

CASE NO. 912-S-18 and 913-V-18

PRELIMINARY MEMORANDUM

July 19, 2018

Petitioner: Mark and Kristi Pflugmacher

Request: Case 912-S-18

Authorize a Special Use Permit for construction of an artificial lake of approximately 6 acres in area in the CR Conservation Recreation Zoning District, per Section 5.2 of the Zoning Ordinance.

Case 913-V-18

Authorize a variance for a proposed lot without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. of the Zoning Ordinance.

Location: A minimum of 35 acres in the South Half of the Northeast Quarter, and the North Half of the Southeast Quarter of Section 19 of Township 21 North, Range 8 East of the Third Principal Meridian in Condit Township.

Site Area: ±6 acres for Special Use Permit lake area; tract is 120 acres which will be divided into 2 lots of a minimum 35 acres each

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioners own the 120-acre subject property that is split by the Big Ditch, which runs from northeast to south through the tract. They would like to construct a ±6 acre lake on the subject property, adjacent to the west side of the ditch. A lake 1 acre or more in area requires a Special Use Permit, which is the subject of Case 912-S-18.

The property has an existing residence and driveway with a bridge crossing the Big Ditch on the southern part of the property. The bridge was not permitted by the P&Z Department, although a bridge existed in the same location prior to adoption of the Zoning Ordinance on October 10, 1973. Letters were received as part of the application on June 26, 2018 from the Lower Big Slough Drainage District and the Sangamon Valley Fire Protection District regarding the bridge.

In order to build their desired residence on the northwest part of the property, they will need to divide the property and construct a new driveway with a new bridge crossing the Big Ditch. The petitioners intend to divide the 120-acre subject property into two lots (north and south), each greater than the 35-acre minimum so that a Rural Residential Overlay (RRO) District would not be required and there would be no maximum lot size of 3 acres requirement for Best Prime Farmland should any exist.

A variance will be required to establish an access drive that is not on solid ground, which is the subject of Case 913-V-18.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential, ag production, wooded areas	CR Conservation Recreation
North	Agricultural production	CR Conservation Recreation
East	Agricultural production	AG-1 Agriculture
West (to north)	Agricultural production	AG-1 Agriculture
West (to south)	Residential, ag production	CR Conservation Recreation
South	Agricultural production	CR Conservation Recreation

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Condit Township, which does not have a Plan Commission.

2014 LETTER FROM JOHN HALL LISTING REQUIRED PERMITS

In a letter dated August 5, 2014, John Hall reviewed the necessary approvals for the proposed six-acre lake and private bridge – see Attachment E. He stated that the lake, bridge, and driveway are all proposed in the 100-year Floodplain, and approval would be required from the Illinois Department of Natural Resources before any approval could be received from Champaign County. He provided contact information and recommended that the petitioner contract with an engineer to assist with the required documentation. Mr. Hall also indicated that other reviews and/or permits might be required by the State, such as a Corp of Engineers permit, IEPA review, archaeological review, and endangered species review.

In addition to the required Special Use Permit application for the lake and the variance request for the access drive, Mr. Hall said that the petitioners would need to provide the following to the P&Z Department:

- A standard Zoning Use Permit Application (ZUPA)
- A Floodplain Development Permit application
- Base Flood Elevations (BFE)
- A Storm Water Drainage Plan for review, per the Champaign County Storm Water Management and Erosion Control Ordinance (SWMEC).

Mr. Hall provided applications and a fee list with the letter.

In early June, Mark Pflugmacher and Kevin Modglin, PE, visited the P&Z Department to start the application process, and said that Mr. Modglin would be the engineering consultant for the project.

In a phone call to Susan Burgstrom on July 12, 2018, Mr. Modglin stated that they are waiting to make the investments in engineering, reviews, and permits until the zoning cases are determined. He

said that those requirements would be done during the construction permitting process. Special conditions have been added to ensure completion.

PROPOSED SPECIAL CONDITIONS

The following are proposed special conditions of approval for Special Use Permit Case 912-S-18:

- A. **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.

- B. **The Zoning Administrator shall not authorize a Floodplain Development Permit for the proposed driveway and/or proposed bridge and/or the proposed lake until all relevant and required state and federal permits and reviews have been completed and copies of all required state permits have been submitted as part of the Floodplain Development Permit application.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the Champaign County Special Flood Hazard Areas Ordinance.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received written approval from the Lower Big Slough Drainage District for the following:**

- (1) **The proximity of the lake to the drainage ditch; and**
- (2) **Any lake outlet to the drainage ditch; and**
- (3) **The proposed locations of abutments for the proposed bridge.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the relevant Drainage District.

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

The above special condition is required to ensure the following:

The construction of the lake conforms to the requirements of the Champaign County Storm Water Management and Erosion Control Ordinance.

- E. **The petitioner shall include any unauthorized existing structures in the Zoning Use Permit Application for the proposed residence and pay associated permit fees for both the existing and proposed structures.**

The above special condition is required to ensure the following:

That all structures on the subject property have the required Zoning Use Permits.

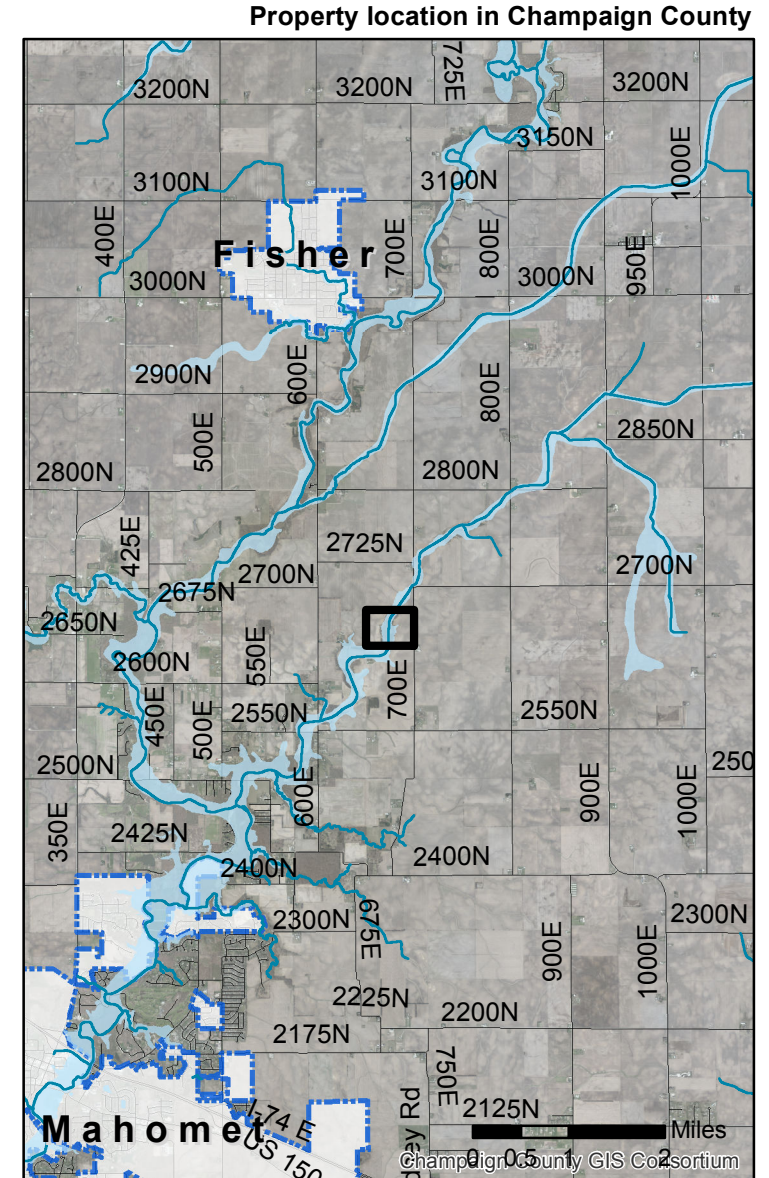
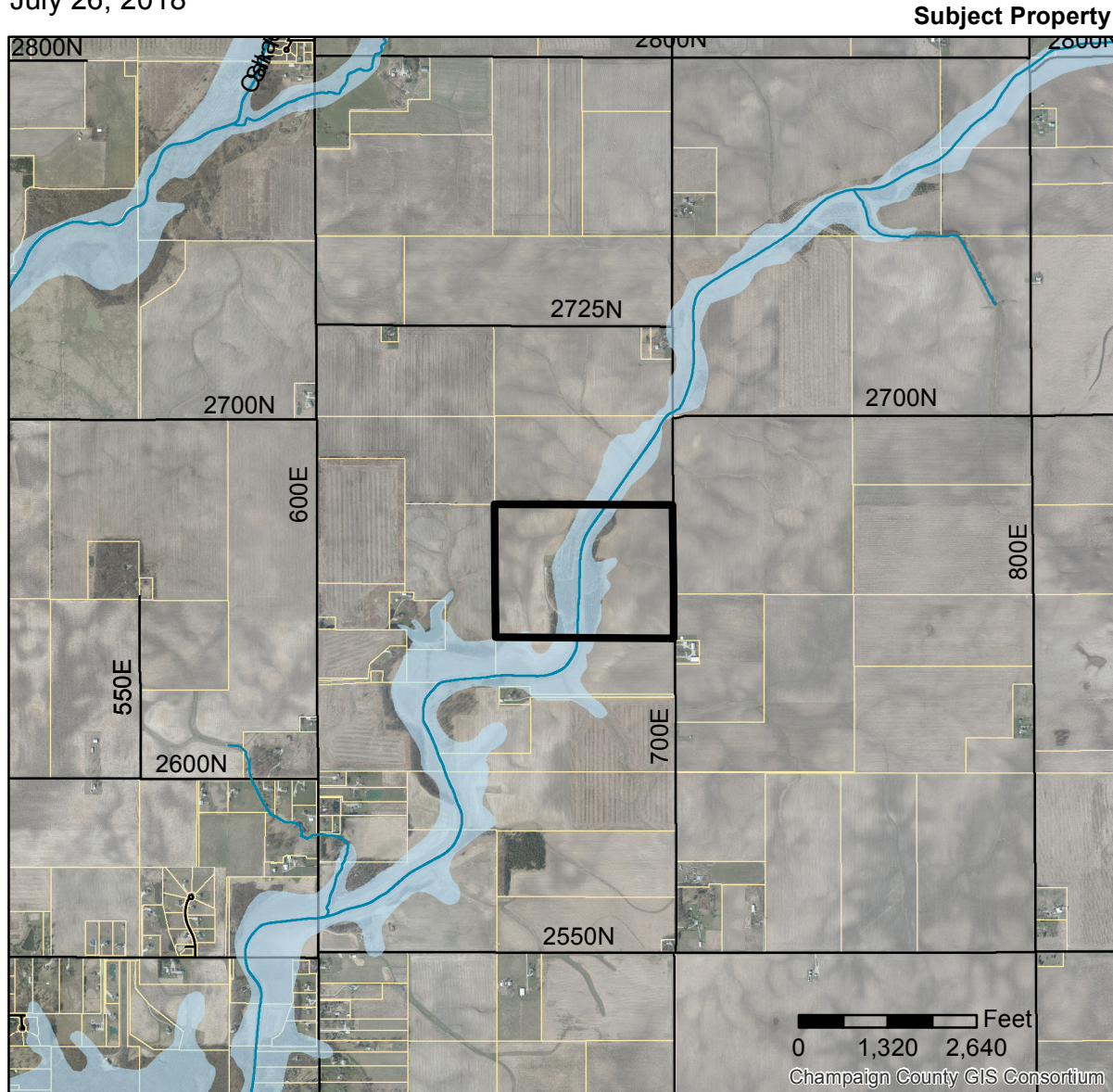
There are no proposed special conditions of approval for variance Case 913-V-18.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received June 26, 2018
- C Revised Site Plan received July 13, 2018
- D Letter from Sangamon Valley Fire Protection District received June 26, 2018
- E Letter from Lower Big Slough Drainage District received June 26, 2018
- F Letter from John Hall to the Pflugmacher's dated August 5, 2014
- G National Wetlands Inventory map of subject property dated July 12, 2018
- H FEMA flood map panel C170190175D, effective October 2, 2013
- I Natural Resources Report from Champaign County Soil and Water Conservation District, received July 18, 2018
- J Site visit photos taken July 9, 2018
- K Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated July 26, 2018

Location Map

Cases 912-S-18 & 913-V-18
July 26, 2018



Legend

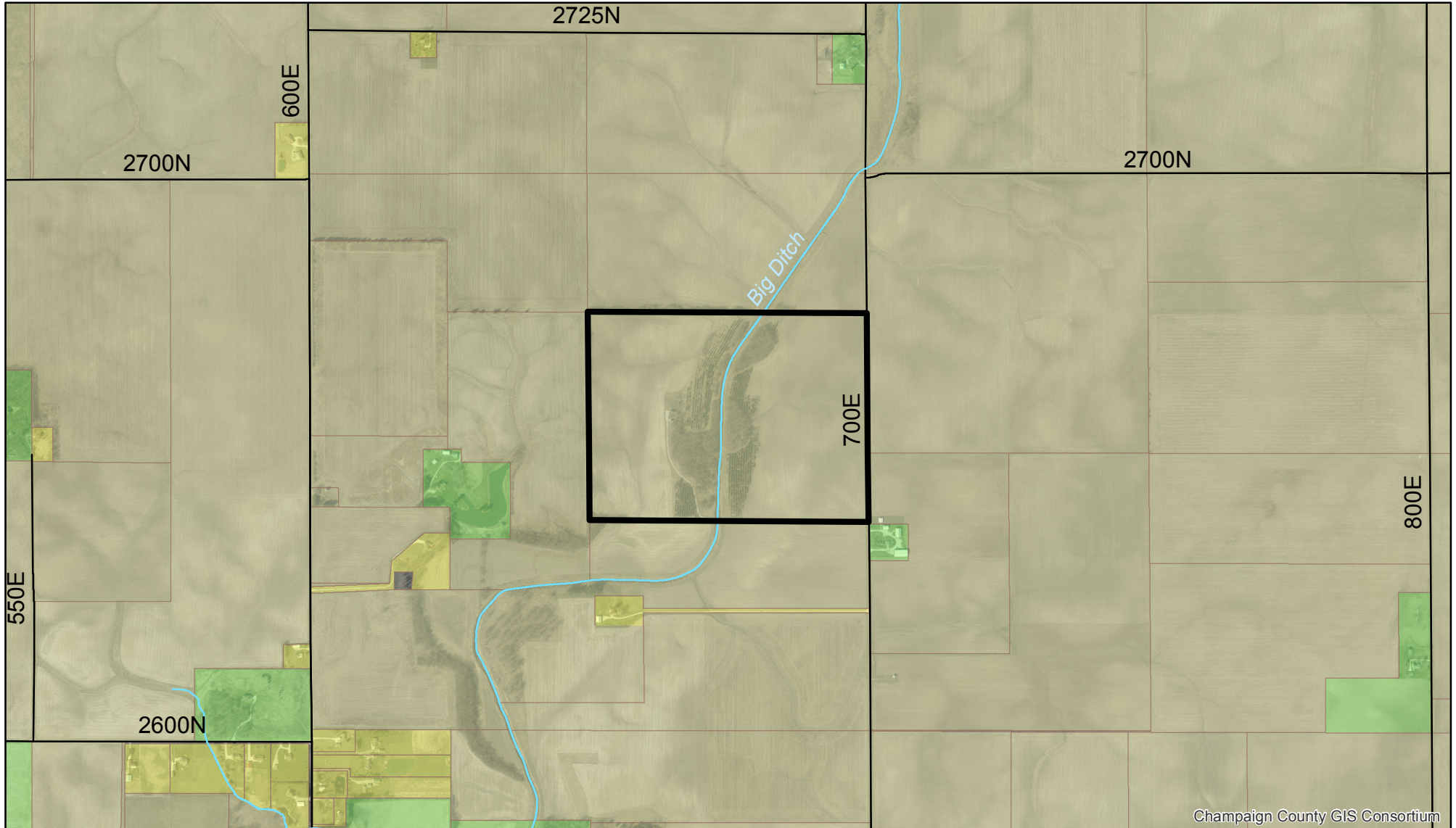
- Parent Tract
- Municipal Boundary
- Streams
- Streets
- Flood Hazard Area
- Parcels



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Cases 912-S-18 & 913-V-18
July 26, 2018



