

CASES 881-S-17 and 887-V-17

PRELIMINARY MEMORANDUM

October 19, 2017

Petitioner: Steve Gilbert, dba Shady Rest Materials LLC, dba Gilbert Transport LLC

Request: **Case 881-S-17**

Authorize an existing trucking, quarrying, and recycling of construction materials business as a “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use in the AG-1 Agriculture Zoning District subject to the variance requested in related Case 887-V-17 and subject to the following waivers of standard conditions required by Section 6.1.3 of the Zoning Ordinance:

Part A: Authorize a waiver for side and rear yards of 15 feet in lieu of the minimum required 100 feet.

Part B: Authorize a waiver for a setback from street centerline of 25 feet in lieu of the minimum required 150 feet.

Part C: Authorize a waiver for no wire mesh fence surrounding the Special Use, in lieu of the minimum required 6 feet tall wire mesh fence, on the subject property described below.

Case 887-V-17

Authorize the following Variance for an existing trucking, quarrying, and recycling of construction materials business in the AG-1 Agriculture Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 881-S-17:

Part A: Authorize a Variance from the Champaign County *Storm Water Management and Erosion Control Ordinance* for the requirement of a Storm Water Drainage Plan with detention.

Part B: Authorize a variance from Section 7.6.2 of the Champaign County *Zoning Ordinance* for no screening in lieu of a Type D screen required for outdoor storage and operations within 1,000 feet of a major street.

Location: A 23.71 acre tract in the Northeast Quarter of the Northeast Quarter of Section 5 of Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as Gilbert Trucking, with an address of 4403 Cardinal Road, Champaign, Illinois.

Site Area: 23.71 acres

Time Schedule for Development: Already in use

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

In 1984, Steve Gilbert purchased the subject property from John Kenny and continued to quarry the property and its 6.5 acre pond for dirt, clay, and sand. Mr. Gilbert indicated on his application that the property has been a quarry operation since the 1950s by Mr. Kenny and previously University Asphalt. Aerial photos in the Natural Resource Report received July 6, 2017, show no development of the property until after 1966. No documentation has been provided that shows the property has been in continuous operation since before the adoption of the Zoning Ordinance on October 10, 1973.

Mr. Gilbert has expanded his operations to include receiving used materials (concrete and asphalt) from construction sites and recycling them onsite into gravel and rock. Mr. Gilbert has a concrete crusher onsite that is in operation 35 to 40 days of the year.

Mr. Gilbert contends that the trucking of materials and recycling of construction materials are allied services that have grown organically from the quarrying business. He has told P&Z Staff that by recycling construction materials, he is simply creating the same materials that he can get from quarrying.

Section 5.2: Table of Authorized Principal Uses authorizes “Mineral Extraction, Quarrying, topsoil removal and allied activities” as a Special Use in the AG-1 Agriculture Zoning District.

There are standing violations of the *Public Nuisance Ordinance* and the *Zoning Ordinance*. The Ordinance Violations section below provides more information.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Trucking, quarrying, and recycling of construction materials business	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Residence	AG-1 Agriculture

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. Municipalities with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

The subject property is located within Champaign Township, which does not have a Planning Commission.

The parcel was created when it was sold on July 8, 1976; the sale was not recorded until July 23, 1982. At the time of division, the property was outside the 1.5 mile ETJ of the City of Champaign. It is now located in City of Champaign subdivision jurisdiction and the subject property is in compliance.

ORDINANCE VIOLATIONS

Mr. Gilbert has never sought permission or permits for the operations and structures he has on the property. The P&Z Department has received complaints about the subject property since early 2015, but staff has not been able to dedicate continuous time to these concerns due to other priorities. The complaints are reviewed under Item 8.I. of the Summary of Evidence and include standing water from excavating dirt, concern for mosquitos, dust created from recycling construction materials, dumping and burning landscape and other waste, noise and odor concerns, and possible environmental impacts from diesel fuel and oil leaching into the soil.

Several structures have been placed on the subject property since 2014 that are not compliant either with the Illinois Accessibility Code or with Illinois Public Act 96-704 regarding building codes. Both of these are State of Illinois requirements and are not Champaign County requirements, so there is no flexibility in regard to these requirements.

A First Notice of Violation was sent to Mr. Gilbert on March 2, 2016, followed by a Final Notice of Violation on May 9, 2017. The notices are for violations of the *Zoning Ordinance* and the *Public Nuisance Ordinance*. Should the storage of building materials be considered an allied activity to the “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use, the nuisance violations listed in the Notice would be limited to garbage, debris, and yard waste, which are being mitigated by the petitioner.

Inoperable vehicles were not included with either Notice of Violation; they were found during the June 8, 2017, visit that P&Z Staff made to the subject property. The inoperable vehicles cannot be seen in the spring 2014 Champaign County aerial photography. Approximately 20 parts of trucks, some mostly intact, are being stored on the west side of the property, south of the maintenance shed. In a phone call to Mr. Gilbert on September 11, 2017, Susan Burgstrom explained how the inoperable vehicles are a Nuisance Ordinance violation. As of October 16, 2017, Mr. Gilbert had not yet proposed a solution to the inoperable vehicles, but staff decided to forward the case to the Board anyway in order to force progress. On October 17, 2017, Susan Burgstrom emailed Mr. and Mrs. Gilbert asking their plans for the inoperable vehicles and made them aware that the requested Special Use Permit could not be approved while there is a Nuisance Ordinance violation; that email is included as an attachment to this memo. On October 19, 2017, Susan Burgstrom called Mr. Gilbert and during that call, he stated that he intends to move the vehicles. She told him that he would need to add a note to his original Site Plan to that effect, and arranged to have that done prior to the October 26, 2017 hearing. A special condition has been added to ensure appropriate removal or indoor storage of the inoperable vehicles.

SCREENING REQUIREMENTS

There are two distinct screening requirements for the proposed Special Use. The “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use requires a minimum 6 feet tall wire mesh fence around the entire Special Use area, which in this case matches the property line. Since Mr. Gilbert conducts most of the business activities outside, Section 7.6 of the Zoning Ordinance also applies. Section 7.6 requires a minimum 8 feet tall Type D screen around any outdoor storage and operations which are visible within 1,000 feet of a major road or a residence. Complying with Section 7.6 would require such a screen along the east and south property lines, at minimum.

There is existing vegetative screening atop a berm on the east side, but there are some gaps that would need to be filled in order to comply with Section 7.6. The neighbors to the south placed their own vegetative screening along their shared property line, but Mr. Gilbert's operations can still be seen from that property. Staff recommends a special condition requiring Mr. Gilbert to install a Type D screen on his side of the south property line.

PROPOSED SPECIAL CONDITIONS

The following are proposed special conditions of approval for Special Use Permit Case 868-S-17:

- A. **Within 30 days of approval of Case 881-S-17, the petitioner must apply for a Zoning Use Permit for all existing structures and a Change of Use permit.**

The above special condition is required to ensure the following:

That all structures and the establishment of the proposed use are properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for accessibility.

- D. **Within six months of approval of Case 881-S-17, the petitioner shall provide a copy of a written explanation of how he proposes to comply with Illinois PA 96-704. The explanation must include copies of correspondence with the Illinois Capital Development Board that will document that his proposed explanation will in fact result in compliance.**

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for building codes for new commercial buildings.

- E. **The petitioner must plant and maintain evergreen screening along the south property line. The approved Site Plan must indicate the location of the evergreen screening. Per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within 6 months of approval of Case 881-S-17.**

The above special condition is required to ensure the following:

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

- F. **The petitioner must add temporary seeding to permanent stockpiles per Sections 11.2: Minimize Soil Erosion and 11.5: Stockpiles, of the *Storm Water Management and Erosion Control Ordinance*.**

The special condition stated above is required to ensure the following:

That erosion control measures are put in place for continuing operations.

- G. **The Zoning Administrator may require that the petitioner submit a Storm Water Drainage Plan if a complaint is received regarding erosion or sedimentation stemming from activities on the subject property. The Storm Water Drainage Plan shall undergo review by the P&Z Department and its independent storm water review engineer, which may require mitigation activities to be undertaken by the Petitioner.**

The special condition stated above is required to ensure the following:

That the Special Use continues to consider public health, safety, and general welfare.

- H. **Within 12 months of approval of Case 881-S-17, the petitioner shall remove and/or properly store inside a fully enclosed building all but one (1) inoperable vehicle that meets all of the conditions listed in Section 3.3 B. of the Champaign County Public Nuisance Ordinance. Failure to complete this special condition shall void the approval of Case 881-S-17.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Zoning Ordinance and Public Nuisance Ordinance.

- I. **The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities on the subject property.**

The special condition stated above is to ensure the following:

That the Special Use takes the public health, safety and general welfare into consideration.

- J. **Landscape waste from other properties shall not be burned unless in a wood burning stove.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Public Nuisance Ordinance.

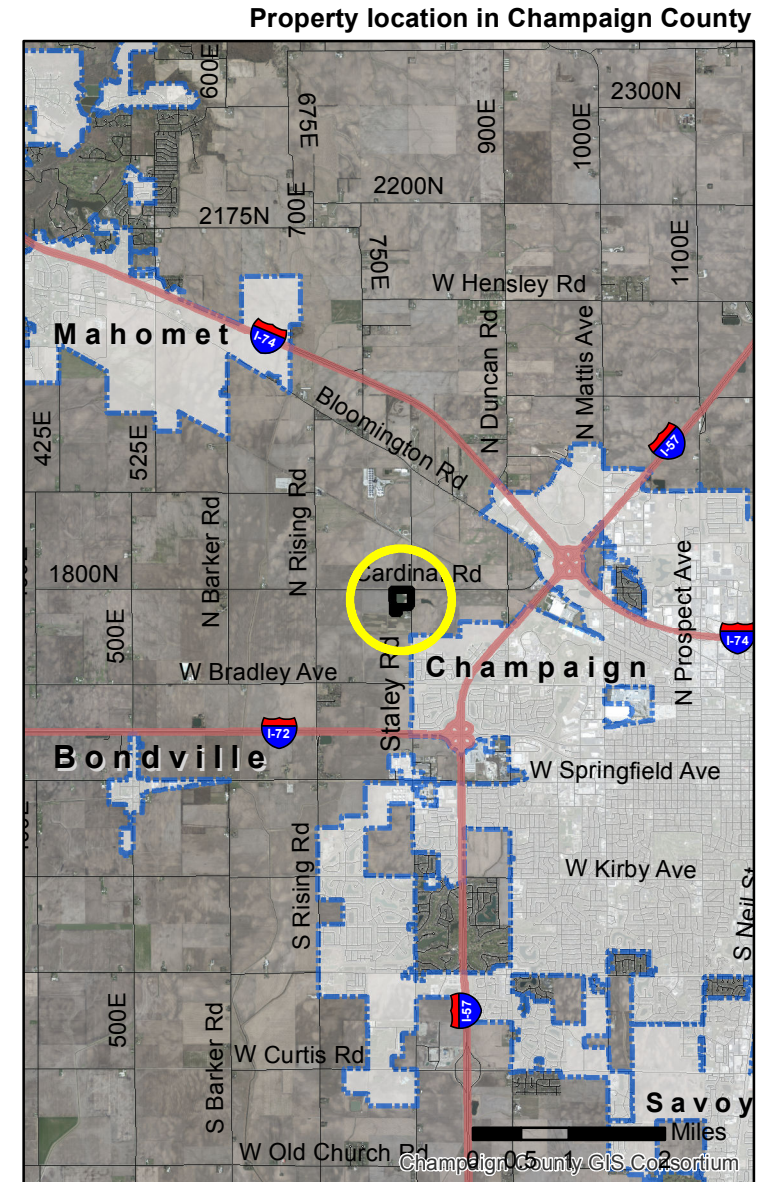
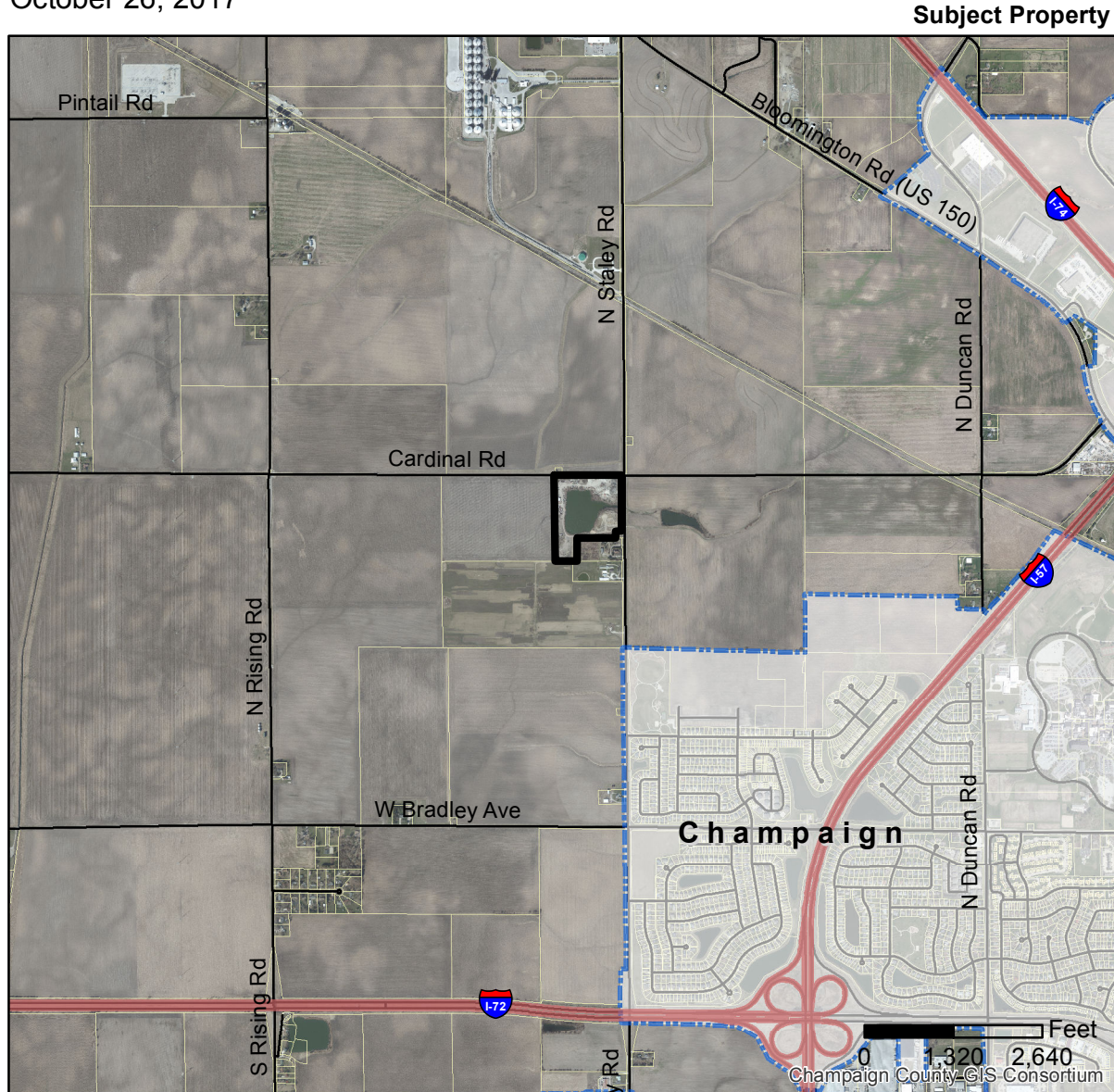
There are no proposed special conditions of approval for Variance Case 887-V-17.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received July 6, 2017
- C Annotated Site Plan created by P&Z Staff on August 1, 2017
- D Letter requesting information from P&Z Department to Mr. Gilbert dated June 4, 2015
- E First Notice of Violation from P&Z Department to Mr. Gilbert dated March 2, 2016
- F Final Notice of Violation from P&Z Department to Mr. Gilbert dated May 9, 2017
- G Natural Resources Report by Champaign County Soil and Water Conservation District received July 6, 2017
- H Letter of Support from 160 Driving Academy (Parkland College Truck Driving School)
- I IDOT Waste Site Contract dated May 12, 2014
- J Email to Mr. & Mrs. Gilbert from Susan Burgstrom dated October 17, 2017
- K Copy of Illinois Public Act 96-704
- L Site Visit Photos taken June 8, 2017
- M Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated October 26, 2017

