

## **CASES 931-AM-19 & 932-S-19**

*PRELIMINARY MEMORANDUM*

*APRIL 18, 2019*

**Petitioners:** Bill Cope and Mary Kalantzis

### **Case 931-AM-19**

**Request:** Amend the Zoning Map to allow for the development of 5 single-family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance.

### **Case 932-S-19**

**Request:** Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.

**Location:** A 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln Avenue, Champaign.

**Site Area:** 17.2 acres

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## **BACKGROUND**

In general, the Champaign County Zoning Ordinance requires that the creation of more than three lots in the rural districts after January 1, 1998, each of which is less than 35 acres, requires a rezoning and a Special Use Permit to authorize a Rural Residential Overlay (RRO).

The subject property was this same area and configuration on June 1, 1998, and so could be divided into a total of three lots without RRO approval. The petitioners propose to create a subdivision with five buildable lots and three outlots, which requires RRO approval for two of the lots.

One of the reasons for the requested RRO is that the petitioners established an illegal second residence above the detached garage in 2008. In order to allow the second residence to be allowed legally, they must create a separate lot for it, since the Zoning Ordinance only allows one residence per lot in the AG and CR Districts. In addition to one lot for the main residence and one lot for the illegal garage residence, the petitioners would like to add three buildable lots on the property for future residential development.

The petitioners applied for an RRO for three by-right lots and three additional lots in Case 573-AM-06, which was approved on March 29, 2007. Subparagraph 5.4.2 D.4. of the Zoning Ordinance establishes that an RRO designation shall expire after two years if no Preliminary Plat is submitted to the relevant subdivision authority for approval. The RRO approved in Case 573-AM-06 expired in March 2009.

On October 20, 2011, Ordinance 892 was approved, which added the requirement of obtaining both a Map Amendment and a Special Use Permit for RRO approvals. The ZBA added the Special Use Permit requirement so that special conditions could be applied to an RRO, which are generally not used in Map Amendments. The current cases are the first application of Ordinance 892.

## **REVISION TO SCHEMATIC PLAN LOT CONFIGURATION**

During review of the proposed rezoning for the existing event center that is the subject of Case 934-AM-19, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture. Based on that, P&Z Staff worked out a slightly different proposed lot configuration that creates a dividing line based on the approximate floodway, which will create unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch rather than just the east side.

The revised lot configuration, which has been approved in concept by the petitioner, is Attachment C to the Preliminary Memorandum dated April 18, 2019. The revised lots would have to be updated on the Schematic Plan created by Berns, Clancy and Associates.

All references to lots in Cases 931-AM-19, 932-S-19, and separate but related zoning cases 934-AM-19 and 935-S-19 will be based on the following revised configuration:

- Lots 1, 2, and 3 will remain as shown on the Schematic Plan by BCA dated September 13, 2018 and received November 19, 2018.
- Proposed Lot 4 will be divided into Lot 4 and Outlot 4A, with the division between the two being a straight line that is slightly west of the floodway.
- The division between proposed Lot 5 and Outlot 5A will be adjusted to be slightly west of the floodway.
- Outlots A and B will not change.

## **EXISTING LAND USE AND ZONING**

Since the adoption of the Zoning Ordinance on October 10, 1973, the subject property had been split-zoned, with the western six acres zoned AG-2 Agriculture and the eastern 13 acres zoned CR Conservation Recreation. The entire subject property has been zoned CR Conservation Recreation since approval of Zoning Case 579-AM-07 on March 29, 2007. The petitioners now seek to rezone a portion of the property to AG-2 Agriculture in upcoming zoning case 934-AM-19 so that they can continue to operate an unauthorized events center that they established on the subject property.

**Table 1. Land Use and Zoning Summary**

| Direction | Land Use                     | Zoning   |
|-----------|------------------------------|--|
| Onsite    | Residential and Event Center | CR Conservation Recreation   |
| North     | Agriculture and Residential  | CR Conservation Recreation (east of Lincoln Ave)<br>AG-2 Agriculture (west of Lincoln Ave) |
| East      | Agriculture and Residential  | CR Conservation Recreation   |
| West      | Agriculture                  | CR Conservation Recreation<br>AG-2 Agriculture   |
| South     | Agriculture                  | CR Conservation Recreation   |

**EXTRATERRITORIAL JURISDICTION**

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but do not have protest rights on County Board Special Use Permits. Notice of the public hearing was sent to the City.

- The City of Urbana has subdivision jurisdiction for the subject property, and the County has zoning jurisdiction. The petitioners do not plan to annex into the City of Urbana. The petitioners require this RRO through the County in order to subdivide the subject property into the proposed five lots. P&Z Staff have been in communication with the City of Urbana since the subdivision was proposed.
- The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City’s most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.

The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

**RRO FACTORS**

Paragraph 5.4.3.C.1 of the Zoning Ordinance requires the Zoning Board of Appeals to make two specific findings for an RRO approval:

- (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
- (2) That the proposed residential development will or will not be compatible with surrounding agriculture.

Paragraph 5.4.3 C.2 of the Zoning Ordinance requires the Zoning Board of Appeals to consider the following factors in making the required findings:

- A. Adequacy and safety of roads providing access to the site;
- B. Effects on nearby farmland and farm operations;
- C. Effects of nearby farm operations on the proposed residential development;
- D. The Land Evaluation and Site Assessment (LESA) score of the subject site.
- E. Effects on drainage both upstream and downstream;

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- F. The suitability of the site for onsite wastewater systems;
  - G. The availability of water supply to the site;
  - H. The availability of public services to the site;
  - I. The flood hazard status of the site;
  - J. Effects on wetlands, historic/archeological sites, natural or scenic areas or wildlife habitat;
  - K. The presence of nearby natural or manmade hazards;
  - L. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated; and

P&Z Staff did a preliminary analysis of these factors, which can be found in the draft Finding of Fact/Summary of Evidence dated April 25, 2019. Attachment F to this memo is a table summarizing each factor and the criteria used to assess the suitability for any proposed RRO. In summary, the analysis shows that compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:

|  | <i>Compared to 2007 RRO analysis</i> |
|--|--------------------------------------|
| A. “Ideal or Nearly Ideal” conditions for six factors:     |                                      |
| • RRO Factor B: Effects on farms                           | improved since 2007                  |
| • RRO Factor D: LESA score                                 | improved since 2007                  |
| • RRO Factor E: Effects on drainage                        | improved since 2007                  |
| • RRO Factor G: Availability of water supply               | improved since 2007                  |
| • RRO Factor K: Natural or manmade hazards                 | improved since 2007                  |
| • RRO Factor L: Land converted from agricultural uses      | same as 2007                         |
| B. “Much Better Than Typical” conditions for four factors: |                                      |
| • RRO Factor A: Safety                                     | improved since 2007                  |
| • RRO Factor C: Effects of nearby farms                    | same as 2007                         |
| • RRO Factor F: Septic suitability                         | same as 2007                         |
| • RRO Factor H: Emergency services                         | improved since 2007                  |
| C. “More or Less Typical” conditions for two factors:      |                                      |
| • RRO Factor I: Flood hazard status                        | same as 2007                         |
| • RRO Factor J: Effects on sensitive natural areas         | same as 2007                         |

## DECISION POINTS

P&Z Staff have made recommendations on items in the combined Finding of Fact/Summary of Evidence for the RRO, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board. Staff did not identify any decision points for these cases, but this does not preclude the Board from raising decision points for discussion.

## PROPOSED SPECIAL CONDITIONS

The following is a proposed special condition for Case 931-AM-19.

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

The following are proposed special conditions for Case 932-S-19.

- A. **The Special Use is subject to the approval of Case 931-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

**That any construction complies with the 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 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 meets the requirements established for Special Uses in the Zoning Ordinance.**

- D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

**Any new septic system is in compliance with the Champaign County Health Ordinance.**

- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5.**

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

**That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.**

- F. **Proposed Lot 1 will require a variance for average lot width if cases 931-AM-19 is not approved.**

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

**That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.**

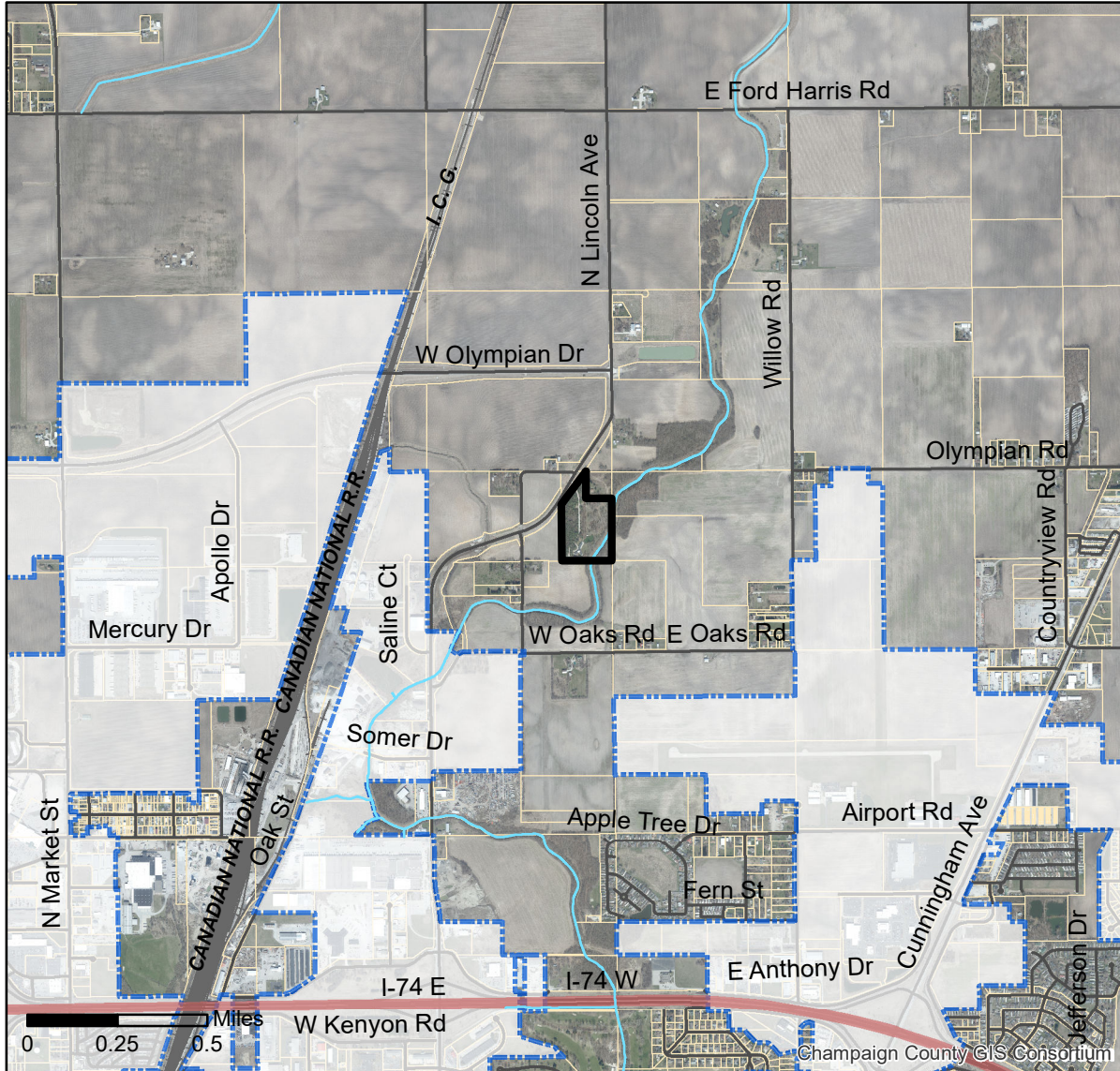
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
- C Revised Lot Configuration based on Approximate Floodway created by P&Z Staff on April 17, 2019
- D 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
- E Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
- F Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County revised June 7, 2016
- G LRMP Land Use Goals, Objectives, and Policies
- H LRMP Appendix of Defined Terms
- I Right to Farm Resolution 3425
- J Case 573-AM-06 approved Summary Finding of Fact (previous RRO for the subject property)
- K Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007
- L Phase 1 Archaeological Survey of the subject property received February 15, 2007
- M Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
- N Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
- O Excerpt of Map: LRMP Land Use Management Areas Map updated in 2016, to show the Contiguous Urban Growth Area (CUGA), created by P&Z Staff on April 15, 2019
- P Site Visit Photos taken April 9, 2019
- Q Combined Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated April 25, 2019