Champaign County GIS Consortium

Legend

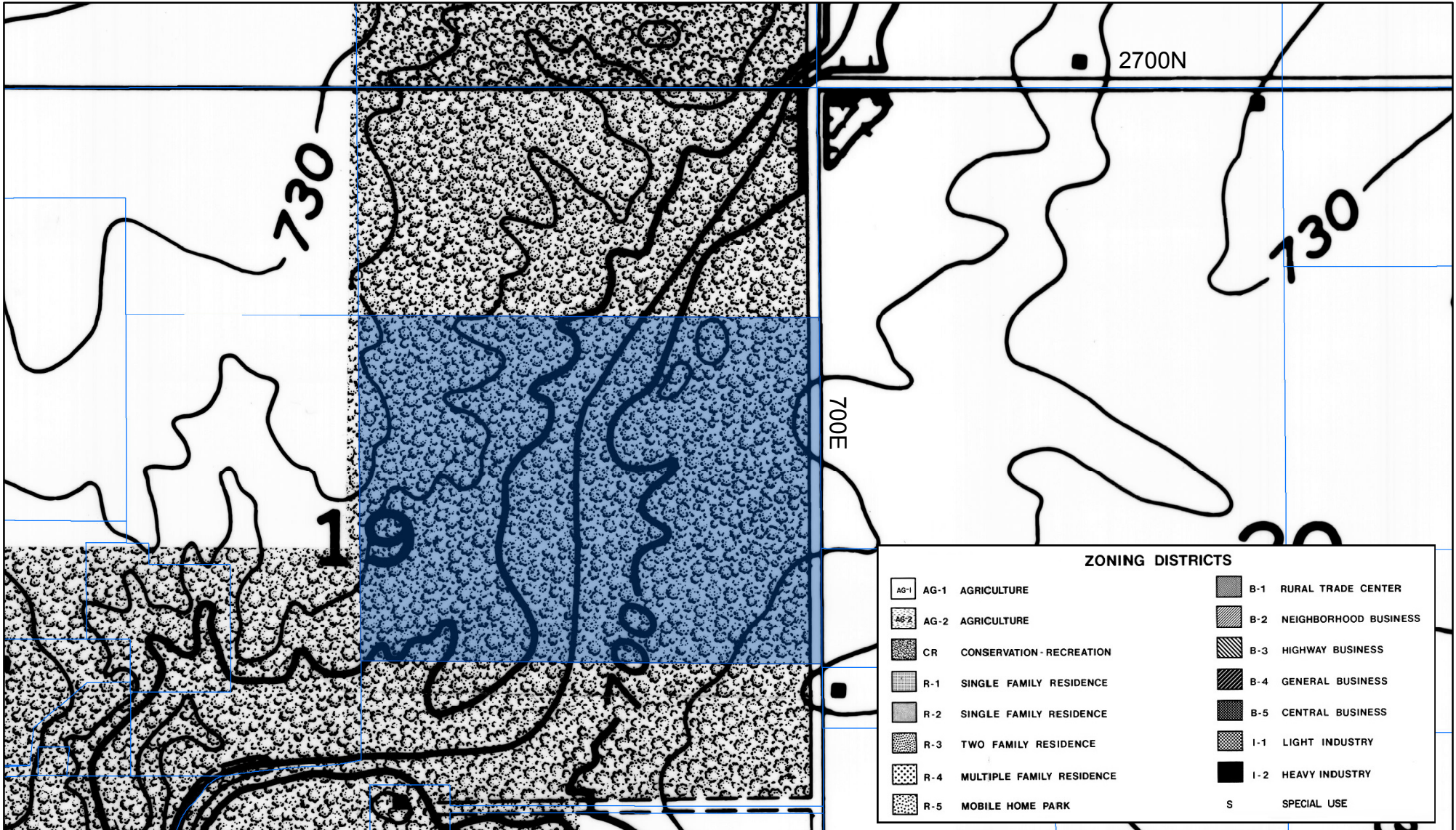
- Agriculture
- Agriculture/Residential
- Residential
- Parent Tract
- Streams

0 330 660 1,320 Feet

Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Cases 912-S-18 & 913-V-18
July 26, 2018



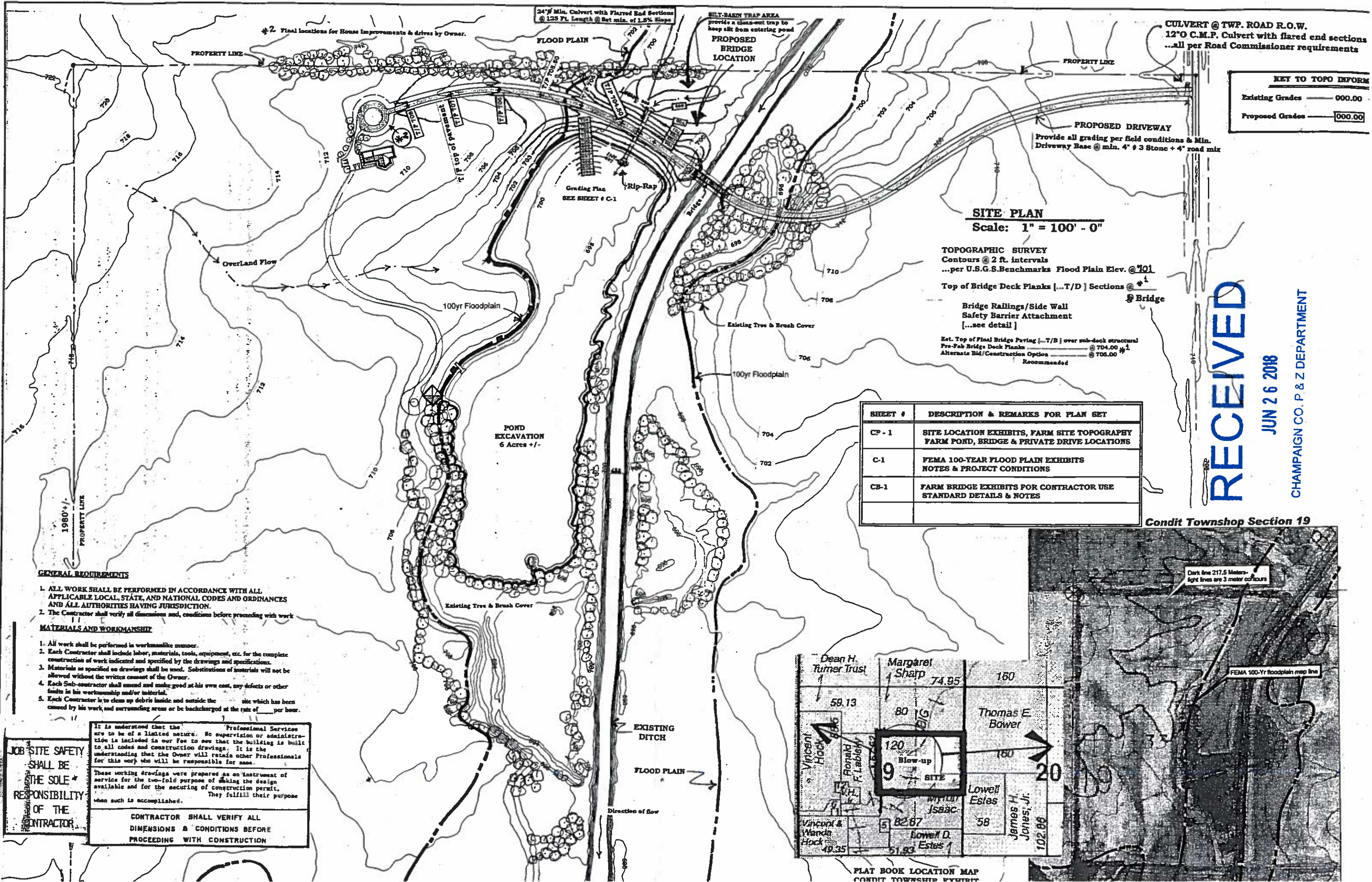
ZONING DISTRICTS	
AG-1	AG-1 AGRICULTURE
AG-2	AG-2 AGRICULTURE
CR	CONSERVATION - RECREATION
R-1	SINGLE FAMILY RESIDENCE
R-2	SINGLE FAMILY RESIDENCE
R-3	TWO FAMILY RESIDENCE
R-4	MULTIPLE FAMILY RESIDENCE
R-5	MOBILE HOME PARK
B-1	RURAL TRADE CENTER
B-2	NEIGHBORHOOD BUSINESS
B-3	HIGHWAY BUSINESS
B-4	GENERAL BUSINESS
B-5	CENTRAL BUSINESS
I-1	LIGHT INDUSTRY
I-2	HEAVY INDUSTRY
S	SPECIAL USE

Legend

- Parent Tract
- Parcels

0 200 400 800 Feet



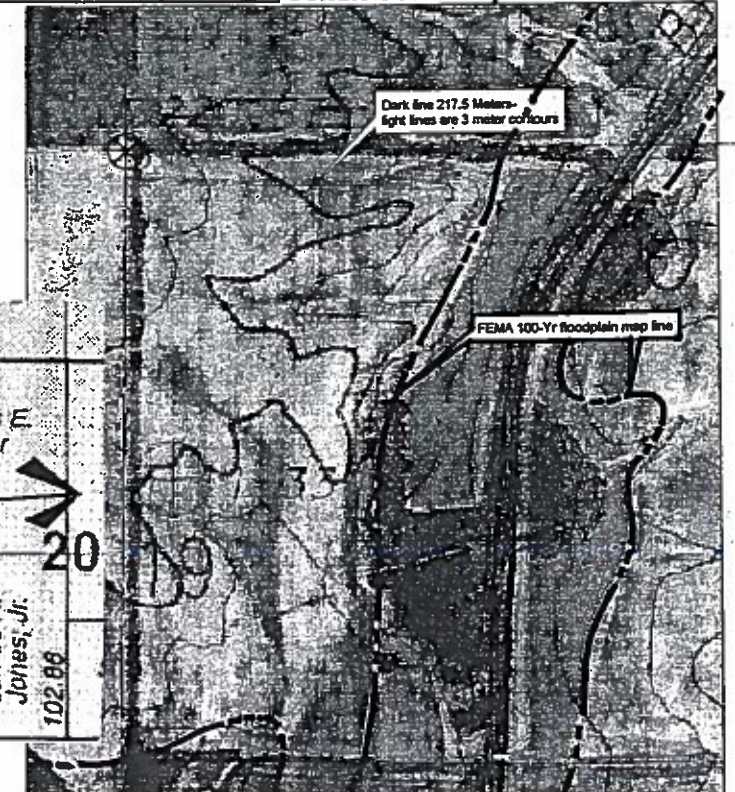
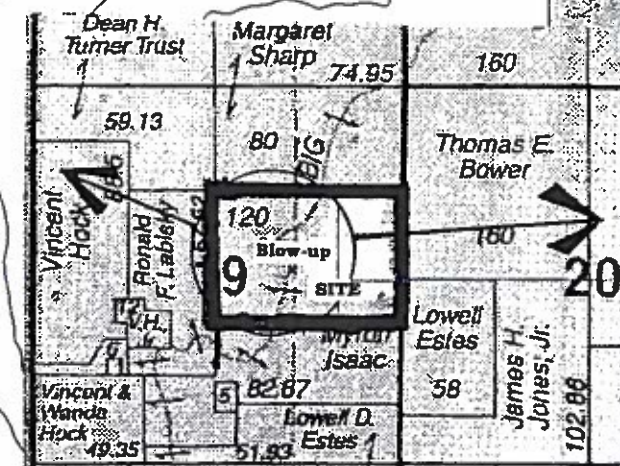


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JUN 26 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Condit Township Section 19



KEY TO TOPO INFO	
Existing Grades	000.0
Proposed Grades	000.0

LEGENDA

- Proposed WATER LINE
- Proposed WATER WEL
- EXIST. WATER WEL
- Proposed SEPTIC TANK & FLOW
- Proposed SEPTIC

MARK & KRISTI PFLUGMACHER
 2643 COUNTY ROAD 700E
 DEWEY, IL

Condit Township Section 19

FUTURE DRIVEWAY
 Provide all grading per field conditions & Min. Driveway Base @ min. 4" # 3 Stone + 4" road mix.

SITE PLAN
 Scale: 1" = 200' - 0"

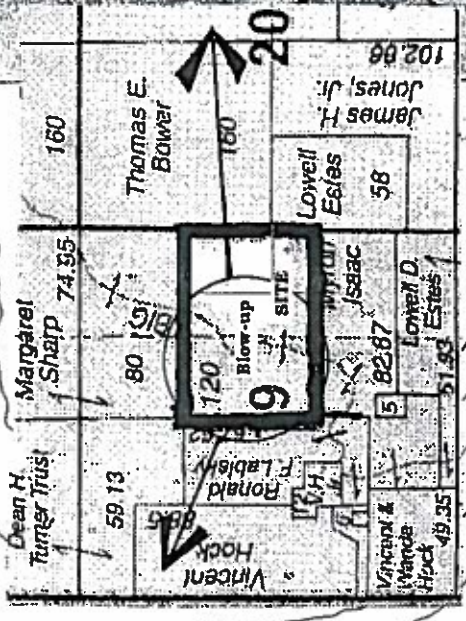
TOPOGRAPHIC SURVEY
 Contours @ 2 ft. Intervals
 ...per U.S.G.S. Benchmarks Flood Plain Elev. @ 101

Top of Bridge Deck Planks [...T/D] Sections @ #1
 Bridge Railings/Side Wall
 Safety Barrier Attachment
 [...See detail!]

Set. Top of Final Bridge Paving [...T/D] over sub-deck structural Pre-Fab Bridge Deck Planks @ 704.00 #1
 Alternate Bid/Construction Option @ 705.00
 Recommended

SHEET #	DESCRIPTION & REMARKS FOR PLAN SET
CP-1	SITE LOCATION EXHIBITS, FARM SITE TOPOGRAPHY FARM POND, BRIDGE & PRIVATE DRIVE LOCATIONS
C-1	FEMA 100-YEAR FLOOD PLAIN EXHIBITS NOTES & PROJECT CONDITIONS
CB-1	FARM BRIDGE EXHIBITS FOR CONTRACTOR USE STANDARD DETAILS & NOTES

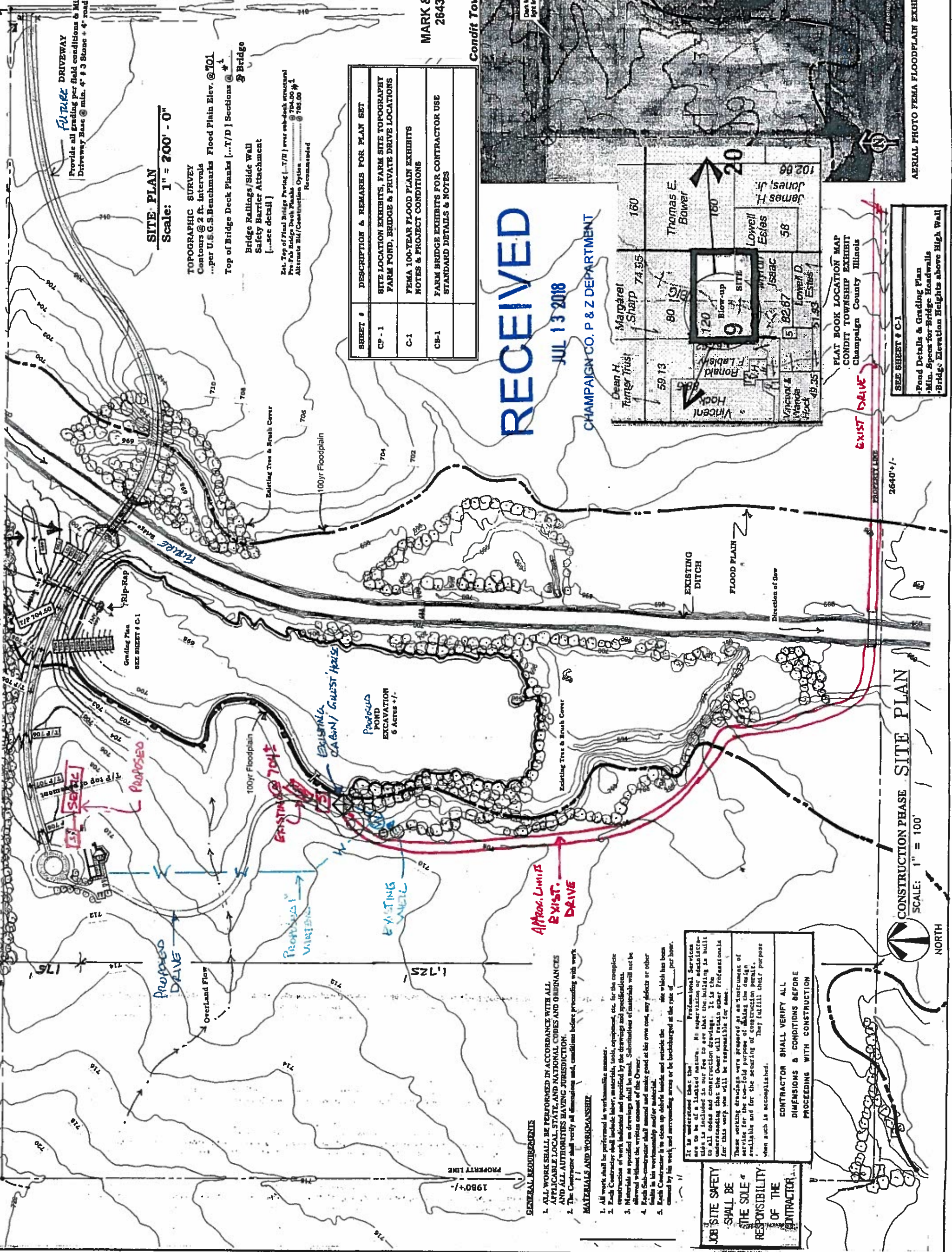
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FLAT BOOK LOCATION MAP
 CONDIT TOWNSHIP EXHIBIT
 Champaign County Illinois

SEE SHEET # C-1

-Pond Details & Grading Plan
-Min. Specs for Bridge Headwalls
-Bridge Elevation Heights above High Wall



GENERAL REQUIREMENTS

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND NATIONAL CODES AND ORDINANCES AND ALL AUTHORITIES HAVING JURISDICTION.
- The Contractor shall verify all dimensions and conditions before proceeding with work.

