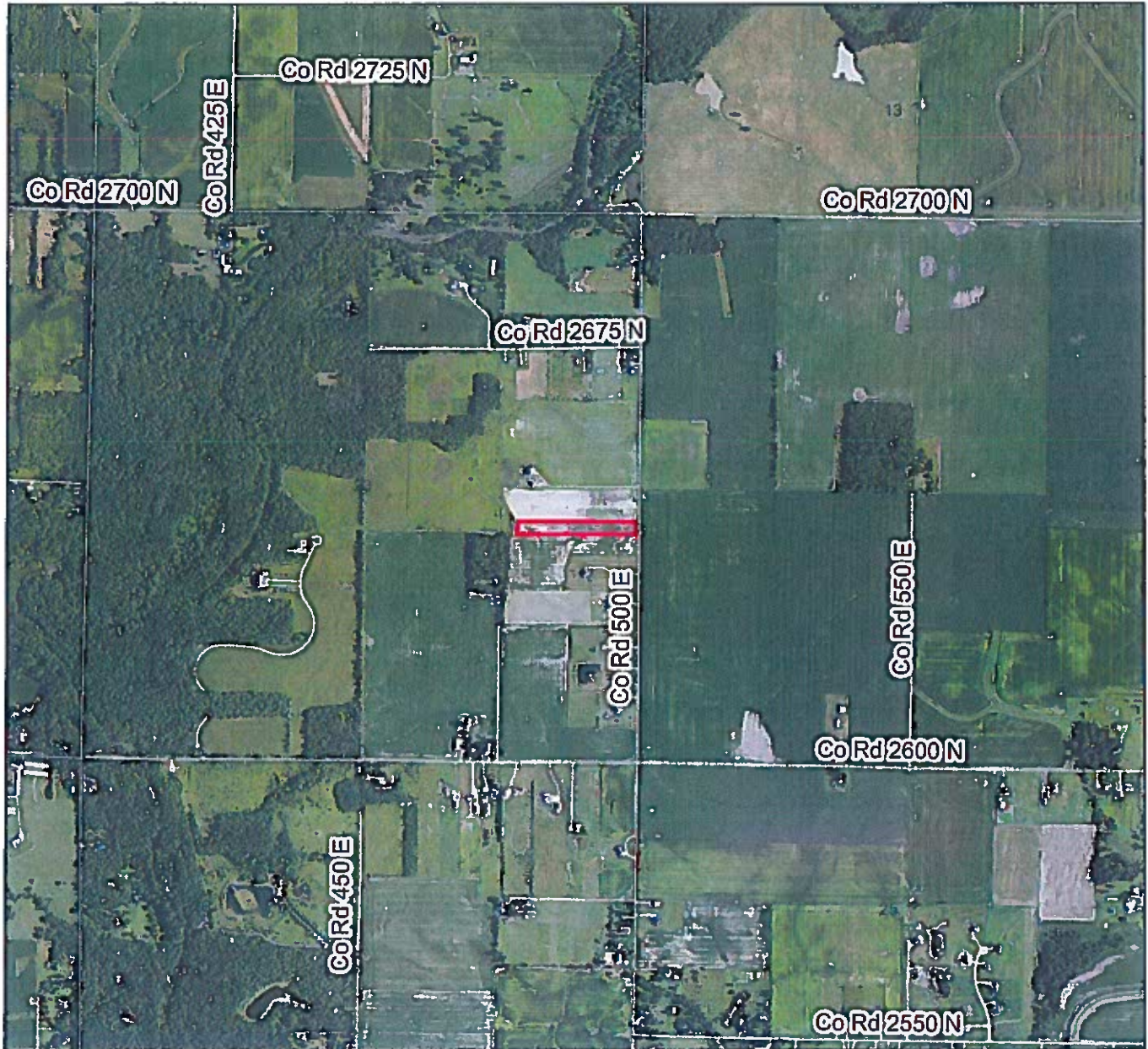
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SE 1/4 of Section 23, T21N., R7E.

2010



Legend

-  Kevin Pagel
-  townships_a_il019
-  champsections01v1
-  fe_2007_17019_edges



Kevin Pagel

Date: 9/12/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SE 1/4 of Section 23, T21N., R7E.

2010



Legend

Soils Map

MUSYM

134B

152A

23A

23B2

Kevin Pagel

townships_a_il019

champsections01v1

fe_2007_17019_edges



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	98	1.3	127.4
23A	Blount	14	71	1	71.0
23B2	Blount	14	71	0.4	28.4
134B	Camden	9	83	0.4	33.2
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 260

Acreage= 3.1

Land Evaluation Factor For Site=

84

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey

Kevin Pagel

Date: 9/12/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SE 1/4 of Section 23, T21N., R7E.