Location Map

Cases 881-S-17 and 887-V-17
October 26, 2017



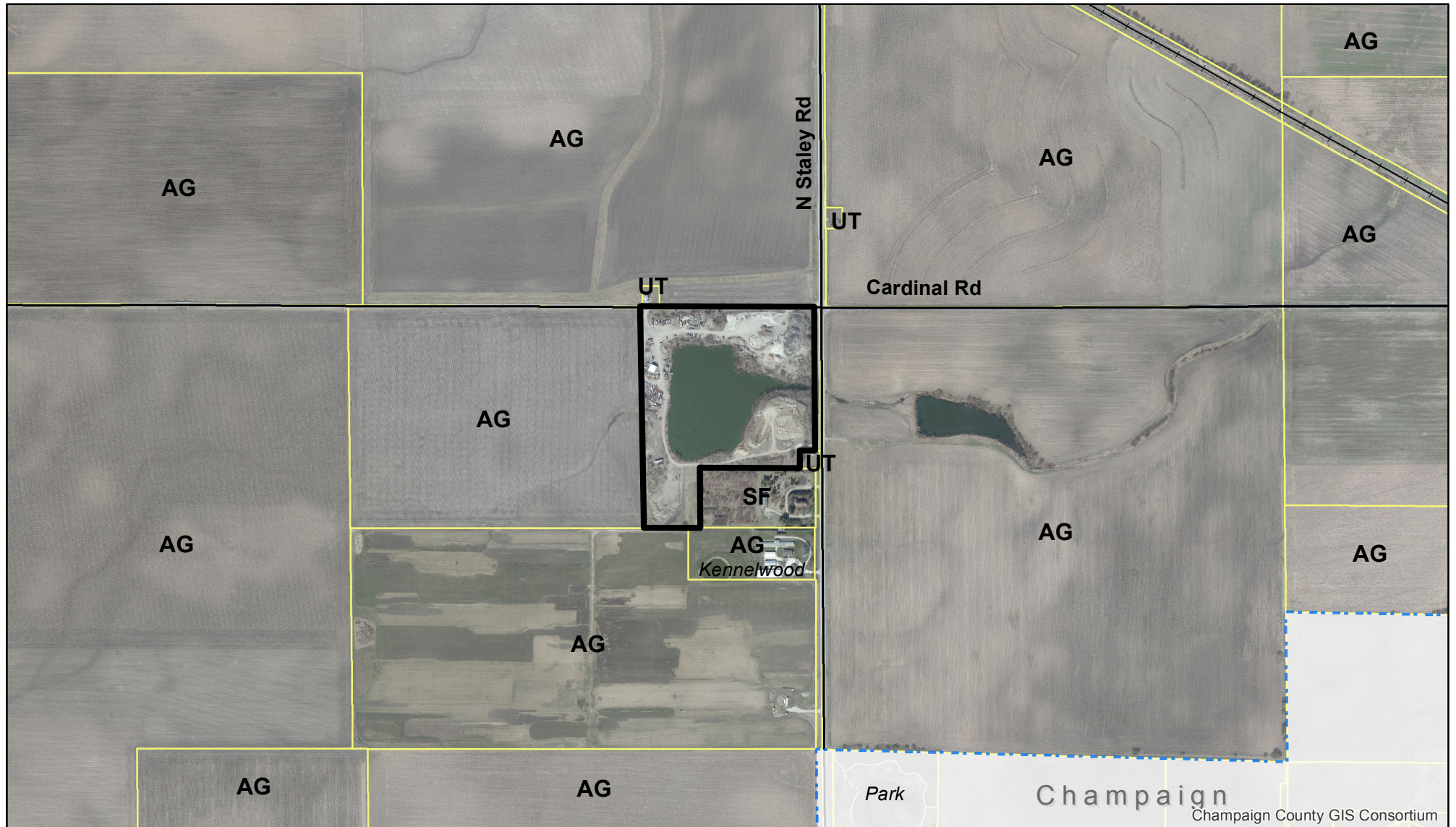
Legend

- Subject Property
- Municipal Boundary
- Streets
- Parcels



Land Use Map

Cases 881-S-17 and 887-V-17
October 26, 2017



Legend

- Subject Property
- Parcels
- Municipal Boundary

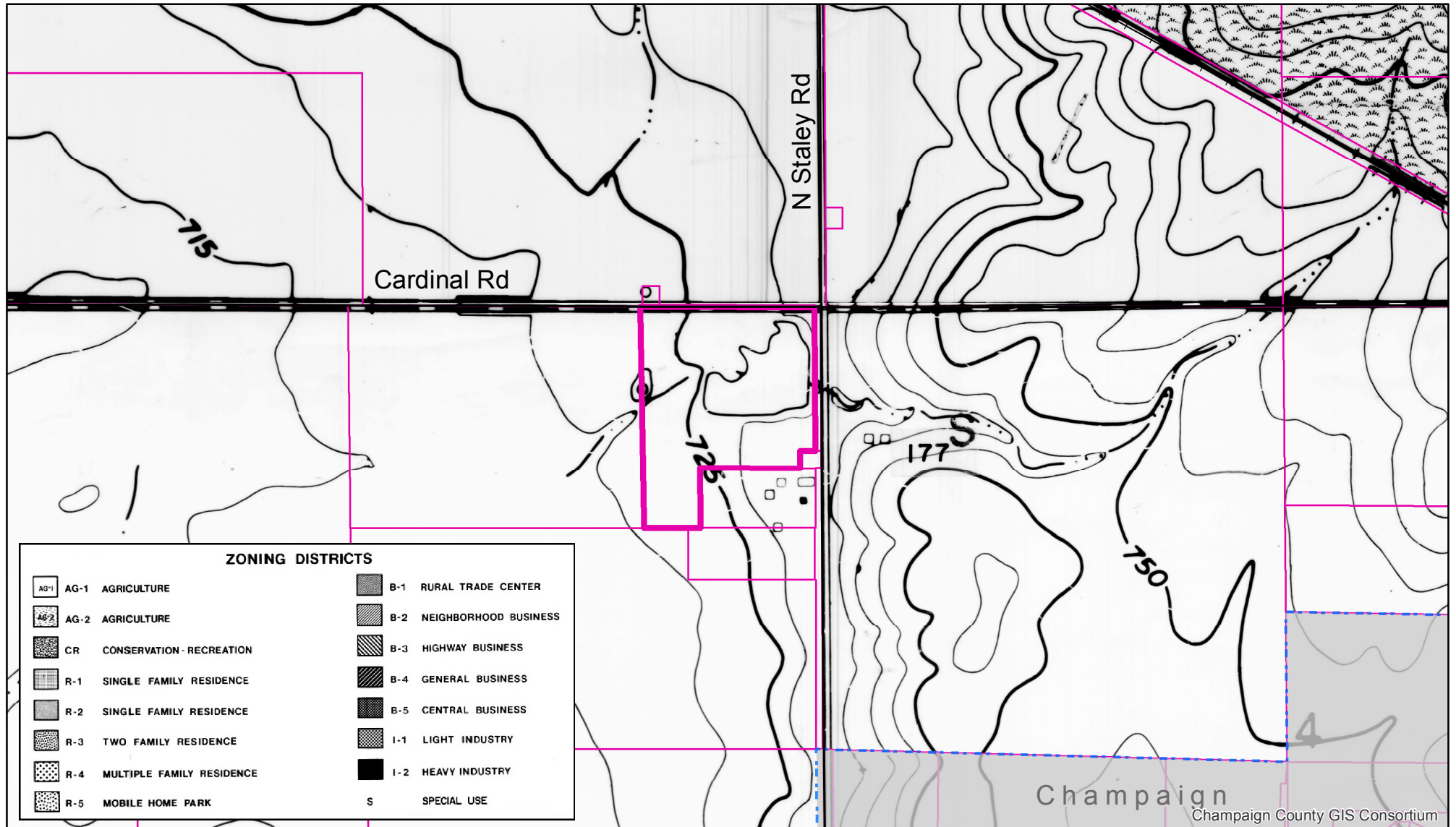
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Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Cases 881-S-17 and 887-V-17
 October 26, 2017



Legend

- Subject Property
- Parcels
- Municipal Boundary

0 200 400 800 Feet



Champaign County
 Department of
**PLANNING &
 ZONING**

Champaign
 Champaign County GIS Consortium

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Sec 5, T19N, R8E



JUL 06 2017

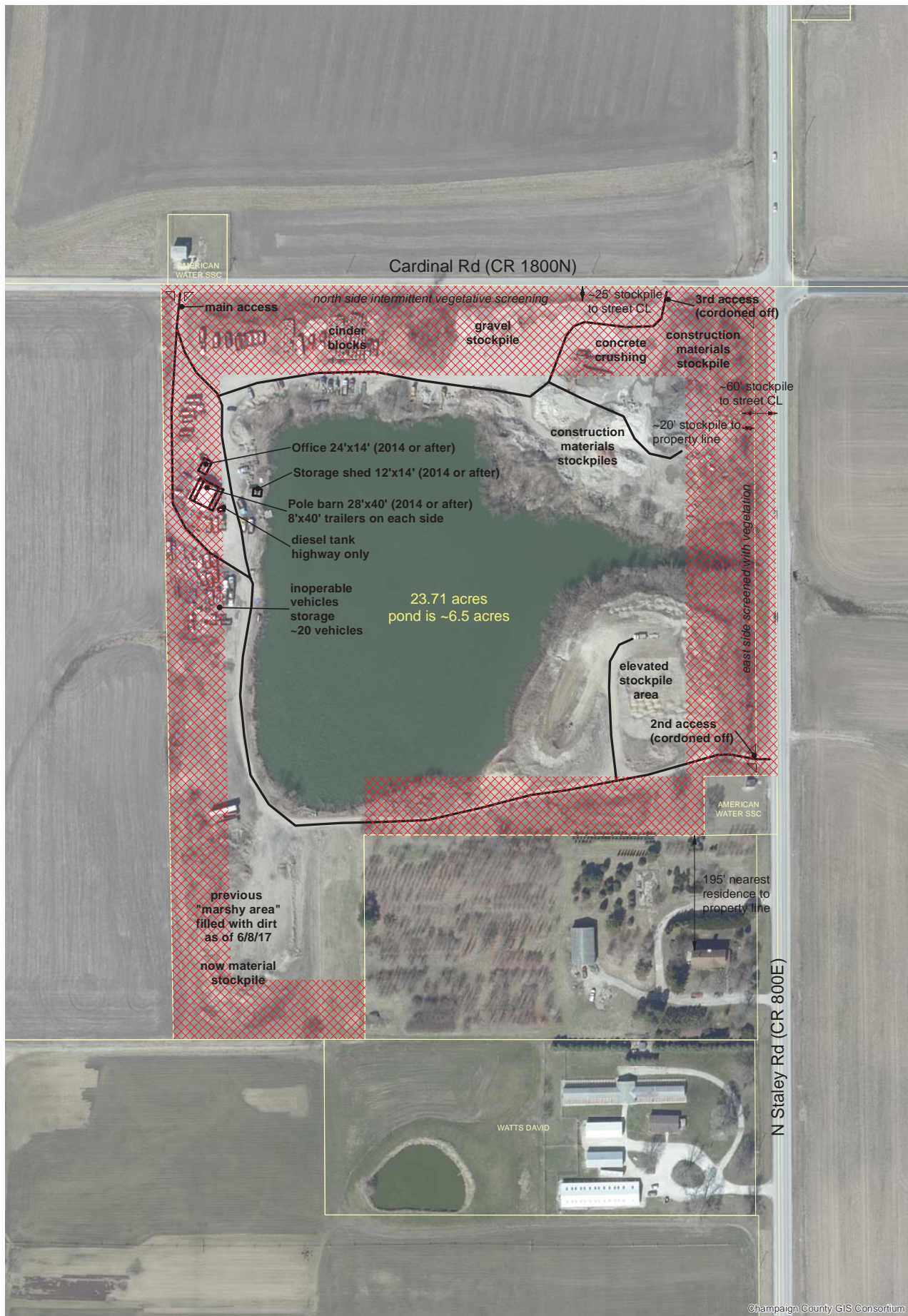
CHAMPAIGN CO. P & Z DEPARTMENT

Legend

- material areas
- Gilbert Pit
- fe_2007_17019_edges



4403 Cardinal Road - 2017 annotated aerial



Red hashed areas show required setbacks, side and rear yards per Section 6.1.3: Mineral extraction, quarrying, topsoil removal and allied products

Created by P&Z Staff on August 1, 2017



Champaign
County
Department of

June 4, 2015

**PLANNING &
ZONING**

Stephen L. Gilbert
POB 491
Mansfield IL 61854-0491

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

(217) 384-3708

RE: Activities in apparent violation of the Champaign County Zoning Ordinance occurring on the 23.71 acre property located in the southwest corner of the intersection of Staley Road and Cardinal Road in Champaign County, Illinois with PIN 03-20-05-200-005

Dear Mr. Gilbert:

It has recently come to my attention that the activities occurring on the above referenced property appear to be in violation of the *Champaign County Zoning Ordinance*. The subject property appears to have been a gravel pit at one time but now the property appears to be a site for recycling of concrete and recycling of asphalt and other activities that I cannot identify from an aerial photograph (particularly in the northwest part of the property). There also seems to be a recently formed marshy area in the southwest corner of the property.

The subject property is located in the AG-1 Agriculture Zoning District and recycling of concrete is not an authorized land use in that District. As of this date, no Zoning Use Permit has been authorized for construction of any building or structure on the property nor has any Change of Use Permit been authorized on the property.

I have included copies of aerial photos of the property from the Champaign County GIS Consortium for the years 1988 and 2014. The property lines that appear in the 1988 photo are not accurate.

ZONING DISTRICTS IN WHICH RECYCLING OF CONCRETE MAY OCCUR

The Champaign County Zoning Ordinance is available on the Champaign County website (www.co.champaign.il.us) under "Planning & Zoning/ Zoning Ordinances, etc.". Section 5.2 of the Ordinance specifies the authorized principal uses for each zoning district. The use (activity) "Recycling of non-hazardous materials" requires either I-1 (Light Industry) or I-2 (Heavy Industry) zoning or alternatively, B-4 (General Business) zoning with a Special Use Permit, and in all zoning districts the storage and processing must occur indoors.

IDENTIFY ALL ACTIVITIES OCCURRING ON THE PROPERTY

I would appreciate receiving a letter from you no later than **June 19, 2015**, explaining the activities that are occurring on the property. The letter should explain all of the activities that are occurring on the property and the approximate locations of the activities and the names of the businesses conducting the activities.

Stephen L. Gilbert
June 4, 2015

The letter should also explain the marshy area in the southwest corner of the property. After I review the letter I will reply with information regarding what kind of zoning approvals are necessary for the activities to continue.

NOTICE OF VIOLATION MAY BE ISSUED

If I do not receive a letter from you by June 19, 2015, or if I do receive a letter by that date and a change in zoning is required to accommodate the activities that are occurring on the property, you will receive a Notice of Violation that will remain in effect until the activities cease or until all appropriate zoning approvals have been received.

Further, if you receive a Notice of Violation and you do not correct the violations within the required time, this matter will be referred to the Champaign County State's Attorney's Office for legal action. A complaint may be filed in the Champaign County Circuit Court naming you as defendant and fines from \$100 to \$500 per day may be imposed for each day that the violations continue to exist.

CITY OF CHAMPAIGN EXTRA-TERRITORIAL JURISDICTION

Also, please be aware that this property is less than one-half mile from the City of Champaign. The City of Champaign Comprehensive Plan indicates future residential land use on the other side of Staley Road and for that reason any changes to the zoning district on this property may be subject to a municipal protest by the City of Champaign.

A municipal protest on a proposed County rezoning triggers the "supermajority" requirement (17 of 22 Board members) of the Champaign County Board in order to approve the zoning request. The supermajority requirement is normally very difficult to achieve.

I have discussed this property with Jeff Marino, a planner for the City of Champaign. Jeff Marino can be reached at (217) 403-8800. If a zoning change is necessary for the property I recommend you contact Jeff Marino to discuss your plans for the property and how that might relate to the City of Champaign Comprehensive Plan.

If you have any questions regarding this matter, please contact me or Senior Planner Susan Chavarria at (217) 384-3708. We will be happy to answer any questions you may have regarding this matter and relevant Champaign County regulations and ordinances.

Sincerely



John Hall
Director
Zoning Administrator

FIRST NOTICE OF VIOLATION

March 2, 2016

Case: ZN-16-04/20

Champaign
County
Department of

**PLANNING &
ZONING**

Stephen Gilbert
PO Box 491
Mansfield, IL 61854-0491

FILE COPY

RE: Violations of the *Champaign County Zoning Ordinance* and *Champaign County Public Nuisance Ordinance* on the 23.71 acre tract of land located at the southwest corner of the intersection of Staley Road and Cardinal Road in Champaign Township in the AG-1 Agriculture Zoning District.
PIN: 03-20-05-200-005.

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

(217) 384-3708

Dear Mr. Gilbert:

Notice is hereby given of the following violations of the *Champaign County Zoning Ordinance* and *Champaign County Public Nuisance Ordinance* on the 23.71 acre tract of land located at the southwest corner of the intersection of Staley Road and Cardinal Road in the AG-1 Agriculture Zoning District in Champaign Township.
PIN: 03-20-05-200-005. Said violations are as follows:

1. Establishing a structure or use not in conformity with all the regulations and standards specified for the district in which it is located, in violation of Zoning Ordinance Section 4.2.1; and
2. Establishing a structure, accessory structure, or land either by itself or in addition to another use without a Zoning Use Permit, and extending, expanding, changing or re-establishing any nonconforming use, in violation of Zoning Ordinance Sections 9.1.2.A.1 and 9.1.2.A.5; and
3. Recycling of non-hazardous materials (construction materials including but not limited to concrete and asphalt), with all storage and processing indoors, in the AG-1 Zoning District, in violation of Zoning Ordinance, Section 5.2 Table of Authorized Principal Uses; and
4. Establishment and use of a Truck Terminal in violation of Zoning Ordinance, Section 5.2 Table of Authorized Principal Uses; and
5. Mineral Extraction, Quarrying, topsoil removal and allied activities (including but not limited to gravel extraction) in violation of Zoning Ordinance, Section 5.2 Table of Authorized Principal Uses; and
6. The deposition, accumulation, maintenance or disposal other than in properly permitted and/or licensed facilities of garbage and debris in violation of Nuisance Ordinance, Section 3.2A.1.; and
7. The deposition, accumulation, maintenance or disposal other than in properly permitted and/or licensed facilities of yard waste, brush, or cut timber in violation of Nuisance Ordinance, Section 3.2A.3.; and
8. The storage outside of a fully enclosed building of building materials, recyclable materials, equipment, fire wood (except in reasonable quantities for domestic use on-site) packaging materials and similar items in violation of Nuisance Ordinance Section 3.2B.1.

You must contact me in writing within 15 days of this notice (on or before March 18, 2016) to explain how you will correct these violations. I would be happy to answer any questions you may have regarding this matter and Champaign County regulations and ordinances (see Action Required to Correct Violations below).

This matter will be referred to the Champaign County State's Attorney's Office for further legal action if you do not contact me regarding this notice or if you do not correct the violations within the required time. A complaint will be filed in the Champaign County Circuit Court naming you as defendant and fines from \$100 to \$500 per day may be imposed for each day that a violation continues to exist.