MATERIALS AND WORKMANSHIP

- All work shall be performed in workmanlike manner.
- Each Contractor shall include labor, materials, tools, equipment, etc. for the complete construction of work indicated and specified by the drawings and specifications.
- Materials as specified on drawings shall be used. Substitution of materials will not be allowed without the written consent of the Owner.
- Each Sub-contractor shall amend and make good at his own cost, any defects or other faults in his workmanship and/or material.
- Each Contractor is to clean up debris inside and outside the site which has been caused by his work and surrounding areas or be backcharged at the rate of \$ per hour.

If it is understood that the Professional Services are to be of a limited nature. No supervision or administration is included in our fee to see that the building is built in accordance with the construction drawings. It is the understanding of the Contractor that the Professional Services for this work will be responsible for same.

These working drawings were prepared as an instrument of service for the two-fold purpose of making the design available and for the securing of construction permit. They shall be used for their intended purpose when such is accomplished.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS & CONDITIONS BEFORE PROCEEDING WITH CONSTRUCTION

JOB SITE SAFETY SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR

CONSTRUCTION PHASE SITE PLAN
 SCALE: 1" = 100'



June 26, 2018

Champaign County Zoning

RE: Mark & Kristi Pflugmacher

Sangamon Valley FPD agrees that the bridge at Condit Township 21N-Range 8E Sec. 19, is designed and adequate for rescue vehicles to cross and serve the Pflugmacher's. If the bridge serviced by the Pflugmacher's, becomes unpassable to rescue / fire they understand the risk to their property.

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric E Stalter", is written over a light blue horizontal line.

Eric E Stalter
Chief

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JUN 26 2018

CHAMPAIGN CO. P & Z DEPARTMENT

"Exhibit B"

Sangamon Valley Fire Protection District
PO Box 714 • Fisher, IL 61843

June 21, 2018

Lower Big Slough

Champaign Co. Department of Planning & Zoning
1776 E. Washington St.
Urbana, IL 61802

RE: Proposed private bridge on proposed building site in Section 19 of Condit Township.

Dear Zoning Board:

The proposed bridge is designed properly and adequately. We on the Lower Big Slough drainage district are aware of this privately owned proposed bridge. The owners know they are responsible for the bridge & any maintenance of their private bridge. The proposed bridge does not hinder or cause any problems for the Lower Big Slough drainage district.

Print Myron Isaac
Myron Isaac

Print Lowell Estes
Lowell Estes

Signature *Myron Isaac*
Myron Isaac

Signature *Lowell Estes*
Lowell Estes

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JUN 26 2018

CHAMPAIGN CO. P & Z DEPARTMENT

~ Exhibit C ~

Champaign
County
Department of



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

(217) 384-3708

August 5, 2014

Mark & Kristi Plugmacher
203 West Shelley Drive "A"
Thomasboro IL 61878

RE: Proposed six-acre lake and proposed private bridge on land in Section 19
of Condit Township

Dear Mark & Kristi:

In this letter I will briefly review the approvals necessary for your proposed six-acre lake and proposed private bridge in Section 19 of Condit Township.

The lake and bridge are related to your proposed home on the same property. Your home will be a farm dwelling and is therefore exempt from the Zoning Ordinance. I would be happy to authorize a courtesy permit to document the farm dwelling exemption. And, if the home is still proposed where indicated on the portion of a site plan given to Andrew Kass on February 29, 2012, the home will not be in the Floodplain and therefore no Floodplain Development Permit is required for your proposed home. If the home is no longer proposed at that location, please provide the new location so I can verify whether or not a Floodplain Development Permit will be required at the new location.

The lake and the bridge (and the driveway) are all proposed in the 100-year Floodplain and approval will be required from the Illinois Department of Natural Resources before any approval can be received from Champaign County and that is where I will begin.

FLOODPLAIN DEVELOPMENT REQUIRES I.D.N.R. APPROVAL

The lake and the bridge (and the driveway) are all in the floodplain and close to the drainage ditch and therefore must be approved by the Illinois Department of Natural Resources/ Office of Water Resources (IDNR/OWR) for floodway encroachment. The portion of a site plan given to Andrew Kass on February 29, 2012, also indicates several feet of Floodplain fill for the driveway and that fill must also be part of the IDNR/OWR permit.

The IDNR/OWR contact person is Mr. Rob Giesing (217-785-1661) at IDNR/OWR, One Natural Resources Way, Springfield, IL 62702-1271, and with email address Rob.giesing@illinois.gov.

I believe a Corps of Engineers permit will also be required (probably from the Rock Island District of the Corps of Engineers) and also an Illinois Environmental Protection Agency Section 401 review, and Rob Giesing can verify that for you.

Mark & Kristi Plugmacher
August 5, 2014

There is a minimum \$1,000 INDR/OWR application fee. A Joint Application form is included with this letter.

I believe you will need to hire your own engineer to assist you with the IDNR/OWR review but you should also verify that with Rob Giesing. You will eventually need your own engineer to assist you with the Champaign County Champaign County Floodplain Development Permit and the engineering design of the lake (see below).

The IDNR/OWR and Corps reviews may take several weeks or more to be completed and I recommend that you not apply for the County Special Use Permit for the lake or the County Floodplain Development Permit until you receive the IDNR/OWR and Corps permits.

The IDNR/OWR and Corps reviews will also require that the engineering design of the lake and the bridge and the proposed driveway be sufficiently complete so that the proposed topography and proposed structures can be taken into account in those reviews.

ENDANGERED SPECIES AND ARCHAEOLOGICAL REVIEW ALSO BY I.D.N.R.

You will also be required to have an endangered species review and archaeological review done by the IDNR and there are separate fees for those reviews. The engineer you hire to assist you with the IDNR/OWR review and to identify the BFE (see below) may also be able to coordinate these reviews.

CHAMPAIGN COUNTY FLOODPLAIN DEVELOPMENT PERMIT

The driveway, bridge, and lake will all require a Champaign County Floodplain Development Permit and can be combined on one Floodplain Development Permit Application form for Champaign County.

We do not have a Base Flood (100-year flood) Elevation (BFE) for your property. The Champaign County Special Flood Hazard Areas Ordinance requires that the Applicant (you) provide a Base Flood Elevation (BFE) if one is needed. You will have to hire an Illinois Licensed Professional Engineer to identify the BFE for your location on the Big Slough Drainage Ditch.

A Floodplain Development Permit Application form is included with this letter. The Floodplain Development Permit Application fee is \$100.

SPECIAL USE PERMIT FOR LAKE

The lake is not exempt from the Zoning Ordinance and will require a Special Use Permit. A Special Use Permit Application form is included with this letter. A handout on the Special Use process is also attached. The application fee for the Special Use Permit for a six acre lake is approximately \$560.

Mark & Kristi Plugmacher
August 5, 2014

ZONING USE PERMIT AND STORMWATER DRAINAGE REVIEW FOR THE LAKE

Construction of the lake must be authorized by a Zoning Use Permit. The lake will also have to comply with the Champaign County Stormwater Management Policy which will require you to hire an Illinois Licensed Professional Engineer to do the engineering design of the lake and lake outlet and/or emergency overflow and submit an engineering analysis of the lake and outlet to this Department for approval. A consulting engineer will review your engineer's analysis and design of the lake and outlet on behalf of the County.

You will have to reimburse the County for the fees charged for that review up to a maximum of \$1,500. The fee for the Zoning Use Permit Application is \$293 plus an initial minimum \$500 fee for the stormwater engineering review.

The combination of the proposed lake, personal bridge, and driveway, all being located in the 100-year Floodplain, make for a complicated review and approval process. I appreciate your checking with the Department early in the process. As with all other required approvals, construction should not begin until after you have received all of the necessary approvals. If you have other questions, please do not hesitate to call or send an email.

Sincerely,



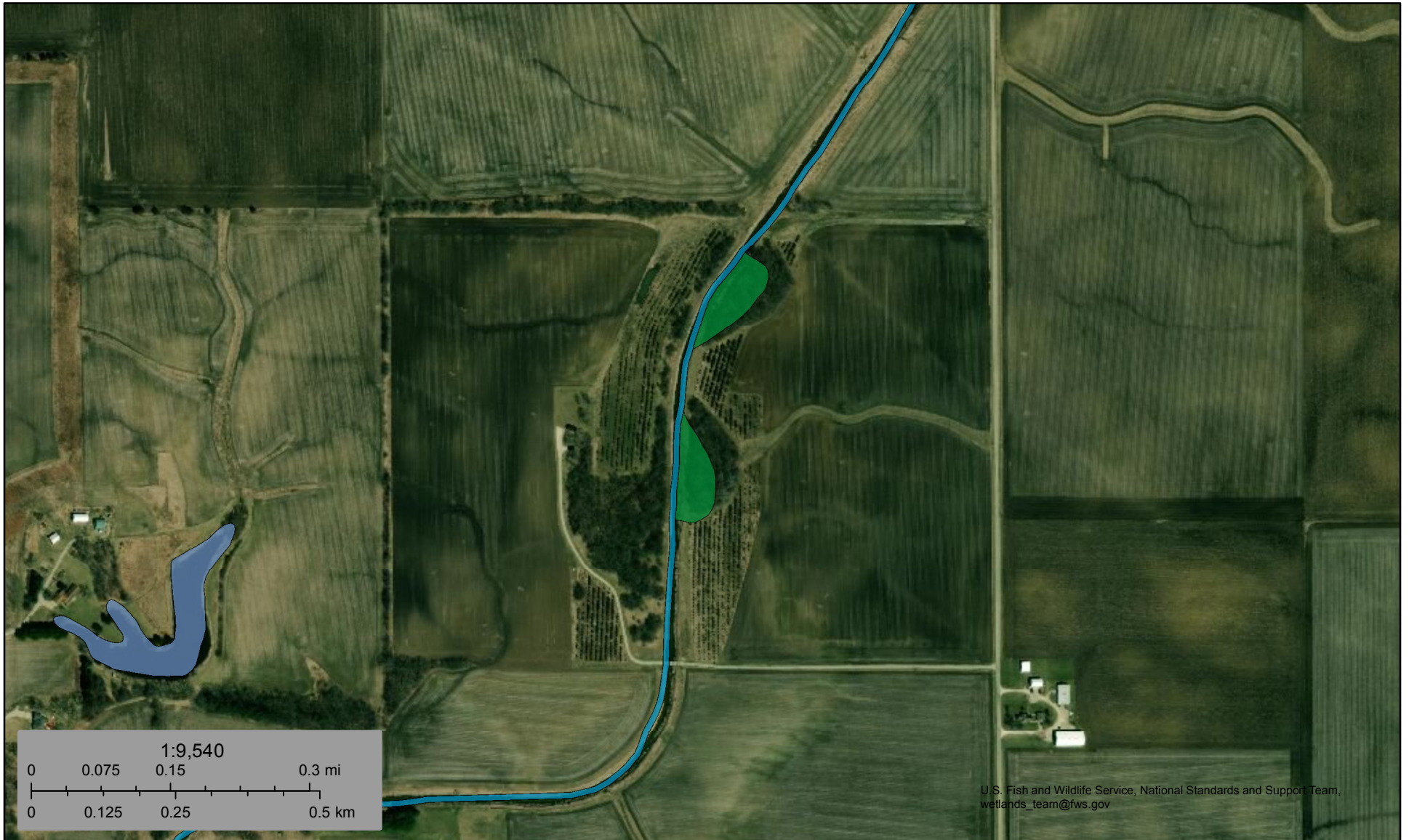
John Hall
Zoning Administrator

ATTACHMENTS

State of Illinois Joint Application Form
Champaign County Floodplain Development Permit Application Form
Champaign County Special Use Permit Handout
Champaign County Special Use Permit Application Form
Champaign County Zoning Use Permit Application Form
Champaign County Fee List



Pflugmacher wetland areas



July 12, 2018

Wetlands

- | | | |
|--------------------------------|-----------------------------------|-------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| Freshwater Pond | 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.

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance |
| | | 17.5 Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| MAP PANELS | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **7/18/2018 at 1:46:35 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

40°15'49.97"N

88°20'16.08"W



AREA OF MINIMAL FLOOD HAZARD
Zone X

Champaign County
170894

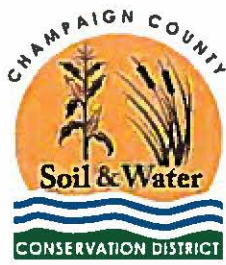
T21N R8E S19
17019 C0175D
eff. 10/2/2013
Zone A

USGS The National Map: Orthoimagery. Data refreshed October 2017.



40°15'22.51"N

88°19'36.62"W



Champaign County

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

NATURAL RESOURCE REPORT

Development Name: Mark Pflugmacher

Date Reviewed: July, 17th, 2018

Requested By: Mark Pflugmacher

Address: 203 West Shelly Dr. A.
Thomasboro, IL 61878

RECEIVED

JUL 18 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Location of Property: part of the NE $\frac{1}{4}$ of sec.19 in T. 21 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 July 13th, 2018.

July 17, 2018



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 to be developed has 6 soil types (Sawmill silty clay loam 3107A, Ambraw silty clay loam 3302A, Ockley clay loam 387C3, Chatsworth silty clay 241D3, Ockley silt loam 387B, Kendall silt loam 242A) that is wetness to severe ponding for dwellings with 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 74; see the attached worksheet for this calculation.

b) Soil Characteristics:

There are six (6) 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 wetness or ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Shallow			Septic Fields	Steel Corrosion	Concrete Corrosion
		Slope	Excavations	Basements			
3107A	Sawmill silty clay loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	high	low
3302A	Ambraw Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	high	moderate
387C3	Ockley Clay Loam	5-10%	Severe: cutbank cave	Moderate: shrink-swell	Moderate: low strength	moderate	high
241D3	Chatsworth Silty Clay	6-12%	Severe: wetness	Severe: wetness	Severe: low strength	high	low
387B	Ockley Silt Loam	2-5%	Severe: cutbank cave	Moderate: shrink-swell	Moderate: low strength	moderate	high
242A	Kendall Silt Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	high	high

c) Erosion:

This area that may be developed, will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has a slope to the South which could allow erosion during construction and heavy rainfall events. The area is currently planted to soybeans, erosion control measures must be installed before construction starts. For the area to be made into a pond, the soil removed must be deposited outside of the flood plan area. Also a water control structure may not be more than 4 feet 11 inches high or the structure must be registered with Illinois Department of Natural Resources as a dam. The pond will also need to be at least 36 feet from the current ditch bank.