2010



Legend

- 3_T21N_R07E_SEC23
- Kevin Pagel
- townships_a_il019
- champsections01v1
- fe_2007_17019_edges



Kevin Pagel

Date: 9/12/2016

Field Office: CHAMPAIGN SERVICE CENTER

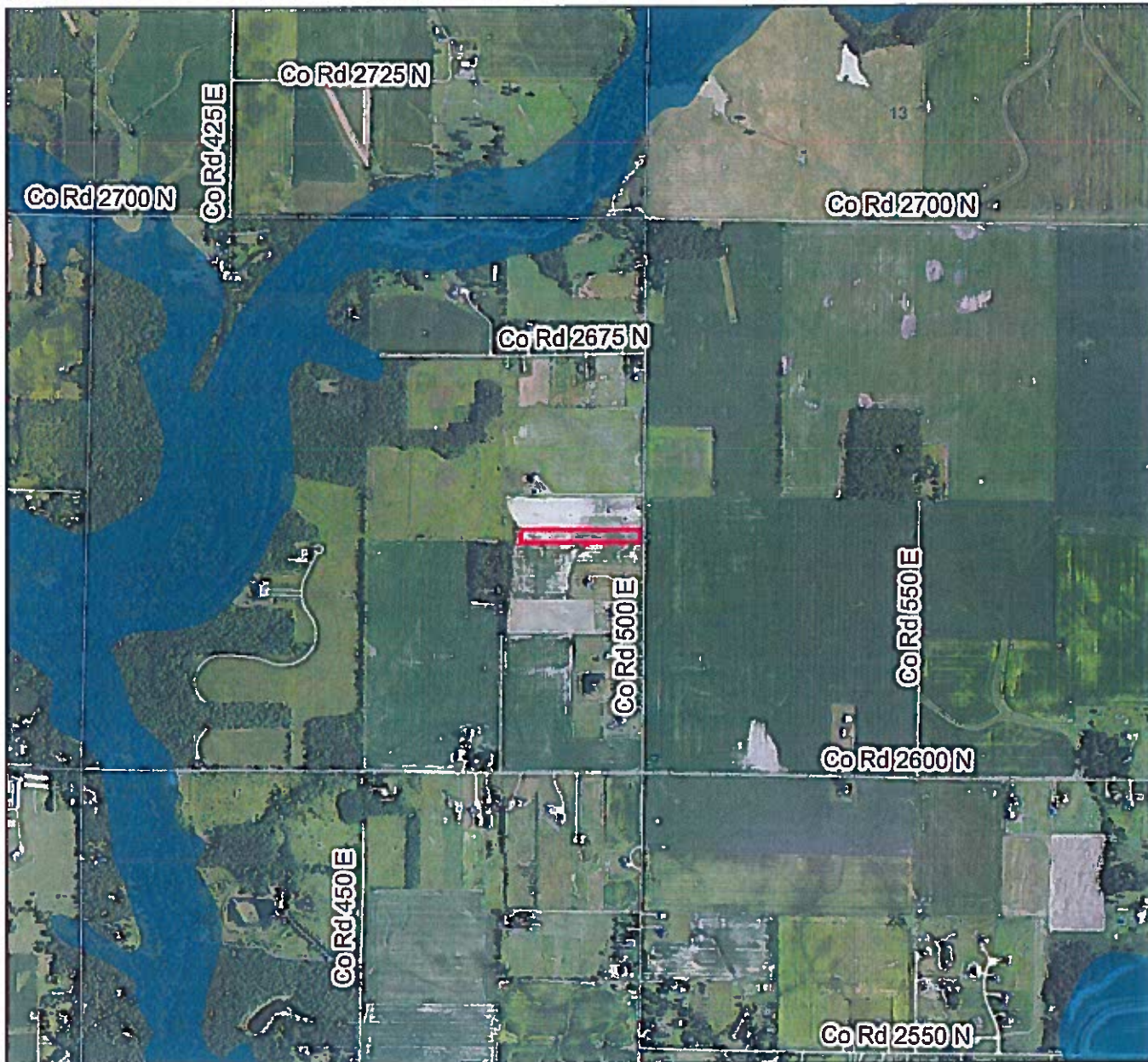
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SE 1/4 of Section 23, T21N., R7E.

2010



Legend

- Kevin Pagel
- townships_a_il019
- champsections01v1
- fe_2007_17019_edges
- fema_a_il019





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1702961
Contact: Jonathon Manuel **Date:** 09/16/2016
Address: 2110 West Park Court
 Suite C
 Champaign, IL 61821

Project: Kevin Pagel
Address: 2110 West Park Court, Suite C, Champaign

Description: New home and pond

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Sangamon River INAI Site

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Champaign

Township, Range, Section:

21N, 7E, 23

21N, 7E, 24



IL Department of Natural Resources

Contact

Impact Assessment Section

217-785-5500

Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 1702961

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

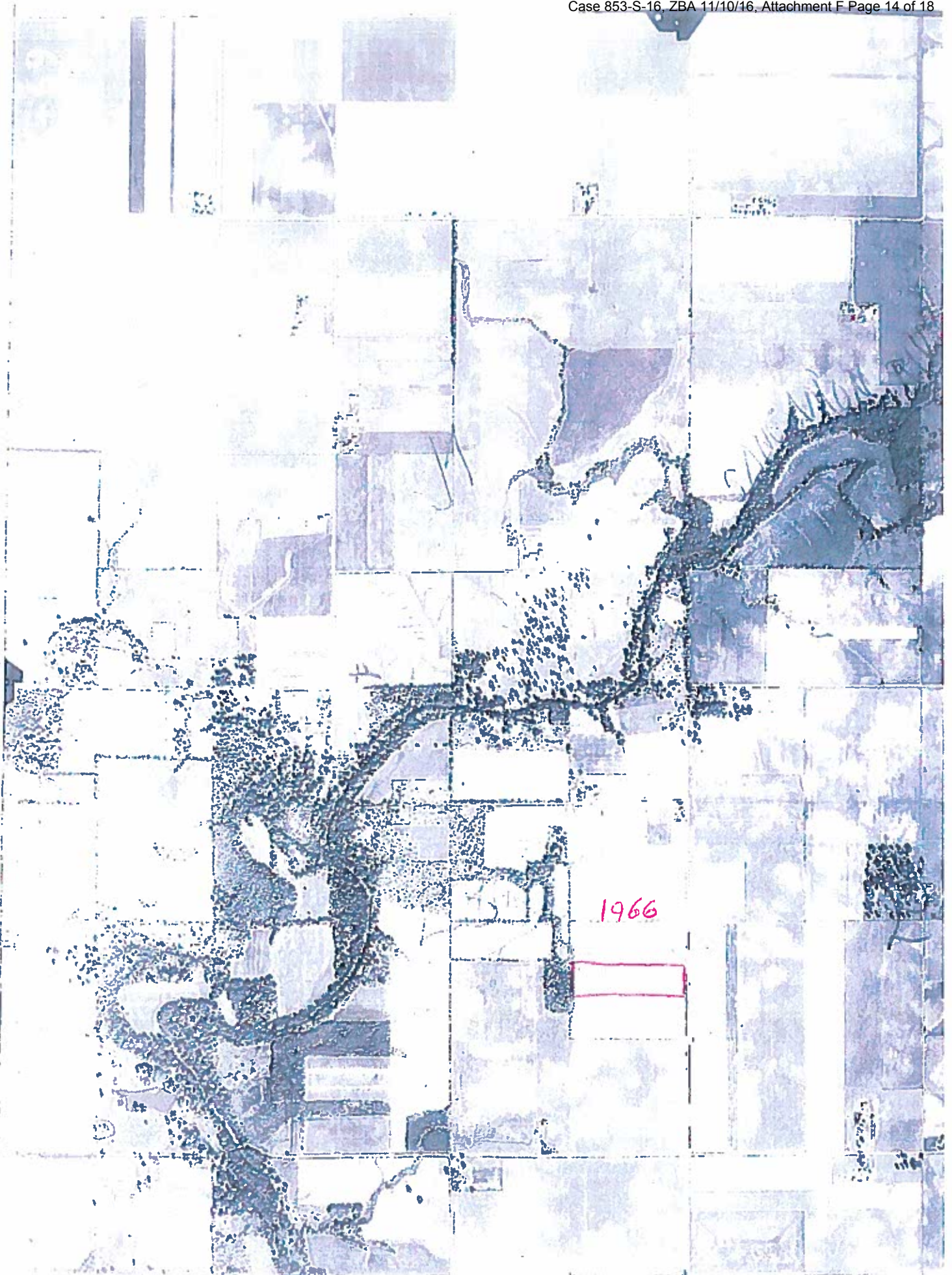
EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