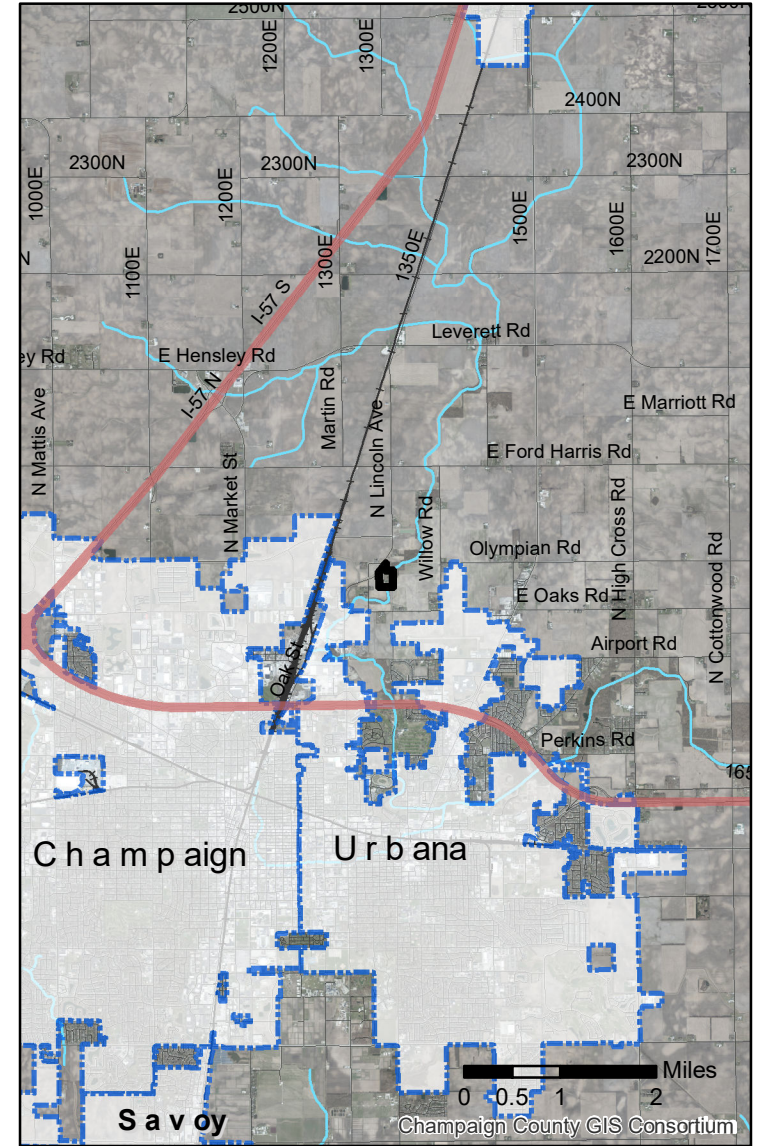
# Location Map

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19  
 April 25, 2019

Subject Property



Property location in Champaign County



- Legend**
- Subject Property
  - Parcels
  - Municipal Boundary
  - Interstate
  - Streets
  - Railroads

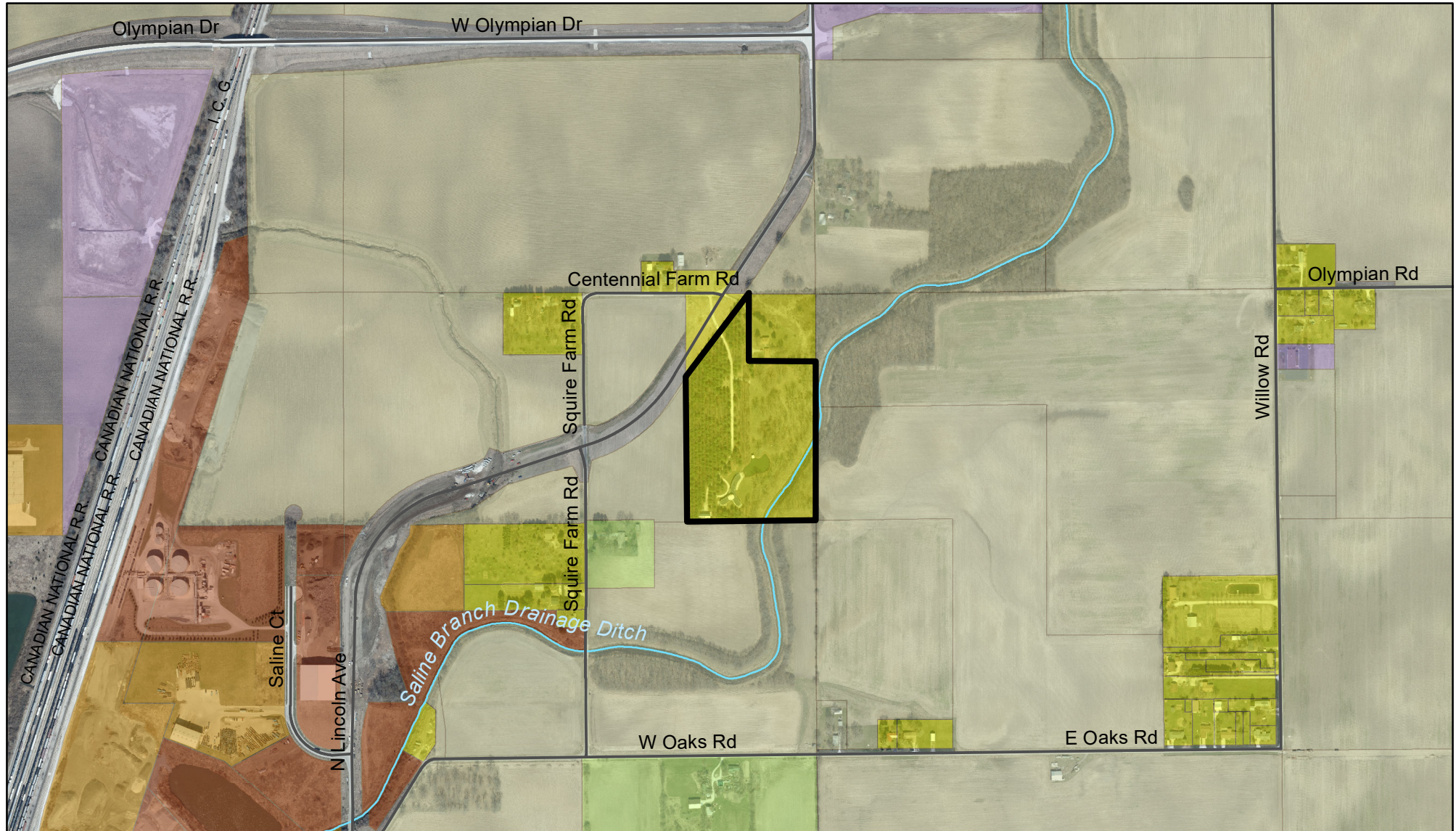


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# Land Use Map

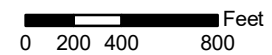
Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

April 25, 2019



## Legend

- |                  |                |            |
|------------------|----------------|------------|
| Subject Property | Agriculture    | Commercial |
| Streets          | Ag-Residential | Industrial |
| Streams          | Residential    | Tax Exempt |

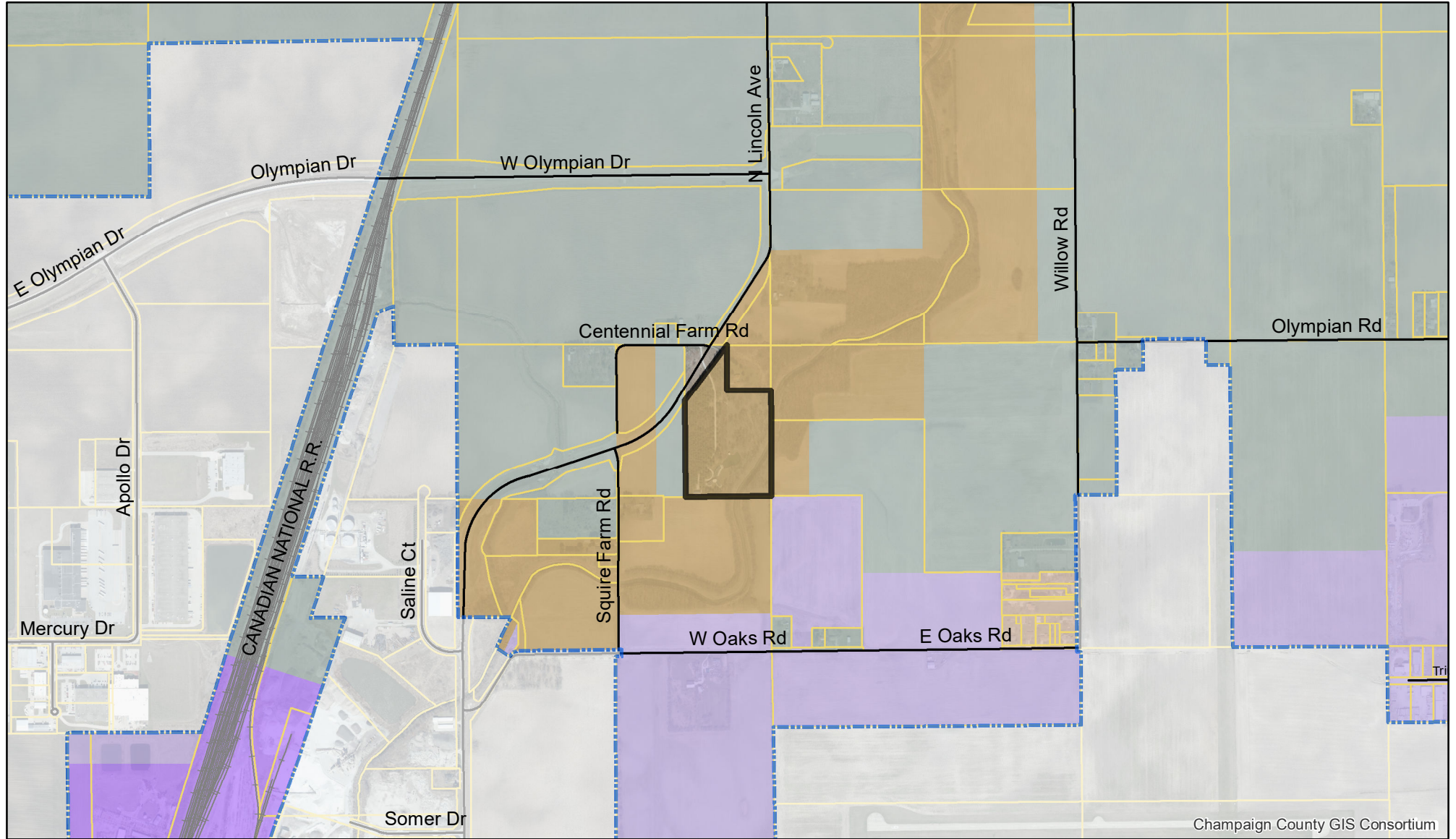


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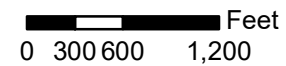
# Zoning Map