Champaign County

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

d) Sedimentation:

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

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

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

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

WATER RESOURCE

a) Surface Drainage:

The site has a slight slope to the South. The water from the site will leave by way of surface drainage.

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

b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Remember that tile in this area of the county may be small, yet it may drain several miles of ground around the area to be developed.

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.



Champaign County

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

c) Water Quality:

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

EPA Stormwater Pollution Prevention Plan Reference Tool:

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

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

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

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

d) Low impact development:

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



Champaign County

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 shows protected resources may be 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 _____ Prepared by _____
Joe Rothermel Jonathon Manuel
Board Chairman Resource Conservationist

Field Office: CHAMPAIGN SERVICE CENTER

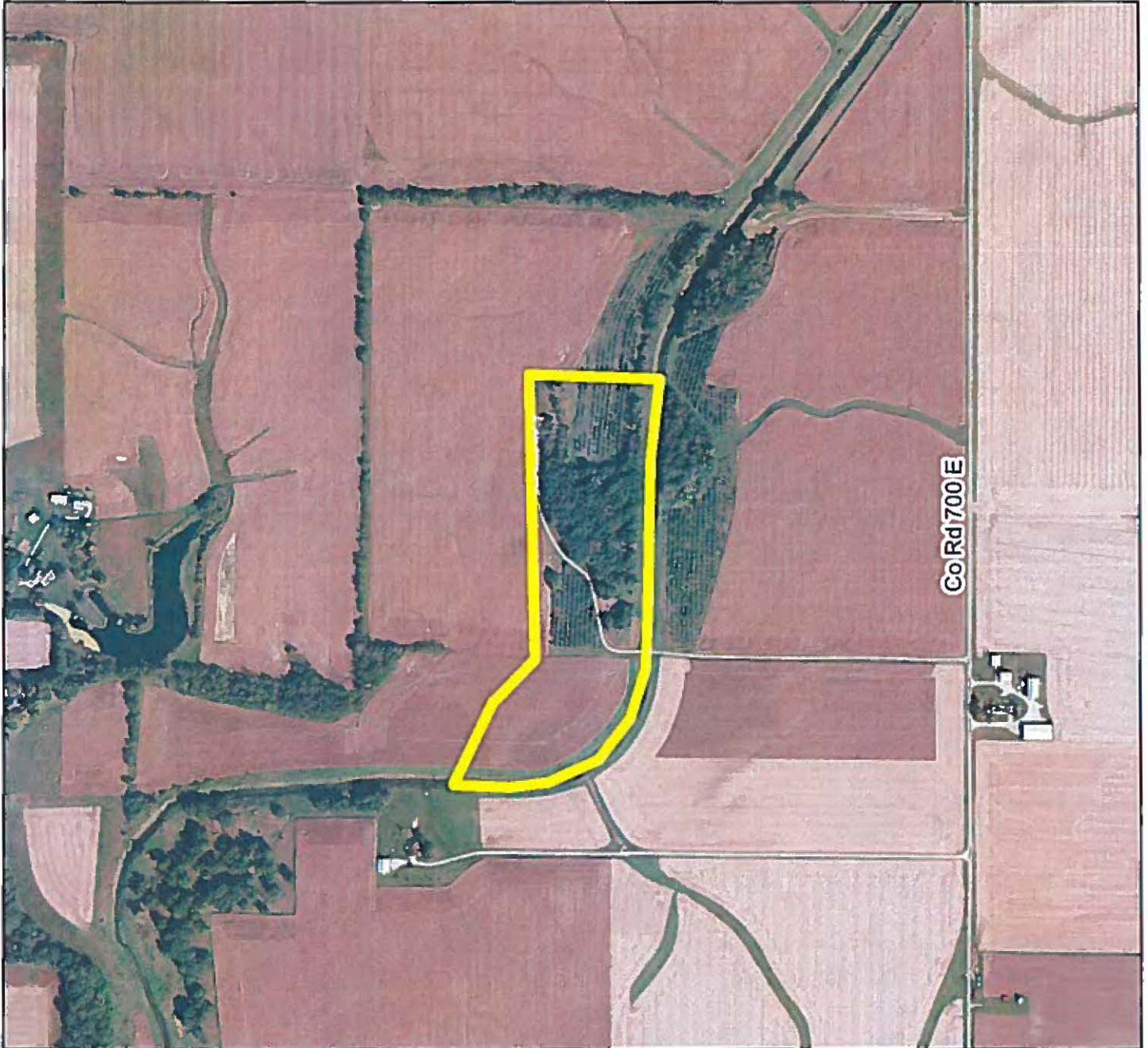
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of section 19, T21N, R8E

Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

-  Mark Pflugmacher
- fe_2007_17019_edges



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
3107A	Sawmill	6	87	6.9	600.3
3302A	Ambraw	14	71	4.9	347.9
387C3	Ockley	16	66	3.8	250.8
241D3	Chatsworth	17	50	2.7	135.0
387B	Ockley	10	79	2.5	197.5
242A	Kendall	5	88	1	88.0
					0.0

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

Total LE Weighted Factor= 1619.5

Acreage= 21.8

Land Evaluation Factor For Site=

74

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

Data Source: Champaign County Digital Soil Survey

Mark Pflugmacher

Date: 7/17/2018

Field Office: CHAMPAIGN SERVICE CENTER

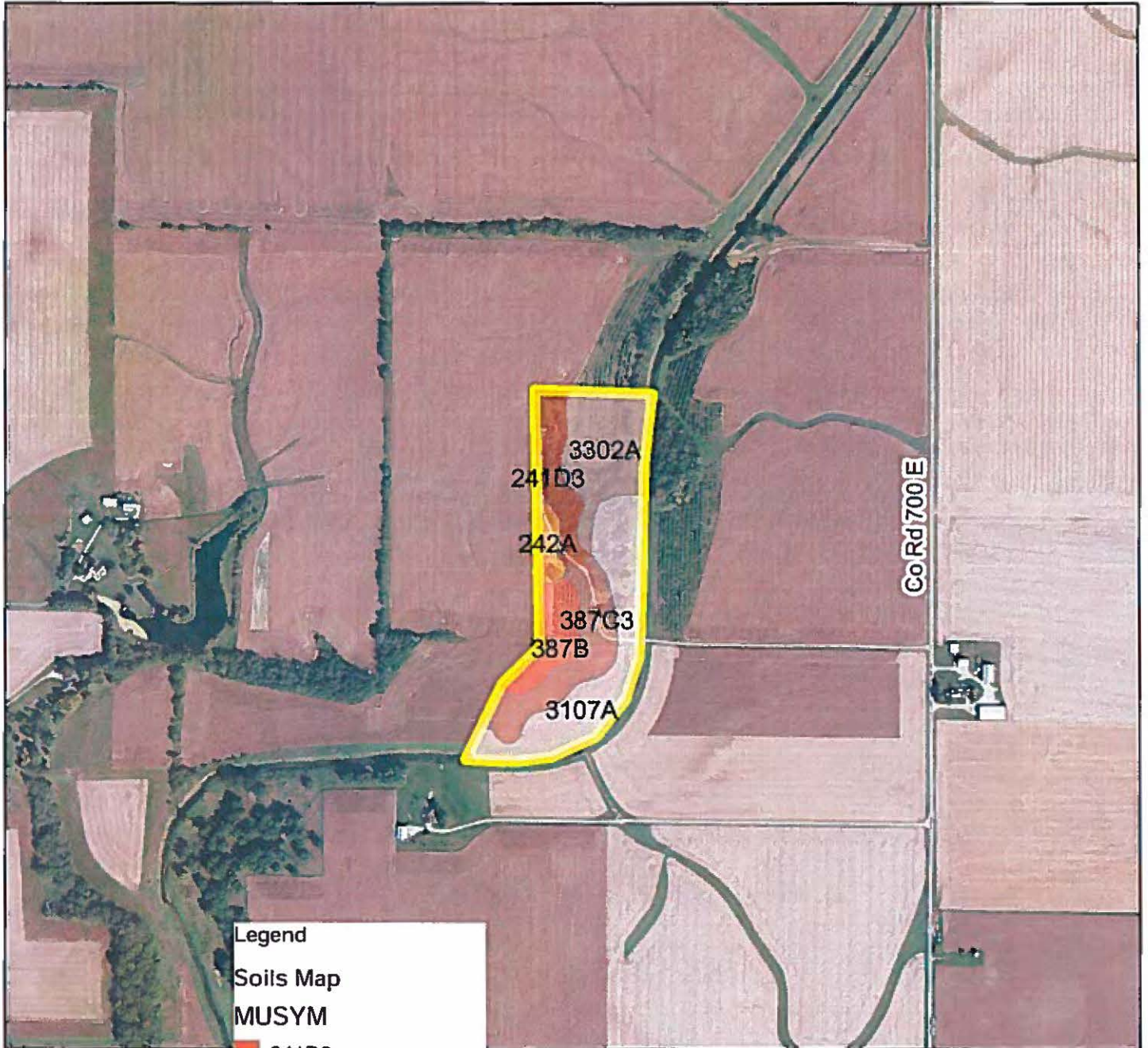
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Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of section 19, T21N, R8E

Aerial 2015



Legend
Soils Map
MUSYM

- 241D3
- 242A
- 3107A
- 3302A
- 387B
- 387C3

Mark Pflugmacher

fe_2007_17019_edges

Prepared with assistance from USDA-Natural Resources Conservation Service



Mark Pflugmacher

Field Office: CHAMPAIGN SERVICE CENTER

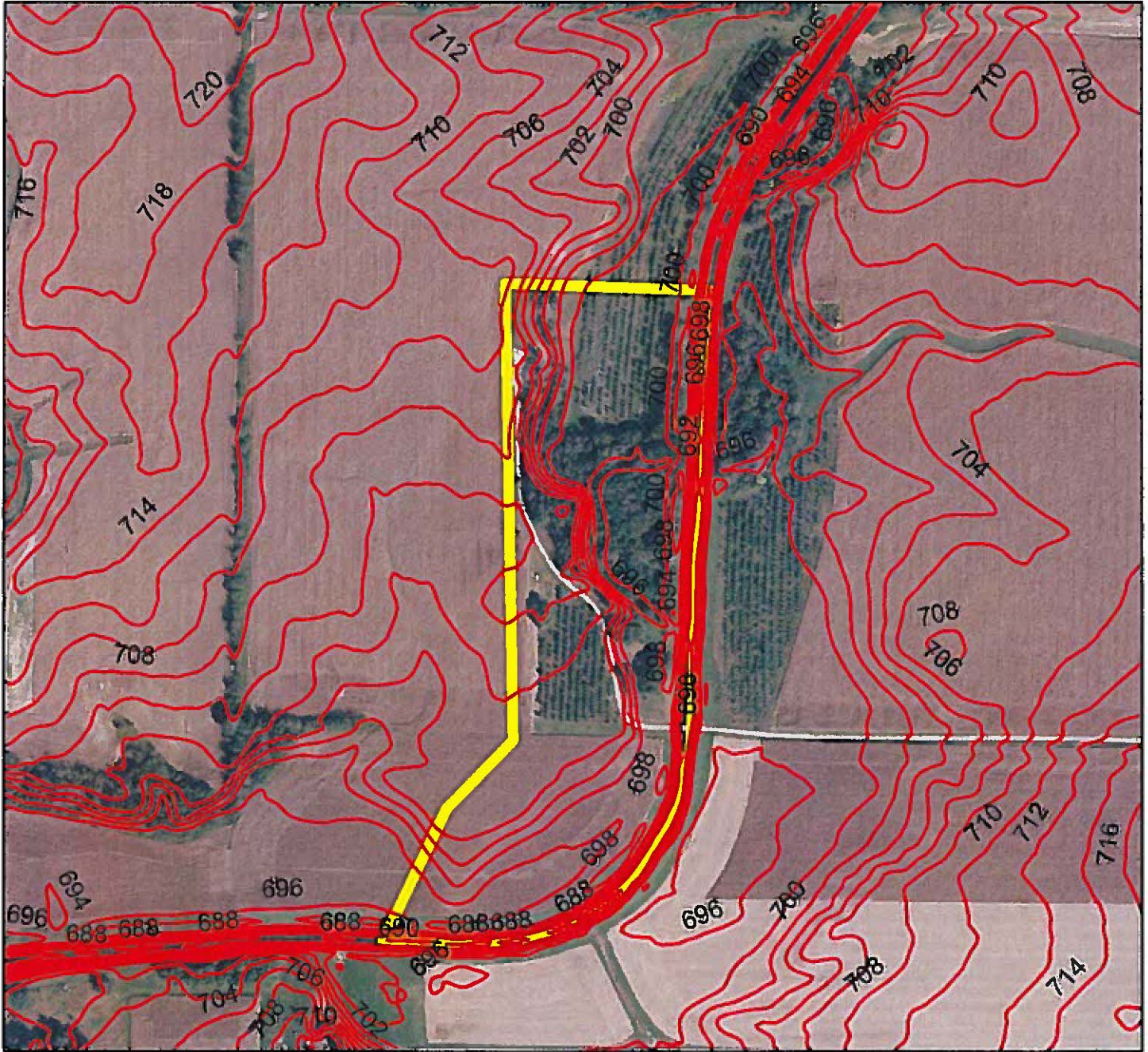
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

Legal Description: NE 1/4 of section 19, T21N, R8E

Aerial 2015

State and County: IL, Champaign County, Illinois



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

- 3_T21N_R08E_SEC19
- Mark Pflugmacher
- fe_2007_17019_edges



Mark Pflugmacher

Date: 7/17/2018

Field Office: CHAMPAIGN SERVICE CENTER

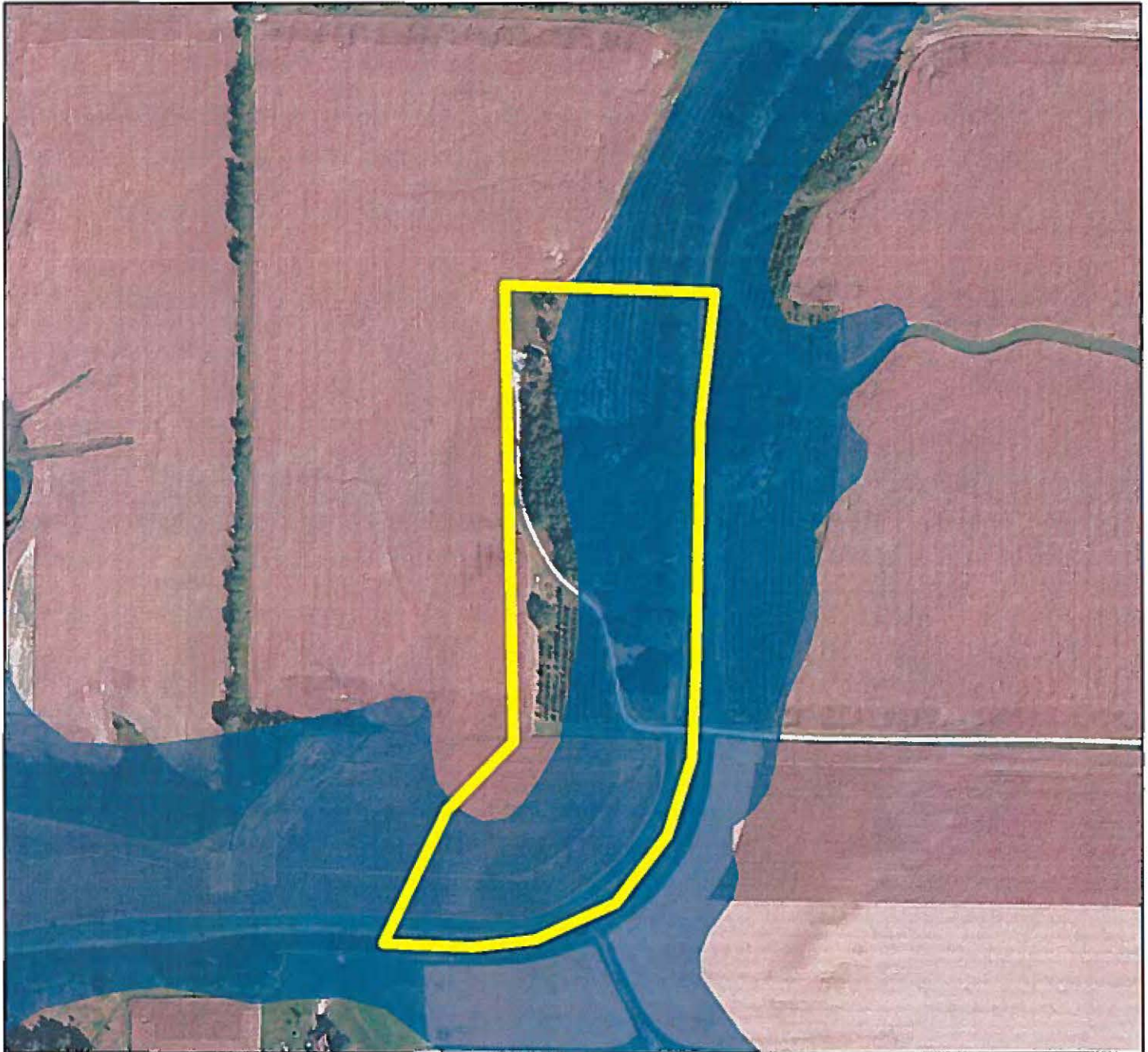
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of section 19, T21N, R8E