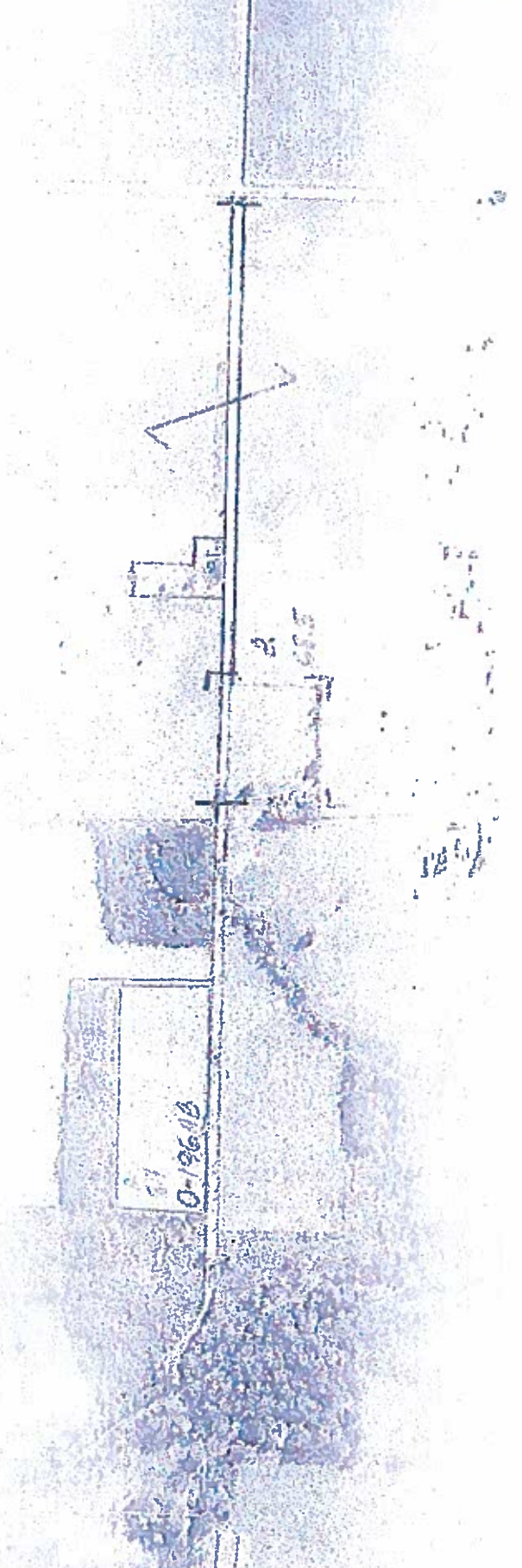
Privacy

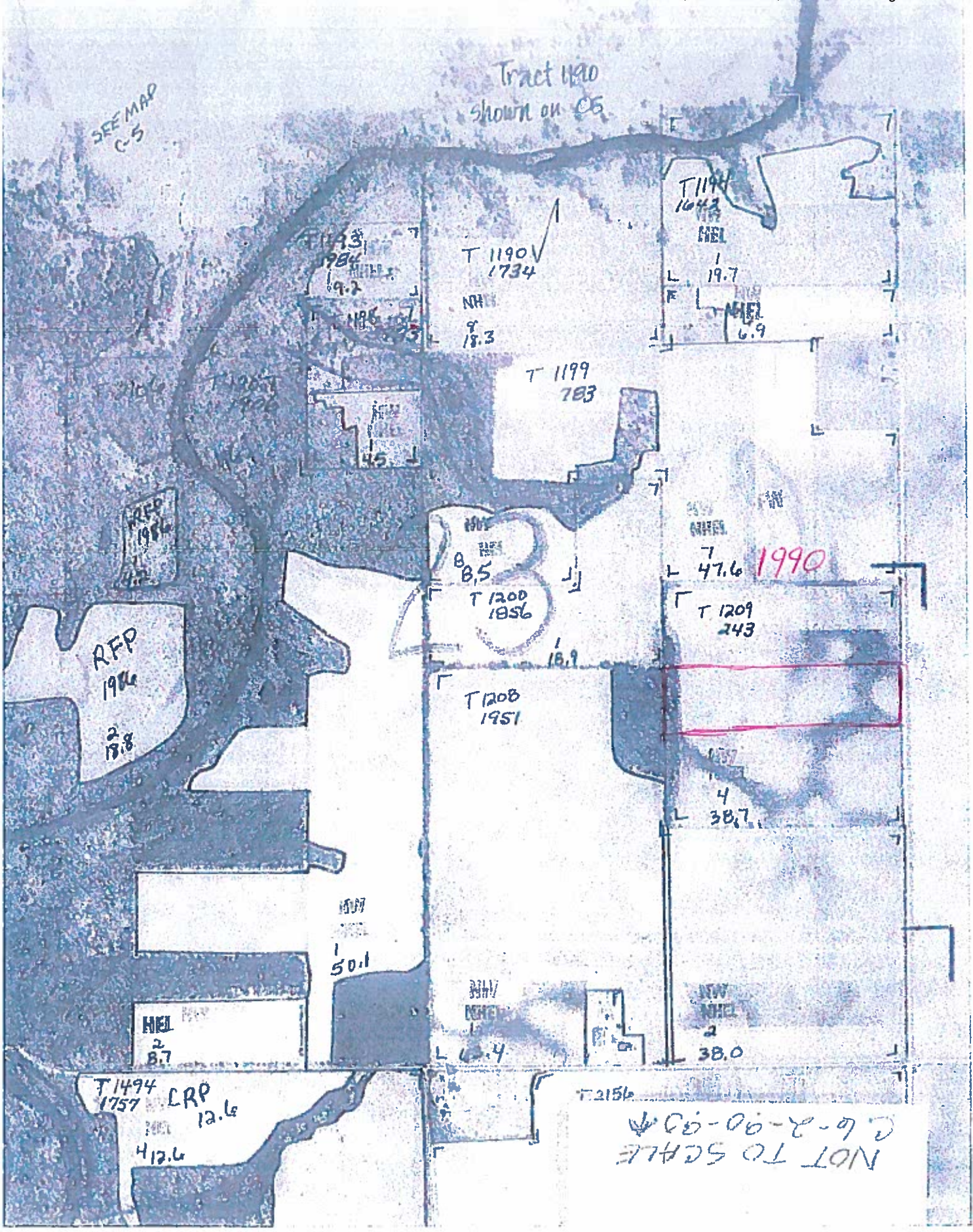
EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.