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19  
 April 25, 2019

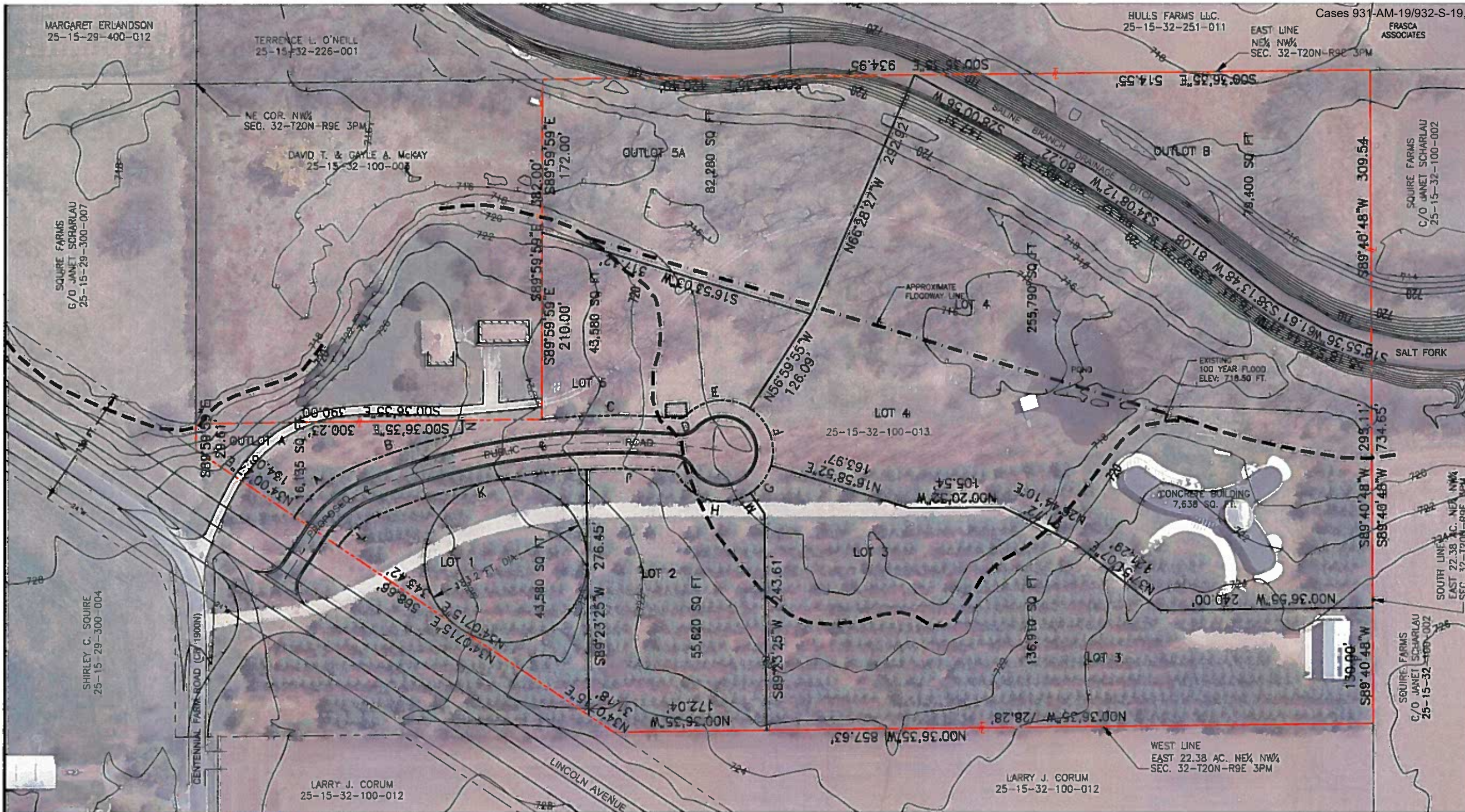


## Legend

- |                    |          |      |     |
|--------------------|----------|------|-----|
| Subject Property   | Streets  | AG-1 | R-2 |
| Municipal Boundary | Railroad | AG-2 | I-1 |
| Parcels            |          | CR   | I-2 |



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SCALE IN FEET  
60 30 0 60 120

**LEGEND**

- TITLE LINE
- APPROXIMATE FLOODWAY LINE
- EXISTING 100 YEAR FLOOD ELEVATION: 718.50 FT.
- EXISTING BUILDING LINE
- EXISTING INDEX CONTOUR LINE
- EXISTING INTERMEDIATE CONTOUR LINE
- PROPOSED CENTERLINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPOSED PROPERTY LINE
- PROPOSED CURB AND GUTTER

50%

CONTOUR DATA FROM CHAMPAIGN COUNTY LIDAR DATED 2005

AERIAL PHOTOGRAPHY FROM CHAMPAIGN COUNTY ORTHOPHOGRAPHY DATED APRIL 2011

**RECEIVED**

NOV 19 2018

CHAMPAIGN CO. P & Z DEPARTMENT

100 YEAR BASE FLOOD ELEVATION 718.50 FEET REPORTED SALT FORK OF THE VERMILION RIVER HYDROLOGIC MODEL BY KARL K. VISSER FOR THE CHAMPAIGN COUNTY SOIL AND WATER CONSERVATION DISTRICT AND THE SALT FORK WATERSHED STEERING COMMITTEE DATED JANUARY 16, 2003

|   |    |             |         |   |         |   |         |
|---|----|-------------|---------|---|---------|---|---------|
| A | CH | S38°54'10"E | 91.10'  | R | 155.00' | A | 92.46'  |
| B | CH | S17°15'27"E | 123.90' | R | 780.00' | A | 124.03' |
| C | CH | S00°18'13"E | 155.54' | R | 780.00' | A | 155.80' |
| D | CH | S20°43'22"E | 7.05'   | R | 8.00'   | A | 7.30'   |
| E | CH | S06°55'53"E | 73.18'  | R | 57.00'  | A | 79.45'  |
| F | CH | S69°59'28"E | 68.59'  | R | 57.00'  | A | 73.63'  |
| G | CH | N53°20'43"E | 38.38'  | R | 57.00'  | A | 39.07'  |
| H | CH | N13°55'59"E | 84.17'  | R | 57.00'  | A | 94.72'  |
| I | CH | N33°18'31"E | 7.56'   | R | 8.00'   | A | 7.88'   |
| J | CH | N01°21'02"E | 97.03'  | R | 720.00' | A | 97.10'  |
| K | CH | S12°10'31"W | 241.68' | R | 720.00' | A | 242.53' |
| L | CH | N38°59'38"W | 55.55'  | R | 95.00'  | A | 56.37'  |
| M |    | S56°19'41"W | 28.00'  |   |         |   |         |
| N |    | S89°23'25"W | 13.82'  |   |         |   |         |

**LOT SIZE SUMMARY**

|            |                 |                             |
|------------|-----------------|-----------------------------|
| LOT 1:     | 45,580 SQ FT.±  |                             |
| LOT 2:     | 51,285 SQ FT.±  | EXCLUSIVE OF 100 YEAR FLOOD |
| LOT 2:     | 55,620 SQ FT.±  | TOTAL                       |
| LOT 3:     | 99,650 SQ FT.±  | EXCLUSIVE OF 100 YEAR FLOOD |
| LOT 3:     | 136,910 SQ FT.± | TOTAL                       |
| LOT 4:     | 59,550 SQ FT.±  | EXCLUSIVE OF 100 YEAR FLOOD |
| LOT 4:     | 255,790 SQ FT.± | TOTAL                       |
| LOT 5:     | 23,270 SQ FT.±  | EXCLUSIVE OF 100 YEAR FLOOD |
| LOT 5:     | 43,580 SQ FT.±  | TOTAL*                      |
| OUTLOT 5A: | 82,280 SQ FT.±  |                             |
| OUTLOT A:  | 16,135 SQ FT.±  |                             |
| OUTLOT B:  | 79,400 SQ FT.±  |                             |

\*FILL WILL BE PLACED ON LOT 5 TO REMOVE FLOOD PLANE FROM LOT 5

VARIANCE REQUEST FOR KALANTZIS/COPE FIRST SUBDIVISION KALANTZIS/COPE RESORT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN. SOMER TOWNSHIP CHAMPAIGN COUNTY, ILLINOIS

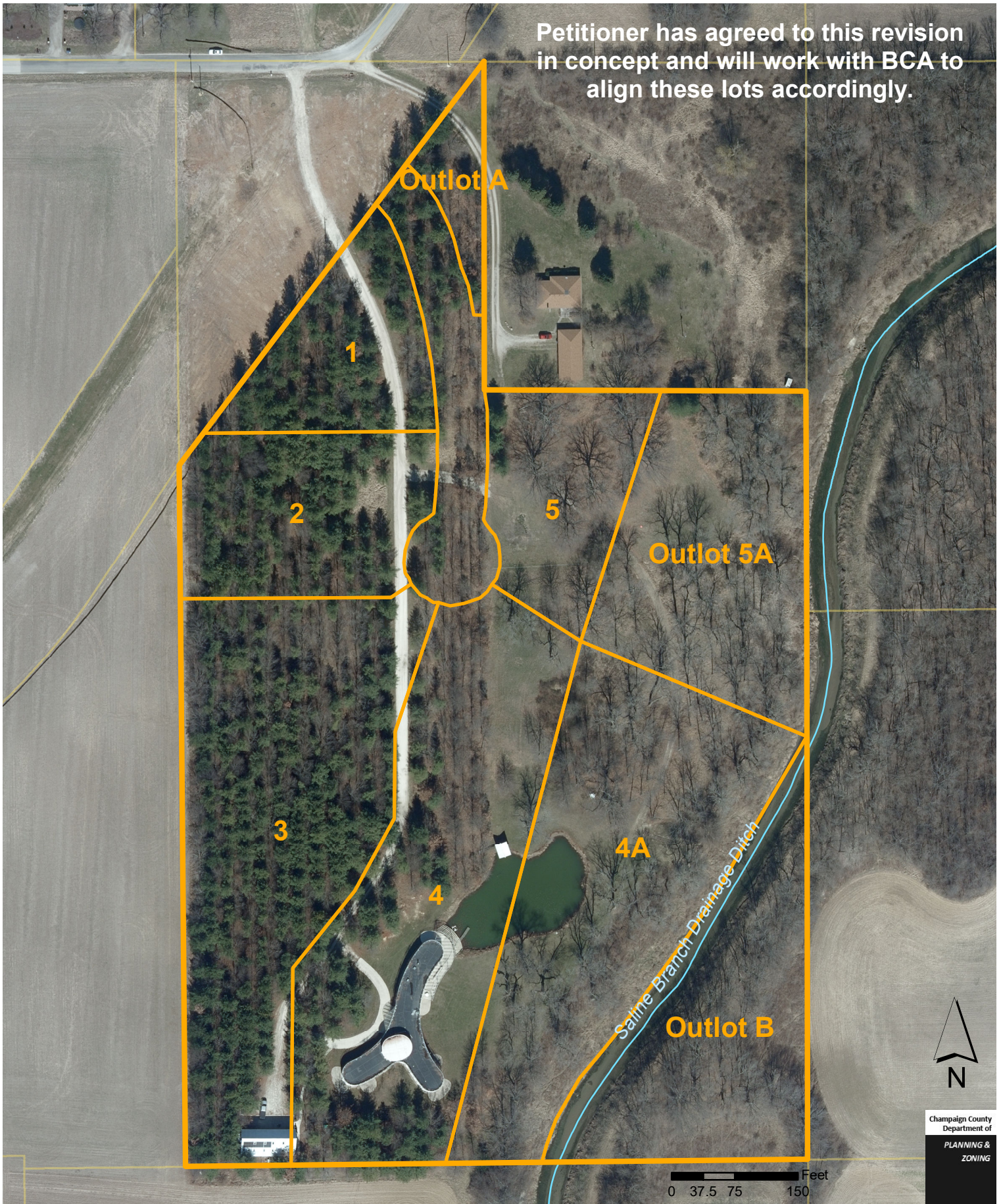
**BERNS, CLANCY AND ASSOCIATES**  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET - POST OFFICE BOX 755  
URBANA, ILLINOIS 61803-0755  
PHONE (217) 384-1144 - FAX (217) 384-3355