BASIS OF NOTICE

You have been given this First Notice of Violation based on the following:

1. On May 13, 2015, the Planning and Zoning Department received an inquiry from the Health Department based on a complaint they received about a marshy area on the property.
2. On June 4, 2015, a letter was sent to you by John Hall, Zoning Administrator, which outlined activities in apparent violation of the Zoning Ordinance. These activities included recycling of concrete and asphalt and requested more information on all activities occurring on the property.
3. On June 8, 2015, the Planning and Zoning Department received a complaint about this property. The complainant alleged that there was standing water in an area that might have resulted from extracting black dirt from the site, which may have impacted a drainage tile. The complainant alleged that someone brings landscape waste to the property and burns it; they also have noted paint cans, furniture, and railroad timbers. The complainant believes that an excavating company rents space to park vehicles on the property, and that concrete and asphalt recycling is occurring on the site.
4. On June 22, 2015, the Planning and Zoning Department received your response to what activities are occurring on the site, including use of the property in materials productions since the 1950s, and that the small wetlands area was put in to attract ducks and other small game, that you believe you acquired the property in 1980, and plan to retire and build a house on the property.
5. On November 30, 2015, a member of the Planning and Zoning Department performed a drive-by inspection of the property. The inspection found a number of construction materials in piles, construction equipment, piles of dirt and other natural materials, pallets of concrete blocks, at least 8 dump trucks and semi-trucks with trailers, and some garbage and debris such as tires and wood crates. The entire property was not accessed by staff; therefore, a complete inventory of the property cannot be provided.
6. On February 18, 2016, staff contacted you regarding the uses and activities on the property. The information provided indicated that the current uses are not allowed in the AG-1 Zoning District and thus do not comply with the *Champaign County Zoning Ordinance*.

ADDITIONAL INFORMATION RELATED TO THE VIOLATIONS

The *Champaign County Zoning Ordinance* states:

- A facility for recycling non-hazardous materials (construction materials) is only permitted by-right in the I-1 Light Industry and I-2 Heavy Industry Zoning Districts, and as a Special Use in the B-4 General Business District. In any of these districts, all storage and processing **must** be conducted indoors. Note that the property is less than 1.5 miles from the City of Champaign and therefore the City of Champaign has municipal protest rights on any change in Zoning District.
- Mineral extraction, quarrying, topsoil removal and allied activities are allowed only as a Special Use in the AG-1 and AG-2 Agriculture Districts, the I-2 Heavy Industry Zoning District, and the CR Conservation Recreation Zoning District. In addition to approval by the Champaign County Zoning Board of Appeals, this use requires 6 feet tall wire mesh fencing, a 150 feet setback on the front and 100 feet side and rear yards.
- A Truck Terminal is allowed in the AG-2 Agriculture District only as a Special Use, or by right in the B-4, B-5, I-1 and I-2 Districts. This use requires 6 feet tall wire mesh fencing and is not permitted closer than 200 feet from any Residential District or conforming residential use. Note that the Zoning Ordinance does not authorize both a truck terminal and mineral extraction on the same property in the AG-2 District. Therefore, in order for both uses to be authorized, you may have to divide the property into more than one parcel of land. Any land division must be approved by the City of Champaign.

Burning waste from other locations is prohibited by the Illinois EPA. You are only allowed to burn your own landscape waste from your own property. I have enclosed a brochure about the IEPA burning regulations.

NEED TO CONTACT CITY OF CHAMPAIGN PLANNING STAFF

Because the property is located within 1.5 miles of the City of Champaign, many of the actions required to correct these violations will involve necessary approvals and/or possible municipal protests by the City of Champaign. The contact person for the City of Champaign is Jeff Marino who can be reached at (217) 403-8800. Note that Mr. Marino has received a copy of this letter. When you contact Mr. Marino, in addition to other questions that you may ask, please ask him to let me know that you have contacted him and requested relevant information regarding zoning approvals that are necessary for your property.

ACTION REQUIRED TO CORRECT VIOLATIONS

Champaign County looks forward to your cooperation in correcting the violations.

Within three weeks of the date of this letter (March 23, 2016) I must receive your written reply to this Notice. The reply need only state that you have received this letter and do intend to follow up in a timely manner as outlined in this letter.

Also within three weeks of the date of this letter (March 23, 2016) you must contact the City of Champaign regarding the activities on your property. If you do not contact Jeff Marino at the City of Champaign by this date you will receive a Final Notice of Violation.

Ultimately, correcting the violations on your property will require some combination of the following and depending upon the corrections you wish to make you must do the following by the dates indicated:

1. **Cease or relocate some or all of the activities to another property that is properly zoned for those activities.** Activities that you plan to cease or relocate must be stopped or relocated within the following deadlines:
 - a. By March 30, 2016, I must receive the list of the activities that you plan to cease or relocate.
 - b. The activities must be stopped or relocated within eight weeks from the date on this letter which is no later than **April 27, 2016**. Any structures that have been erected without Zoning Use Permits must also be removed by the same date. By **April 27, 2016** you must allow this Department to inspect the property to verify that the relocation has occurred and that any relevant structures have been removed.
2. **To continue operating at this location, the following is required:**
 - a. By **April 22, 2016**, you must submit all necessary applications and fees for the zoning approvals necessary for the property. Receipt of the applications will allow me to docket the necessary public hearings. I expect that any required public hearing will occur at least six weeks after this date. The site plan submitted with the application may simply be the 2014 GIS Consortium aerial photograph of the property but a complete site plan drawing at a scale of not less than one inch equals 100 feet must be provided prior to the legal advertisement of the public hearing; **and**
 - b. Apply for Zoning Use Permits for all existing non-agricultural structures larger than 150 square feet; **and**
 - c. Cease processing landscape waste that is not from your own property; **and**
 - d. Remove and/or properly dispose of all garbage and debris as well as any other debris on the property; **and**
 - e. Remove and/or properly dispose of all yard waste on the property; **and**
 - f. Remove and/or properly store inside a fully enclosed building any building materials that may be stored outside and any recyclable materials that come from your own property; **and**
 - g. After you have completed what is listed above you must contact me to let me know the violation(s) have been resolved and you must allow me to perform an on-site inspection of the property to confirm that the violations have been resolved within the required time.

Please note that approval of any required Zoning (Map) Amendment and/or Special Use Permit is not guaranteed. Furthermore, the Zoning Administrator has significant doubt that any request to rezone this property will be approved unless the rezoning is not opposed by the City of Champaign. Application fees are non-refundable once the public hearing is advertised and it is quite possible that there may be other significant costs involved in a request for rezoning this property and obtaining a Special Use Permit.

Case ZN-16-04/20 cont'd
Stephen Gilbert
Page 5

If you have any questions regarding this matter, please contact me or Jamie Hitt at (217)384-3708.
We would be happy to assist you in resolving this matter.

Sincerely,



Susan Chavarria
Senior Planner

Xc: Jeff Marino, City of Champaign Planning Department

Enclosures: Zoning Use Permit Application, Fees List, IEPA Burning Brochure

FINAL NOTICE OF VIOLATION
RESPONSE REQUIRED

Champaign
County
Department of

May 9, 2017

Case: ZN-16-04/20



Stephen Gilbert
PO Box 491
Mansfield, IL 61854-0491

FILE COPY

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

(217) 384-3708

RE: Violations of the *Champaign County Zoning Ordinance* and *Champaign County Public Nuisance Ordinance* on the 23.71 acre tract of land located at the southwest corner of the intersection of Staley Road and Cardinal Road in Champaign Township in the AG-1 Agriculture Zoning District.
PIN: 03-20-05-200-005.

Dear Mr. Gilbert:

Final Notice is hereby given that the violations described in your First Notice remain unresolved and you must contact me on or before May 16, 2017, regarding this notice. This is the last administrative notice that you will receive and if you do not meet this deadline, this matter will be immediately referred to the Champaign County State's Attorney Office for further action and a case will be filed in Champaign County Circuit Court.

On March 2, 2016, you were sent a First Notice of Violation by this Department. The First Notice informed you that you were in violation of the *Champaign County Zoning Ordinance* and *Champaign County Public Nuisance Ordinance* on the property described above, and that the specific violations are as follows:

1. **Establishing a structure or use not in conformity with all the regulations and standards specified for the district in which it is located, in violation of Zoning Ordinance Section 4.2.1; and**
2. **Establishing a structure, accessory structure, or land either by itself or in addition to another use without a Zoning Use Permit, and extending, expanding, changing or re-establishing any nonconforming use, in violation of Zoning Ordinance, Sections 9.1.2.A.1 and 9.1.2.A.5; and**
3. **Recycling of non-hazardous materials (construction materials including but not limited to concrete and asphalt), with all storage and processing indoors, in the AG-1 Zoning District, in violation of Zoning Ordinance, Section 5.2 Table of Authorized Principal Uses; and**
4. **Establishment and use of a Truck Terminal in violation of Zoning Ordinance, Section 5.2 Table of Authorized Principal Uses; and**
5. **Mineral Extraction, Quarrying, topsoil removal and allied activities (including but not limited to gravel extraction) in violation of Zoning Ordinance, Section 5.2 Table of Authorized Principal Uses; and**

6. **The deposition, accumulation, maintenance or disposal other than in properly permitted and/or licensed facilities of garbage and debris in violation of Nuisance Ordinance, Section 3.2A.1.; and**
7. **The deposition, accumulation, maintenance or disposal other than in properly permitted and/or licensed facilities of yard waste, brush, or cut timber in violation of Nuisance Ordinance, Section 3.2A.3.; and**
8. **The storage outside of a fully enclosed building of building materials, recyclable materials, equipment, fire wood (except in reasonable quantities for domestic use on-site) packaging materials and similar items in violation of Nuisance Ordinance, Section 3.2B.1.**

You must correct these violations within 7 days of this notice and contact me on or before May 16, 2017, regarding this matter.

The First Notice also reviewed the basis of the Notice and the actions required to correct the violations (see attached copy of First Notice). That Notice required you to correct the violations on or before March 18, 2016, or this matter would be referred to the Champaign County States Attorney for further action. A summary of activity since the First Notice follows:

- One of the required actions to correct violations was to contact the City of Champaign no later than March 23, 2016, regarding activities on the property. On March 23, 2016, P&Z Staff received a call from Jeff Marino, Planner with the City of Champaign, who indicated he had spoken with Mr. Gilbert that day. Jeff Marino indicated that the City has decided to support the County in how it mitigates the issues on the property, whether it involves a rezoning or enforcement action.
- On March 26, 2016, Mr. Gilbert called the Planning & Zoning Department to discuss the property and to see what he needed to do to resolve the violations.
- On April 15, 2016, Mr. Gilbert visited the Planning & Zoning Department to discuss the variety of uses on the site and how the property might be brought into compliance. Susan Burgstrom, Senior Planner, emailed Mr. Gilbert's wife, Shirley, to provide a written summary of Mr. Gilbert's meeting. Application materials for a Map Amendment and Special Use Permit were sent to Mr. Gilbert on April 18, 2016. P&Z Staff informed Mr. Gilbert that submitting the applications with fees and other materials would put the violations on hold while the zoning cases were determined.
- On April 18, 2016, Mr. Gilbert again visited the Planning & Zoning Department. John Hall, Zoning Administrator, agreed that Mr. Gilbert could apply for a Special Use Permit in his current AG-1 Zoning District for a quarry/mining with allied activities. It was noted that Mr. Gilbert would be able to make his case to the Zoning Board of Appeals that the recycling of asphalt and concrete is more of a lateral expansion of his mining operation than a change of use to recycling non-hazardous materials. Mr. Hall said that if Mr. Gilbert is successful with the ZBA, then P&Z Staff could propose a text amendment to either add a category for this type of production, or create a Special Use that would allow the unauthorized uses currently on Mr. Gilbert's land. A deadline of May 31, 2016, was established for receipt of that application.

- Later in April, Mr. Gilbert left a voicemail with Susan Burgstrom, but she had other projects which postponed contact with Mr. Gilbert until she sent an email on June 6, 2016. She reiterated the need to apply for a Special Use Permit, as no application had been received. P&Z Staff received no response to this email, and the case was set aside to await a response. P&Z Staff did not have time to return to the case until May 2017.

ACTION REQUIRED TO CORRECT VIOLATIONS

Champaign County looks forward to your cooperation in correcting the violations. The following actions are required to begin correcting the violations:

- 1. Within one week of the date of this letter (May 16, 2017) I must receive your Special Use Permit application as we discussed in April 2016.**

This will begin the process of remedying violations 3, 4, and 5 listed in your First Notice of Violation. Submitting this application will place violations 1 and 2 on hold until the Special Use Permit case has been determined via a public hearing with the Zoning Board of Appeals.

Receipt of the application will allow me to docket the necessary public hearings. I expect that any required public hearing will occur no earlier than August 2017. The site plan submitted with the application may simply be the 2014 GIS Consortium aerial photograph of the property but a complete site plan drawing at a scale of not less than one inch equals 100 feet must be provided prior to the legal advertisement of the public hearing.

Please note that approval of any required Special Use Permit is not guaranteed. Application fees are non-refundable once the public hearing is advertised and it is quite possible that there may be other significant costs involved in a request for a Special Use Permit.

- 2. Also within one week of the date of this letter (May 16, 2017) the following actions must be completed:**
 - a. Remove and/or properly dispose of all garbage and debris as well as any other debris on the property (violation 6); and
 - b. Remove and/or properly dispose of all yard waste on the property (violation 7); and
 - c. Remove and/or properly store inside a fully enclosed building any building materials that may be stored outside and any recyclable materials that come from your own property (violation 8); and
 - d. After you have completed what is listed above you must contact me to let me know the violation(s) have been resolved and you must allow me to perform an on-site inspection of the property **no later than May 31, 2017**, to confirm that the violations have been resolved within the required time.

Case ZN-16-04/20 cont 'd
Stephen Gilbert
Page 4

If you do not do what is listed above by May 16, 2017, this matter will be immediately referred to the Champaign County State's Attorney's Office for further action, and a case will be filed in Champaign County Circuit Court naming you as defendant. Fines from \$100 to \$500 per day may be imposed for each day that a violation continues to exist.

This is the last administrative notice that you will receive.

I look forward to working with you to resolve these matters. Please contact me at (217) 384-3708 if you have any questions or if I can be of any other assistance to you.

Sincerely,



Susan Burgstrom
Senior Planner

Attachment: First Notice Dated 03/02/16, Special Use Permit Application Packet

violations/zn16-04/20 fnl



Champaign County

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

NATURAL RESOURCE REPORT

Development Name: Staley Gravel Pit

Date Reviewed: June 2nd, 2017

Requested By: Steve Gilbert

Address:

RECEIVED

JUL 06 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Location of Property: part of the NE ¼ of sec.5 in T. 19 N., R.8 E., of the 3rd. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on June 2nd, 2017.

June 7, 2017



Champaign County

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

SITE SPECIFIC CONCERNS

1. The area that is in question has 4 soil types (Gravel Pit 865, Drummer Silty Clay Loam 152A, Blackberry Silt Loam 679B, Dana Silt Loam 56B) that are severe wetness and ponding 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 24; see the attached worksheet for this calculation.

b) Soil Characteristics:

There are four (4) 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			Septic	Steel	Concrete
			Excavations	Basements	Roads			
865	Pits, Gravel							
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate
679B	Blackberry Silt Loam	2-5%	Severe: cutbank ca	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate
56B	Dana Silt Loam	2-5%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate

c) Erosion:

This area is a gravel pit, erosion control needs to be in place at all times. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible.

d) Sedimentation:

A complete erosion and sedimentation control plan should be kept on file and implemented on this site. 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/>



Champaign County

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

WATER RESOURCE

a) Surface Drainage:

The site is relatively flat. The developed areas seems to have good drainage. The water from the site will leave by way of tile and a farm field.

Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered.

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 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.

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.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccswd.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 Contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

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 Joe Rothermel
Joe Rothermel
Board Chairman

Prepared by Jonathon Manuel
Jonathon Manuel
Resource Conservationist

Gilbert Pit

Date: 6/2/2017

Field Office: CHAMPAIGN SERVICE CENTER

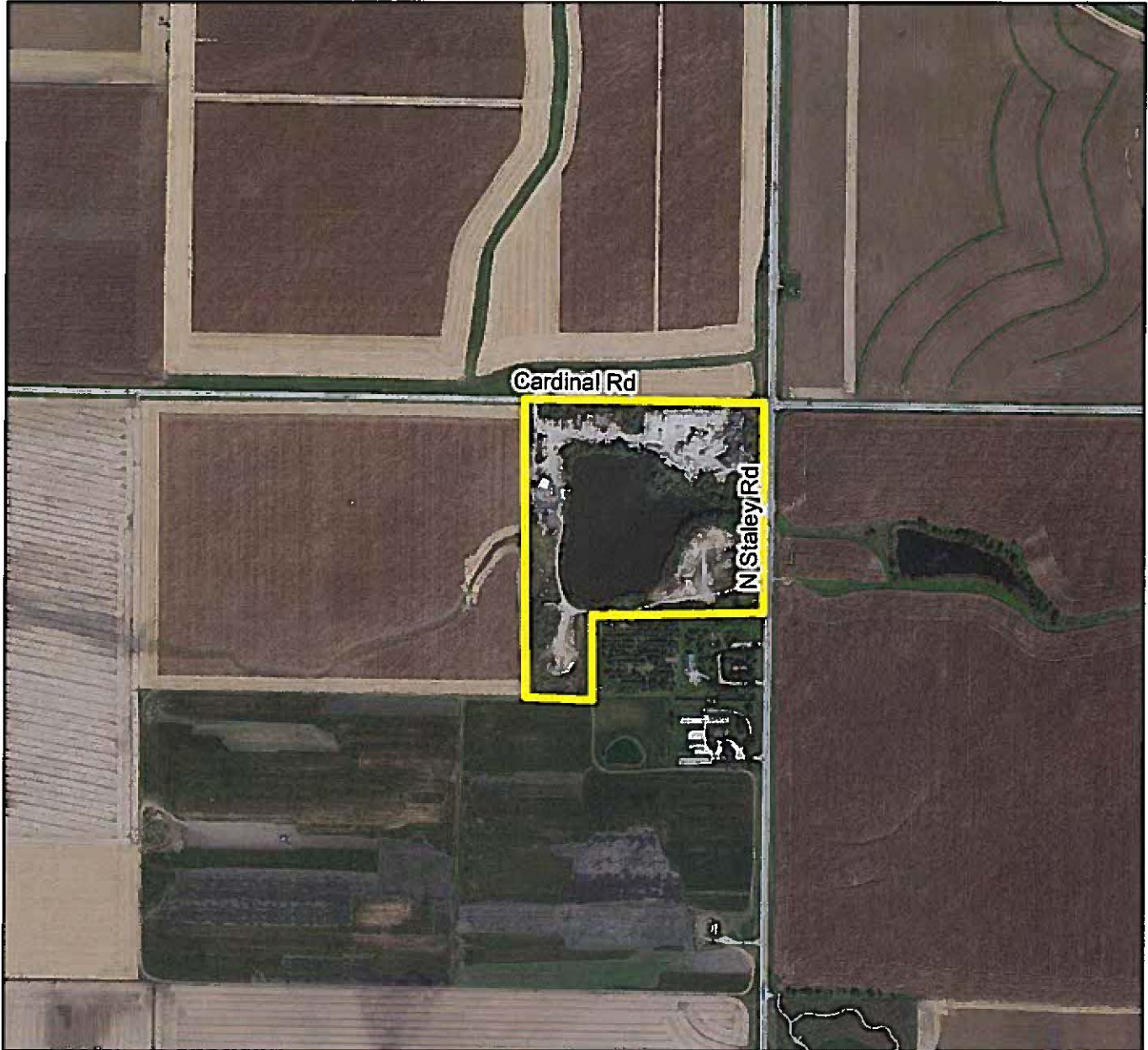
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Sec 5, T19N, R8E