NOT TO SCALE





Kevin Pagel

Date: 9/12/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SE 1/4 of Section 23, T21N., R7E.

2010



Legend

 Kevin Pagel

fe_2007_17019_edges



Kevin Pagel

Date: 9/12/2016

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: SE 1/4 of Section 23, T21N., R7E.

2015



Legend

- Kevin Pagel
- fe_2007_17019_edges





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

217782-0610

10/06/2016

KEVIN PAGEL
OWNER OPERATOR
511 RIDGE RD
MAHOMET, IL 61853

RECEIVED

NOV 01 2016

CHAMPAIGN CO P & Z DEPARTMENT

RE: FACILITY: PAGEL PROPERTY MAHOMET, IL
COUNTY: CHAMPAIGN NPDES Permit No:ILR10X512
Notice of Coverage Under Construction Site Activity Storm Water General Permit

Dear NPDES Permittee:

We have reviewed your application and determined that storm water discharges associated with industrial activity from construction sites are appropriately covered by the attached General NPDES Permit issued by the Agency. Your discharge is covered by this permit effective as of the date of this letter or as identified by the conditions of the permit. The Permit as issued covers application requirements, a storm water pollution prevention plan and reporting requirements.

As a Permit Holder, it is your responsibility to:

1. Submit a modified Notice of Intent of any ownership or address change to the Permit Section within 30 days;
2. A Notice of Termination must be sent to the Agency, at the address indicated on the Notice of Termination, once your construction project has been completed and the site is properly stabilized. A Notice of Termination form has been enclosed for your convenience;

This letter shows your facility permit number below the construction site name. Please save this number and reference it in all future correspondence. Should you have any questions concerning the Permit, please contact Cathy Demeroukas at (217) 782-0610.

Very truly yours,

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control

CC: **Records Unit** Champaign County SWCD, Region: Champaign

4002 N. Main St., Rockford, IL 61103 (815)967-7760
595 S. Stone, Egin, IL 60123 (847)606-3131
2125 S. First St., Champaign, IL 61820 (217)276-5300
2009 Mall St., Collinsville, IL 62234 (618)346-5120

2511 Harrison St., Des Plaines, IL 60016 (647)294-4000
5407 N. University St., Arber 113, Peoria, IL 61614 (309)696-5462
2309 W. Main St., Suite 115, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 11-300, Chicago, IL 60601 (312)814-6025

This Form Replaces Form 3510-9 (8-98)
Refer to the Following Pages for Instructions

Form Approved OMB Nos. 2040-0188 and 2040-0211

NPDES
Form



United States Environmental Protection Agency
Washington, DC 20460

Notice of Intent (NOI) for Storm Water Discharges Associated with
Construction Activity Under an NPDES General Permit

Submission of this Notice of Intent (NOI) constitutes notice that the party identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the party identified in Section II of this form meets the eligibility requirements of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Refer to the instructions at the end of this form.

I. Permit Number

II. Operator Information

Name: Keidin Page

IRS Employer Identification Number (EIN): 27-1305502

Mailing Address:

Street: 511 Ridge Rd

City: MAHOMET State: IL Zip Code: 61853

Phone: 217-202-0974 Fax (optional): _____

E-mail (optional): kwpage@yahoo.com

RECEIVED

NOV 01 2016

CHAMPAIGN CO. P & Z DEPARTMENT

III. Project/Site Information

Project/Site Name: Property

Project Street/Location: 26411 County Rd 500 E

City: Mahomet State: IL Zip Code: 61853

County or similar government subdivision: Champaign County

Latitude/Longitude (Use one of three possible formats, and specify method)

Latitude	1. <u>40° 15' 30"</u> N (degrees, minutes, seconds)	Longitude	1. <u>88° 21' 58"</u> W (degrees, minutes, seconds)
	2. _____ N (degrees, minutes, decimal)		2. _____ W (degrees, minutes, decimal)
	3. _____ N (decimal)		3. _____ W (decimal)

Method: U.S.G.S. topographic map EPA web site GPS Other:
- If you used a U.S.G.S. topographic map, what was the scale: _____

Project Located in Indian country? Yes No
If so, name of Reservation or if not part of a Reservation, put "Not Applicable": _____

Estimated Project Start Date: 09 / 15 / 2016 Estimated Project Completion Date: 09 / 15 / 2017
Month Date Year Month Date Year

Estimated Area to be Disturbed (to the nearest quarter acre): 4.06

IV. SWPPP Information

Has the SWPPP been prepared in advance of filing this NOI? Yes No

Location of SWPPP for viewing: Address in Section II Address in Section III Other

If Other: SWPPP Street: 26411 County Road 500E

City: Mahomet

State: IL Zip Code: 61853

SWPPP Contact Information (if different than that in Section II):

Name: _____

Phone: _____ - _____ - _____ Fax (optional): _____ - _____ - _____

E-mail (optional): _____

V. Discharge Information

Identify the name(s) of waterbodies to which you discharge. Surface water/rain

Is this discharge consistent with the assumptions and requirements of applicable EPA approved or established TMDL(s)?