**BCA**

# Revised Lot Configuration based on Approximate Floodway

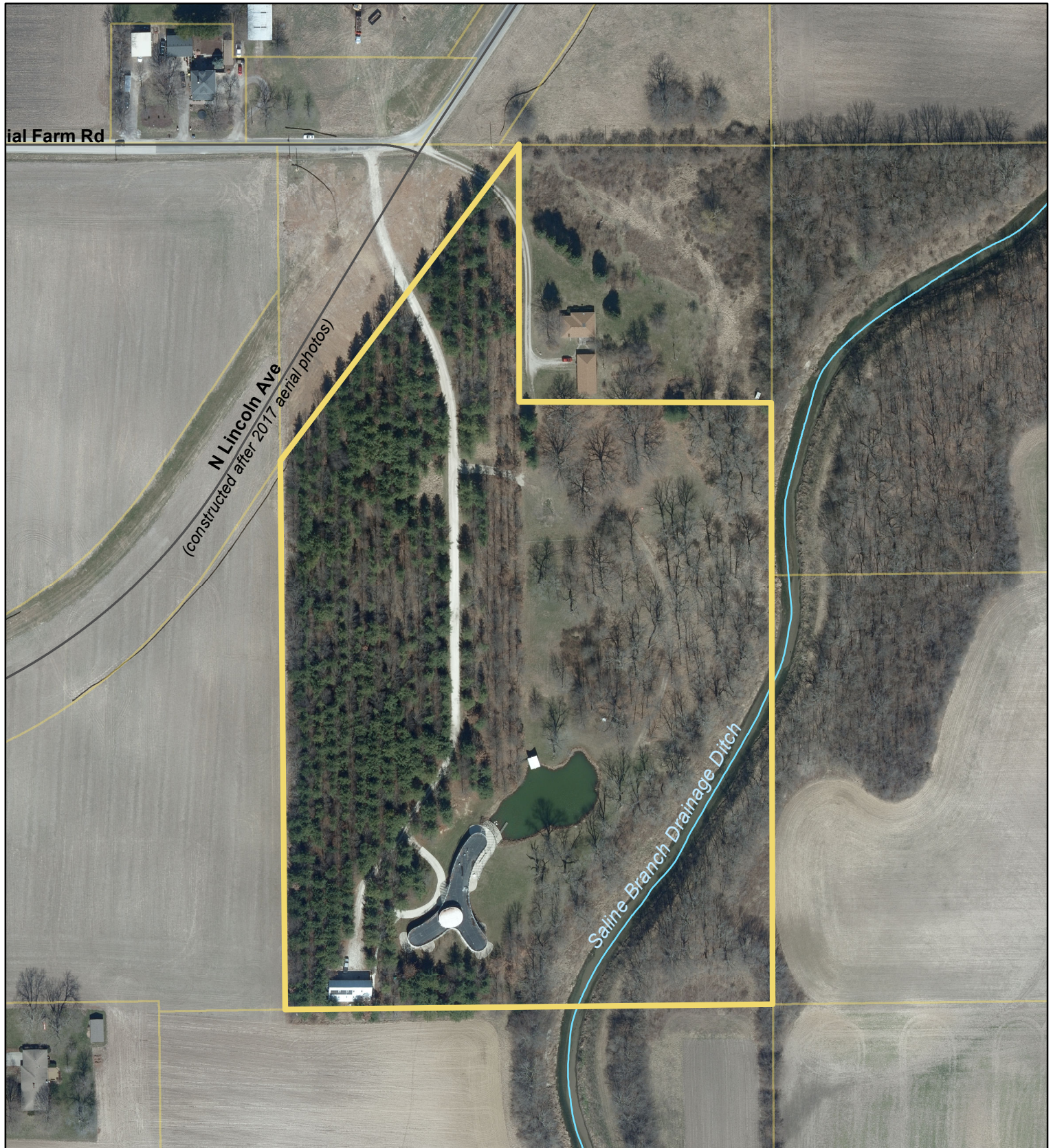
Cases 931-AM-19 & 932-S-19  
April 25, 2019

Petitioner has agreed to this revision  
in concept and will work with BCA to  
align these lots accordingly.







# 2017 Aerial Photo

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19  
April 25, 2019



## Legend

-  Subject Property
-  Streets
-  Parcels
-  Streams

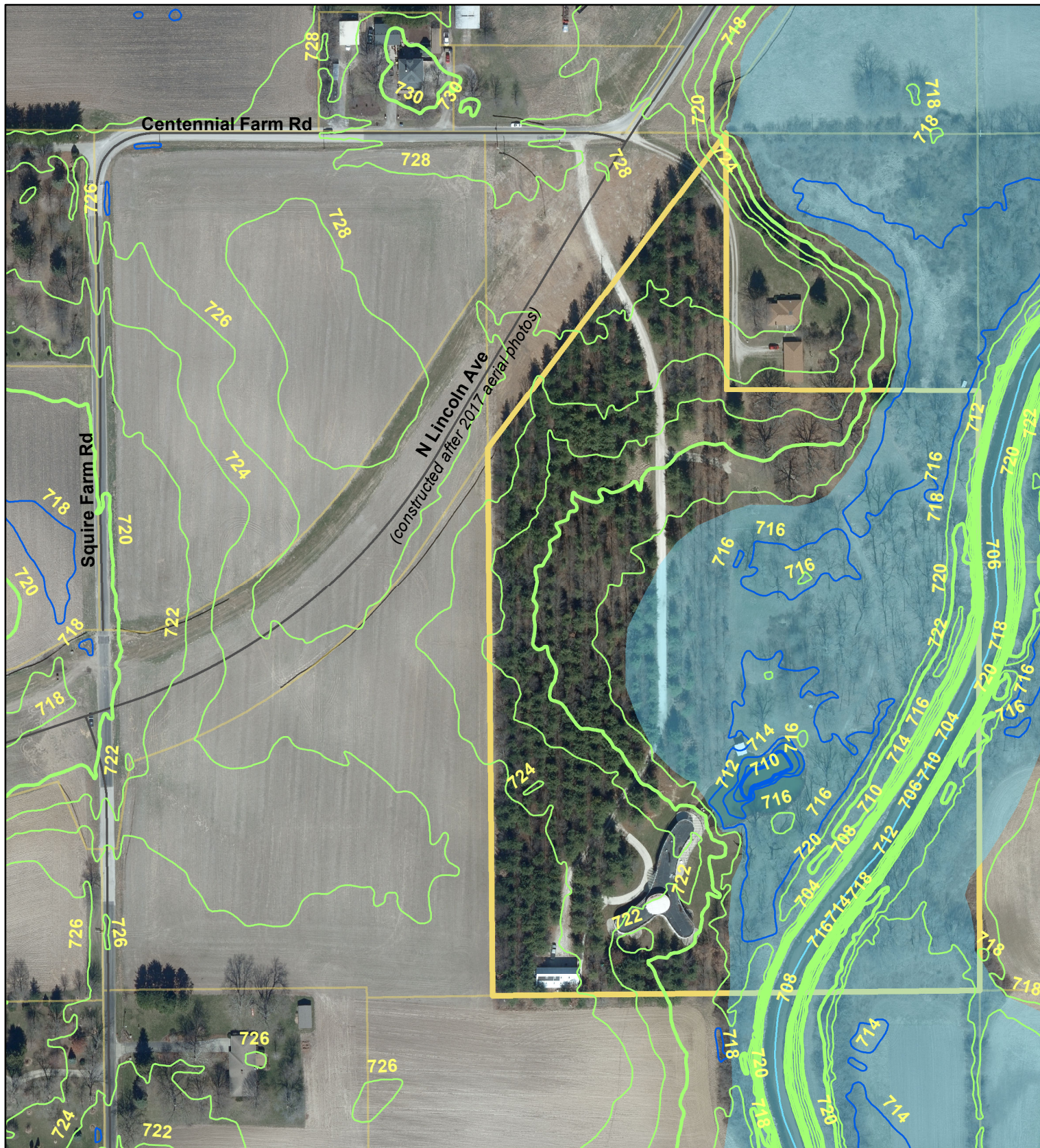
0 50 100 200 Feet



# 2008 Contours and 2013 Flood Hazard Area on 2017 Aerial Photo

Cases 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

April 25, 2019



## Legend

- Subject Property
- Streams
- Parcels
- Special Flood Hazard Area

Streets

0 50 100 200 Feet



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| Worst Or Nearly Worst Condition <sup>3</sup><br>☐   | Much Worse Than Typical Condition <sup>4</sup><br>▣   | More Or Less Typical Condition <sup>5</sup><br>○  | Much Better Than Typical Condition <sup>4</sup><br>★   | Ideal Or Nearly Ideal Conditions <sup>6</sup><br>⊙  |
|---|---|---|--|---|
| <b>A RRO <sup>2</sup> ZONING FACTOR: Adequacy and safety of roads providing access</b>  |   |   |  |   |
| Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load) in terms of both pavement width and shoulder width. There may also be other deficiencies in the roadway. | Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load or traffic speed) in terms of both pavement width and shoulder width between the proposed site and where the road connects to a County or State Highway <b>OR</b> | Access from a Township Highway which does not have adequate shoulder width and may also have insufficient (based on either existing traffic load or traffic speed) pavement width for a small portion of the distance between the proposed site and where the road connects to a County or State Highway. | Access is from a Township Highway with no deficiencies (even including the proposed increase in ADT) between the proposed site and where the road connects to a County or State Highway. | Access from any of the following:<br>1) a County Highway or 2) a Township Highway with no deficiencies (even including the proposed increase in ADT) and is less than one mile travel to a County or State Highway. |
| The point of access to the Township Highway is a location with serious visibility problems.   | there is an uncontrolled railroad crossing between the proposed site and where the road connects to a County or State Highway.  | The site is within five miles of a County or State highway. Intersections are uncontrolled and have visibility problems.  | The intersections are uncontrolled and have visibility problems.   | Access is at a location with good visibility.   |
| The site is at more than five miles from a County or State highway. The intersections are uncontrolled and have visibility problems.  | The site is within five miles of a County or State highway. The road intersections are uncontrolled and have visibility problems.<br><br>The point of access to the Township Highway has reasonable visibility.   | The point of access to the Highway has good visibility. See discussion of Effects On Farms for farm related traffic concerns.   | Access is at a location with good visibility.  | Access should not be directly to a State or Federal highway because vehicle turning movements could create safety concerns.   |