2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

-  Gilbert Pit
- fe_2007_17019_edges



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
865	Gravel Pit	18		12.1	0.0
152A	Drummer	2	98	3.1	303.8
679B	Blackberry	2	100	0.7	70.0
56B	Dana	4	91	0.1	9.1

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

Total LE Weighted Factor= 382.9

Acreage= 16

Land Evaluation Factor For Site= 24

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

Data Source: Champaign County Digital Soil Survey

Gilbert Pit

Date: 6/2/2017

Field Office: CHAMPAIGN SERVICE CENTER

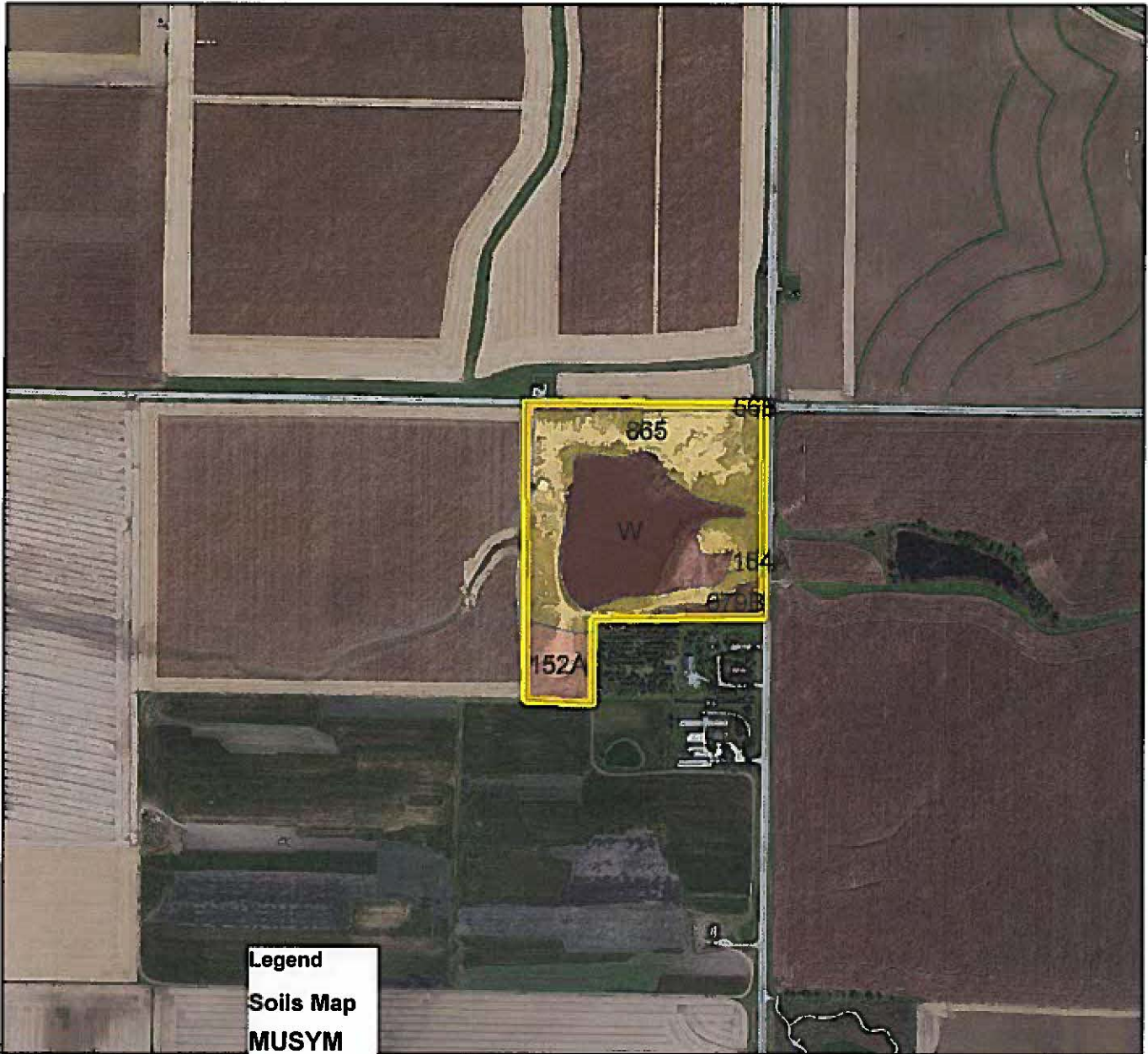
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: NE 1/4 of Sec 5, T19N, R8E

2015

State and County: IL, Champaign County, Illinois



Legend
Soils Map
MUSYM

- 152A
- 154A
- 56B
- 679B
- 865
- W
- Gilbert Pit

Prepared with assistance from USDA-Natural Resources Conservation Service



Gilbert Pit

Date: 6/2/2017

Field Office: CHAMPAIGN SERVICE CENTER

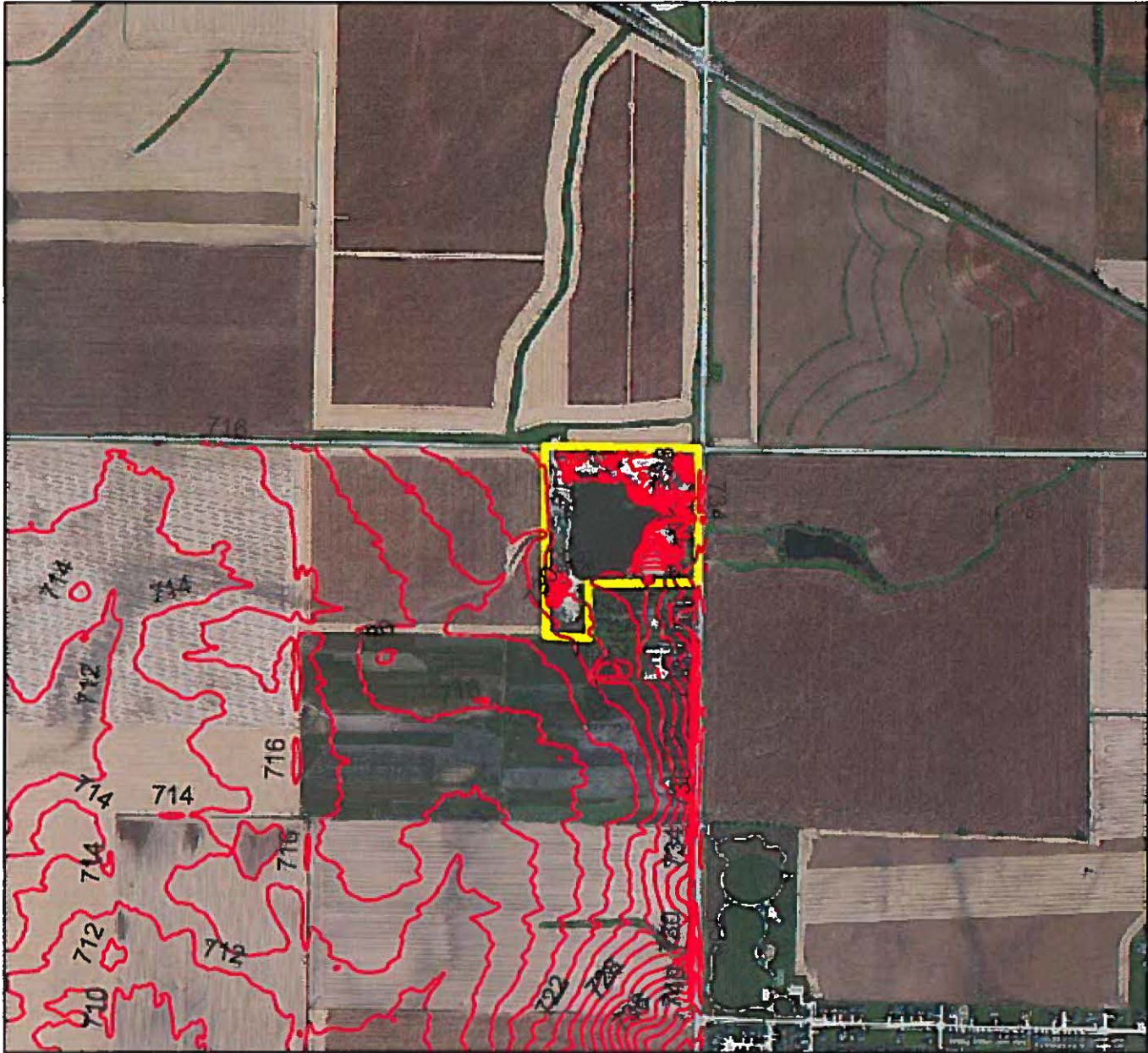
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Sec 5, T19N, R8E

2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

— 3_T19N_R08E_SEC05

□ Gilbert Pit



Gilbert Pit

Date: 6/2/2017

Field Office: CHAMPAIGN SERVICE CENTER

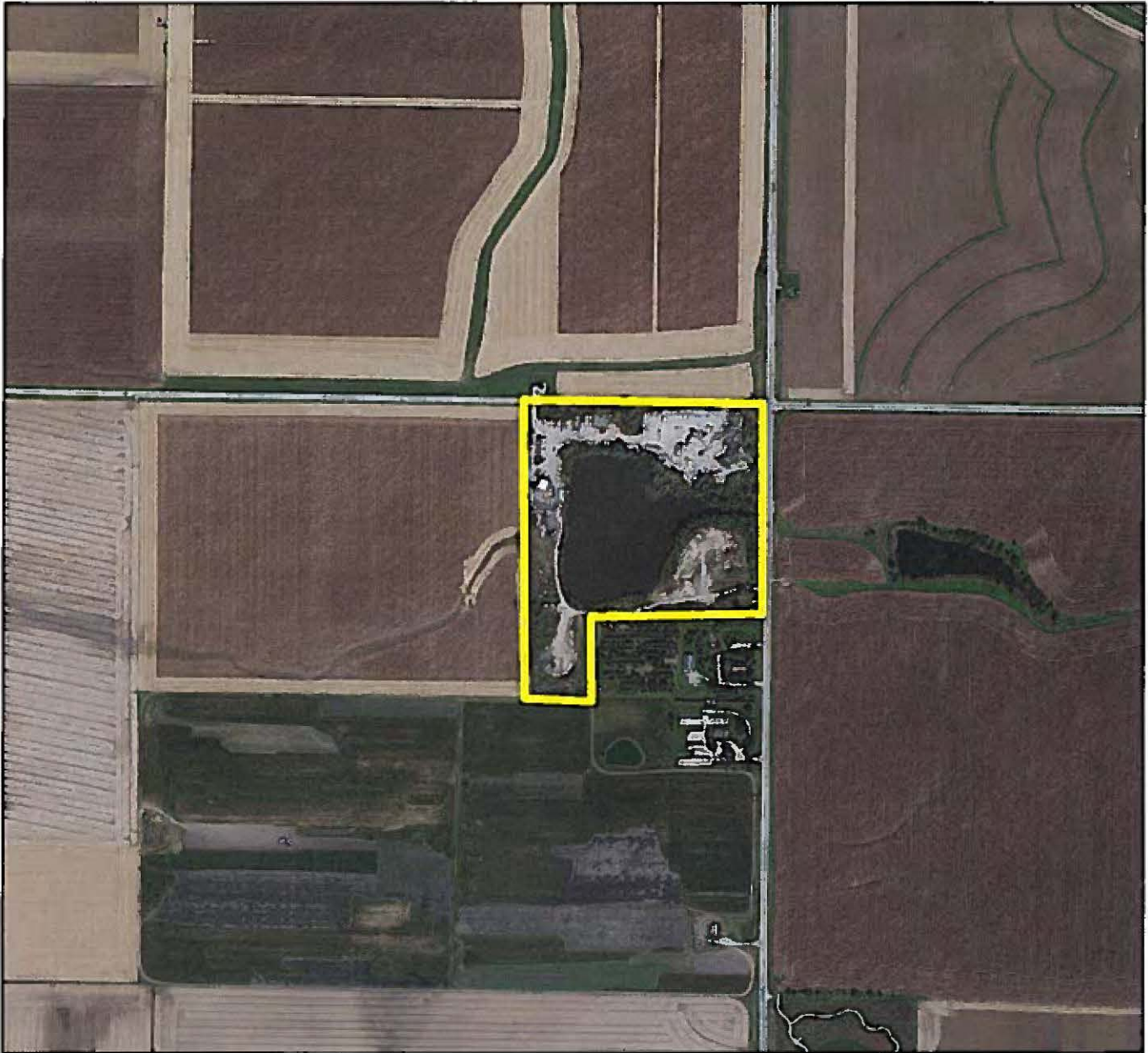
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Sec 5, T19N, R8E

2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

 Gilbert Pit



Gilbert Pit

Date: 6/2/2017

Field Office: CHAMPAIGN SERVICE CENTER

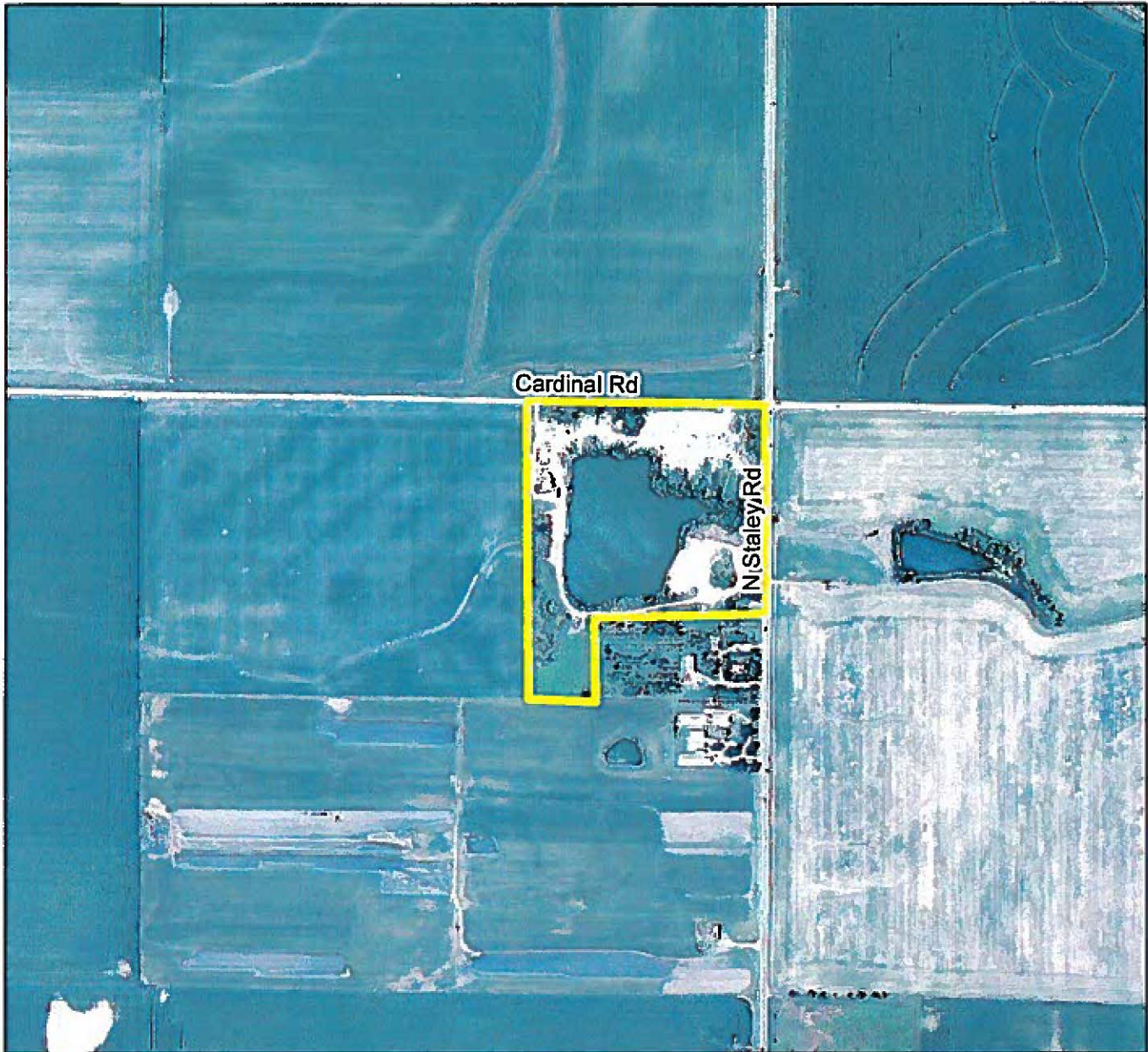
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of Sec 5, T19N, R8E