Yes No

VI. Endangered Species Information

Under which criterion of the permit have you satisfied your ESA eligibility obligations?

A B C D E F

• If you select criterion F, provide permit tracking number of operator under which you are certifying eligibility:

VII. Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: Kevin Rose

Print Title: owner

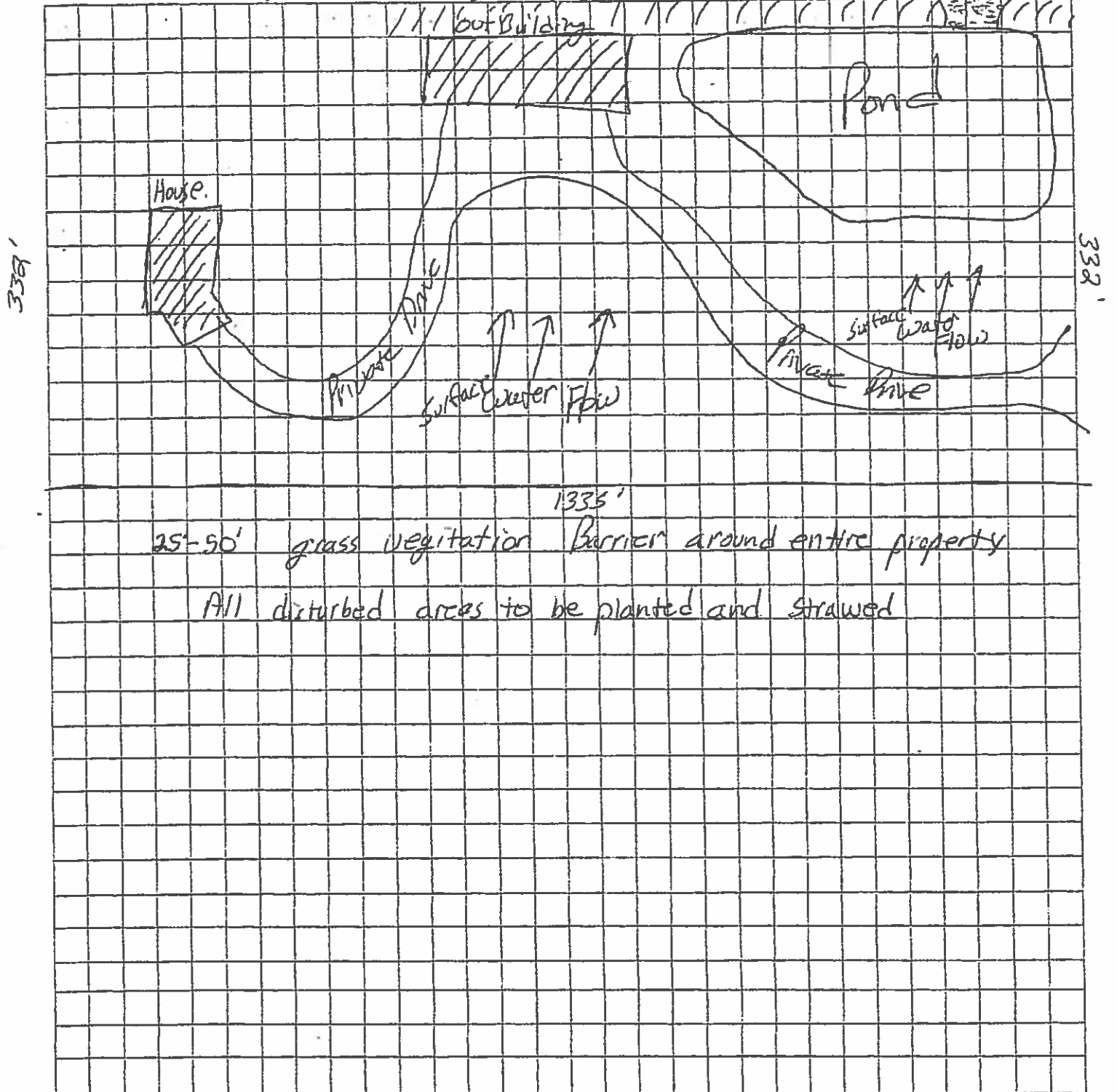
Signature: [Signature]

Date: 8-29-2016

RECEIVED

NOV 01 2016

CHAMPAIGN CO P & S DEPARTMENT



Check which applies: Date Received: North Arrow: Approval (Office Use Only):