| Worst Or Nearly Worst Condition <sup>3</sup><br>☐  | Much Worse Than Typical Condition <sup>4</sup><br>■   | More Or Less Typical Condition <sup>5</sup><br>○  | Much Better Than Typical Condition <sup>4</sup><br>★   | Ideal Or Nearly Ideal Conditions <sup>6</sup><br>⊙  |
|--|---|---|--|---|
| <b>B RRO <sup>2</sup> ZONING FACTOR: Effects on nearby farmland and farm operations</b>  |   |   |  |   |
| Points of access to RRO homes create safety conflicts with ag equipment<br><br>Crops are negatively impacted by drainage from residential properties in RRO  |   | Driveways are co-located and groups of driveways are widely separated so as to minimize interference with agricultural traffic<br><br>No significant change to drainage       |  | All proposed homes front a new public street that carries no agricultural traffic. The traffic from proposed homes is not likely to interfere with agricultural activities<br><br>Drainage benefits surrounding agricultural land |
| <b>C RRO <sup>2</sup> ZONING FACTOR: Effects of nearby farm operations on the proposed development</b>   |   |   |  |   |
| Bordered by row crop agriculture on three sides and an existing livestock and/or stable operation on the fourth side.  | Bordered by row crop agriculture on three sides but also close to and downwind of an existing livestock and/or stable operation.        | Bordered on all sides by significant (more than a few acres) row crop agriculture so there are some incompatibilities that may lead to complaints from residences.            | Bordered on no more than two sides by significant row crop agriculture   | No effects because not adjacent to significant row crop agriculture nor downwind of any animal operations.  |
| <b>D RRO <sup>2</sup> ZONING FACTOR: The LESA score</b>  |   |   |  |   |
| 292 to 286<br>(Very high rating for protection)<br><br>Land Evaluation part:<br>100 to 98<br>(100% of soil in Ag. Value Groups 1 & 2; Flanagan & Drummer soils generally)<br><br>Site Assessment part:<br>192 to 188 | 285 to 256<br>(Very high rating for protection)<br><br>Land Evaluation part:<br>97 to 93<br>(remainder between worst & overall average) | 254 to 238<br>(Very high rating for protection)<br><br>Land Evaluation part:<br>92<br>(reflects overall average for entire County)<br><br>Site Assessment part:<br>162 to 146 | 237 to 188<br>(Very high rating to moderate rating for protection)<br><br>Land Evaluation part:<br>91-85<br>(remainder between overall average & ideal)<br><br>Site Assessment part:<br>145 to 103 | 186 to 121<br>(Moderate rating to low (170) rating for protection)<br><br>Land Evaluation part:<br>84 to 41 <sup>4</sup><br>(No best prime farmland soils)<br><br>Site Assessment part:<br>102 to 80                              |

| Worst Or Nearly Worst Condition <sup>3</sup><br>☐  | Much Worse Than Typical Condition <sup>4</sup><br>☐   | More Or Less Typical Condition <sup>5</sup><br>○  | Much Better Than Typical Condition <sup>4</sup><br>★   | Ideal Or Nearly Ideal Conditions <sup>6</sup><br>★   |
|--|---|---|--|--|
| <b>D RRO <sup>2</sup> ZONING FACTOR: The LESA score</b> <i>continued</i>   |   |   |  |  |
| (See hypothetical worksheet for assumptions)   | (remainder between worst & overall average)   | (See hypothetical worksheet for assumptions)  | (remainder between overall average & ideal)  | (Conditions intended to reflect a rural location within a municipal ETJ without sewer or water; typical urban subdivision at or near municipal boundary has site assessment of 82 to 54; see hypothetical worksheet for assumptions) |
| <b>E RRO <sup>2</sup> ZONING FACTOR: Effects on drainage both upstream and downstream</b>  |   |   |  |  |
| 100% of site has wet soils that must be drained for development. Large parts of the site also pond.<br><br>There is no natural drainage outlet for either surface or subsurface flows so offsite improvements are necessary. | Between 90% and 100% of the site has wet soils that must be improved for development.<br><br>Only about half of the site drains to existing road ditches. The rest of the site drains over adjacent land that is under different ownership which require offsite improvements.<br><br>Ponding is a significant problem. | Approximately 90% of the site has wet soils that must be improved for development.<br><br>There may also be large areas where ponding occurs. | Probably less than half of the site has wet soils.<br><br>The site drains to Township road ditches that are more or less adequate or to other natural drainage features that have adequate capacity. | No wet soils so no "dry weather flows" problems <b>OR</b><br><br>if wet soils are present the site drains directly to a drainage district facility with adequate capacity or to a river.   |
| An alternative problem is the condition in which the site is bisected by a natural drainageway with large flows from upstream offsite areas which have significant effects on site development.                              |   | Most of the site drains through township road ditches that do not have adequate capacity.   |  |  |



| Worst Or Nearly Worst Condition <sup>3</sup><br>☐  | Much Worse Than Typical Condition <sup>4</sup><br>■   | More Or Less Typical Condition <sup>5</sup><br>○  | Much Better Than Typical Condition <sup>4</sup><br>★                                      | Ideal Or Nearly Ideal Conditions <sup>6</sup><br>⊙  |
|--|---|---|---|---|
| <b>F RRO <sup>2</sup> ZONING FACTOR: Suitability for onsite wastewater systems</b>   |   |   |   |   |
| 100% of site with Low or Very Low Potential for septic tank leach fields.  | More than 50% of site (but less than 95%) with Low Potential for septic tank leach fields.  | No more than 50% of site with Low Potential for septic tank leach fields.   | More than 50% of site with at least a Moderate Potential for septic tank leach fields.    | 100% of site with at least a High Potential for septic tank leach fields or positive soil analysis (regardless of soil potential).  |
| <b>G RRO <sup>2</sup> ZONING FACTOR: Availability of water supply</b>  |   |   |   |   |
| In the area with suspected problems of groundwater availability near existing wells which have experienced reliability problems and for which no investigations have proven otherwise. | An area with suspected problems of groundwater availability and for which no investigations have proven otherwise.  | Reasonable confidence of water availability (area with no suspected problems of groundwater availability) and no reason to suspect impact on neighboring wells. |   | Virtual certainty of water availability (i.e., located above the Mahomet-Teays Aquifer) or anywhere that investigations indicate availability with no significant impact on existing wells. |
| <b>H RRO <sup>2</sup> ZONING FACTOR: The availability of emergency services <sup>7</sup></b>   |   |   |   |   |
| Located more than five road miles from a fire station within the district with an intervening railroad crossing with heavy rail traffic.   | Located more than five road miles from a fire station within the district.  | Located about five road miles from a fire station within the district.  | Located between two-and-half and five road miles from a fire station within the district. | Located less than two-and-half road miles from the fire station within the district and with no intervening railroad grade crossings. <sup>5</sup>  |
| <b>I RRO <sup>2</sup> ZONING FACTOR: Flood hazard status</b>   |   |   |   |   |
| Every lot is entirely within the SFHA (based on actual topography) as is the road that provides access.  | Some of the proposed lots and parts of the road that provide access are in the SFHA.<br><br>Some lots may require fill to have adequate buildable area above the BFE. | Small portions of the site may be in the SFHA but all lots have adequate buildable area outside of the SFHA.  |   | No part of the proposed site nor the roads that provide emergency access are located in the Special Flood Hazard Area (SFHA, which is the 100-year floodplain).                             |

| Worst Or Nearly Worst Condition <sup>3</sup>   | Much Worse Than Typical Condition <sup>4</sup>   | More Or Less Typical Condition <sup>5</sup>   | Much Better Than Typical Condition <sup>4</sup>  | Ideal Or Nearly Ideal Conditions <sup>6</sup>   |
|--|--|---|--|---|
| <b>J RRO <sup>2</sup> ZONING FACTOR: Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat</b>                    |  |   |  |   |
| Significant negative effects for more than one concern.  |  | Archaeological concerns may apply to a small part of the site but in general no negative effects. <sup>6</sup>  |  | Nothing present to be concerned about.  |
| <b>K RRO <sup>2</sup> ZONING FACTOR: The presence of nearby natural<sup>8</sup> or manmade hazards</b>   |  |   |  |   |
| More than one man-made hazard is present or adjacent to the site.<br><br>Access roads from fire protection station are prone to snow drifts.                       | One or more man-made hazards are present or adjacent to the site.<br><br>Access roads from fire protection station are prone to snow drifts. | It is not unusual for a site to be close to some kind of hazard such as a pipeline, high tension electrical transmission lines, or railroad tracks.<br><br>Snow drifts may block access from fire protection station. | Not close to any man-made hazard although snow drifts may block access from fire protection station. | Not close to any man-made hazard and relatively close to urbanized areas.   |
| <b>L RRO ZONING FACTOR: The amount of land to be converted from agricultural USES versus the number of DWELLING UNITS to be accommodated.</b>                      |  |   |  |   |
| More than a few higher acreage residential lots converted from ag land<br><br>Sparse distribution of converted residential areas affecting many agricultural lands |  | A few residential lots of varying densities converted from ag land<br><br>Mix of lot sizes affecting both agricultural and near-urban areas, mix of prime and not prime soils   |  | No more than a few lower acreage residential lots converted from ag land<br><br>Compact development of residential areas closer to urban areas and/or on less than prime farmland |

| Worst Or Nearly Worst Condition <sup>3</sup>   | Much Worse Than Typical Condition <sup>4</sup> | More Or Less Typical Condition <sup>5</sup> | Much Better Than Typical Condition <sup>4</sup> | Ideal Or Nearly Ideal Conditions <sup>6</sup> |
|--|--|---|---|---|
| ☐  | ☐  | ○   | ★   | ★   |
| <p><b>NOTES</b></p> <p>1. Five different “typical” conditions are identified that are representative of the range of conditions that exist in Champaign County. The characterization of these conditions are based solely on the opinions of County Staff.</p> <p>2. RRO= Rural Residential Overlay</p> <p>3. The WORST conditions are based on the worst possible conditions <u>for each factor</u> that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine “worst” ratings on all factors.</p> <p>4. MUCH WORSE THAN TYPICAL and MUCH BETTER THAN TYPICAL conditions are Staff judgements.</p> <p>5. Where possible, TYPICAL Champaign County rural residential development site conditions are based on averages for the entire County. For example, the overall average Land Evaluation is for all of the land in the County. Some factors are based on a review of data for all major rural subdivisions (such as the gross average lot size). Differences in water availability are localized and not averaged over the entire County.</p> <p>6. The IDEAL Champaign County rural residential development site conditions are based on the best possible conditions <u>for each factor</u> that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine “ideal” ratings on all factors.</p> <p>7. Ambulance service can presumably be further than five miles distance and be acceptable. <i>NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.</i></p> <p>8. Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc.</p> |  |   |   |   |



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### LRMP Goals

|  |   |
|--|---|
| <b>1 Planning and Public Involvement</b> | Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.         |
| <b>2 Governmental Coordination</b>       | Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction. |
| <b>3 Prosperity</b>                      | Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.  |
| <b>4 Agriculture</b>                     | Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.  |
| <b>5 Urban Land Use</b>                  | Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.              |
| <b>6 Public Health and Public Safety</b> | Champaign County will ensure protection of the public health and public safety in land resource management decisions.   |
| <b>7 Transportation</b>                  | Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.                    |
| <b>8 Natural Resources</b>               | Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.   |
| <b>9 Energy Conservation</b>             | Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.   |
| <b>10 Cultural Amenities</b>             | Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.                            |