2010



Prepared with assistance from USDA-Natural Resources Conservation Service

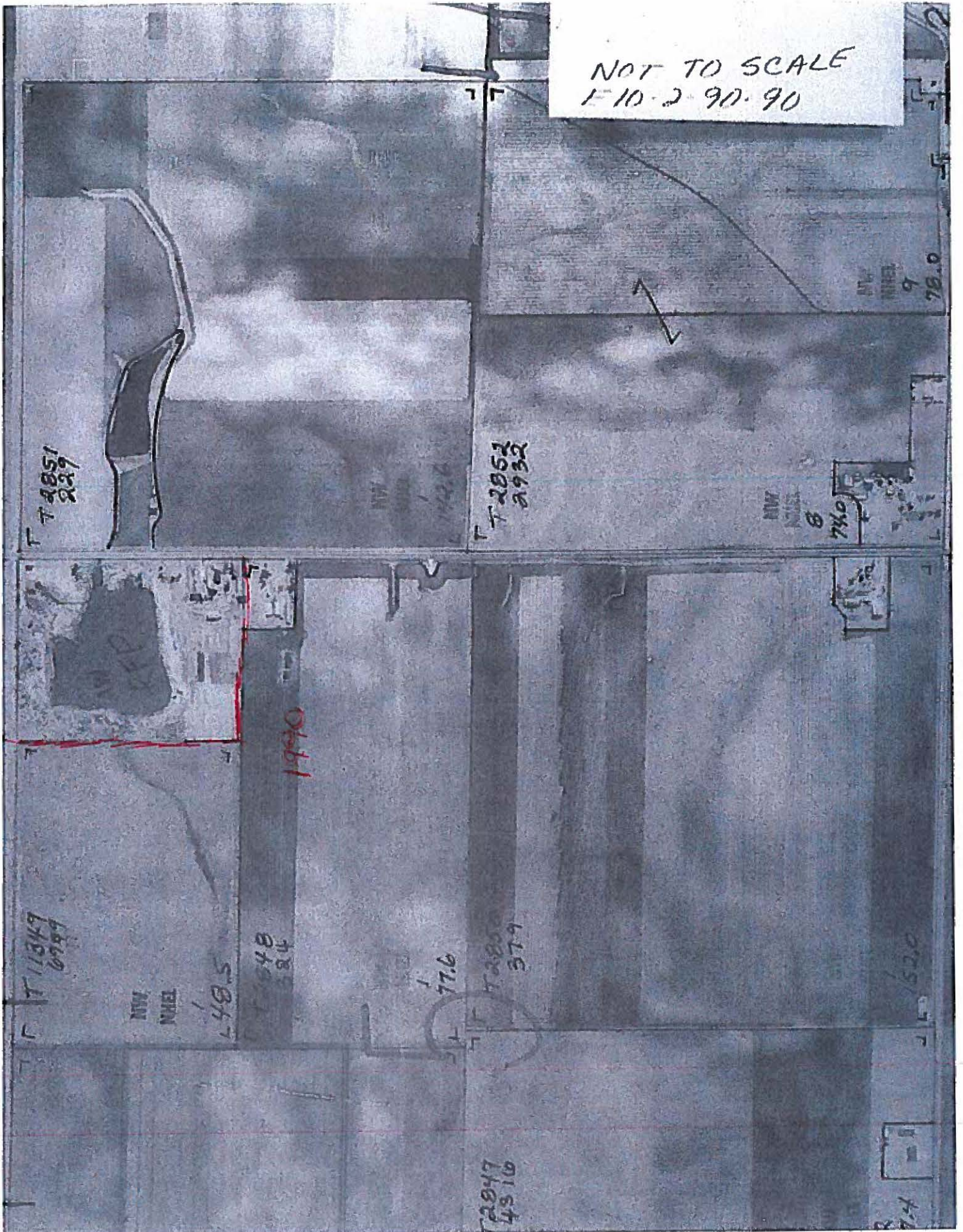


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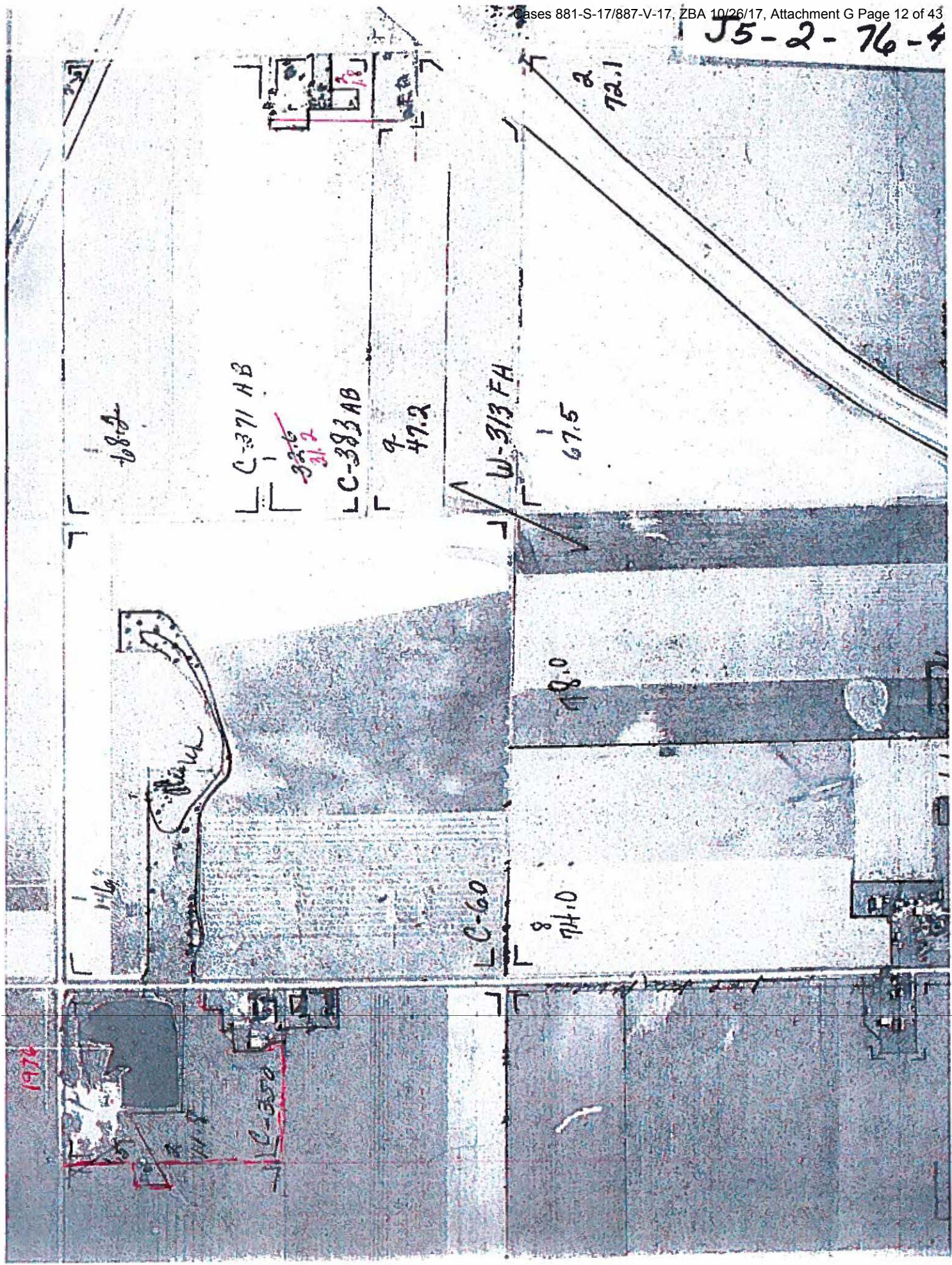
 Gilbert Pit

fe_2007_17019_edges





J5-2-76-4





AP-4AA-212
AP-4AA-212

CHAMPAIGN CO., ILL.

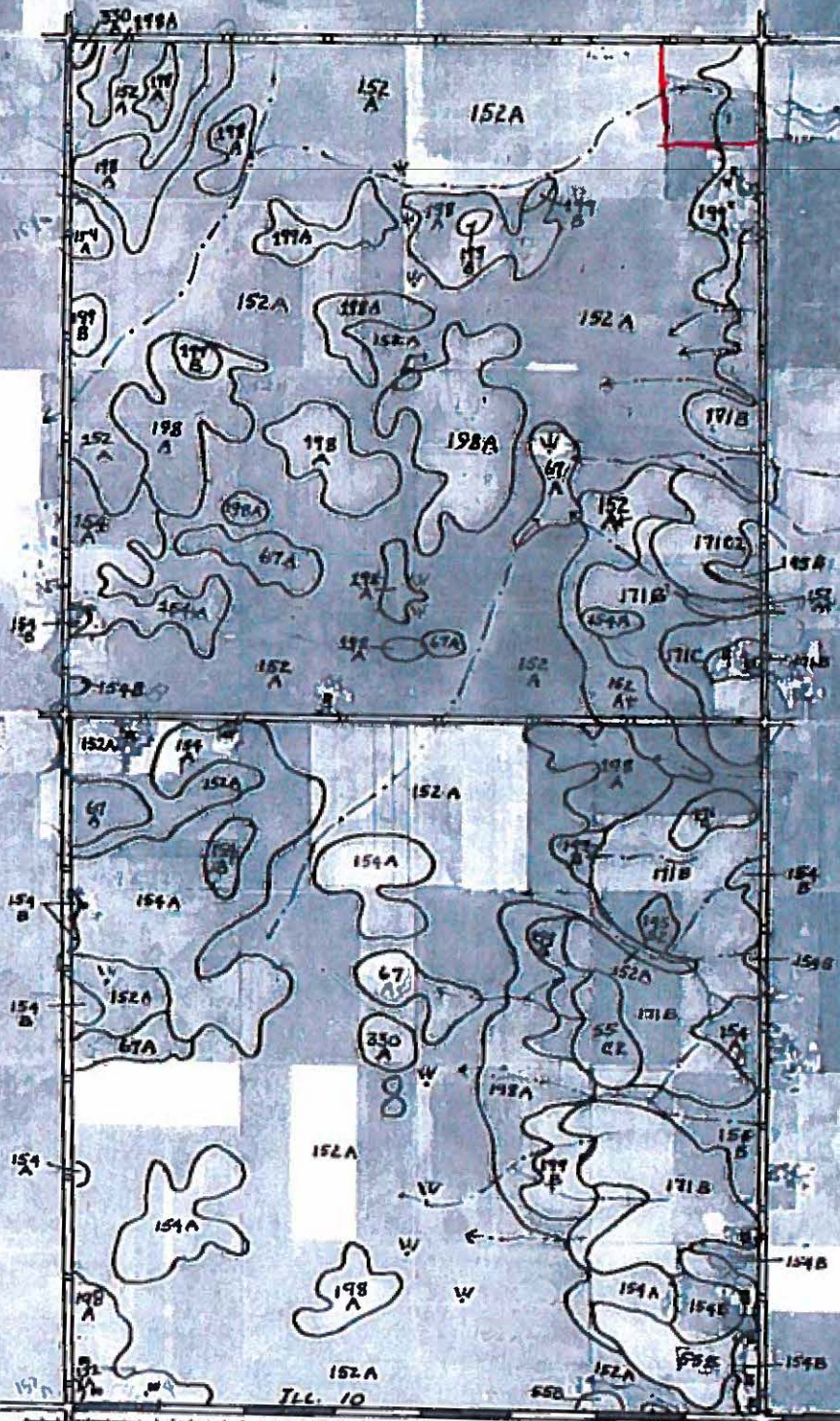
ADVANCE FIELD
SUBJECT TO

SPINE V.D. HAA-122

5
0

T11N R 8E

1960



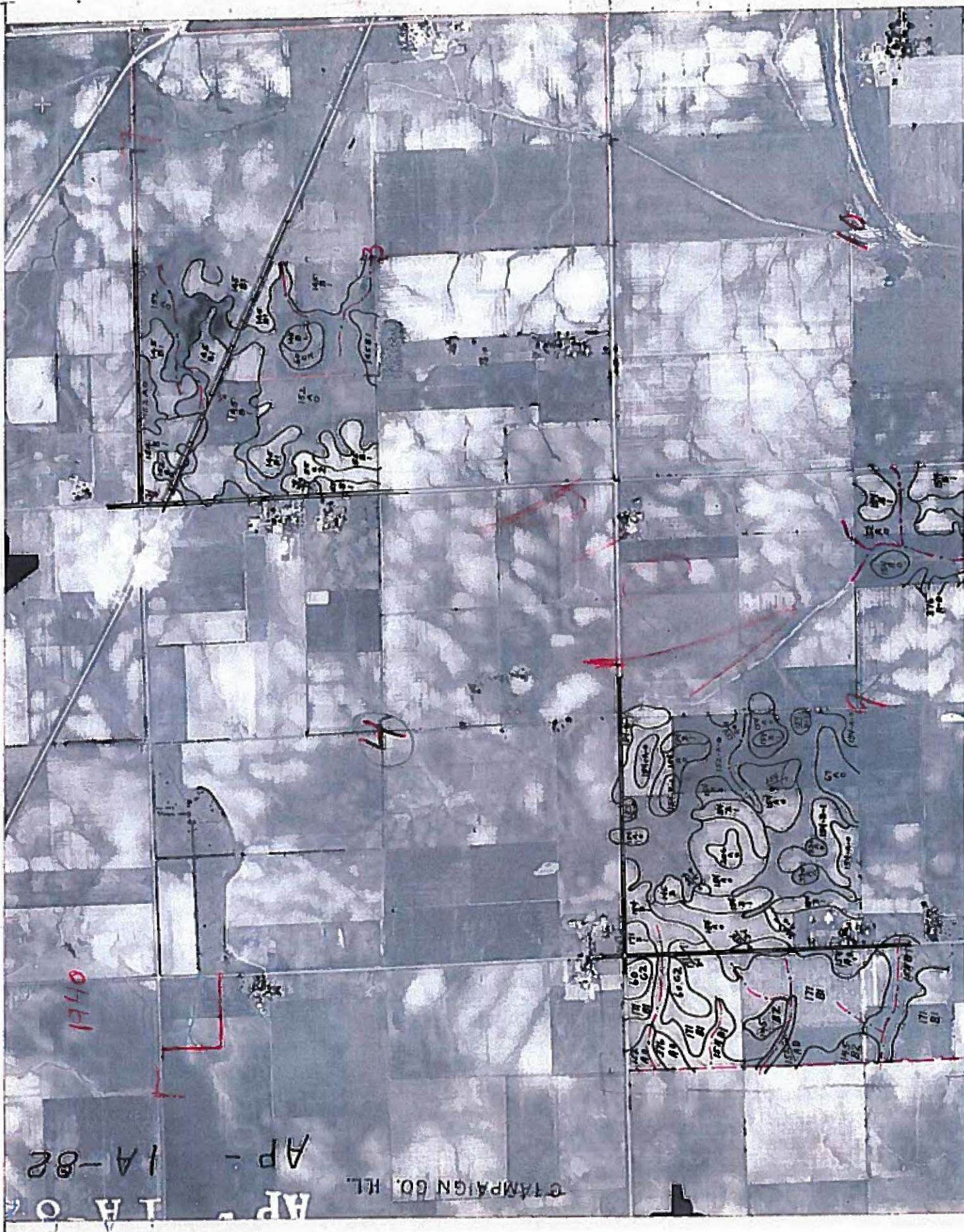
T19N R 8E

G.A.O

JOINED

6AA-9

5-60

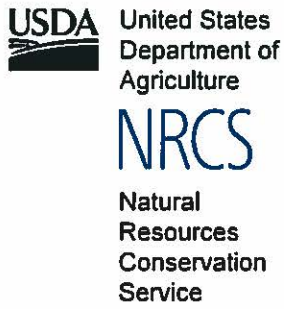


Soils Inventory Report

BRUCE R STICKERS

Map Unit Symbol	Acres	Percent
152A	<i>B</i> 3.1	13%
154A	0	0%
56B	<i>4</i> 0.1	0%
679B	<i>2</i> ✓ 0.7	3%
865	<i>IV</i> ✓ 12.1	50%
W	✓ 8.1	34%
Total:	24.1	100%

NE 1/4 of sec 5 T19N R8E



A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Champaign County, Illinois

Road
150
↓

Property to Property
100



June 2, 2017

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.





