Aerial 2015



Prepared with assistance from USDA-Natural Resources Conservation Service



Legend

- Mark Pflugmacher
- fe_2007_17019_edges
- fema_a_il019



Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1900469
Contact: Jonathon Manuel **Date:** 07/17/2018
Address: 2110 West Park Court
Suite C
Champaign, IL 61821

Project: Mark Pflugmacher
Address: 2110 West Park Court, Suite C, Champaign

Description: new home and pond

Natural Resource Review Results

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

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

Big Ditch Fisher Reach INAI Site
Slippershell (*Alasmidonta viridis*)

Location

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



County: Champaign

Township, Range, Section:
21N, 8E, 19

IL Department of Natural Resources

Contact

Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

Disclaimer

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

Terms of Use

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

IDNR Project Number: 1900469

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

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

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

Privacy

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

Field Office: CHAMPAIGN SERVICE CENTER

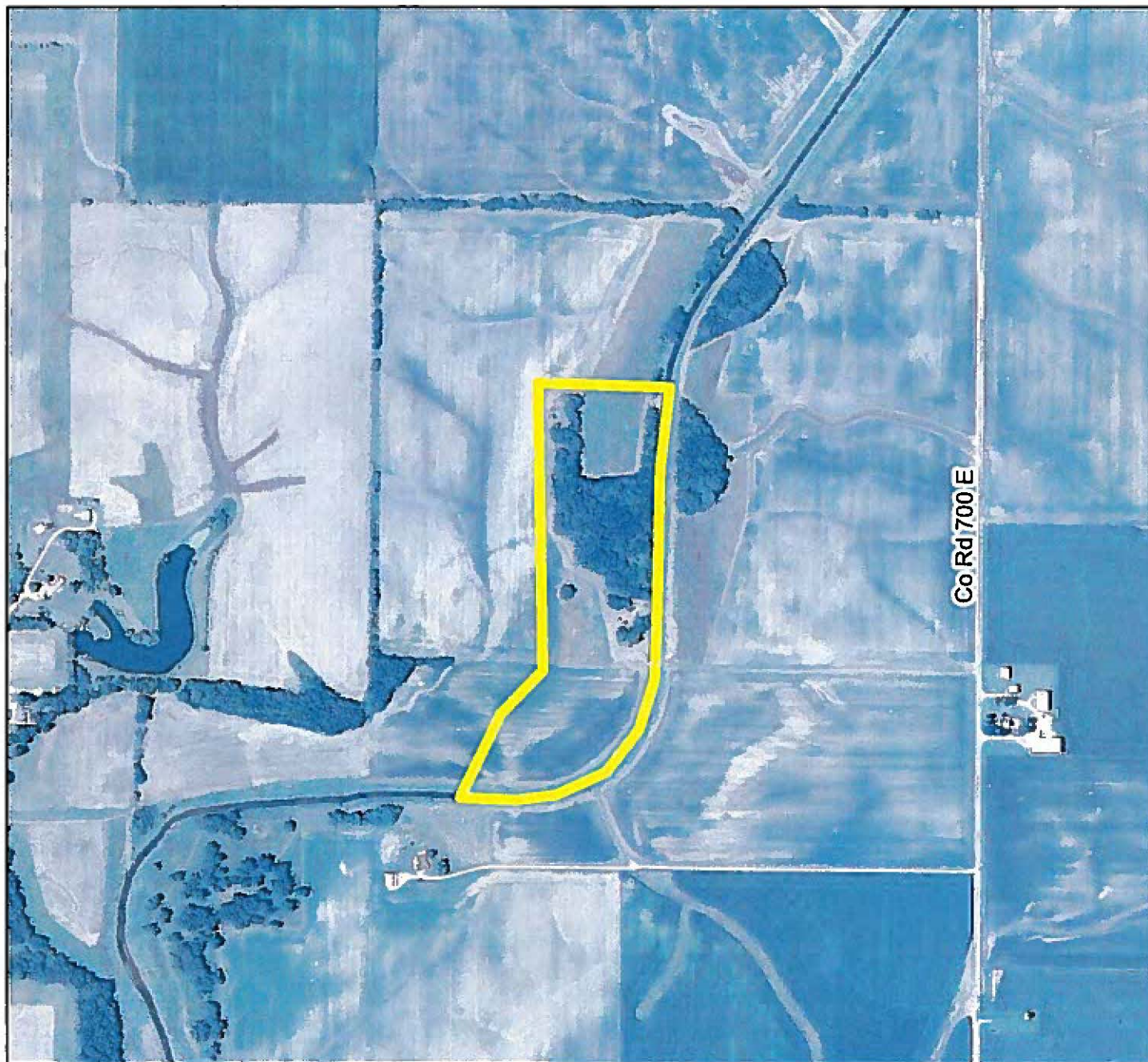
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois

Legal Description: NE 1/4 of section 19, T21N, R8E


Aerial 2010



Prepared with assistance from USDA-Natural Resources Conservation Service

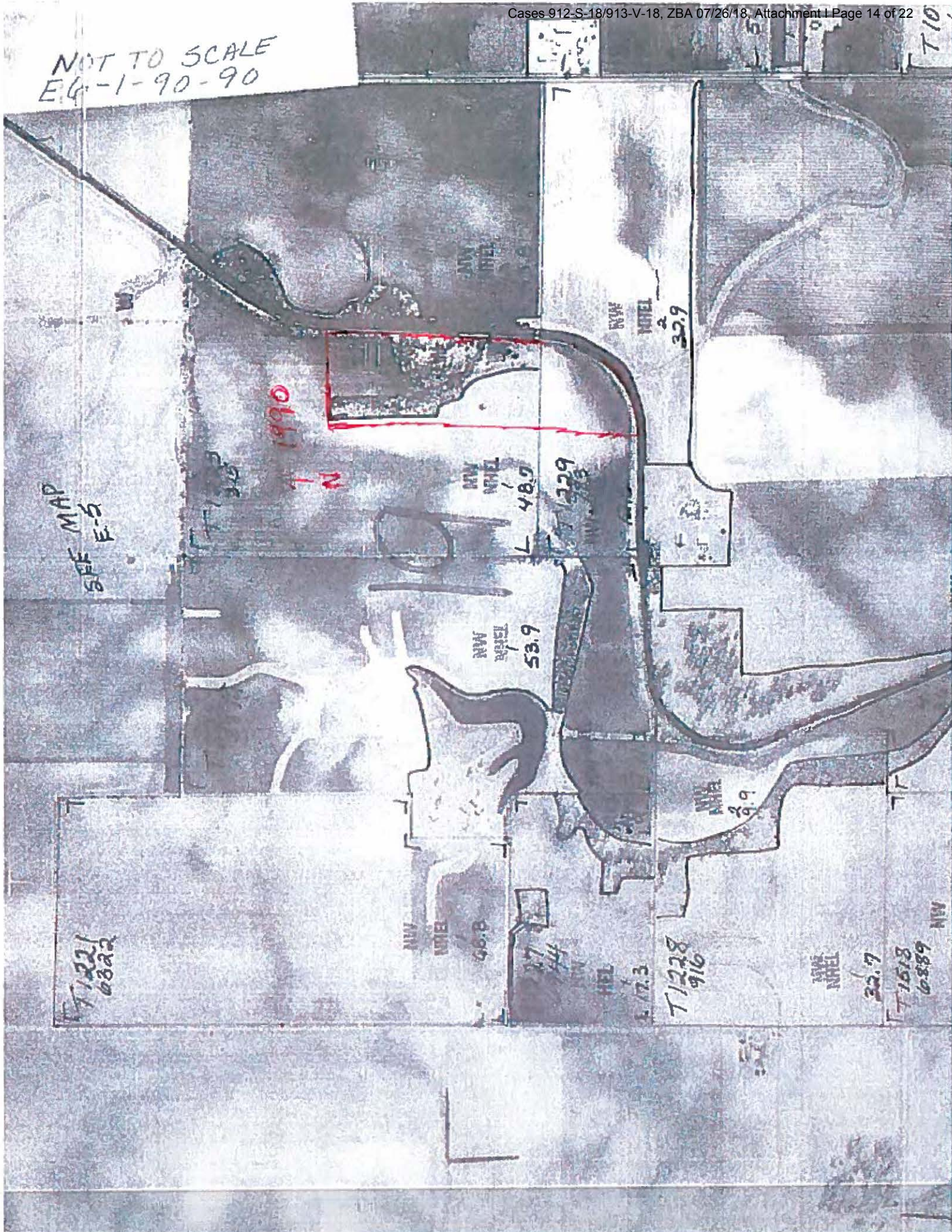


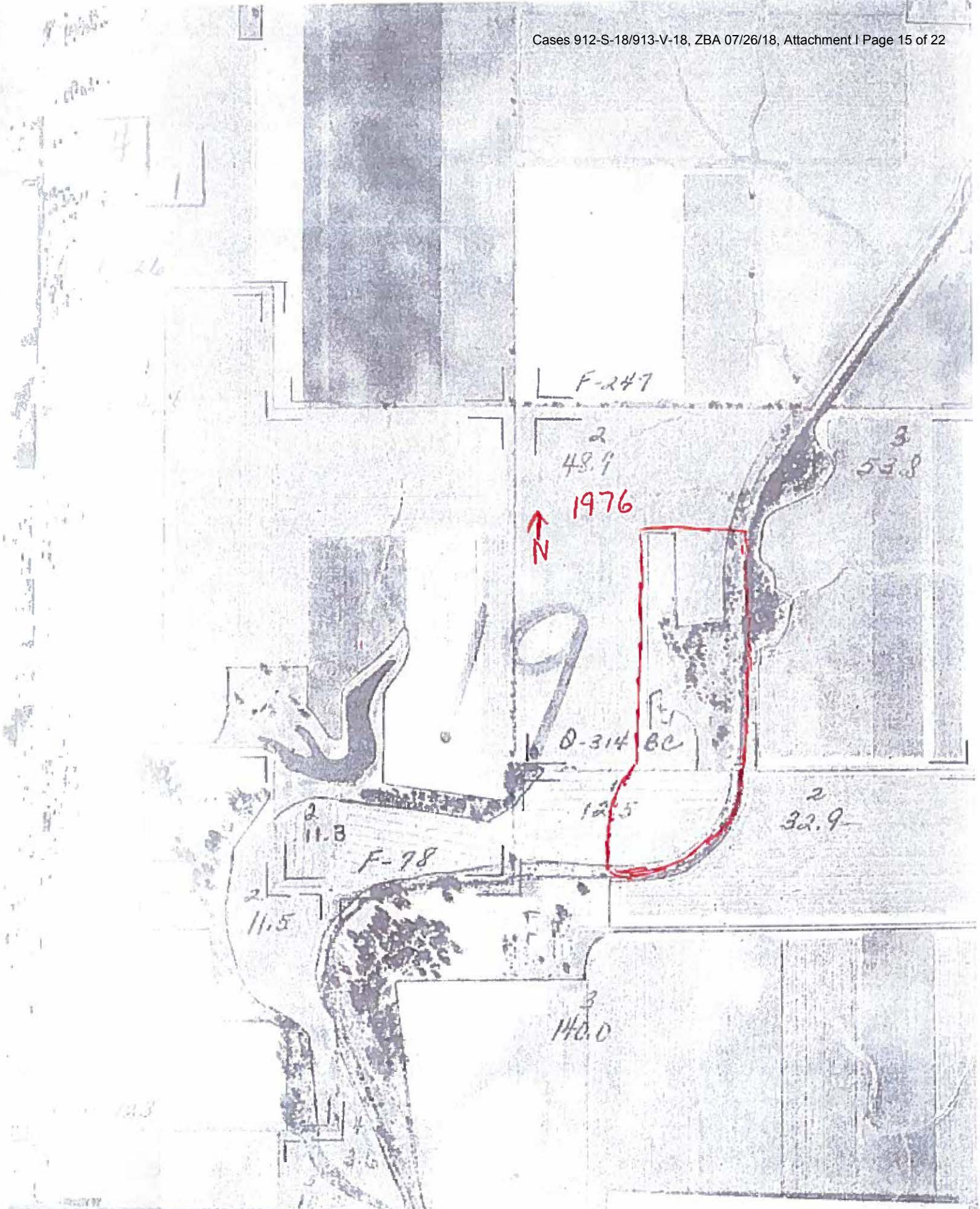
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-  Mark Pflugmacher
- fe_2007_17019_edges