- Site Plan
 - Erosion & Sediment. Control Plan
 - Other: _____
- Permit Application No. _____

Applicant Name: _____

↑

RECEIVED

NOV 01 2016

CHAMPAIGN CO. P & Z DEPARTMENT



From CR 500E facing west-northwest



Pond stockpiles near neighbor's building, from CR 500E facing northwest



From about midpoint of driveway on property, facing northeast



From driveway on property, facing northwest

PRELIMINARY DRAFT

853-S-16

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

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

Date: ***{November 10, 2016}***

Petitioners: **Kevin and Angela Pagel**

Request: **Authorize a Special Use Permit for construction of an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District**

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 10, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Kevin and Angela Pagel own the subject property.
2. The subject property is a 10.18-acre tract in the Northeast Quarter of the Southeast Quarter of Section 23 of Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township with an address of 2639 CR 500E, Mahomet, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Newcomb Township, which has a Plan Commission. Townships with Plan Commissions do not have protest rights on Special Use Permits; however, they do receive notice of such cases and they are invited to comment.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. The subject property is zoned AG-1 Agriculture and is currently a vacant residential lot.
 - B. The land surrounding the subject property is zoned AG-1 Agriculture.
 - C. The subject property is bordered by agricultural production to the east, and single family residences to the north, west and south.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan for the proposed Special Use:
 - A. The Site Plan received August 29, 2016, indicates the following proposed features:
 - (1) A 1.64-acre pond and the following basic details:
 - a. an existing waterway inlet on the south side and an existing waterway outlet on the north side of the subject property; and
 - b. a pond depth of 15 feet with shallower safety ledge.
 - (2) A single family residence; and
 - (3) One outbuilding.
 - B. A Revised Site Plan received November 1, 2016, indicates the following additional information:

PRELIMINARY DRAFT**Case 853-S-16**

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- (1) A note that there will be a 25 to 50 feet grass vegetation barrier around the entire property comprised of coconut/straw mat and grass, and that all disturbed areas will be planted and strawed;
 - (2) One topsoil stockpile to the west of the outbuilding and one clay stockpile to the southwest of the outbuilding; and
 - (3) A 50 feet wide rock overflow northeast of the proposed pond.
- C. There is one previous Zoning Use Permit on the subject property:
- (1) Permit #239-16-01 was approved on September 29, 2016, for construction of a single family home with attached garage, a detached storage shed, and a pond less than one acre in area (to be revised if this SUP is approved for the larger pond).

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for an artificial lake of 1 acre or more in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (3) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
 - (4) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.

PRELIMINARY DRAFT

- (5) “DWELLING UNIT” is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (8) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (9) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (10) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (11) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (12) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (13) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:

PRELIMINARY DRAFT**Case 853-S-16**

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- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Regarding authorization for “artificial lake” in the Zoning Ordinance:
- (1) “Artificial lake of one or more acres” has always been authorized only as a Special Use Permit in the Zoning Ordinance.
 - (2) Section 6.1.3 of the *Zoning Ordinance* establishes Standard Conditions that are applicable to Special Use Permits. The only standard condition for an artificial lake of one or more acres is a minimum lot area of one acre.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:

PRELIMINARY DRAFT

- a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

- 7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“Utilize dirt on site for outbuilding due to slope of property”**.

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

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“Pond will be entirely on property, will not affect neighbor properties or surroundings, will not produce additional water”**.
 - B. Regarding surface drainage:
 - (1) The Champaign County Soil and Water Conservation District Natural Resource Report received October 3, 2016, states “The site has a slit slope to the north. The

PRELIMINARY DRAFT**Case 853-S-16**

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developed areas seem to have good drainage. The water from the site will leave by way of the grass waterways and possible field tiles. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.”

- (2) A copy of the Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit dated August 29, 2016, was received November 1, 2016.
- C. Regarding traffic in the subject property area:
- (1) The subject property has one access drive on the west side of CR 500E.
 - (2) CR 500E is a two-lane rural cross section that is approximately 18 feet wide and comprised of oil and chip.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 500E had an ADT of 375 approximately 0.5 miles south of the subject property.
 - (4) The Newcomb Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located 6.1 miles from the Cornbelt Fire Protection District station in Mahomet. The FPD Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered Best Prime Farmland. The soil on the subject property consists of Drummer silty clay loam 152A, Blount silt loam 23A, Blount silt loam 23B2, and Camden silt loam 134B, and has an average Land Evaluation Factor of 84 as per the Natural Resource Report received from the Champaign County Soil and Water Conservation District on October 3, 2016.
- G. Regarding outdoor lighting on the subject property: the Petitioner did not include information on their Site Plan.
- H. Regarding wastewater treatment and disposal on the subject property: the Site Plan from ZUPA #239-16-01 approved on September 29, 2016, indicates a septic system northwest of the proposed house on the west end of the subject property.
- I. Regarding neighborhood concerns:
- a. On October 5, 2016, staff was contacted with a concern that the construction stockpiles are too close to the property line.