Map Scale: 1:2,450 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 16N WGS84

Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)			Spoil Area
	Area of Interest (AOI)		Stony Spot
Soils			Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
Special Point Features		Water Features	
	Blowout		Streams and Canals
	Borrow Pit	Transportation	
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow	Background	
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Champaign County, Illinois
 Survey Area Data: Version 11, Sep 16, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 16, 2011—Jul 9, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Custom Soil Resource Report

Map Unit Legend

Champaign County, Illinois (IL019)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
56B	Dana silt loam, 2 to 5 percent slopes	0.1	0.5%
152A	Drummer silty clay loam, 0 to 2 percent slopes	2.7	11.3%
154A	Flanagan silt loam, 0 to 2 percent slopes	0.0	0.1%
679B	Blackberry silt loam, 2 to 5 percent slopes	0.8	3.4%
865	Pits, gravel	12.0	50.5%
W	Water	8.1	34.2%
Totals for Area of Interest		23.8	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it

Custom Soil Resource Report

was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Custom Soil Resource Report

Champaign County, Illinois

56B—Dana silt loam, 2 to 5 percent slopes

Map Unit Setting

National map unit symbol: 2smzw
Elevation: 610 to 850 feet
Mean annual precipitation: 37 to 43 inches
Mean annual air temperature: 48 to 54 degrees F
Frost-free period: 165 to 190 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Dana and similar soils: 96 percent
Minor components: 4 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Dana

Setting

Landform: Ground moraines, till plains
Landform position (two-dimensional): Shoulder, summit
Landform position (three-dimensional): Interfluvium
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loess over loamy till

Typical profile

Ap - 0 to 11 inches: silt loam
Bt1 - 11 to 32 inches: silty clay loam
2Bt2 - 32 to 58 inches: clay loam
2C - 58 to 79 inches: loam

Properties and qualities

Slope: 2 to 5 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.60 in/hr)
Depth to water table: About 24 to 42 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 40 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: High (about 9.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Hydric soil rating: No

Custom Soil Resource Report

Minor Components

Drummer, drained

Percent of map unit: 4 percent
Landform: Swales on till plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Concave
Hydric soil rating: Yes

152A—Drummer silty clay loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2ssrz
Elevation: 490 to 1,020 feet
Mean annual precipitation: 33 to 43 inches
Mean annual air temperature: 46 to 54 degrees F
Frost-free period: 160 to 190 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Drummer, drained, and similar soils: 94 percent
Minor components: 6 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Drummer, Drained

Setting

Landform: Swales on outwash plains, swales on till plains, stream terraces on outwash plains, stream terraces on till plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Base slope, talf
Down-slope shape: Linear
Across-slope shape: Linear, concave
Parent material: Loess over stratified loamy outwash

Typical profile

Ap - 0 to 14 inches: silty clay loam
Btg - 14 to 41 inches: silty clay loam
2Btg - 41 to 47 inches: loam
2Cg - 47 to 60 inches: stratified sandy loam to clay loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)

Custom Soil Resource Report

Depth to water table: About 0 to 12 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Calcium carbonate, maximum in profile: 30 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: High (about 9.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: B/D
Hydric soil rating: Yes

Minor Components

Harpster, drained

Percent of map unit: 3 percent
Landform: Depressions on outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

Peotone, drained

Percent of map unit: 3 percent
Landform: Depressions on outwash plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Concave
Hydric soil rating: Yes

154A—Flanagan silt loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2ssry
Elevation: 570 to 990 feet
Mean annual precipitation: 34 to 42 inches
Mean annual air temperature: 46 to 54 degrees F
Frost-free period: 160 to 190 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Flanagan and similar soils: 95 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Custom Soil Resource Report

Description of Flanagan

Setting

Landform: Ground moraines, till plains
Landform position (two-dimensional): Footslope, summit
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess over loamy till

Typical profile

Ap - 0 to 8 inches: silt loam
A - 8 to 18 inches: silty clay loam
Bt1 - 18 to 32 inches: silty clay loam
Bt2 - 32 to 45 inches: silty clay loam
2Bt3 - 45 to 49 inches: silt loam
2C - 49 to 60 inches: loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.60 in/hr)
Depth to water table: About 12 to 24 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 40 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 6.0
Available water storage in profile: High (about 9.5 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 1
Hydrologic Soil Group: C/D
Other vegetative classification: Grass/Prairie (Herbaceous Vegetation)
Hydric soil rating: No

Minor Components

Elpaso, drained

Percent of map unit: 4 percent
Landform: Ground moraines, till plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Concave
Other vegetative classification: Grass/Prairie (Herbaceous Vegetation)
Hydric soil rating: Yes

Urban land

Percent of map unit: 1 percent
Down-slope shape: Linear

Custom Soil Resource Report

Across-slope shape: Linear
Hydric soil rating: No

679B—Blackberry silt loam, 2 to 5 percent slopes

Map Unit Setting

National map unit symbol: 84wh
Elevation: 590 to 980 feet
Mean annual precipitation: 32 to 40 inches
Mean annual air temperature: 46 to 54 degrees F
Frost-free period: 160 to 180 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Blackberry and similar soils: 90 percent
Minor components: 2 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Blackberry

Setting

Landform: Outwash plains, stream terraces
Landform position (two-dimensional): Summit, backslope
Landform position (three-dimensional): Interfluve, riser
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loess over outwash

Typical profile

H1 - 0 to 16 inches: silt loam
H2 - 16 to 47 inches: silty clay loam
H3 - 47 to 62 inches: stratified loam to silt loam
H4 - 62 to 70 inches: stratified silt loam to loam to sandy loam

Properties and qualities

Slope: 2 to 5 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: About 24 to 42 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 20 percent
Available water storage in profile: High (about 11.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C

Custom Soil Resource Report

Hydric soil rating: No

Minor Components

Drummer

Percent of map unit: 2 percent

Landform: Swales

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: Yes

865—Pits, gravel

Map Unit Setting

National map unit symbol: 84vg

Elevation: 590 to 980 feet

Mean annual precipitation: 30 to 35 inches

Mean annual air temperature: 48 to 54 degrees F

Frost-free period: 160 to 180 days

Farmland classification: Not prime farmland

Map Unit Composition

Pits, gravel: 90 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pits, Gravel

Setting

Down-slope shape: Linear

Across-slope shape: Linear

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydric soil rating: Unranked

Minor Components

Water

Percent of map unit: 10 percent

Hydric soil rating: Unranked

Custom Soil Resource Report

W—Water

Map Unit Composition

Water: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Water

Setting

Landform: Oxbows, channels, drainageways, lakes, perenial streams, rivers

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8w

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Land Classifications

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

Hydric Rating by Map Unit (Gilbert Pit)

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Custom Soil Resource Report

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

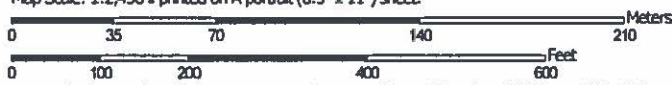
Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Custom Soil Resource Report Map—Hydric Rating by Map Unit (Gilbert Pit)



Soil Map may not be valid at this scale.



























Map Scale: 1:2,450 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 16N WGS84

Custom Soil Resource Report

MAP LEGEND

- Area of Interest (AOI)**
 Area of Interest (AOI)
- Soils**
- Soil Rating Polygons**
-  Hydric (100%)
 -  Hydric (68 to 99%)
 -  Hydric (33 to 65%)
 -  Hydric (1 to 32%)
 -  Not Hydric (0%)
 -  Not rated or not available
- Soil Rating Lines**
-  Hydric (100%)
 -  Hydric (66 to 99%)
 -  Hydric (33 to 65%)
 -  Hydric (1 to 32%)
 -  Not Hydric (0%)
 -  Not rated or not available
- Soil Rating Points**
-  Hydric (100%)
 -  Hydric (66 to 99%)
 -  Hydric (33 to 65%)
 -  Hydric (1 to 32%)
 -  Not Hydric (0%)
 -  Not rated or not available
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Champaign County, Illinois
 Survey Area Data: Version 11, Sep 16, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 16, 2011—Jul 9, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Custom Soil Resource Report

Table—Hydric Rating by Map Unit (Gilbert Pit)

Hydric Rating by Map Unit— Summary by Map Unit — Champaign County, Illinois (IL019)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
56B	Dana silt loam, 2 to 5 percent slopes	4	0.1	0.5%
152A	Drummer silty clay loam, 0 to 2 percent slopes	100	2.7	11.3%
154A	Flanagan silt loam, 0 to 2 percent slopes	4	0.0	0.1%
679B	Blackberry silt loam, 2 to 5 percent slopes	2	0.8	3.4%
865	Pits, gravel	0	12.0	50.5%
W	Water	0	8.1	34.2%
Totals for Area of Interest			23.8	100.0%

Rating Options—Hydric Rating by Map Unit (Gilbert Pit)*Aggregation Method: Percent Present**Component Percent Cutoff: None Specified**Tie-break Rule: Lower*

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
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- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf



June 2, 2017

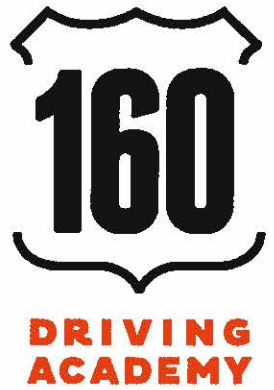
Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



To Whom it May Concern:

Gilbert Trucking has been a valuable asset to 160 Driving Academy in hiring students and helping the economy at his present location at Cardinal and Staley Rds. in Champaign, IL.

I recommend that he be allowed to continue his business as usual.

Sincerely,
Linda Peterson

A handwritten signature in black ink, appearing to be 'Linda Peterson', is written over a long, thin horizontal line.

RECEIVED

JUL 06 2017

CHAMPAIGN CO. F & Z DEPARTMENT

Parkland
College Drive
School

Example

Gilbert



Illinois Department of Transportation

Letter of Transmittal

Date: 5/12/2014

Subject: Waste Site Approval

To: Kinney Contractors, Inc.
19342 E. Frontage Road
Raymond, IL 62560

From: Division of Highways
Region 3 / District 5
13473 IL Highway 133 / P.O. Box 610
Paris, IL 61944

Telephone: (217) 465-4181

Attention: Jennifer Kinney

Ladies and Gentlemen:

We are sending: Plan Tracings Prints Special Provisions
 Appraisals Plats & Descriptions Final Paper Package Other _____

Description: Contract 70A38 Project _____ County Various
Job No. C-95-029-13 Section D5 PATCHING 2014-4 Route FAI Route 74 & 57

waste site approval and attachments

These are:

For Your File For Your Information Signature
 Approved For Review & Comments Per Your Request
 Per Our Conversation For Processing Reply Requested
 Other _____

Remarks:

cc: Gilbert Trucking
M. Gutteridge
File

RECEIVED
JUN 08 2017
CHAMPAIGN CO P & Z DEPARTMENT

If you have any questions, please contact Bart Sherer (217)466-317 bart.sherer@illinois.gov

in the District Bureau of Program Development

Signature (if applicable) _____ Date _____ cc: _____



Illinois Department of Transportation

Memorandum

To: Project Implementation
 From: Program Development – Bart Sherer
 Subject: Waste Site approval
 Date: 5/9/2014

RECEIVED

JUN 08 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Contract: 70A38
 Route: I-57/I-74
 Section: D5 Patching 2014-4
 Contractor: Kinney Contractors, Inc
 Site Location: Gilbert Trucknig intersection of Staley & Cardinal Road
 Intersection of Staley & Cardinal Road
 Champaign, IL
 45 70A38

The waste site location submitted for the above referenced project is approved for use. Per Department Policy, this area does not require further Cultural or Biological review.

It will be the Contractor's responsibility to ensure that this site remains in compliance with all NPDES rules and regulations. This site, even if covered by a separate permit, is being used by the Contractor for a Department awarded project and, therefore, falls under the Department's permit for this project. No sediment is to be discharged from this area. Erosion and sediment control devices shall be installed at this site to maintain compliance with the permit. These devices include, but are not limited to, perimeter erosion barrier, temporary and/or permanent seeding, and temporary or permanent mulch.

Prior to closing out the project, the Contractor shall complete all stabilization required by the acceptance of the site, and/or as required by permits in force. If applicable, the Contractor shall also provide ground level color photographs from similar locations at the site as the pre-use photos, as well as any additional photos the Contractor determines may be helpful in documenting their proper completion work at the site. A copy of the photos shall be forwarded to the RESIDENT.

It is the Contractor's responsibility to comply with all other applicable Federal, State and Local laws, ordinances and regulations.

BLS/bls

Susan Burgstrom

From: Susan Burgstrom
Sent: Tuesday, October 17, 2017 8:20 AM
To: shirleyd1146@gmail.com
Subject: zoning case

Hi Steve and Shirley,

I am finalizing the packet for next week's ZBA meeting. Could you please email me with information on the inoperable vehicles south of the maintenance shed? Namely, what do you plan to do with the vehicles? It is a Champaign County Nuisance Ordinance Violation to have more than 1 inoperable vehicle stored outdoors, subject to the following conditions:

1. the vehicle is fully intact on the exterior including all wheels or tracks, all tires (which must be inflated), all body parts including cab and all doors and windows;
2. the vehicle is screened from view from any adjacent lot not zoned for business or industrial use or public street by a Type D screen pursuant to Section 4.3.3G of the Champaign County Zoning Ordinance [Appendix B]; and
3. no other inoperable vehicle is stored outside on the same lot except FARM VEHICLES.

The Board cannot approve your requested Special Use permit if there is a Nuisance Ordinance violation. The Board will likely impose a Special Condition of approval related to the removal of the inoperable vehicles within a specified time frame. They will be able to make better progress during the hearing if they know what your plans for the vehicles are in the packet I am mailing out this Thursday.

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021

Public Act 096-0704

Section 5. The Capital Development Board Act is amended by adding Section 10.09-1 as follows:

(20 ILCS 3105/10.09-1)

Sec. 10.09-1. Adoption of building code; enforcement.

- (a) After July 1, 2011, no person may occupy a newly constructed commercial building in a non-building code jurisdiction until:
- (1) The property owner or his or her agent has first contracted for the inspection of the building by an inspector who meets the qualifications established by the Board; and
 - (2) The qualified inspector files a certification of inspection with the municipality or county having such jurisdiction over the property indicating that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
 - (A) The 2006 or later editions of the following codes developed by the International Code Council:
 - (i) International Building Code;
 - (ii) International Existing Building Code; and
 - (iii) International Property Maintenance Code.
 - (B) The 2008 or later edition of the National Electrical Code NFPA 70.
- (b) This Section does not apply to any area in a municipality or county having jurisdiction that has registered its adopted building code with the Board as required by Section 55 of the Illinois Building Commission Act.
- (c) The qualification requirements of this Section do not apply to building enforcement personnel employed by jurisdictions as defined in subsection (b).
- (d) For purposes of this Section:
- "Commercial building" means any building other than a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes or a farm building as exempted from Section 3 of the Illinois Architecture Practice Act.
- "Newly constructed commercial building" means any commercial building for which original construction has commenced on or after July 1, 2011.
- "Non-building code jurisdiction" means any area of the State not subject to a building code imposed by either a county or municipality.
- "Qualified inspector" means an individual qualified by the State of Illinois, certified by a nationally recognized building official certification organization, qualified by an apprentice program certified by the Bureau of Apprentice Training, or who has filed verification of inspection experience according to rules adopted by the Board for the purposes of conducting inspections in non-building code jurisdictions.
- (e) New residential construction is exempt from this Section and is defined as any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes in accordance with the Illinois Residential Building Code Act.
- (f) Local governments may establish agreements with other governmental entities within the State to issue permits and enforce building codes and may hire third-party providers that are qualified in accordance with this Section to provide inspection services.
- (g) This Section does not regulate any other statutorily authorized code or regulation administered by State agencies. These include without limitation the Illinois Plumbing Code, the Illinois Environmental Barriers Act, the International Energy Conservation Code, and administrative rules adopted by the Office of the State Fire Marshal.
- (h) This Section applies beginning July 1, 2011.

Source: P.A. 96-704, eff. 1-1-10



NW corner of subject property – shed and office (no permits on file)



NW corner of subject property – shed with semi used as storage



Small shed east of office



Diesel fuel above ground tank, south of large shed



Truck maintenance south of large shed



Dock next to small shed



Accessway facing north – office is on left (west)



**4403 Cardinal Rd, C.
06-08-17**

Parking and materials storage – north of office, east of main entrance



NE corner of subject property - material stockpiles



NE corner of subject property - material stockpiles and concrete crusher



NE corner of subject property - material stockpiles



NE corner of subject property - material stockpiles



Inoperable vehicles on west side of lake, south of large shed



SW corner of subject property – lake and accessway – facing east



SE corner of subject property – material stockpiles



SE corner of subject property – material stockpiles



SE corner of subject property facing west – material stockpiles



SW corner of subject property facing NW – material stockpile area (only small stockpiles)



Leaving main exit on Cardinal Rd, facing east – visibility issue



Third entrance, on Cardinal Rd west of main entrance



From intersection of Staley Rd at Cardinal Rd, facing west toward subject property



View of NE corner stockpiles from Cardinal Road



NE corner stockpiles encroaching on Cardinal Rd right-of-way



Yard waste blocking drainage ditch along Cardinal Rd west of Staley Rd

PRELIMINARY DRAFT

881-S-17 and 887-V-17

**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: *{October 26, 2017}*

Petitioner: **Steve Gilbert, dba Shady Rest Materials LLC, dba Gilbert Transport LLC**

Request: **Case 881-S-17**

Authorize an existing trucking, quarrying, and recycling of construction materials business as a “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use in the AG-1 Agriculture Zoning District subject to the variance requested in related Case 887-V-17 and subject to the following waivers of standard conditions required by Section 6.1.3 of the Zoning Ordinance:

- Part A: Authorize a waiver for side and rear yards of 15 feet in lieu of the minimum required 100 feet.
- Part B: Authorize a waiver for a setback from street centerline of 25 feet in lieu of the minimum required 150 feet.
- Part C: Authorize a waiver for no wire mesh fence surrounding the Special Use, in lieu of the minimum required 6 feet tall wire mesh fence, on the subject property described below.

Case 887-V-17

Authorize the following Variance for an existing trucking, quarrying, and recycling of construction materials business in the AG-1 Agriculture Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 881-S-17:

- Part A: Authorize a Variance from the Champaign County *Storm Water Management and Erosion Control Ordinance* for the requirement of a Storm Water Drainage Plan with detention.
- Part B: Authorize a variance from Section 7.6.2 of the Champaign County *Zoning Ordinance* for no screening in lieu of a Type D screen required for outdoor storage and operations within 1,000 feet of a major street.

On the following subject property:

A 23.71 acre tract in the Northeast Quarter of the Northeast Quarter of Section 5 of Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as Gilbert Trucking, with an address of 4403 Cardinal Road, Champaign, Illinois.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 26, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Steve Gilbert, sole officer of Shady Rest Materials LLC, and Gilbert Transport LLC, owns the subject property.
2. The subject property is a 23.71 acre tract in the Northeast Quarter of the Northeast Quarter of Section 5 of Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as Gilbert Trucking, with an address of 4403 Cardinal Road, Champaign, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning. Municipalities with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - (1) The parcel was created when it was sold on July 8, 1976; the sale was not recorded until July 23, 1982. At the time of division, the property was outside the 1.5 mile ETJ of the City of Champaign.
 - (2) Jeff Marino, Planner with the City of Champaign, told P&Z Staff on April 1, 2016, that the City is not interested in an Annexation Agreement for the subject property because there is no infrastructure there, even though the property is within one-quarter mile of the City limits.
 - (3) The Future Land Use Map from the City of Champaign Comprehensive Plan does not include the subject property in its growth area.
 - B. The subject property is located within Champaign Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:
 - A. The subject property is zoned AG-1 Agriculture and is in use as a trucking, quarrying, and recycling of construction materials business.
 - B. Land north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - D. Land west of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - E. Land south of the subject property is zoned AG-1 Agriculture and is in use as a single-family residence.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan for the proposed Special Use:
- A. The Site Plan received July 6, 2017, indicates the following:
- (1) Existing features include:
 - a. Main entrance on Cardinal Road in northwest corner, a second access point at Staley Road in the southeast corner of subject property, and a third access point on Cardinal Road in the northeast corner;
 - b. One ~6.5 acre pond;
 - c. One trailer, 24 feet by 14 feet, used as the Office, which was placed on the property sometime after the spring 2014 Champaign County aerial photography;
 - d. One shed on a concrete base, 28 feet by 40 feet, used for truck maintenance and repair, which was placed on the property sometime after the spring 2014 Champaign County aerial photography;
 - e. One storage shed, 12 feet by 14 feet, which was placed on the property sometime after the spring 2014 Champaign County aerial photography;
 - f. Two semi-trailers on either side of the repair shed, used for storage;
 - g. One diesel tank for highway use;
 - h. Various material stockpiles for concrete, gravel, cinder blocks, asphalt, dirt and clay;
 - i. A concrete crusher; and
 - j. Numerous vehicles, many inoperable, around north and west sides of pond.
 - (a) Inoperable vehicles were found during the June 8, 2017, visit that P&Z Staff made to the subject property. The inoperable vehicles cannot be seen in the spring 2014 Champaign County aerial photography. Approximately 20 parts of trucks, some mostly intact, are being stored on the west side of the property, south of the maintenance shed. A Notice of Violation has not been sent to Mr. Gilbert regarding these vehicles. In a phone call to Mr. Gilbert on September 11, 2017, Susan Burgstrom explained how the inoperable vehicles are a Nuisance Ordinance violation. As of October 16, 2017, Mr. Gilbert had not yet proposed a solution to the inoperable vehicles, but staff decided to forward the case to the Board anyway in order to force progress. On October 17, 2017, Susan Burgstrom emailed Mr. and Mrs. Gilbert asking their plans for the inoperable vehicles and made them aware that the requested Special Use Permit could not be approved while there is a Nuisance Ordinance violation; that email is included as an attachment to the Preliminary Memorandum for these cases. On October 19, 2017, Susan Burgstrom called Mr. Gilbert and during that call, he stated that he intends to move the vehicles. She told him that

he would need to add a note to his original Site Plan to that effect, and arranged to have that done prior to the October 26, 2017 hearing.