### Goal 1 Planning and Public Involvement

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

#### Goal 1 Objectives

##### **Objective 1.1** Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

##### **Objective 1.2** Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

##### **Objective 1.3** Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

##### **Objective 1.4** Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

*Note: The Appendix contains defined terms, shown as italicized text in this Chapter.*

### Goal 1 Objectives and Policies

#### **Objective 1.1** Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

#### **Objective 1.2** Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

##### **Policy 1.2.1**

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

#### **Objective 1.3** Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

##### **Policy 1.3.1**

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

#### **Objective 1.4** Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

##### **Policy 1.4.1**

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

##### **Policy 1.4.2**

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

### Goal 2 Governmental Coordination

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

#### **Goal 2 Objectives**

##### **Objective 2.1** Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

##### **Objective 2.2** Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 2 Objectives and Policies

#### **Objective 2.1** Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

##### **Policy 2.1.1**

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

##### **Policy 2.1.2**

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

##### **Policy 2.1.3**

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

#### **Objective 2.2** Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

### Goal 3 Prosperity

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

#### **Goal 3 Objectives**

##### **Objective 3.1** Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

##### **Objective 3.2** Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

##### **Objective 3.3** County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 4 Agriculture

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

#### Goal 4 Objectives

##### **Objective 4.1** Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

##### **Objective 4.2** Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

##### **Objective 4.3** Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

##### **Objective 4.4** Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

##### **Objective 4.5** LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

##### **Objective 4.6** Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

##### **Objective 4.7** Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

##### **Objective 4.8** Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

##### **Objective 4.9** Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

#### Goal 4 Objectives and Policies

##### **Objective 4.1** Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

##### **Policy 4.1.1**

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

### Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

**Policy 4.1.4** The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

### Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
  - 1 new lot allowed per parcel less than 40 acres in area;
  - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
  - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

### Policy 4.1.6

Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
  - ii. adequacy of infrastructure and public services for the proposed use;
  - iii. minimizing conflict with agriculture;
  - iv. minimizing the conversion of farmland; and
  - v. minimizing the disturbance of natural areas, then,
- a. on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
  - b. on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
  - c. the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

### Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

### Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

### Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.





## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **Objective 4.2** Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

#### **Policy 4.2.1**

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

#### **Policy 4.2.2**

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

#### **Policy 4.2.3**

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

#### **Policy 4.2.4**

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

### **Objective 4.3** Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

#### **Policy 4.3.1**

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

#### **Policy 4.3.2**

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

#### **Policy 4.3.3**

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

#### **Policy 4.3.4**

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

#### **Policy 4.3.5**

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

### **Objective 4.4** Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **Objective 4.5** LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

### **Objective 4.6** Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

#### **Policy 4.6.1**

The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

#### **Policy 4.6.2**

The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

#### **Policy 4.6.3**

The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

### **Objective 4.7** Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

### **Objective 4.8** Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

### **Objective 4.9** Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

#### **Policy 4.9.1**

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

## **Goal 5 Urban Land Use**

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

### **Goal 5 Objectives**

#### **Objective 5.1** Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

#### **Objective 5.2** Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

#### **Objective 5.3** Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 5 Objectives and Policies

#### **Objective 5.1** Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

##### **Policy 5.1.1**

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

##### **Policy 5.1.2**

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

##### **Policy 5.1.3**

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

##### **Policy 5.1.4**

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

##### **Policy 5.1.5**

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

##### **Policy 5.1.6**

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

##### **Policy 5.1.7**

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

##### **Policy 5.1.8**

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

##### **Policy 5.1.9**

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

*discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

### **Objective 5.2** Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

#### **Policy 5.2.1**

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

#### **Policy 5.2.2**

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

#### **Policy 5.2.3**

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

### **Objective 5.3** Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

#### **Policy 5.3.1**

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

#### **Policy 5.3.2**

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

#### **Policy 5.3.3**

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 6 Public Health and Public Safety

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

#### Goal 6 Objectives

##### **Objective 6.1** Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

##### **Objective 6.2** Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

##### **Objective 6.3** Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

##### **Objective 6.4** Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

#### Goal 6 Objectives and Policies

##### **Objective 6.1** Protect Public Health and Safety

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

###### **Policy 6.1.1**

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

###### **Policy 6.1.2**

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

###### **Policy 6.1.3**

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

###### **Policy 6.1.4**

The County will seek to abate blight and to prevent and rectify improper dumping.

##### **Objective 6.2** Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

###### **Policy 6.2.1**

The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **Policy 6.2.2**

The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

### **Policy 6.2.3**

The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

### **Objective 6.3 Development Standards**

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

### **Objective 6.4 Countywide Waste Management Plan**

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

## **Goal 7 Transportation**

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

### **Goal 7 Objectives**

#### **Objective 7.1 Traffic Impact Analyses**

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

#### **Objective 7.2 Countywide Transportation System**

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

### **Goal 7 Objectives and Policies**

#### **Objective 7.1 Traffic Impact Analyses**

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

##### **Policy 7.1.1**

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

#### **Objective 7.2 Countywide Transportation System**

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

##### **Policy 7.2.1**

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

##### **Policy 7.2.2**

The County will encourage the maintenance and improvement of existing County railroad system lines and services.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

### Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

### Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

### Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

## Goal 8 Natural Resources

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

### Goal 8 Objectives

#### Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

#### Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

#### Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

#### Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

#### Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

#### Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

#### Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

#### Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **Objective 8.9** Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

### **Goal 8 Objectives and Policies**

#### **Objective 8.1** Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

##### **Policy 8.1.1**

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

##### **Policy 8.1.2**

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

##### **Policy 8.1.3**

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

##### **Policy 8.1.4**

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

##### **Policy 8.1.5**

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

##### **Policy 8.1.6**

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

##### **Policy 8.1.7**

The County will ensure that existing and new developments do not pollute the groundwater supply.

##### **Policy 8.1.8**

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

##### **Policy 8.1.9**

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

#### **Objective 8.2** Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.





## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **Policy 8.2.1**

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

### **Objective 8.3** Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

#### **Policy 8.3.1**

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a. the operation poses no significant adverse impact to existing land uses;
- b. the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c. provisions are made to fully reclaim the site for a beneficial use.

### **Objective 8.4** Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

#### **Policy 8.4.1**

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

#### **Policy 8.4.2**

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

#### **Policy 8.4.3**

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

#### **Policy 8.4.4**

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

#### **Policy 8.4.5**

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

#### **Policy 8.4.6**

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

### **Objective 8.5** Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

#### **Policy 8.5.1**

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



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Policy 8.5.2

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

### Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

### Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

### Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

### Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

#### Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

#### Policy 8.6.2

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

#### Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

#### Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

#### Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

#### Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

### Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **Policy 8.7.1**

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

### **Policy 8.7.2**

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

### **Policy 8.7.3**

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

### **Policy 8.7.4**

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

### **Policy 8.7.5**

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

### **Policy 8.7.6**

The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

### **Objective 8.8 Air Pollutants**

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

**Policy 8.8.1** The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

**Policy 8.8.2** In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

### **Objective 8.9 Natural Resources Assessment System**

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 9 Energy Conservation

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

#### Goal 9 Objectives

##### **Objective 9.1** Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

##### **Objective 9.2** Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

##### **Objective 9.3** Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

##### **Objective 9.4** Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

##### **Objective 9.5** Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

#### Goal 9 Objectives and Policies

##### **Objective 9.1** Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

###### **Policy 9.1.1**

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

###### **Policy 9.1.2**

The County will promote energy efficient building design standards.

###### **Policy 9.1.3**

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

##### **Objective 9.2** Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

###### **Policy 9.2.1**

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

###### **Policy 9.2.2**

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

##### **Objective 9.3** Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

##### **Objective 9.4** Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

##### **Objective 9.5** Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 10 Cultural Amenities

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

#### Goal 10 Objective

##### **Objective 10.1** Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

#### Goal 10 Objectives and Policy

##### **Objective 10.1** Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

##### **Policy 10.1.1**

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



## APPENDIX: LRMP DEFINED TERMS

*The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy, as amended.*

### **best prime farmland**

‘Best prime farmland’ is defined in the Champaign County Zoning Ordinance based on Ordinance No. 914 adopted by the County Board on November 12, 2012: “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.”

### **by right development**

‘By right development’ is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County’s Planning and Zoning Department. At the present time, ‘by right’ development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for ‘over-the-counter’ at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

### **contiguous urban growth area**

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

### **discretionary development**

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

### **discretionary review**

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the ‘discretionary review’ process.



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The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For ‘discretionary review’ requests, a public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

**good zoning lot** (commonly referred to as a ‘conforming lot’)

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

**parks and preserves**

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

**pre-settlement environment**

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing ‘Forest Soils’ and ‘Bottomland Soils’ are thought to most likely be the areas that were forested during the early 1800s.

**public infrastructure**

‘Public infrastructure’ when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

**public services**

‘Public services’ typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

**rural**

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

**site of historic or archeological significance**

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County’s consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

**suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is ‘suited overall’ if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;



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- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

**well-suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

**urban development**

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

**urban land**

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

**urban land use**

Generally, land use that is connected and served by a public sanitary sewer system.



**RESOLUTION NO. 3425**

**A RESOLUTION PERTAINING TO THE  
RIGHT TO FARM IN CHAMPAIGN COUNTY**

**WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and**

**WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and**

**WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.**

**NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:**

**1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.**

**2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.**


**3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.**

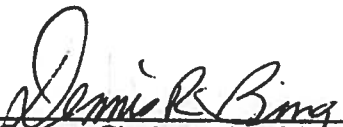
RESOLUTION NO. 3425

Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24<sup>th</sup> day of  
May, A.D., 1994.

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:   
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board

**AS APPROVED**

**Case 573-AM-06**

**Page 19 of 20**

**FINDING OF FACT**

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **February 15, 2007 and March 1, 2007**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site ***IS SUITED*** overall for the development of **3** residences because:
  - A. Every category is rated as “typical” or better with no negative finding.
  - B. Lot 4 could be developed by-right therefore it is not considered.
  - C. There is essentially no farmland being taken out of production.
  - D. The proposed RRO is in accordance with the City of Urbana’s long range comprehensive plan for the development of this area.
  - E. No endangered species have been identified on the subject property.

and despite:

**The intersection with Lincoln Avenue is a concern at this time, but will be mitigated during the subdivision process with the City of Urbana.**

2. Development of the Proposed Site under the proposed Rural Residential Overlay development ***WILL BE COMPATIBLE*** with surrounding agriculture because:
  - A. There are only two sides of the proposed RRO District that are in agricultural production.
  - B. The property drains directly into the Saline Branch Drainage Ditch with very little upstream watershed and there is no evidence of drainage tile outlets to the Saline Branch Drainage Ditch from the subject property.
  - C. The access to the subject property will be in one location off of Lincoln Avenue which should mitigate the effect on farming operations.
  - D. The plan is to maintain the tree farm in as close to its present condition as possible.

and despite:

**That there is a livestock management facility within one half-mile of the subject property, which the proposed RRO District will not impact with regards to its expansion under the *Illinois Livestock Management Facilities Act*.**

**Champaign County Soil and Water Conservation District**

2110 W. Park Court, Suite C  
Champaign, IL. 61821  
(217) 352-3536, Ext. 3

RECEIVED  
EB 15 2007

**NATURAL RESOURCE REPORT** CHAMPAIGN CO. P & Z DEPARTMENT

**Development Name: Cope Subdivision**

**Date Reviewed: February 9, 2007**

**Requested By: Edward Clancy, Berns, Clancy and Associates**

**Address:** Bill and Mary Cope  
6 Greencroft Dr.  
Champaign, IL 61822

**Location of Property:** The East half of the Northeast Quarter of the Northwest Quarter of Section 32, T20N, R9E, Somer Township, Champaign County, IL. This is north of Urbana on Lincoln Ave.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract February 9, 2007.