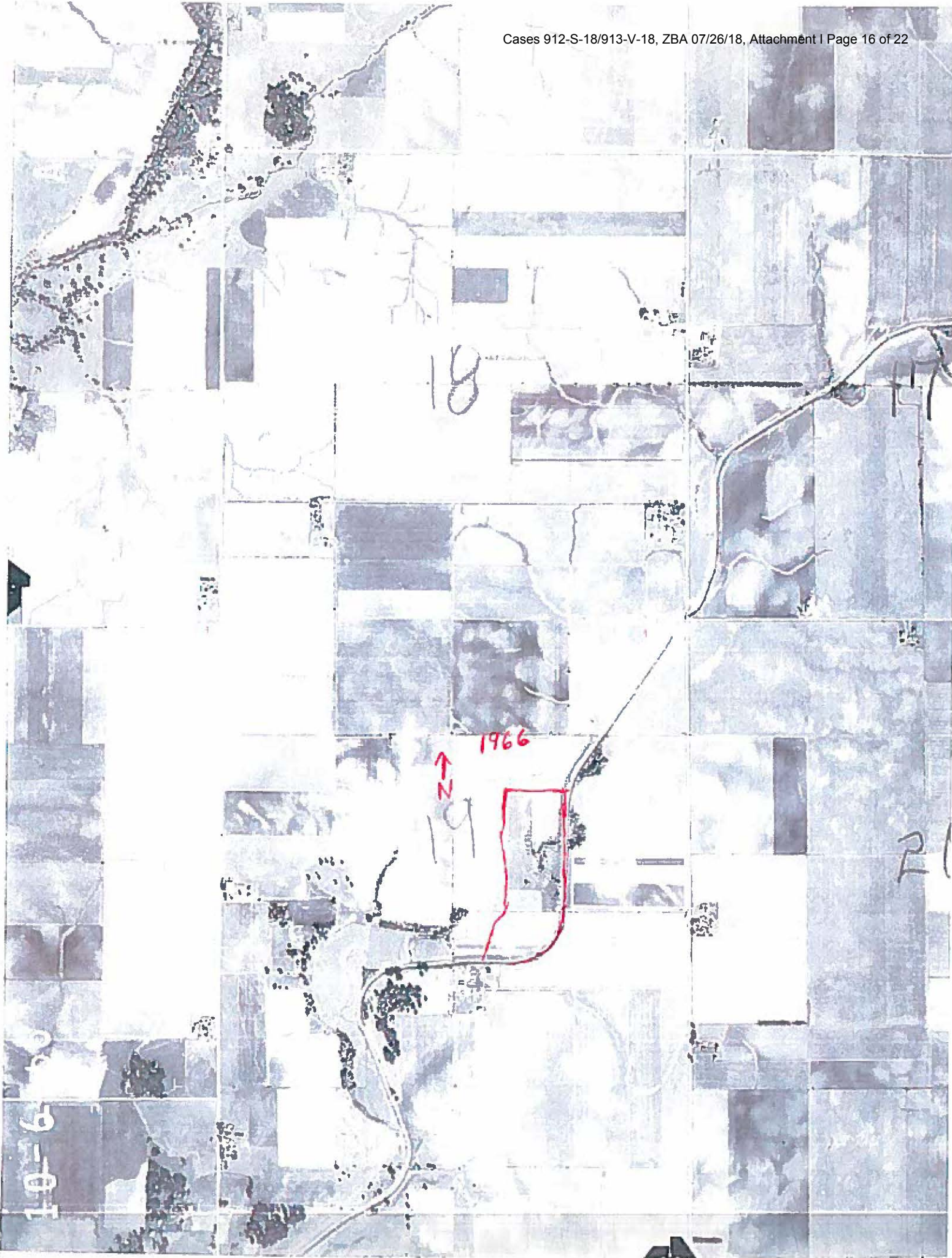
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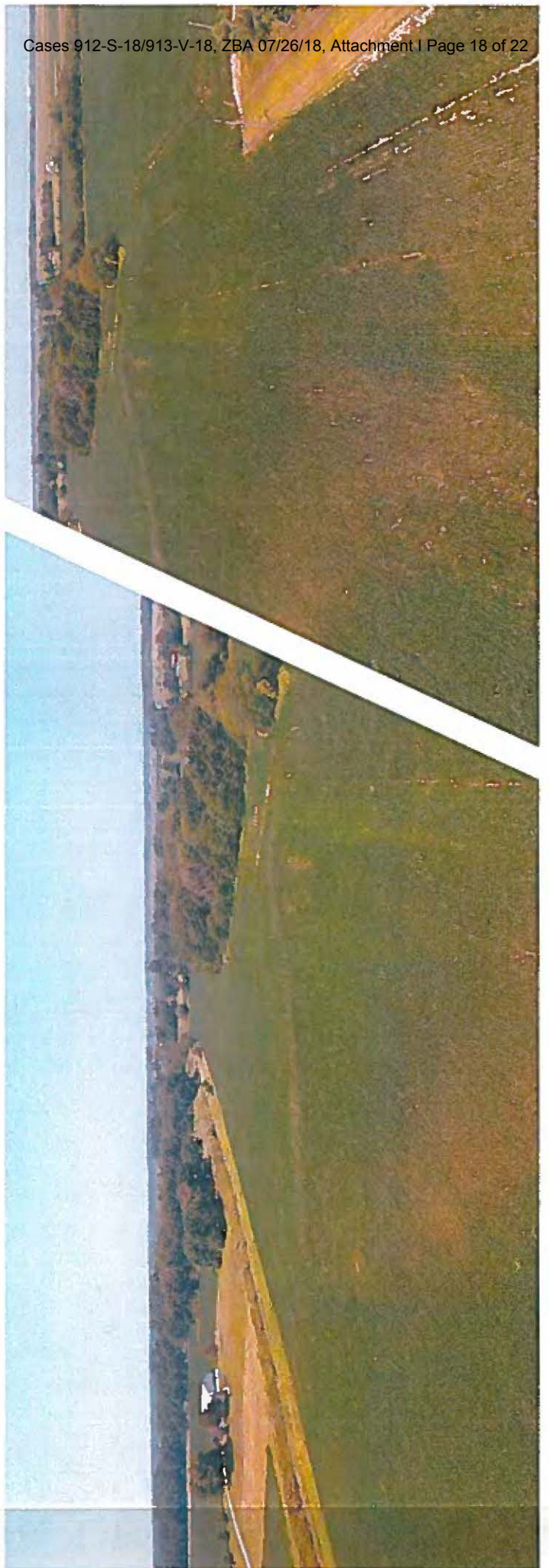
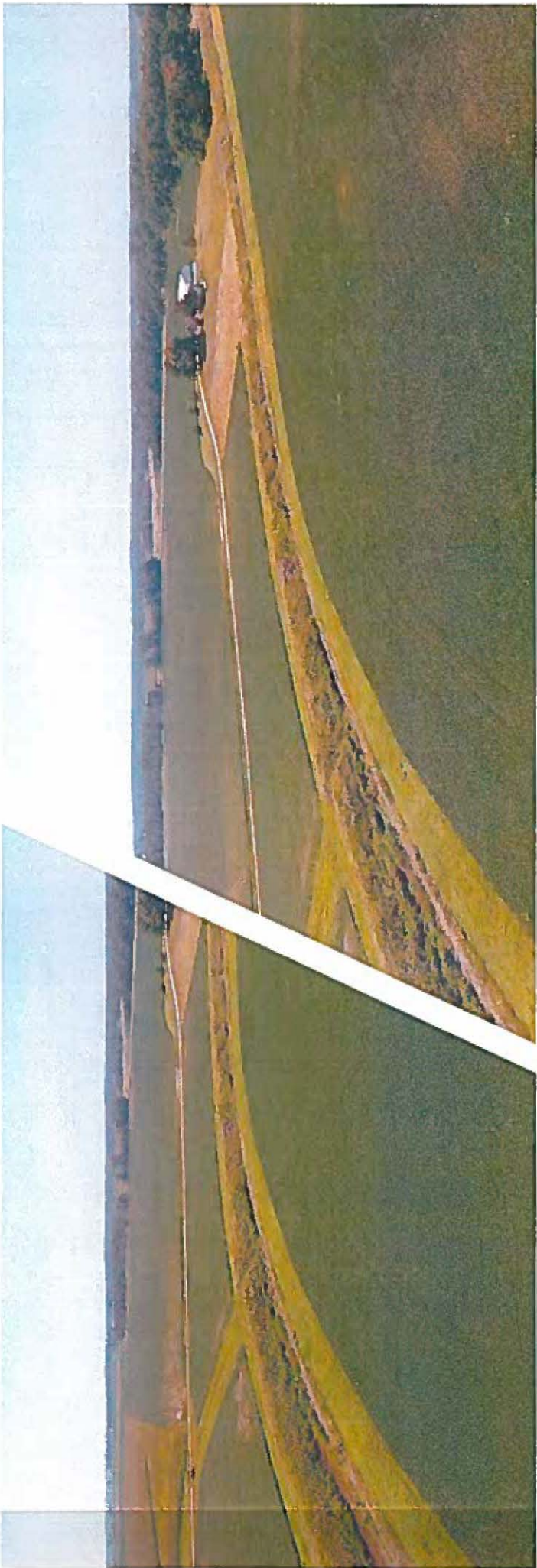
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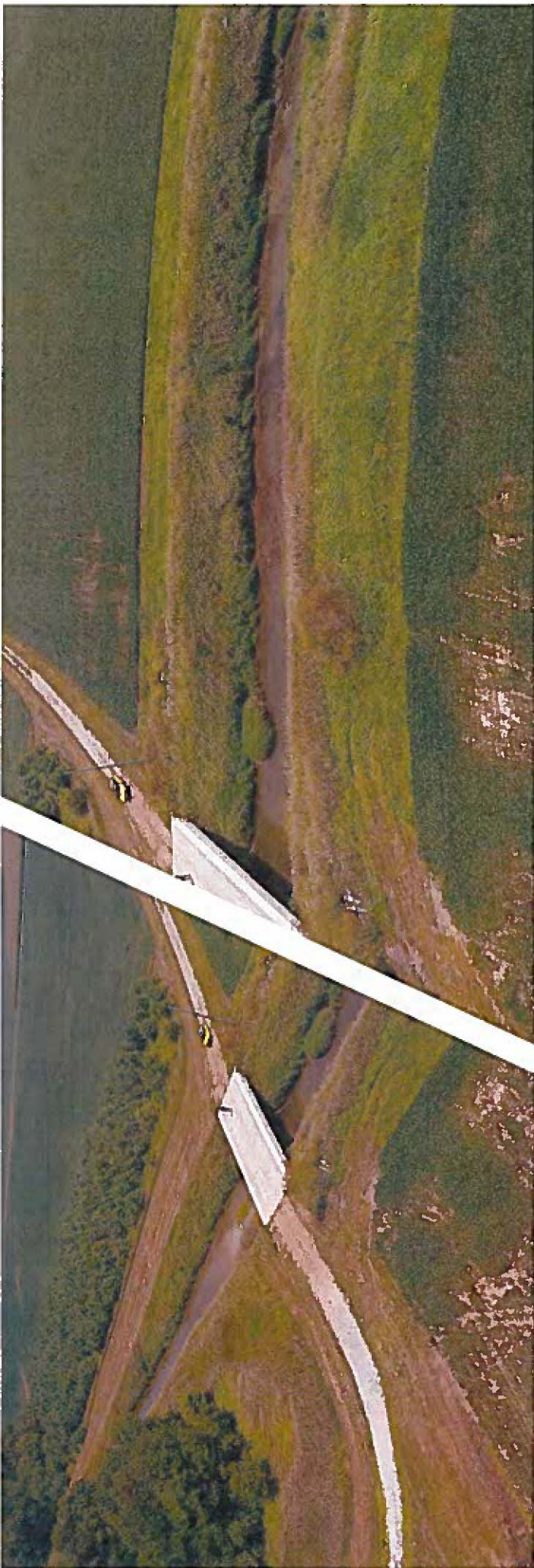
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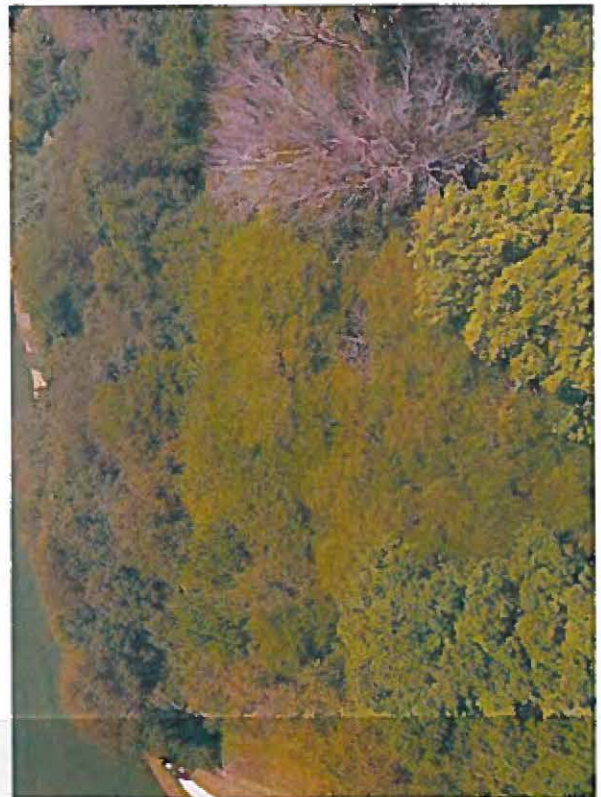
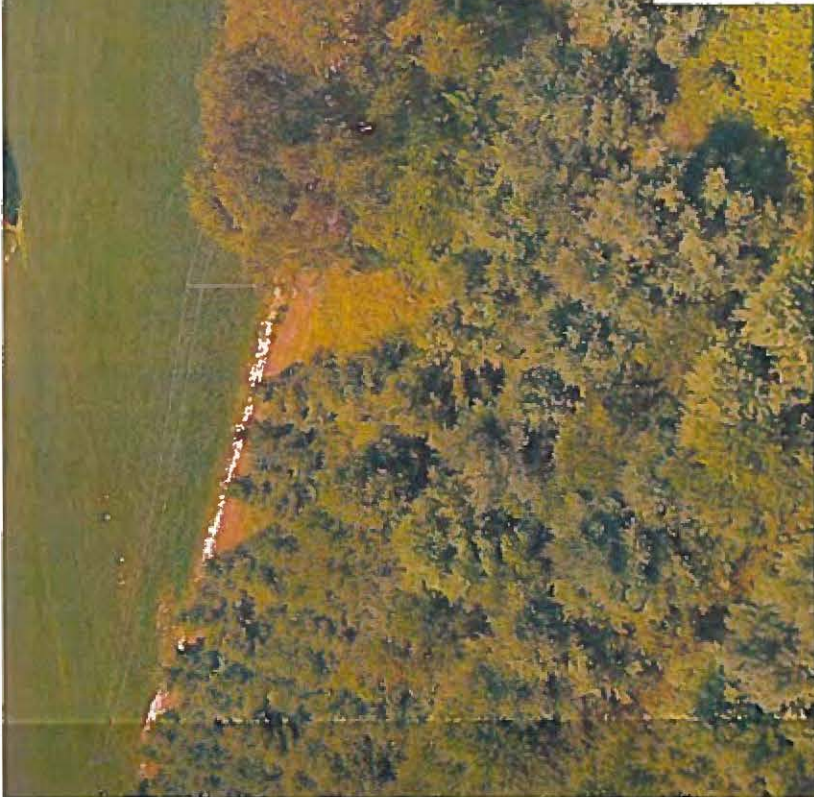
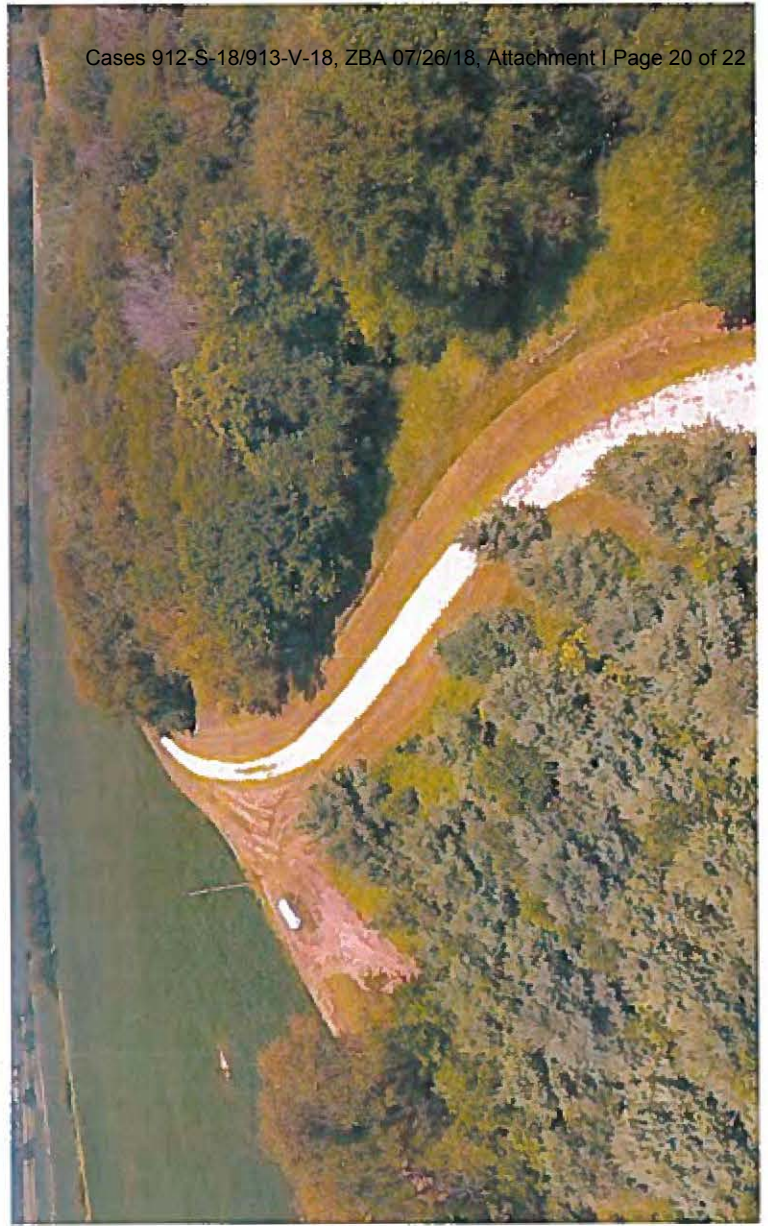
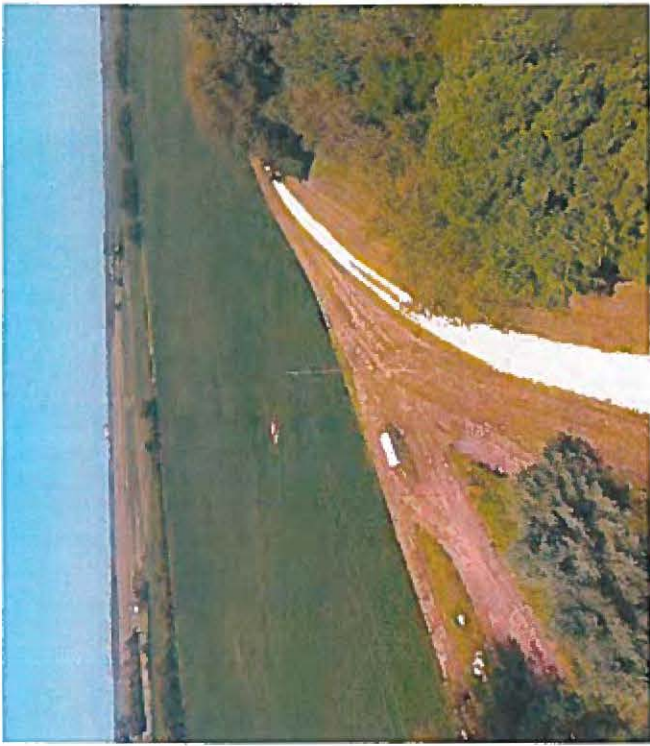
CHAMPAIGN CO.