- (b) A special condition has been added to ensure appropriate removal or indoor storage of the inoperable vehicles.
 - (2) There are no changes proposed for the subject property.
- B. In a conversation between Mr. Gilbert and Susan Burgstrom on February 18, 2016, Mr. Gilbert indicated the following:
 - (1) In 1984, Steve Gilbert purchased the subject property from John Kenny and continued to quarry the property and its 6.5 acre pond for dirt, clay, and sand. Mr. Gilbert indicated on his application that the property has been a quarry operation since the 1950s by Mr. Kenny and previously University Asphalt. Aerial photos in the Natural Resource Report received July 6, 2017, show no development of the property until after 1966. No documentation has been provided that shows the property has been in continuous operation since before the adoption of the Zoning Ordinance on October 10, 1973.
 - (2) Activities that occur on the subject property include:
 - a. Construction materials recycling (concrete and asphalt);
 - b. Sand, dirt and clay quarrying;
 - c. Gravel production;
 - d. Recycling;
 - e. Cutting down and burning logs from other sites in a stove;
 - (3) Other information he provided:
 - a. There are 20 or so vehicles on site on an average day – dump trucks, trailers, trucks, and construction equipment.
 - b. There are 3-4 full-time employees.
 - c. They have portable restrooms.
 - d. The trailers are used for storage and for a dry work area when it is raining.
- C. Susan Burgstrom visited the subject property on June 8, 2017, and spoke with Mr. Gilbert, his wife Shirley, and Jonathon Manuel from Champaign County Soil and Water Conservation District.
 - (1) Mr. Gilbert indicated that the rock crusher is used about 35 to 40 days per year, and estimated that hours of use are between 8 a.m. and 3 p.m. He said that the rock crusher is located as far as possible from neighbors.
 - (2) The following typical day's schedule was provided:
 - a. Trucks start and leave between 6 and 7 a.m.

- b. Between 7 a.m. and 3 p.m., there is little activity; there might be a few trucks entering and leaving to load or dump material. This activity occurs on the far side of the property from the neighbors.
- c. Trucks return from working elsewhere between 3 p.m. and 5 p.m.
- D. There are no previous Zoning Use Permits for the subject property.
- E. There are no previous Zoning Cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use 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) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (5) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
- (6) “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.
- (7) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (8) “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.
- (9) “LOT, CORNER” is a LOT located:
 - (a) at the junction of and abutting two or more intersecting STREETS; or
 - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
 - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (10) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (11) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (12) “LOT LINES” are the lines bounding a LOT.
- (13) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (14) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (15) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (16) “SPECIAL USE” is a USE that may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

- (17) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (18) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY that 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.
- (19) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (20) “STRUCTURE, ATTACHED” is a STRUCTURE connected to another STRUCTURE.
- (21) “STRUCTURE, DETACHED” is a STRUCTURE not connected to another STRUCTURE.
- (22) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (23) “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.
- (24) “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.
- (25) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance that the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.

- B. Section 4.3.3 H. defines screening types:
- (1) Type A: Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
 - (2) Type B: An opaque fence or wall with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
 - (3) Type C: A landscape berm or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of six feet as measured from the highest adjacent grade.
 - (4) Type D: A landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
- C. Section 4.3.10 states the following:
- (1) Any USE or CONSTRUCTION for which a Zoning Use Permit is required shall also comply with the relevant requirements of the Champaign County *Storm Water Management and Erosion Control Ordinance*.
 - (2) The limits on maximum LOT COVERAGE contained in Section 5.3 notwithstanding, no more than 16 percent of the surface of any LOT or LOTS in common ownership on January 1, 1998, shall consist of impervious area, including paving consisting of gravel and rock and including any specific impervious area addition to adjacent public STREETS that is required to accommodate the USE or CONSTRUCTION, unless the LOT is exempt pursuant to, or complies with, the *Storm Water Management and Erosion Control Ordinance*.
- D. 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.

PRELIMINARY DRAFT

- 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.
- E. Section 6.1.3 lists standard conditions for specific types of special uses; the "Mineral Extraction, quarrying, topsoil removal and allied products" use requires a minimum 6 feet tall wire mesh fencing, 150 feet setback from any street, and 100 feet side and rear yards.
- F. Section 7.6.2 requires a Type D screen to be located to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
- (1) Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - (2) Any designated urban arterial street or MAJOR STREET.
- G. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- H. 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:
- 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.
- I. 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.
- J. Paragraph 13.2.1 A.6. of the Zoning Ordinance states, “The BOARD or the GOVERNING BODY shall not approve VARIANCES or SPECIAL USE Permits, and the Zoning Administrator shall not issue Zoning Use Permits or Zoning Compliance Certificates when the CONSTRUCTION or USE would violate the Champaign County Public Nuisance Ordinance.
- K. Regarding the proposed waivers and variance:
- (1) For Waiver Part A: Minimum side and rear yards for the “Mineral Extraction, Quarrying, topsoil removal and allied activities” special use is established in Section 6.1.3 of the *Zoning Ordinance* as 100 feet.
 - (2) For Waiver Part B: Minimum setback from any street centerline for the “Mineral Extraction, Quarrying, topsoil removal and allied activities” special use is established in Section 6.1.3 of the *Zoning Ordinance* as 150 feet.

- (3) For Waiver Part C: Minimum six feet tall wire mesh fence for the “Mineral Extraction, Quarrying, topsoil removal and allied activities” special use is established in Section 6.1.3 of the *Zoning Ordinance*.
- (4) For Variance Part A: The requirement for a storm water drainage plan with detention is established in Section 9, unless exempted in Section 4, of the *Champaign County Storm Water Management and Erosion Control Ordinance*.
- (5) For Variance Part B: The requirement for a Type D screen for outdoor storage and operations within 1,000 feet of a major street is established in Section 7.6. of the *Zoning 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, “**Economic advantage to local communities and townships, by providing needed materials for roads and buildings. Money is saved in material costs, trucking, and time by having this Gravel Pit in operation.**”

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, “**Operations provided by this gravel pit provide economically priced operations to communities and townships, in materials for road and buildings.**”
 - B. Regarding surface drainage:
 - (1) The Champaign County Soil and Water Conservation District Natural Resource Report received July 6, 2017, states, “The site is relatively flat. The developed areas seem to have good drainage. The water from the site will leave by way of tile and a farm field. Best Management Practices that minimize the volume of storm water flowing offsite and attempt to filter it as much as possible should be considered.”
 - (2) Storm water generally drains toward the 6.5 acre pond on the subject property and then west to a farm field.
 - (3) Regarding the *Storm Water Management and Erosion Control Ordinance*:
 - a. The property is not exempt from the Champaign County *Storm Water Management and Erosion Control Ordinance*, so a Storm Water Drainage Plan is required unless a variance is granted.
 - b. The subject property has been used in the same manner for many years, and the petitioner does not propose any changes to the property that would change drainage conditions.

- (4) The subject property occasionally has contracts with the Illinois Department of Transportation as a Waste Site. Mr. Gilbert provided an example contract letter dated May 9, 2014, and received June 8, 2017, with the Special Use Permit application.
 - a. The contract requires that the contractor be responsible for ensuring that the site remains in compliance with all NPDES rules and regulations.
 - b. The site falls under the IDOT permit for the stated project.
 - c. No sediment can be discharged from the area, and erosion and sediment control devices shall be installed at the site to maintain compliance with the permit.
 - d. The Contractor must complete all stabilization required by the permit prior to closing out the project.

- C. Regarding traffic in the subject property area:
 - (1) The subject property has one access on Cardinal Road (CR 1800N), a second access drive along Staley Road (CR 800E), and a third access point on Cardinal Road in the northeast corner.
 - (2) Cardinal Road (CR 1800N) is approximately 24 feet wide and comprised of oil and chip.
 - (3) Staley Road (CR 800E) is approximately 24 feet wide and is a marked two-lane road with 4 feet wide gravel shoulders.
 - (4) 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 2016 near the subject property:
 - a. Cardinal Road (CR 1800N) had an ADT of 100 west of Staley Road and 2,400 east of Staley Road.
 - b. Staley Road (CR 800E) had an ADT of 4,400 north of Cardinal Road and 6,900 south of Cardinal Road.
 - (5) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends the following:
 - a. A rural two-lane local road with an ADT of 400 vehicle trips or less, such as Cardinal Road west of Staley Road, has a minimum road width of 20 feet and a minimum shoulder width of two feet. Cardinal Road is 24 feet wide, so it could accommodate more traffic than the most recent ADT of 100.
 - b. IDOT classifies Staley Road near the subject property as a minor arterial. A 2-lane, 24 feet wide road with 4 feet wide paved shoulders has a Design Hourly Volume of 1,050 or fewer vehicles. DHV is the one-hour volume in both directions of travel in the design year selected for determining the

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dimensions and configuration of the highway design elements. While DHV does not convert directly to ADT, one accepted method for a rough estimate of peak hour flow (highest traffic hour of the day) is 10% of the daily traffic volume. Using this method, the peak hour flow would be roughly 690 for this part of Staley Road. Compared to the 1,050 design hourly volume, it appears that there is sufficient capacity to handle more than the current traffic flow on Staley Road.

- (6) The Champaign 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 5.5 miles from the Bondville Fire Department, which contracts with the Scott Fire Protection District. The Scott FPD Chief was notified of this case and no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area, per FEMA Panel 17019CO290D, effective date October 2, 2013.
- F. The subject property is not considered Best Prime Farmland. The soil on the subject property consists of 865 Gravel Pit, 152A Drummer silty clay loam, 679B Blackberry silt loam, and 56B Dana silt loam, and has an average Land Evaluation Factor of 15 when including the gravel pit and pond acreage.
- G. Regarding outdoor lighting on the subject property: the Petitioner did not include information on the Site Plan.
- H. Regarding wastewater treatment and disposal on the subject property: there is no septic system shown on the Site Plan.
- I. Regarding neighborhood and community concerns:
 - (1) On May 13, 2015, the Planning and Zoning Department received an inquiry from the Health Department based on a complaint they received about a marshy area on the property.
 - (2) On June 8, 2015, the Planning and Zoning Department received a complaint about standing water in an area that might have resulted from extracting black dirt from the site, which may have impacted a drainage tile. The complainant alleged that someone brings landscape waste to the property and burns it; they also noted paint cans, furniture, and railroad timbers. The complainant believes that an excavating company rents space to park vehicles on the property, and that concrete and asphalt recycling is occurring on the site, which creates dust.
 - (3) On June 22, 2016, the Planning and Zoning Department received a call with the same concerns expressed on June 8, 2015. The complainant was concerned about a family member's compromised immune system and that there was standing water near their residence since Mr. Gilbert had broken a water line. The complainant also said they have documentation that they had received a negative property appraisal for their home.

- (4) On September 7, 2016, the Planning and Zoning Department received a call from a neighbor stating their peace, enjoyment, and livelihood were being disrupted by the activities on Mr. Gilbert's property. They said that the noise and dust Mr. Gilbert creates on his property is polluting their air. They said that Mr. Gilbert sells dirt from his property and he digs huge holes in the ground that create dust. They said there is a constant smell of diesel fuel and oil, which are not good for their health. They said that the huge holes in the ground retain water when it rains, and they are concerned about mosquitoes. They said that Mr. Gilbert is also constantly crushing concrete and asphalt, and the dust created by this activity is harmful to their health and will damage their trees. They believe that diesel fuel and oil from Mr. Gilbert's equipment is leaching into the soil, causing an environmental hazard.
- (5) In an email received June 9, 2017, Jennifer O'Hearn, IEPA Champaign Field Section, provided details about a complaint they had received about filling a pit on the subject property. She stated what she observed at the site, and what clean-up was required. She noted that the property was returned to compliance, and that to her knowledge, Mr. Gilbert had not registered to fill the quarry at the site.
- (6) In a letter Mr. Gilbert submitted with his application for the Special Use Permit on July 6, 2017, Linda Peterson of 160 Driving Academy (Parkland College Trucking School) stated, "Gilbert Trucks has been a valuable asset to 160 Driving Academy in hiring students and helping the economy at his present location at Cardinal and Staley Rds. In Champaign, IL. I recommend that he be allowed to continue his business as usual."

J. Regarding life safety considerations related to the proposed Special Use:

- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

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- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
 - (a) The office building, maintenance shed (with adjacent trailer storage), and small storage shed are not accessible. Either they will have to be made accessible or evidence must be provided by the petitioner that the Illinois Capital Development Board has exempted these structures from the accessibility requirements.
 - (b) A special condition has been added to ensure compliance with the Illinois Accessibility Code.
- K. Illinois Public Act 96-704, effective July 1, 2011, is a State of Illinois requirement and not a Champaign County requirement, so there is no flexibility in regard to that requirement.
- (1) PA 96-704 states that in a non-building code jurisdiction, no person shall occupy a newly constructed commercial building until a qualified individual certifies that the

building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:

- a. The 2006 or later editions of the following codes developed by the International Code Council:
 - (a) International Building Code;
 - (b) International Existing Building Code; and
 - (c) International Property Maintenance Code.
 - b. The 2008 of later edition of the National Electrical Code NFPA 70.
- (2) The office building, maintenance shed (with adjacent trailer storage), and small storage shed did not appear on Champaign County aerial photography prior to 2014.
 - (3) The petitioner was made aware of Illinois Public Act 96-704 when he visited the P&Z Department on April 15, 2016, and spoke with John Hall and Susan Burgstrom.
 - (4) A special condition has been added to ensure compliance with Illinois PA 96-704.
- L. 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: **“All activities currently operating at the gravel pit have been in operation for well over 30 years now. They have all State and Federal permits and operate within the county laws and regulations.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) “Mineral Extraction, quarrying, topsoil removal and allied services” is authorized as a Special Use in the AG-1 Agriculture Zoning District.
 - (2) Regarding the requirement that this Special Use have a setback of 150 feet and rear and side yards of 100 feet:
 - a. Material stockpiles are within 25 feet of the Cardinal Road centerline and within 60 feet of the Staley Road centerline. Stockpiles reach the ditch edge on Cardinal Road.
 - b. The office trailer and truck maintenance shed are approximately 50 feet from the west property line; these were placed without a permit sometime after the 2014 Champaign County aerial photos were taken.

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- c. Material stockpiles are less than 100 feet from the south property line at the southwest corner and southeast of the pond.
- (3) Regarding the requirement that this Special Use have a minimum 6 feet tall wire mesh fence and, due to outdoor operations and storage, that a minimum 8 feet tall Type D Screen be installed along Staley Road as well as to screen operations from the residence to the south:
- a. There is intermittent vegetative screening along most of the north property line; material stockpiles are visible from Cardinal Road. There are no residences north of the subject property.
 - b. There is existing vegetative screening atop a berm on the east side, but there are some gaps that would need to be filled in order to comply with Section 7.6. There are no residences west of the subject property.
 - c. There is vegetation on the neighbor's property south of the subject property, but there is no intentional screening built by the petitioner. There is a site line between the residence and operations on the subject property.
 - d. There are no residences west of the subject property, just land in agricultural production.
 - e. A special condition has been added to ensure compliance with the screening requirements in the Zoning Ordinance.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use must comply with the Champaign County *Storm Water Management and Erosion Control Ordinance* because the amount of impervious area on the subject property is more than the 16% Maximum Exempt Impervious Area allowed per Section 4.2 of the *SWMEC Ordinance*.
 - (2) The 6.5 acre pond is part of the impervious area; the property generally drains toward the pond.
 - (3) There are no sediment controls around the material stockpiles on the property.
 - (4) No Storm Water Drainage Plan has been received by the P&Z Department. The Zoning Administrator has determined that due to the large existing pond and elevation contours leading down to the pond, a Storm Water Drainage Plan will not be required as long as two special conditions are included regarding:
 - a. The petitioner must add temporary seeding to permanent stockpiles; and
 - b. If a complaint is received regarding erosion or sedimentation, a Storm Water Drainage Plan, independent review, and mitigation action will be required.
 - (5) No complaints have been received regarding flooding or erosion beyond the site; however, a neighbor has complained that the holes Mr. Gilbert digs to remove soil take on water when it rains.

- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding subdivision regulations, the subject property has not changed shape since before Mr. Gilbert purchased the property. The parcel was created when it was sold on July 8, 1976; the sale was not recorded until July 23, 1982. At the time of division, the property was outside the 1.5 mile ETJ of the City of Champaign. It is now located in City of Champaign subdivision jurisdiction and the subject property is in compliance. The fact that the property existed in this way prior to 2004 makes it non-conforming with respect to maximum lot area.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
- (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) Section 5.2: Table of Authorized Principal Uses authorizes “Mineral Extraction, Quarrying, topsoil removal and allied activities” as a Special Use in the AG-1 Agriculture Zoning District.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy, and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- (1) A special condition has been added to ensure compliance with the Illinois Accessibility Code.