**SITE SPECIFIC CONCERNS**

1. The area that is to be developed has 2 soil types that have severe wetness restrictions and one that has flooding characteristics. This will be especially important for the septic systems that are planned.
2. Lots 1 and 4 have areas in the 100-year flood plain that would be unsuitable for building. Construction on these lots will have to be well planned to avoid possible flooding.
3. The west portion of the tract has many trees that were planted as part of the Conservation Reserve Program. An effort to save or transplant the high quality trees should be made. The contract ends 9/30/2007, so any construction before that date would require a cancellation of that contract through the Farm Service Agency office in Champaign.

**SOIL RESOURCE**

**a) Prime Farmland:**

This tract is NOT considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 76. See the attached worksheet for this calculation.

5730

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The tract is not farmed, but the west portion that is in trees is in the Conservation Reserve Program administered by the US Department of Agriculture.

**b) Erosion:**

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with grass and trees, which will minimize any erosion until construction begins. Erosion is a special concern due to the close proximity to the Saline Branch.

**c) Sedimentation:**

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. All sediment-laden runoff should be routed through sediment basins before discharge. No straw bales or silt fences should be used in concentrated flow areas, with drainage areas exceeding 0.5 acres. A perimeter berm could be installed around the entire site to totally control all runoff from the site. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control.

Sedimentation is a concern due to the close proximity to the Saline Branch.

**d) Soil Characteristics:**

There are three (3) soil types on this site, see the attached soil map. The soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site.

A development plan will have to take these soil characteristics into consideration; specific problem areas are addressed below.

| Map Symbol | Name                    | Slope | Shallow Excavations | Basements       | Roads                | Septic Fields    |
|------------|-------------------------|-------|---------------------|-----------------|----------------------|------------------|
| 233B       | Birkbeck Silt Loam      | 2-5%  | Severe: wetness     | Severe: wetness | Severe: low strength | Severe: wetness  |
| 236A       | Sabina Silt Loam        | 0-2%  | Severe: wetness     | Severe: wetness | Severe: low strength | Severe: wetness  |
| 3107A      | Sawmill silty clay loam | 0-2%  | Severe: ponding     | Severe: ponding | Severe: ponding      | Severe: flooding |

**WATER RESOURCE**

**a) Surface Drainage:**

Most of the water flows from the west to the east and into the Saline Branch. A minimal amount of water flow onto the site from the west, but the small ridge to the immediate west of the site minimizes the volume water flowing onto the site.

A portion of lots 1 and 4 are within the 100-year floodplain as shown on the FEMA maps. Home sites on these lots would need to be restricted to the highest areas on the lots. They could still be subject to flooding in extreme rainfall events, so this needs to be considered in any building plans.

**b) Subsurface Drainage:**

This site may contain agricultural tile, if any tile found care should be taken to maintain it in working order.

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

**c) Water Quality:**

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

**CULTURAL, PLANT, AND ANIMAL RESOURCE**

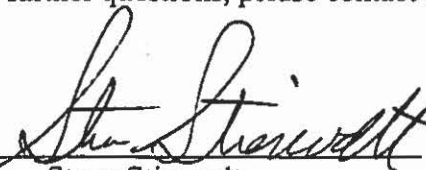
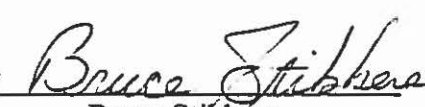
**a) Plant:**

For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

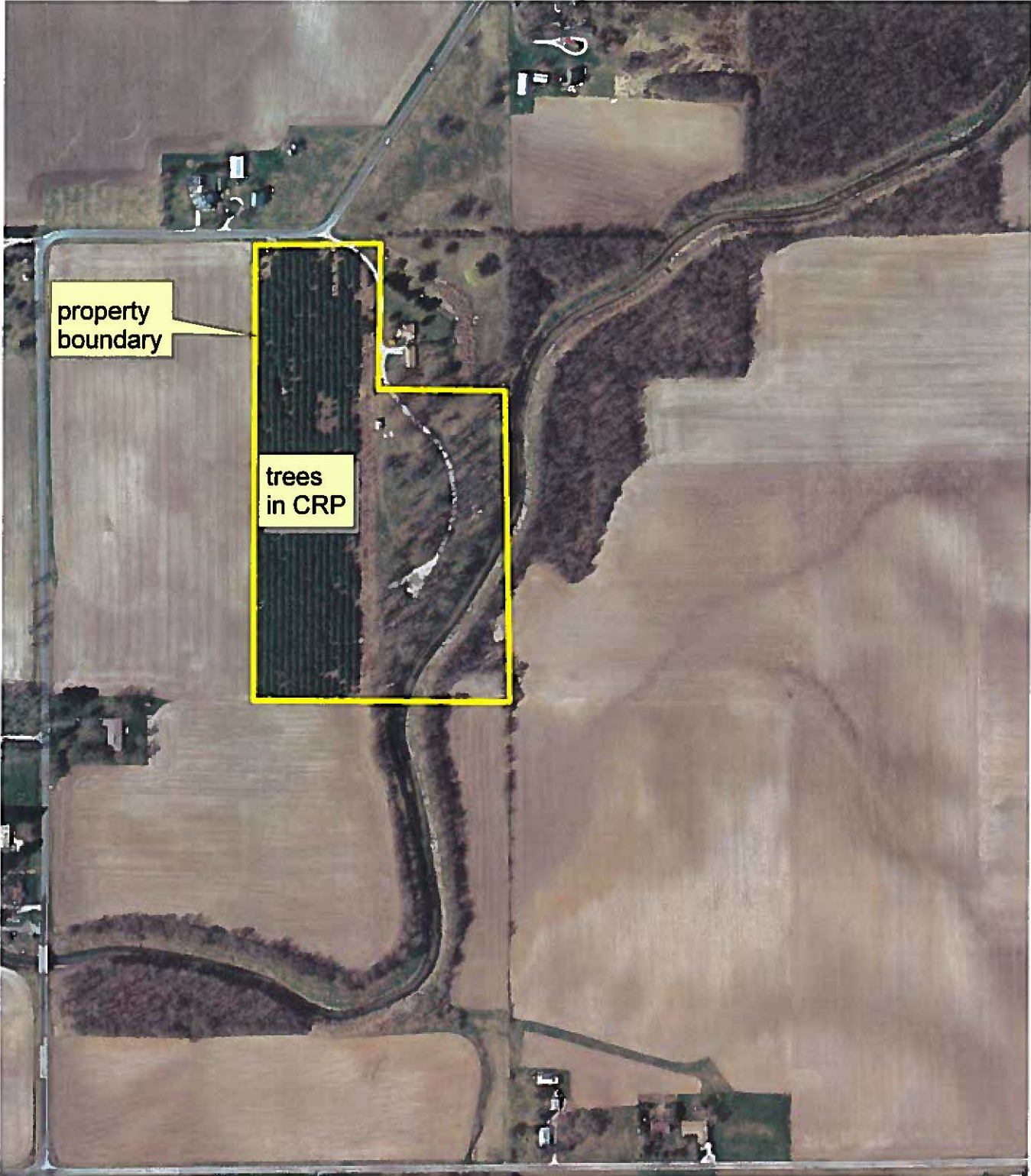
**b) Cultural:**

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

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

Signed by  Prepared by   
Steve Stierwalt Bruce Stickers  
Board Chairman Resource Conservationist

# Cope Subdivision



property boundary

trees in CRP



Champaign County SWCD  
2/9/2007

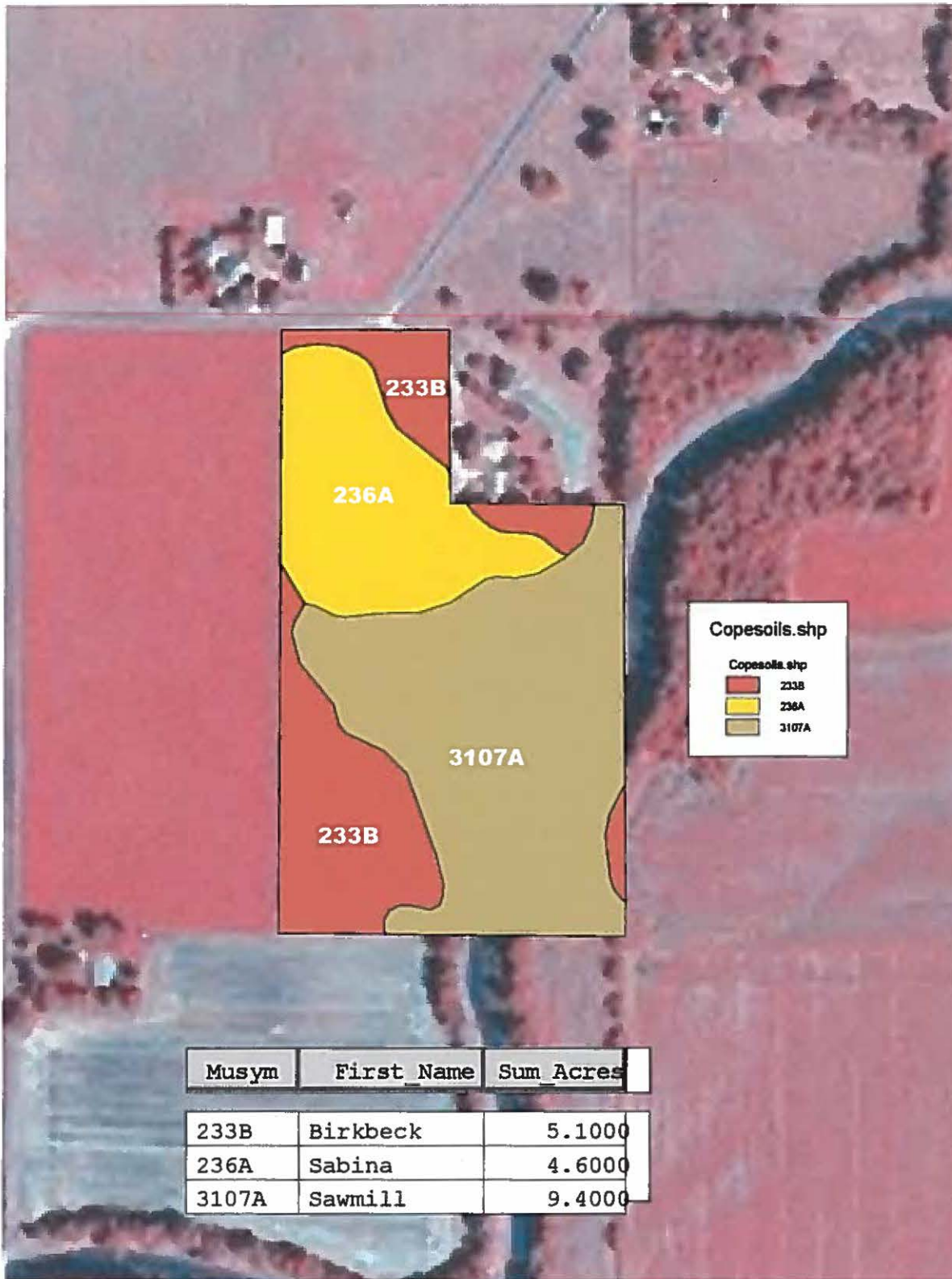




# Cope Subdivision



**Soils**



| Copesoils.shp   |       |
|---|-------|
| <span style="display:inline-block; width:10px; height:10px; background-color: #C8513D; border:1px solid black;"></span> | 233B  |
| <span style="display:inline-block; width:10px; height:10px; background-color: #FFD700; border:1px solid black;"></span> | 236A  |
| <span style="display:inline-block; width:10px; height:10px; background-color: #C8A27A; border:1px solid black;"></span> | 3107A |