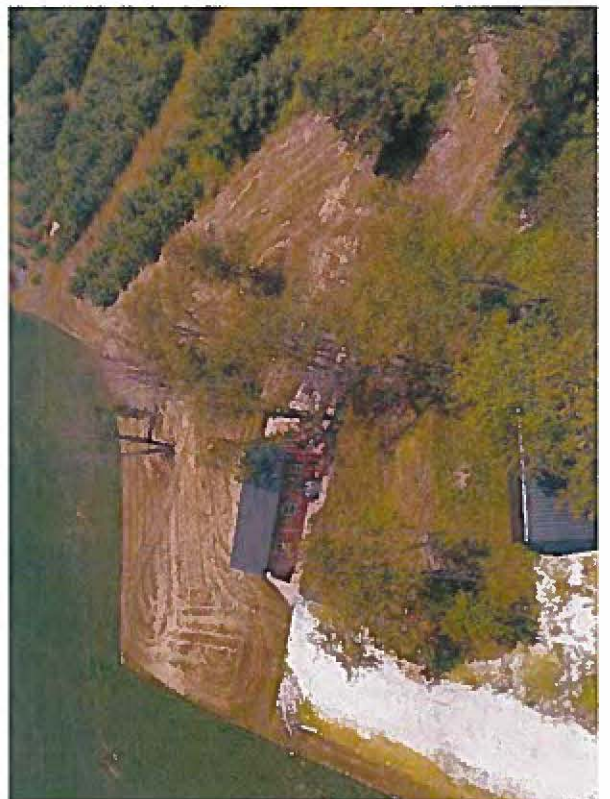
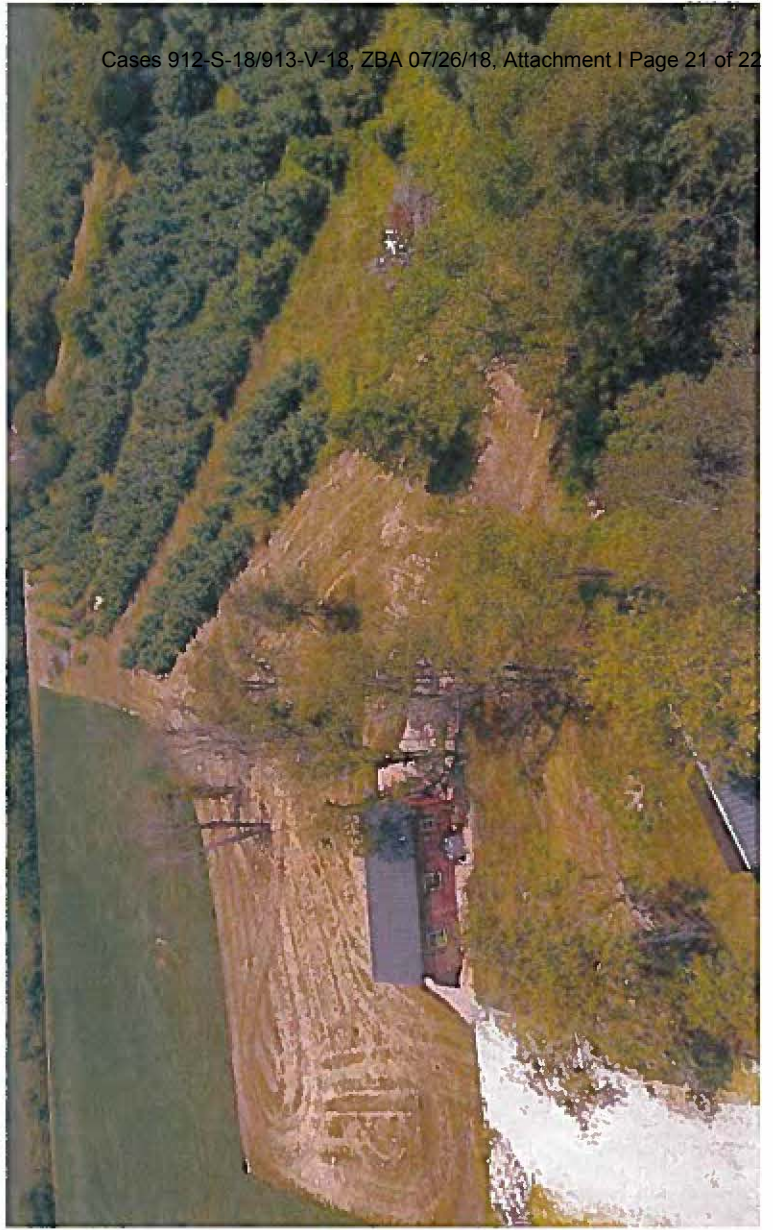
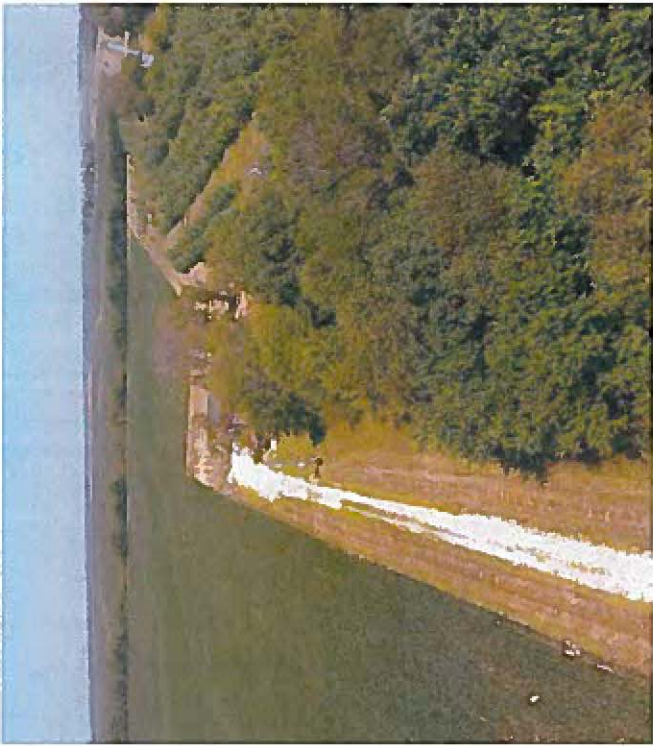
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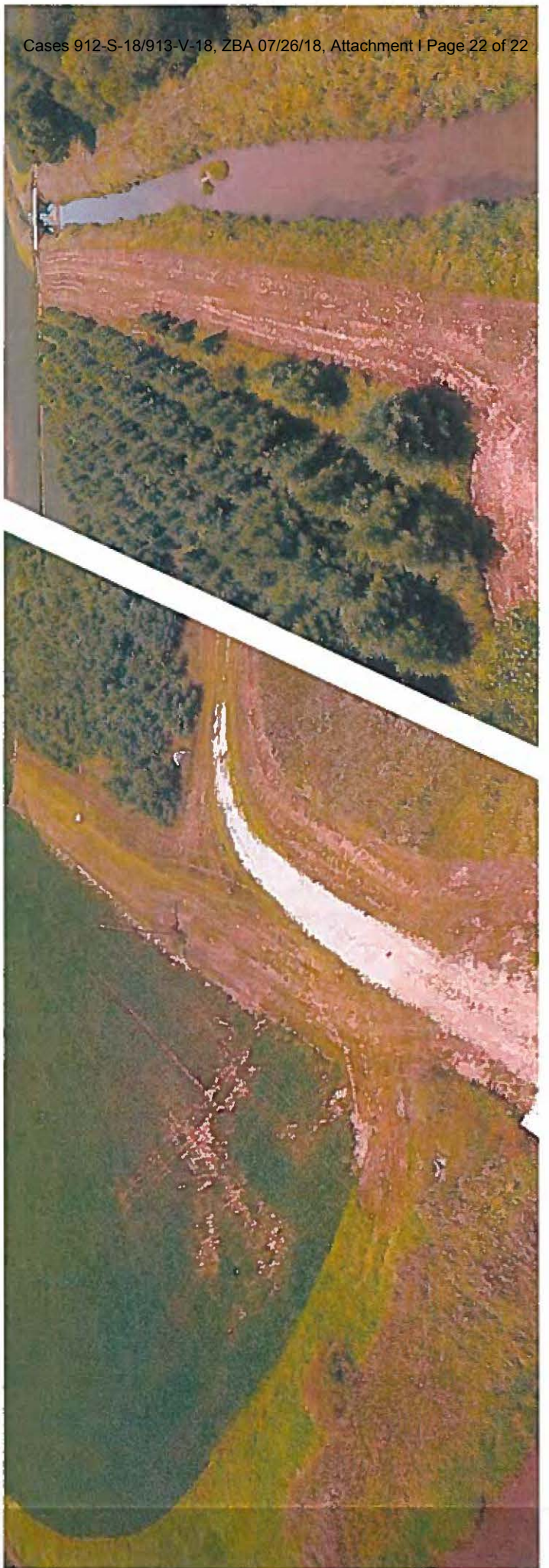
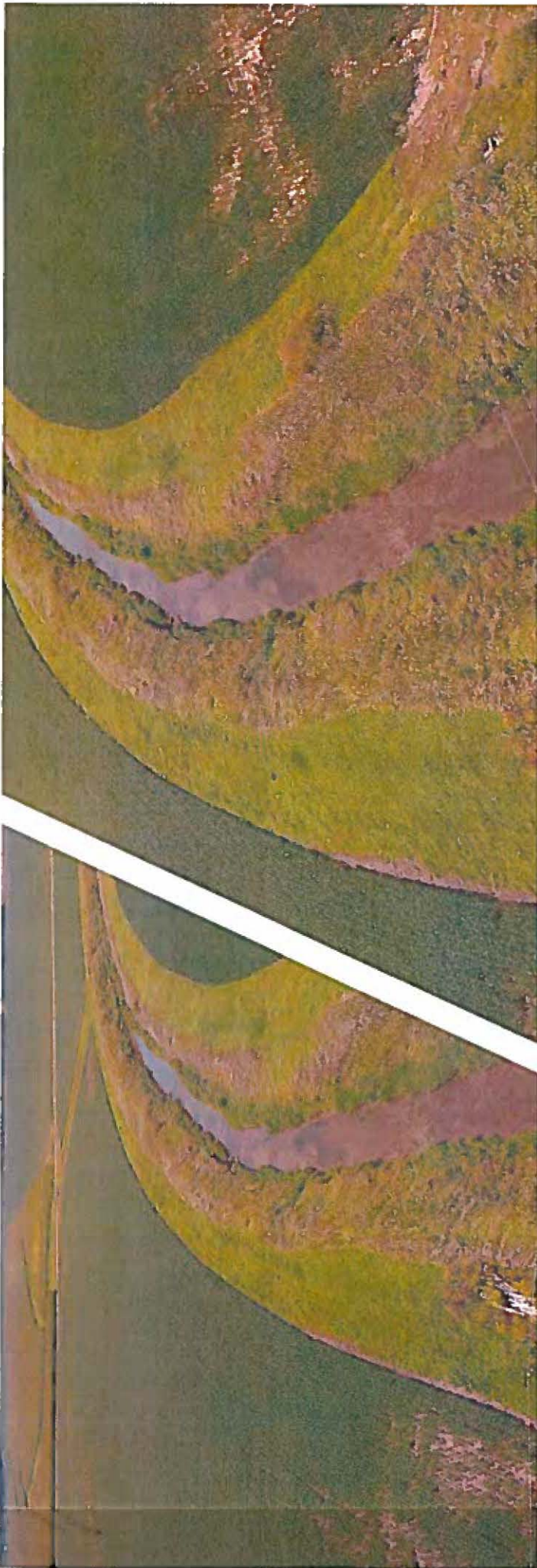












912-S-18/913-V-18 Site Images



**From NE corner of property at CR 700E, facing west-southwest
Note: proposed residence would be beyond the trees**



From NE corner of property at CR 700E, facing south

912-S-18/913-V-18 Site Images



From middle of east side of property at CR 700E, facing west



From SE corner of property (existing driveway) at CR 700E, facing west

PRELIMINARY DRAFT

912-S-18 and 913-V-18

**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: *{July 26, 2018}*

Petitioners: **Mark and Kristi Pflugmacher**

Request: **Case 912-S-18**

Authorize a Special Use Permit for construction of an artificial lake of approximately 6 acres in area in the CR Conservation Recreation Zoning District, per Section 5.2 of the Zoning Ordinance.

Case 913-V-18

Authorize a variance for a proposed lot without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. of the Zoning Ordinance.

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Case 913-V-18 Final Determination 24

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Mark and Kristi Pflugmacher, 203 West Shelly Drive, #A, Thomasboro, own the subject property.
2. The 120-acre subject property is located in the South Half of the Northeast Quarter, and the North Half of the Southeast Quarter of Section 19 of Township 21 North, Range 8 East of the Third Principal Meridian in Condit Township.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Condit Township, which does not have a Plan 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 CR Conservation and Recreation and is residential in use, along with agricultural production and forested areas.
 - (1) The 120 acre parent tract will be divided into two large tracts of at least 35 acres each so that each dwelling will be on a separate lot.
 - (2) There are two wetlands on the subject property, according to the National Wetlands Inventory accessed by P&Z Staff on July 12, 2018.
 - B. Land north of the subject property is zoned CR Conservation and Recreation 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 (to north) of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - E. Land west (to south) of the subject property is zoned CR Conservation and Recreation and is in use as residential and agriculture.
 - F. Land south of the subject property is zoned CR Conservation and Recreation and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan for the proposed Special Use:
 - A. The Site Plan received June 26, 2018, indicates the following:
 - (1) Existing features include:
 - a. The existing "Big Ditch" bisecting the property from northeast to south;

- b. An existing wood plank bridge connecting the driveway across the ditch;
 - (a) A bridge appears at the same location in all Champaign County aerial photos since 1973.
 - c. An existing residence located approximately 430 feet west of the ditch did not appear on Champaign County aerial photos until 2014, and had an agricultural exemption from applying for a permit.
 - d. An existing detached garage adjacent to the residence, which did not appear on Champaign County aerial photos until 2014 and has no permit on file; and
- (2) Proposed features include:
- a. A new residence in the northwest quarter of the subject property;
 - (a) The 120 acre parent tract will be divided into two large tracts of at least 35 acres each so that each dwelling will be on a separate lot.
 - b. A new driveway connecting the residence to CR 700N;
 - c. A new bridge connecting the driveway over the ditch;
 - d. A minimum 24-inch diameter culvert under the driveway, between the new residence and the ditch;
 - e. A silt basin trap area north of the proposed driveway and west of the ditch, to provide a clean-out trap to keep silt from entering lake; and
 - f. A 6 acre lake (approximate) on the west side of the ditch and south of the new proposed driveway.
- B. The Revised Site Plan received July 13, 2018, indicates the following additional features:
- (1) Additional existing features include:
- a. A 12 feet wide gravel driveway along the south property line that connects CR 700E and the existing residence, which did not appear on Champaign County aerial photos until 2014;
 - b. A septic tank and leach field on the north side of the existing residence; and
 - c. A well located south of the existing residence.
- (2) Additional proposed features include:
- a. A water line connecting the proposed residence to the existing well that is south of the existing residence;
 - b. A proposed drive connecting the existing and proposed residences; and
 - c. A septic tank and leach field to the east of the proposed residence.
- C. There are no previous Zoning Use Permits for the subject property.
- D. There are no previous Zoning Cases for the subject property.