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 authorizes “Mineral Extraction, Quarrying, topsoil removal and allied activities” as a Special Use 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

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determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- (3) Section 6.1.3 Schedule of Standard Conditions states, the “Mineral Extraction, quarrying, topsoil removal and allied products” use requires a minimum 6 feet tall wire mesh fencing, 150 feet setback from any street, and 100 feet side and rear yards.”
 - a. The core operations (materials handling, storage, rock crushing) are inside the minimum required setbacks from Cardinal Road and Staley Road.
 - b. There is intermittent vegetative screening along most of the north property line; material stockpiles are visible from Cardinal Road. There are no residences north of the subject property.
 - c. There is existing vegetative screening atop a berm on the east side, but there are some gaps that would need to be filled. There are no residences west of the subject property.
 - d. There is vegetation on the neighbor’s property south of the subject property, but there is no intentional screening built by the petitioner. The residence on the south side of the subject property is approximately 195 feet from the shared property line. There is a site line between the residence and operations on the subject property.
 - e. There are no residences west of the subject property, just land in agricultural production.
- 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.
 - 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 appears to comply with those requirements, contingent upon approval of the proposed variance in Case 887-V-17.
 - b. On September 7, 2016, the Planning and Zoning Department received a call from a neighbor stating their peace, enjoyment, and livelihood were being disrupted by the activities on Mr. Gilbert’s property. They said that the noise and dust Mr. Gilbert creates on his property is polluting their air. They said that Mr. Gilbert sells dirt from his property and he digs huge holes in the ground that create dust. They said there is a constant smell of diesel fuel and oil, which are not good for their health. They said that the huge holes in the ground retain water when it rains, and they are concerned about mosquitoes. They said that Mr. Gilbert is also constantly crushing concrete and asphalt, and the dust created by this activity is harmful to their health and will damage their trees. They believe that diesel fuel and oil from Mr. Gilbert’s equipment is leaching into the soil, causing an environmental hazard.

- (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 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. A neighbor has told P&Z Staff that they have documentation showing a diminished property appraisal due to the activities on the subject property; however, this documentation has not been provided to the P&Z Department.

- (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 because the operation has been there for many years and the petitioner proposes no changes to current operations.

- (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 floodwaters.
- a. No Storm Water Drainage Plan has been received by the P&Z Department. The Zoning Administrator has determined that due to the large existing pond and elevation contours leading down to the pond, a Storm Water Drainage Plan will not be required as long as two special conditions are included:
 - (a) The petitioner must add temporary seeding to permanent stockpiles.
 - (b) If a complaint is received regarding erosion or sedimentation, the Zoning Administrator may determine that a Storm Water Drainage Plan, independent review, and mitigation actions will be required.
 - b. No complaints have been received regarding flooding or erosion beyond the site; however, a neighbor has complained that the holes Mr. Gilbert digs to remove soil take on water when it rains.

- (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

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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 comply with those limits contingent upon approval of the Special Use Permit and Variance.

- (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.

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, per the Natural Resource Report received July 6, 2017.

- (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: **“The special use permit will simply make the paperwork in the zoning office match pre-existing operations that have been ongoing since 1970s.”**
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waivers of standard conditions:
- A. Waive the standard condition of Section 6.1.3 of the *Zoning Ordinance* that requires side and rear yards of 100 feet for the “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use:
 - (1) The office trailer and truck maintenance shed are approximately 50 feet from the west property line; these were placed without a permit sometime after the 2014 Champaign County aerial photos were taken.

- (2) Material stockpiles are less than 100 feet from the south property line at the southwest corner and southeast of the pond.
- B. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance that requires setback from street centerline of 150 feet for the “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use:
 - (1) Material stockpiles are within 25 feet of the Cardinal Road centerline and within 60 feet of the Staley Road centerline. Stockpiles reach the ditch edge on Cardinal Road.
 - C. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance that requires a minimum 6 feet tall wire mesh fence for the “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use:
 - (1) There is intermittent vegetative screening along most of the north property line; material stockpiles are visible from Cardinal Road. There are no residences north of the subject property.
 - (2) There is existing vegetative screening atop a berm on the east side, but there are some gaps that would need to be filled. There are no residences west of the subject property.
 - (3) There is natural screening on the neighbor’s property south of the subject property, but there is no intentional screening built by the petitioner. There is a site line between the residence and operations on the subject property.
 - (4) There are no residences west of the subject property, just land in agricultural production.

RELATED TO THE WAIVERS, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

- 13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. Without Part A of the proposed waiver, for side and rear yards of 15 feet in lieu of 200 feet for the special use, the existing unpermitted maintenance shed, unpermitted office trailer, and most stockpiles would not fit on the subject property and would have to be reduced in size or removed.
 - B. Without Part B of the proposed waiver, for setback from street centerline of 150 feet for the Special Use, most existing stockpiles and rock crushing operations would not fit on the subject property and would have to be reduced in size or removed.
 - C. Without Part C of the proposed waiver, for a minimum 6 feet tall wire mesh fence for the Special Use, the Petitioner would have to install approximately 4,500 linear feet of wire mesh fence.

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Mr. Gilbert has operated without permits at the site since 1984, and built several structures without permission from the P&Z Department since 2014.
 - B. Upon receipt of a First Notice of Violation in March 2016, Mr. Gilbert worked with P&Z Staff to identify possible solutions, but did not apply for a Special Use Permit and Variance until he was sent a Final Notice of Violation on May 9, 2017.

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVERS ARE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding Part A of the proposed waiver, for side and rear yards of 15 feet in lieu of 100 feet for the special use: the requested waiver (variance) is 15% of the minimum required, for a variance of 85%.
 - B. Regarding Part B of the proposed waiver, for setback from street centerline of 25 feet in lieu of 150 feet for the Special Use, the requested waiver (variance) is 16.7% of the minimum required, for a variance of 83.3%.
 - C. Regarding Part C of the proposed waiver, for a minimum 6 feet tall wire mesh fence for the Special Use, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVERS ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. Keith Padgett, Champaign Township Road Commissioner, has been notified of this case and no comments have been received.
 - B. The Bondville Fire Department contracts with the Scott Fire Protection District. The Scott FPD Chief was notified of this case and no comments have been received.
 - C. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

17. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Gravel pit since 1970s, continual operation of earth material for local use.”**

- B. Regarding the proposed variance:
- (1) No Storm Water Drainage Plan has been received by the P&Z Department. The Zoning Administrator has determined that due to the large existing pond and elevation contours leading down to the pond, a Storm Water Drainage Plan will not be required as long as two special conditions are included regarding:
 - a. The petitioner must add temporary seeding to permanent stockpiles.
 - b. If a complaint is received regarding erosion or sedimentation, the Zoning Administrator may determine that a Storm Water Drainage Plan, independent review, and mitigation actions will be required.

RELATED TO THE VARIANCE, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

18. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“Cannot continue to recycle construction materials unless it is deemed a use that falls under ‘allied activities’ with Mineral Extraction, quarrying and topsoil removal special use.”**
 - B. Regarding the proposed Variance:
 - (1) Without the proposed variance, the petitioner would no longer be able to recycle construction materials.

RELATED TO THE VARIANCE, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

19. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“Have owned the property since 1980, and continued to do what the previous owner and University Asphalt had done since the 1950s, which was mining the property.”**
 - (1) Aerial photos in the Natural Resource Report received July 6, 2017, show no development of the property until after 1966.
 - (2) The Warranty Deed for the subject property shows it was purchased on January 12, 1984, and recorded January 24, 1984.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

20. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“The operations provided by this gravel pit provide economically priced operations to communities and townships, in materials for roads and buildings.”**
 - B. Regarding Part A of the proposed variance, for not requiring a Storm Water Drainage Plan with detention: the requested variance is 100%.

- C. Regarding Part B of the proposed variance, for no screening in lieu of a Type D screen required for outdoor storage and operations within 1,000 feet of a major street: the requested variance is 100%.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

21. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“All activities currently operating at the gravel pit have been in operation well over 30 years now. They have all State and Federal permits and operate within county laws and regulations.”**
- B. The Champaign Township Road Commissioner has been notified of this variance and no comments have been received.
- C. The Bondville Fire Department contracts with the Scott Fire Protection District. The Scott FPD Chief was notified of this case and no comments have been received.
- D. The nearest residence is approximately 195 feet from the shared south property line.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

22. Generally regarding any other circumstances that justify the Variance:
- A. The Petitioner did not provide a response on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

23. No special conditions are proposed for Variance Case 887-V-17. Regarding proposed special conditions of approval for the Special Use in Case 881-S-17:
- A. **Within 30 days of approval of Case 881-S-17, the petitioner must apply for a Zoning Use Permit for all existing structures and a Change of Use permit.**

The above special condition is required to ensure the following:

That all structures and the establishment of the proposed use are properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

PRELIMINARY DRAFT

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for accessibility.

- D. **Within six months of approval of Case 881-S-17, the petitioner shall provide a copy of a written explanation of how he proposes to comply with Illinois PA 96-704. The explanation must include copies of correspondence with the Illinois Capital Development Board that will document that his proposed explanation will in fact result in compliance.**

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for building codes for new commercial buildings.

- E. **The petitioner must plant and maintain evergreen screening along the south property line. The approved Site Plan must indicate the location of the evergreen screening. Per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within 6 months of approval of Case 881-S-17.**

The above special condition is required to ensure the following:

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

- F. **The petitioner must add temporary seeding to permanent stockpiles per Sections 11.2: Minimize Soil Erosion and 11.5: Stockpiles, of the *Storm Water Management and Erosion Control Ordinance*.**

The special condition stated above is required to ensure the following:

That erosion control measures are put in place for continuing operations.

- G. **The Zoning Administrator may require that the petitioner submit a Storm Water Drainage Plan if a complaint is received regarding erosion or sedimentation stemming from activities on the subject property. The Storm Water Drainage Plan shall undergo review by the P&Z Department and its independent storm water review engineer, which may require mitigation activities to be undertaken by the Petitioner.**

The special condition stated above is required to ensure the following:

That the Special Use continues to consider public health, safety, and general welfare.

- H. **Within 12 months of approval of Case 881-S-17, the petitioner shall remove and/or properly store inside a fully enclosed building all but one (1) inoperable vehicle that meets all of the conditions listed in Section 3.3 B. of the Champaign County Public Nuisance Ordinance. Failure to complete this special condition shall void the approval of Case 881-S-17.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Zoning Ordinance and Public Nuisance Ordinance.

- I. **The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities on the subject property.**

The special condition stated above is to ensure the following:

That the Special Use takes the public health, safety and general welfare into consideration.

- J. **Landscape waste from other properties shall not be burned unless in a wood burning stove.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Public Nuisance Ordinance.

DOCUMENTS OF RECORD

1. Applications for Special Use Permit and Variance received July 6, 2017, with attachments:
 - A Site Plan
 - B Legal description
 - C Natural Resources Report by the Champaign County Soil and Water Conservation District
 - D Letter of Support from 160 Driving Academy (Parkland College Truck Driving School)
2. Letter requesting information from P&Z Department to Mr. Gilbert dated June 4, 2015
3. First Notice of Violation from P&Z Department to Mr. Gilbert dated March 2, 2016
4. Final Notice of Violation from P&Z Department to Mr. Gilbert dated May 9, 2017
5. Materials received during on-site meeting, June 8, 2017:
 - A Letter of Transmittal for IDOT Waste Site Contract dated May 12, 2014
 - B Registration Confirmation from Illinois EPA dated June 2, 2014
6. Email from Jennifer O’Hearn, IEPA Champaign Field Section received June 9, 2017 (confidential)
7. Preliminary Memorandum dated October 19, 2017, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received July 6, 2017
 - C Annotated Site Plan created by P&Z Staff on August 1, 2017
 - D Letter requesting information from P&Z Department to Mr. Gilbert dated June 4, 2015
 - E First Notice of Violation from P&Z Department to Mr. Gilbert dated March 2, 2016
 - F Final Notice of Violation from P&Z Department to Mr. Gilbert dated May 9, 2017
 - G Natural Resources Report by Champaign County Soil and Water Conservation District received July 6, 2017
 - H Letter of Support from 160 Driving Academy (Parkland College Truck Driving School)
 - I IDOT Waste Site Contract dated May 12, 2014
 - J Email to Mr. & Mrs. Gilbert from Susan Burgstrom dated October 17, 2017
 - K Copy of Illinois Public Act 96-704
 - L Site Visit Photos taken June 8, 2017
 - M Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated October 26, 2017

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **881-S-17** and **887-V-17** held on **October 26, 2017**, 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*}*:

(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.
 - 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. Regarding the variance:
- a. 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:
 - b. 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:
 - c. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - d. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION}*** ***{IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - e. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION}*** ***{WILL / WILL NOT}*** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - f. The requested variance ***{SUBJECT TO THE PROPOSED 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 FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **Within 30 days of approval of Case 881-S-17, the petitioner must apply for a Zoning Use Permit for all existing structures and a Change of Use permit.**

The above special condition is required to ensure the following:

That all structures and the establishment of the proposed use are properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for accessibility.

- D. **Within six months of approval of Case 881-S-17, the petitioner shall provide a copy of a written explanation of how he proposes to comply with Illinois PA 96-704. The**

explanation must include copies of correspondence with the Illinois Capital Development Board that will document that his proposed explanation will in fact result in compliance.

The special condition stated above is required to ensure the following:

That the proposed Special Use meets applicable state requirements for building codes for new commercial buildings.

- E. **The petitioner must plant and maintain evergreen screening along the south property line. The approved Site Plan must indicate the location of the evergreen screening. Per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting and will be planted in staggered rows and must be planted within 6 months of approval of Case 881-S-17.**

The above special condition is required to ensure the following:

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

- F. **The petitioner must add temporary seeding to permanent stockpiles per Sections 11.2: Minimize Soil Erosion and 11.5: Stockpiles, of the *Storm Water Management and Erosion Control Ordinance*.**

The special condition stated above is required to ensure the following:

That erosion control measures are put in place for continuing operations.

- G. **The Zoning Administrator may require that the petitioner submit a Storm Water Drainage Plan if a complaint is received regarding erosion or sedimentation stemming from activities on the subject property. The Storm Water Drainage Plan shall undergo review by the P&Z Department and its independent storm water review engineer, which may require mitigation activities to be undertaken by the Petitioner.**

The special condition stated above is required to ensure the following:

That the Special Use continues to consider public health, safety, and general welfare.

- H. **Within 12 months of approval of Case 881-S-17, the petitioner shall remove and/or properly store inside a fully enclosed building all but one (1) inoperable vehicle that meets all of the conditions listed in Section 3.3 B. of the Champaign County Public Nuisance Ordinance. Failure to complete this special condition shall void the approval of Case 881-S-17.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Zoning Ordinance and Public Nuisance Ordinance.

- I. **The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities on the subject property.**

The special condition stated above is to ensure the following:

That the Special Use takes the public health, safety and general welfare into consideration.

- J. **Landscape waste from other properties shall not be burned unless in a wood burning stove.**

The special condition stated above is to ensure the following:

That the Special Use is in compliance with the Public Nuisance Ordinance.

FINAL DETERMINATION FOR CASE 881-S-17

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 **881-S-17** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Steve Gilbert**, to authorize the following as a Special Use on land in the AG-1 Agriculture Zoning District:

Authorize an existing trucking, quarrying, and recycling of construction materials business as a “Mineral Extraction, Quarrying, topsoil removal and allied activities” Special Use in the AG-1 Agriculture Zoning District subject to the variance requested in related Case 887-V-17 and subject to the following waivers of standard conditions required by Section 6.1.3 of the Zoning Ordinance:

- Part A: Authorize a waiver for side and rear yards of 15 feet in lieu of the minimum required 100 feet.
- Part B: Authorize a waiver for a setback from street centerline of 25 feet in lieu of the minimum required 150 feet.
- Part C: Authorize a waiver for no wire mesh fence surrounding the Special Use, in lieu of the minimum required 6 feet tall wire mesh fence, on the subject property described below.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **Within 30 days of approval of Case 881-S-17, the petitioner must apply for a Zoning Use Permit for all existing structures and a Change of Use permit.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- D. **Within six months of approval of Case 881-S-17, the petitioner shall provide a copy of a written explanation of how he proposes to comply with Illinois PA 96-704. The explanation must include copies of correspondence with the Illinois Capital Development Board that will document that his proposed explanation will in fact result in compliance.**
- E. **The petitioner must plant and maintain evergreen screening along the south property line. The approved Site Plan must indicate the location of the evergreen screening. Per standard Department practice, a Norway Spruce vegetative screen must be four**

to six feet high at the time of planting and will be planted in staggered rows and must be planted within 6 months of approval of Case 881-S-17.

- F. The petitioner must add temporary seeding to permanent stockpiles per Sections 11.2: Minimize Soil Erosion and 11.5: Stockpiles, of the *Storm Water Management and Erosion Control Ordinance*.**
- G. The Zoning Administrator may require that the petitioner submit a Storm Water Drainage Plan if a complaint is received regarding erosion or sedimentation stemming from activities on the subject property. The Storm Water Drainage Plan shall undergo review by the P&Z Department and its independent storm water review engineer, which may require mitigation activities to be undertaken by the Petitioner.**
- H. Within 12 months of approval of Case 881-S-17, the petitioner shall remove and/or properly store inside a fully enclosed building all but one (1) inoperable vehicle that meets all of the conditions listed in Section 3.3 B. of the Champaign County Public Nuisance Ordinance. Failure to complete this special condition shall void the approval of Case 881-S-17.**
- I. The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities on the subject property.**
- J. Landscape waste from other properties shall not be burned unless in a wood burning stove.**

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION FOR CASE 877-V-17

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **877-V-17** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Steve Gilbert**, to authorize the following variance in the AG-1 Agriculture Zoning District:

Authorize the following Variance for an existing trucking, quarrying, and recycling of construction materials business in the AG-1 Agriculture Zoning District, subject to the request for Special Use Permit approval and waivers in related Case 881-S-17:

- Part A: Authorize a Variance from the Champaign County *Storm Water Management and Erosion Control Ordinance* for the requirement of a Storm Water Drainage Plan with detention.
- Part B: Authorize a variance from Section 7.6.2 of the Champaign County *Zoning Ordinance* for no screening in lieu of a Type D screen required for outdoor storage and operations within 1,000 feet of a major street.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date