PRELIMINARY DRAFT

- b. Staff visited the site on October 19, 2016, and noted that stockpiles did seem to be closer than 30 feet from the property line as required by the IEPA and the Champaign County Stormwater Management and Erosion Control Ordinance.

- J. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, 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: **“Conforms to special use permit.”**

 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Section 5.2: Table of Authorized Principal Uses states that an artificial lake of 1 acre or more can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.

 - (2) Regarding Best Prime Farmland:
 - a. The subject property is non-conforming with respect to the current definition of Best Prime Farmland by virtue of the Plat of Survey that was recorded on October 5, 2005, prior to the adoption of Case 711-AT-12 on November 27, 2012, which established the current definition of Best Prime Farmland.
 - (a) The minimum Land Evaluation Factor for Best Prime Farmland at the time of survey was 85.

 - (b) Even though the site includes a significant amount (approximately 24%) of Agriculture Value Group 1 soils as determined by the Champaign County LESA system, which would make it Best Prime Farmland by current definition, this lot was lawfully created and is therefore nonconforming with respect to the maximum lot size requirement.

 - C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*, because more than 1 acre of land will be disturbed, the project is subject to this Ordinance and any relevant State of Illinois regulations regarding erosion and sedimentation.
 - (1) A copy of the Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit dated August 29, 2016, was received November 1, 2016.

PRELIMINARY DRAFT**Case 853-S-16**

Page 9 of 17

- (2) Detailed engineering design submittals documenting how the proposed pond meets requirements have not yet been received. A Special Condition has been proposed.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in Champaign County's subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) Artificial lakes of 1 acre or more are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.

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 be in harmony with the general intent and purpose of the Ordinance:
 - A. Section 5.2: Table of Authorized Principal Uses states that an artificial lake of 1 acre or more can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture 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 AGRICULTURE 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 zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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

PRELIMINARY DRAFT

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - b. In regards to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property, the subject property has been a vacant residential lot, so any development to the property should increase its value.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. Regarding erosion concerns, the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received October 3, 2016, states “This area that still may be developed, will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has a slight slope to the north which could allow erosion during construction and heavy rainfall events. The area is currently in pasture and has not been disturbed more than general areas for foundation testing at the time of inspection, erosion control measures must be installed before construction starts”.
 - b. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*, because more than 1 acre of land will be disturbed, the project is subject to this Ordinance and any relevant State of Illinois regulations regarding erosion and sedimentation.
 - (a) A copy of the Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit dated August 29, 2016, was received November 1, 2016.
 - (b) Detailed engineering design submittals documenting how the proposed pond meets requirements have not yet been received. A Special Condition has been proposed.

PRELIMINARY DRAFT

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote 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 compliance with those limits.

- (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 any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

PRELIMINARY DRAFT

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. The subject property is not in agricultural production.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features. The Natural Resource Report received October 3, 2016 states that the Sangamon River INAI Site may be in the vicinity of the project location. This INAI Site is approximately one-half mile west of the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The subject property is not in agricultural production.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
 - A. The Petitioner has testified on the application: **“Yes.”**
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
 - A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Stormwater Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Application for Special Use Permit received August 29, 2016, with attachments:
 - A Site Plan received August 29, 2016
 - B Legal description
 - C Plat of survey
2. Revised Site Plan received November 1, 2016
3. Zoning Use Permit #239-16-01 case file
4. Natural Resources Report received October 3, 2016 from Champaign County Soil and Water Conservation District
5. Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit dated August 29, 2016, and received November 1, 2016
6. Preliminary Memorandum dated Nov 3, 2016, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received August 29, 2016
 - C Revised Site Plan received November 1, 2016
 - D Approved Site Plan from Zoning Use Permit Application #239-16-01
 - E Zoning Use Permit #239-16-01, including special conditions
 - F Natural Resources Report received October 3, 2016 from Champaign County Soil and Water Conservation District
 - G IEPA Notice of Coverage Under Construction Site Activity Storm Water General Permit dated October 6, 2016 and petitioner's Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit dated August 29, 2016, and received November 1, 2016
 - H Site Visit Photos taken September 26, 2016
 - I Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated November 3, 2016

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **853-S-16** held on **November 10, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{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}* *{because*}*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - g. The property *{IS / IS NOT}* WELL SUITED OVERALL for the proposed improvements.
 - h. Existing public services *{ARE / ARE NOT}* available to support the proposed SPECIAL USE without undue public expense.
 - i. Existing public infrastructure together with the proposed development *{IS / IS NOT}* adequate to support the proposed development effectively and safely without undue public expense.

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

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.

PRELIMINARY DRAFT

- c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** ***{DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use ***IS NOT*** an existing nonconforming use.
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

- A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Stormwater Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, 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 **853-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, Kevin and Angela Pagel, to authorize **the following as a Special Use on land in the AG-1 Agriculture Zoning District:**

Authorize a Special Use Permit for construction of an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**

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