- E. The required variance is for a proposed lot without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines.
- (1) This variance will be necessary because the non-conforming existing driveway and bridge will be used during the construction of the new driveway and bridge, and because the proposed lot will have a new access via a new onsite bridge.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for an artificial lake of 1 acre or more in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
- (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (3) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (4) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (5) “DWELLING UNIT” is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.

- (8) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (9) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (10) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (11) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (12) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- B. Regarding authorization for “artificial lake” in the Zoning Ordinance:
- (1) “Artificial lake of one or more acres” has always been authorized only as a Special Use Permit in the Zoning Ordinance.
 - (2) Section 6.1.3 of the *Zoning Ordinance* establishes Standard Conditions that are applicable to Special Use Permits. Standard conditions for an artificial lake of one or more acres in the CR Conservation Recreation District are the same as those listed in Section 5.3: Schedule of Area, Height and Placement Regulations by District.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

PRELIMINARY DRAFT

- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- D. 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.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;

- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare 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.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- G. Regarding the proposed variance:
- (1) Minimum requirements for access to a street are established in Section 4.2.1 I 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, **“This is for private use only.”**
 - B. The Special Use Permit is only for the lake, which is proposed to be private use.

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, **“This is all private property.”**

- B. Regarding surface drainage:
- (1) The Champaign County Soil and Water Conservation District Natural Resource Report received July 18, 2018, states: “The site has a slight slope to the South. The water from the site will leave by way of surface drainage. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.”
 - (2) In a letter received with the application on June 26, 2018, Myron Isaac and Lowell Estes, commissioners of the Lower Big Slough Drainage District, stated: “The proposed bridge is designed properly and adequately. We on the Lower Big Slough Drainage District are aware of this privately owned proposed bridge. The owners know they are responsible for the bridge and any maintenance on their private bridge. The proposed bridge does not hinder or cause any problems for the Lower Big Slough Drainage District.”
 - (3) No drainage information has been provided other than the contour information on the site plans received June 26, 2018 and July 13, 2018.
 - (4) Regarding the *Storm Water Management and Erosion Control Ordinance*:
 - a. The subject property is not exempt from the SWMEC Ordinance. The petitioners are required to submit a Storm Water Drainage Plan for review by the independent county engineering consultant. A special condition has been added that the plan and review will be required as part of the construction permit process.
- C. Regarding traffic in the subject property area:
- (1) The subject property has one access near the south property line on CR 700E and proposes a second access approximately 1925 feet north of that near the north property line.
 - (2) CR 700E is approximately 16 feet wide with an oil and chip surface.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR 700E had an ADT of 25 south of the subject property.
 - (4) The Condit 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 5.3 road miles from the Sangamon Valley Fire Protection District station in Fisher. The Fire Chief was notified of this case.
- (1) A letter was received with the application on June 26, 2018, from Eric Stalter, Chief of the Sangamon Valley Fire Protection District. The letter states: “Sangamon Valley FPD agrees that the bridge at Condit Township 21N Range 8E of Section 19, is designed and adequate for rescue vehicles to cross and serve the Pflugmacher’s. If the bridge serviced by the Pflugmacher’s becomes unpassable to rescue/fire they understand the risk to their property.”

- E. The subject property is located within a Special Flood Hazard Area, per FEMA flood map Panel 17019C0175D, effective date October 2, 2013.
- F. The proposed lake area is not considered Best Prime Farmland. The soil at the proposed lake site consists of Ambraw silty clay loam 3302A and Chatsworth silty clay 241D3, and has an average Land Evaluation Factor of 70.
- G. Regarding outdoor lighting on the subject property: the Petitioner did not include lighting information on the Site Plan.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) The Revised Site Plan received July 13, 2018, shows an existing septic system located north of the existing residence and a proposed septic system located east of the proposed residence.
- I. Regarding neighborhood concerns:
 - (1) No comments have been received to date.
- J. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: **“Yes.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Section 5.2: Table of Authorized Principal Uses authorizes an Artificial Lake of 1 or more acres only as a Special Use in the CR, AG, R, and I zoning districts. They are not authorized in B zoning districts.
 - (2) Regarding Best Prime Farmland:
 - a. The proposed lake site is not considered Best Prime Farmland. The soil at the proposed lake site consists of Ambraw silty clay loam 3302A and Chatsworth silty clay 241D3, and has an average Land Evaluation Factor of 70.
 - C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*, because more than 1 acre of land will be disturbed, the project is subject to this Ordinance and any relevant State of Illinois regulations regarding erosion and sedimentation.
 - (1) The petitioners plan to complete a Storm Water Drainage Plan for review and apply for all state permits as part of the construction permitting process. A special condition has been added to that effect.

- (2) Detailed engineering design submittals documenting how the proposed lake meets requirements have not yet been received. A Special Condition has been added.
- D. Regarding the Special Flood Hazard Areas Ordinance:
 - (1) The subject property is located within a Special Flood Hazard Area, per FEMA flood map Panel 17019C0175D, effective date October 2, 2013.
 - (2) In a phone call to Susan Burgstrom on July 12, 2018, Kevin Modglin, engineer for the petitioners, stated that they would determine the Base Flood Elevation (BFE) during the construction permitting process. A special condition has been added.
 - (3) A Floodplain Development Permit will be required for the proposed driveway and/or proposed bridge and the proposed lake.
- E. Regarding the Subdivision Regulations, the subject property is located in Champaign County's subdivision jurisdiction and the proposed lots are consistent with the Illinois Plat Act and the Champaign County Subdivision Ordinance.

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 an artificial lake of one or more acres as a Special Use in the CR Conservation-Recreation Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.3 of the Ordinance states the general intent of the CR Conservation-Recreation DISTRICT and states as follows (capitalized words are defined in the Ordinance):

The CR Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - (2) The types of uses authorized in the CR DISTRICT are in fact the types of uses that have been determined to be acceptable in the CR DISTRICT. Uses authorized by Special Use Permit are acceptable uses in the DISTRICT provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

- 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 913-V-18.
 - b. A letter was received with the application on June 26, 2018, from Eric Stalter, Chief of the Sangamon Valley Fire Protection District. The letter states: “Sangamon Valley FPD agrees that the bridge at Condit Township 21N Range 8E of Section 19, is designed and adequate for rescue vehicles to cross and serve the Pflugmacher’s. If the bridge serviced by the Pflugmacher’s becomes unpassable to rescue/fire they understand the risk to their property.”
- (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. In regards to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property, the proposed lake area is in the mapped floodplain, so any lake development that requires drainage planning and review for the subject property should help conserve property values.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters.
- a. Regarding erosion concerns, the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received July 18, 2018, states: “This area that may be developed will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has a slope to the South, which could allow erosion during construction and heavy rainfall events. The area is currently planted to soybeans; erosion control measures must be installed before construction starts. For the area to be made into a pond, the soil removed must be deposited outside of the flood plain area. Also, a water control structure may not be more than 4 feet 11 inches high or the structure

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must be registered with Illinois Department of Natural Resources as a dam. The pond will also need to be at least 36 feet from the current ditch bank.”

- (a) P&Z staff requested more information on the recommendation for at least 36 feet from the current ditch bank, and were told that there was no substantiation for that dimension. Any such requirements will be identified during the permitting process.
 - b. In a letter received with the application on June 26, 2018, Myron Isaac and Lowell Estes, commissioners of the Lower Big Slough Drainage District, stated: “The proposed bridge is designed properly and adequately. We on the Lower Big Slough Drainage District are aware of this privately owned proposed bridge. The owners know they are responsible for the bridge and any maintenance on their private bridge. The proposed bridge does not hinder or cause any problems for the Lower Big Slough Drainage District.”
 - c. The subject property is not exempt from the SWMEC Ordinance. The petitioners are required to submit a Storm Water Drainage Plan for review by the independent county engineering consultant. A special condition has been added to this effect.
 - d. The petitioners plan to apply for all state permits as part of the construction permitting process. A special condition has been added to that effect.
- (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.
 - c. No comments have been received to date.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to 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 proposed lake area on the subject property is primarily covered in rows of evergreen trees.
- (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.
- a. There are two wetlands on the subject property, according to the National Wetlands Inventory accessed by P&Z Staff on July 12, 2018. Wetlands will be considered during the state permits approval process.
 - b. The only development anticipated to affect the northern wetlands area is the access drive, per the Site Plan received June 26, 2018, and the Revised Site Plan received July 13, 2018.
 - c. The petitioners stated on the Variance application received June 26, 2018, that **“This access allows development without significant intrusion into**

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- (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 proposed lake area on the subject property is primarily covered in rows of evergreen trees; it 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: “N/A.”
 - B. The existing use on the property is not a nonconforming use.

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

12. 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, “**This is a unique property divided by a stream and affording only limited access and building options. The access to be approved is by bridge, not solid ground.**”
 - B. Regarding the proposed variance:
 - (1) There is an existing residence on the west side of the Big Ditch, but its road access is on the east side of the ditch, so a bridge is required.

- (2) The petitioners intend to construct a new residence on the west side of the Big Ditch due to floodplain and other limitations on the property, so a bridge will also be required for access.
- (3) The 120 acre parent tract will be divided into two large tracts of at least 35 acres each so that each dwelling will be on a separate lot and each lot will have its own driveway.

RELATED TO THE VARIANCE, 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. The Petitioner has testified on the application, **“To provide access to the optimal building site for future residence.”**
 - B. Regarding the proposed Variance:
 - (1) Without the proposed variance, the petitioners could not construct their proposed residence on the west side of the property.

RELATED TO THE VARIANCE, 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. The Petitioner has testified on the application, **“No, to provide a suitable access to a proposed building site.”**

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

15. 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, **“This access allows development without significant intrusion into environmentally sensitive areas and try to remove the least amount of farm ground as possible.”**
 - B. Regarding the proposed variance, for a proposed lot without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines: the requested variance is 0% of the minimum required, for a variance of 100%.
 - (1) Zoning Case 055-AT-06, approved on February 18, 1997, established the need for a 20 feet wide access drive consisting of solid ground passable to emergency vehicles due to safety concerns expressed by first responders.

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

16. 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: **“Bridge construction shouldn’t affect any other property or environment.”**
- B. The Condit Township Road Commissioner has been notified of this variance and no comments have been received.
- C. The Sangamon Valley Fire Protection District has been notified of this variance.
 - (1) A letter was received with the application on June 26, 2018, from Eric Stalter, Chief of the Sangamon Valley Fire Protection District. The letter states: “Sangamon Valley FPD agrees that the bridge at Condit Township 21N Range 8E of Section 19, is designed and adequate for rescue vehicles to cross and serve the Pflugmacher’s. If the bridge serviced by the Pflugmacher’s becomes unpassable to rescue/fire they understand the risk to their property.”
- D. The nearest building on neighboring property to the proposed residence is a barn that is approximately 1,200 feet west of the subject property.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 17. Generally regarding any other circumstances that justify the Variance:
 - A. The Petitioner has testified on the application: **“The way the lot is divided by the drainage ditch this is the only way to have access.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 18. Regarding proposed special conditions of approval for the Special Use:
 - A. **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.

- B. **The Zoning Administrator shall not authorize a Floodplain Development Permit for the proposed driveway and/or proposed bridge and/or the proposed lake until all relevant and required state and federal permits and reviews have been completed and copies of all required state permits have been submitted as part of the Floodplain Development Permit application.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the Champaign County Special Flood Hazard Areas Ordinance.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received written approval from the Lower Big Slough Drainage District for the following:**
 - (1) **The proximity of the lake to the drainage ditch; and**

- (2) **Any lake outlet to the drainage ditch; and**
- (3) **The proposed locations of abutments for the proposed bridge.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the relevant Drainage District.

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

The above special condition is required to ensure the following:

The construction of the lake conforms to the requirements of the Champaign County Storm Water Management and Erosion Control Ordinance.

- E. **The petitioner shall include any unauthorized existing structures in the Zoning Use Permit Application for the proposed residence and pay associated permit fees for both the existing and proposed structures.**

The above special condition is required to ensure the following:

That all structures on the subject property have the required Zoning Use Permits.

No special conditions are proposed for variance case 913-V-18.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received June 26, 2018, with attachments:
 - A Site Plan received June 26, 2018
 - B Warranty Deed
2. Application for Variance received June 26, 2018, with attachments:
 - A Letter from Sangamon Valley Fire Protection District received June 26, 2018
 - B Letter from Lower Big Slough Drainage District received June 26, 2018
3. Revised Site Plan received July 13, 2018
4. Letter from John Hall to the Pflugmacher's dated August 5, 2014
5. National Wetlands Inventory map of subject property dated July 12, 2018
6. FEMA flood map panel C170190175D, effective October 2, 2013
7. Natural Resources Report from Champaign County Soil and Water Conservation District received July 18, 2018
8. Preliminary Memorandum dated July 19, 2018, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 26, 2018
 - C Revised Site Plan received July 13, 2018
 - D Letter from Sangamon Valley Fire Protection District received June 26, 2018
 - E Letter from Lower Big Slough Drainage District received June 26, 2018
 - F Letter from John Hall to the Pflugmacher's dated August 5, 2014
 - G National Wetlands Inventory map of subject property dated July 12, 2018
 - H FEMA flood map panel C170190175D, effective October 2, 2013
 - I Natural Resources Report from Champaign County Soil and Water Conservation District, received July 18, 2018
 - J Site visit photos taken July 9, 2018
 - K Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated July 26, 2018

FINDINGS OF FACT FOR CASE 912-S-18

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **912-S-18** held on **July 26, 2018**, 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. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **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.

- B. **The Zoning Administrator shall not authorize a Floodplain Development Permit for the proposed driveway and/or proposed bridge and/or the proposed lake until all relevant and required state and federal permits and reviews have been completed and copies of all required state permits have been submitted as part of the Floodplain Development Permit application.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the Champaign County Special Flood Hazard Areas Ordinance.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received written approval from the Lower Big Slough Drainage District for the following:**
- (1) **The proximity of the lake to the drainage ditch; and**
 - (2) **Any lake outlet to the drainage ditch; and**
 - (3) **The proposed locations of abutments for the proposed bridge.**

The above special condition is required to ensure the following:

The construction of the lake and access bridge conform to the requirements of the relevant Drainage District.

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

The above special condition is required to ensure the following:

The construction of the lake conforms to the requirements of the Champaign County Storm Water Management and Erosion Control Ordinance.

- E. **The petitioner shall include any unauthorized existing structures in the Zoning Use Permit Application for the proposed residence and pay associated permit fees for both the existing and proposed structures.**

The above special condition is required to ensure the following:

That all structures on the subject property have the required Zoning Use Permits.

FINDINGS OF FACT FOR CASE 913-V-18

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **913-V-18** held on **July 26, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. 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: _____
2. 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: _____
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____
5. 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: _____
6. 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:}**

FINAL DETERMINATION FOR CASE 912-S-18

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 **912-S-18** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Mark and Kristi Pflugmacher**, to authorize the following as a Special Use on land in the CR Conservation Recreation Zoning District:

Authorize a Special Use Permit for construction of an artificial lake of approximately 6 acres in area in the CR Conservation Recreation Zoning District, per Section 5.2 of the Zoning Ordinance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **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.**
- B. **The Zoning Administrator shall not authorize a Floodplain Development Permit for the proposed driveway and/or proposed bridge and/or the proposed lake until all relevant and required state and federal permits and reviews have been completed and copies of all required state permits have been submitted as part of the Floodplain Development Permit application.**
- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received written approval from the Lower Big Slough Drainage District for the following:**
 - (1) **The proximity of the lake to the drainage ditch; and**
 - (2) **Any lake outlet to the drainage ditch; and**
 - (3) **The proposed locations of abutments for the proposed bridge.**
- D. **A complete Storm Water Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process for the lake and all required certifications shall be submitted after construction of the lake prior to issuance of the Zoning Compliance Certificate.**
- E. **The petitioner shall include any unauthorized existing structures in the Zoning Use Permit Application for the proposed residence and pay associated permit fees for both the existing and proposed structures.**

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

SIGNED:

ATTEST:

Catherine Capel, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION FOR CASE 913-V-18

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 **913-V-18** are hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Mark and Kristi Pflugmacher**, to authorize the following variance in the CR Conservation Recreation Zoning District:

Authorize a variance for a proposed lot without access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width, and located entirely within the lot lines, per Section 4.2.1 I. of the Zoning Ordinance.

{ 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:

Catherine Capel, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date