T20N  
R9E  
Sec 32

| Musym | First Name | Sum Acres |
|-------|------------|-----------|
| 233B  | Birkbeck   | 5.1000    |
| 236A  | Sabina     | 4.6000    |
| 3107A | Sawmill    | 9.4000    |



# Cope Subdivision



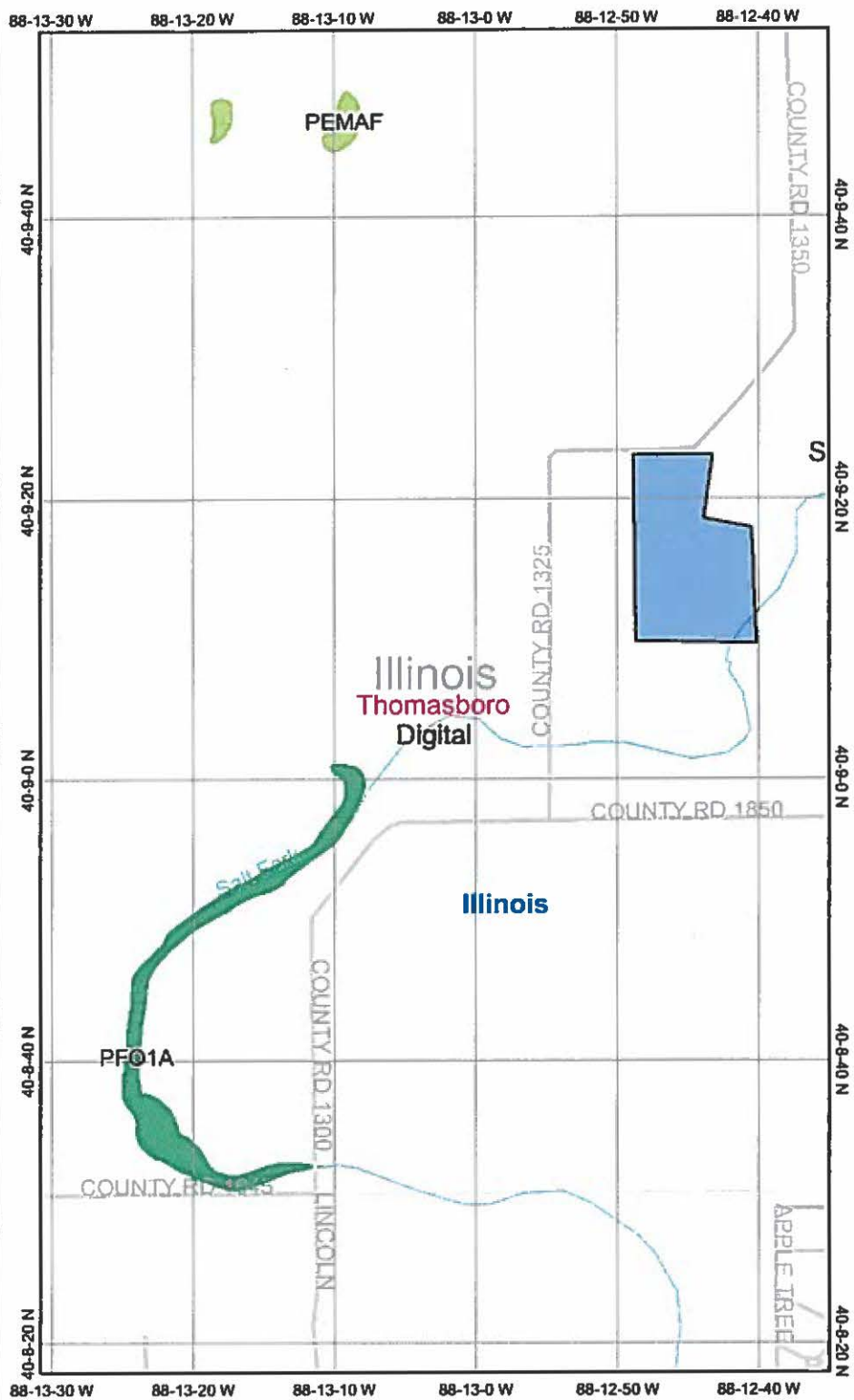
property boundary

100-Yr. Flood Zone

**100-Year  
Flood Zone  
Map**



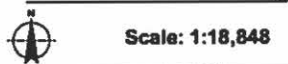
# Cope Subdivision-wetland map



## Legend

- CONUS\_wet\_scan**
- 0
  - 1
  - Out of range
- Major Roads**
- Interstate
  - Other Road
  - Interstate
  - State highway
  - US highway
- Roads**
- Cities
  - USGS Quad Index 24K
- Lower 48 Wetland Polygons**
- Estuarine and Marine Deepwater
  - Estuarine and Marine Wetland
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Freshwater Pond
  - Lake
  - Other
  - Riverine
- Lower 48 Available Wetland Data**
- Non-Digital
  - Digital
  - No Data
  - Scan
  - NHD Streams
  - Counties 100K
  - Urban Areas 300K
  - States 100K
  - South America
  - North America

Map center: 40° 9' 6" N, 88° 13' 3" W



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

ARCHAEOLOGICAL SURVEY SHORT REPORT  
Illinois Historic Preservation Agency  
Old State Capitol Building  
Springfield, Illinois 62701 (217-785-4997)

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_  
Accepted Rejected  
IHPA use only (FORM ASSR0889)

IHPA LOG NUMBER: 026111306

Title: A Phase I Archaeological Survey of the proposed Cope Subdivision within Section 32, T20N, R9E, Somer Township, Champaign County, Illinois. Contract Completion Report No. 100.

LOCATIONAL INFORMATION AND SURVEY CONDITIONS:

County: Champaign  
Quadrangles: Thomasboro 7.5-minute

Funding or Permitting Agency: Champaign County

Sec: 32 Town: T20N Range: R9E Somer Township  
Natural Division: Grand Prairie Section of the Grand Prairie Division (4a)

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CHAMPAIGN CO. P & Z DEPARTMENT

Project Description: A Phase I archaeological survey was conducted for a proposed development project on the south side of North Lincoln Avenue (a.k.a. Champaign County Road 1325E) in Section 32, T20N, R9E, Champaign County, Illinois (Figure 1). The project location is a grassy field and a woodlot positioned between the county road and Saline Branch. The purpose of the survey was to locate any possible cultural materials within the project area and determine whether any significant archaeological resources eligible for listing on the National Register of Historic Places would be affected by the proposed construction (ILCS 3420).

Topography: The proposed project area is the nearly level uplands in central Champaign County (Figure 2). The south end and east side of the project area slope down into the floodplain of the Saline Branch. The project area consists of grass on the floodplain and slopes with ca. 40 year old planted rows of pine trees (and a few hardwoods) on the upland. The surrounding landscape consists of cultivated fields in the uplands and woodlots along Saline Branch. An extensive timber belt named Big Grove along upper Saline Branch was the native vegetation prior to Euroamerican farming, with tall grass prairie positioned away from the river and surrounding Big Grove. The project area was positioned near the northwest edge of Big Grove. The upland portion of the project area was frequently notable for wet conditions, either from numerous small springs or broken and clogged field tiles. Presumably this area exhibited wet forest conditions prior to Euroamerican cultivation.

Soils: The proposed project area is mapped as Birkbeck Silt Loam (233B), Sabina Silt Loam (236A), Russell Silt Loam (322C2), and Colo Silty Clay Loam (402) (Figure 3). All of these soil types are alfisols that formed under forest conditions except for Colo which is classified as a mollisol (Mount 1982). The Colo soils occur on the floodplain.

Land Use/Ground Cover (Include % Visibility): The proposed project area consists of mown grass and pine tree woodlot. At the time of the field survey the ground surface visibility was less than 10 percent across the project area. There are no standing buildings in the project area except for a modern open-sided shed.

Survey Limitations: None.

ARCHAEOLOGICAL AND HISTORICAL INFORMATION

Sources:

Bettis, E. Arthur III, and John P. Littke  
1987 *Holocene Alluvial Stratigraphy and Landscape Development in Soap Creek Watershed, Appanoose, Davis, Monroe, and Wapello Counties, Iowa*. Open File Report 87-2. Iowa Geological Survey Bureau, Iowa City.

Bowman, Alexander  
1863 *Map of Champaign County*. Alexander Bowman, Urbana, Illinois.

Brink, McDonough, and Company  
1878 *History of Champaign County, Illinois*. Brink, McDonough, and Company, Philadelphia.

Brock  
1929 *Standard Atlas of Champaign County, Illinois*. Brock and Company, Chicago.

Cunningham, Joseph O.  
1905 *Historical Encyclopedia of Illinois and Champaign County*. Joseph O. Cunningham, Urbana.

3

IHPA LOG NUMBER: 026111306

GLO

- 1821 Government Land Office Survey Plat Map of T21N, R7E. Copy on file, Secretary of State, Springfield, Illinois. Accessed online at: <http://landplats.ilsos.net/Flash/Welcome.html> (8 December 2006).
- 1857 Government Land Office Survey Plat Map of T21N, R7E. Copy on file, Secretary of State, Springfield, Illinois. Accessed online at: <http://landplats.ilsos.net/Flash/Welcome.html> (8 December 2006).
- Hardacre, F. C.  
1902 *Map of Champaign County, Illinois*. F. C. Hardacre, Vincennes, Indiana.
- Mount, H. R.  
1982 *Soil Survey of Champaign County, Illinois*. Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C.
- Ogle, George A.  
1893 *Plat Book of Champaign County, Illinois*. George A. Ogle, Chicago.  
1913 *Standard Atlas of Champaign County, Illinois*. George A. Ogle, Chicago.
- Regional Planning Commission of Champaign County  
1940 *Historical Map of Champaign County*. Office of the County Clerk, Urbana.
- Sperling, Godfrey  
1936 *Plats and Location of Burial Places, Champaign County, Illinois*. Board of Supervisors, Champaign County. Office of the County Clerk, Urbana.
- Stewart, J. R. (editor)  
1918 *History of Champaign County, Illinois*. Lewis, Chicago.
- Warner and Beers  
1873 *Map of Champaign Co., Illinois*. Warner and Beers, Chicago.
- Wiggers, R.  
1997 *Geology Underfoot in Illinois*. Mountain Press, Missoula, Montana.
- Willman, H. B., E. Atherton, T. C. Buschback, C. Collinson, J.C. Frye, M. E. Hopkins, J. A. Lineback, and J. A. Simon  
1975 *Handbook of Illinois Stratigraphy*. Bulletin No. 95. Illinois State Geological Survey, Urbana, Illinois.

Previously Reported Sites: None in the project area. A total of 18 sites are reported within one mile: 11CH12, 11CH15, 11CH29, 11CH201, 11CH202, 11CH276, 11CH309, 11CH333, 11CH336, 11CH337, 11CH338, 11CH341, 11CH343, 11CH380, 11CH381, 11CH382, 11CH383, and 11CH544. Both prehistoric open air habitation and historic farmsteads are present in this site sample.

Previous Surveys: None in the project area. There are two highway surveys (Olympian Drive and Lincoln Avenue) and earlier surveys within approximately one mile.

Regional Archaeologists Contacted: Andrew Fortier (ITARP)

Investigation Technique: Field investigation included archival research examining the Illinois Archaeological Survey site file and sources at the Urbana Free Library, followed by a pedestrian survey made at a 5 m interval under generally poor surface visibility conditions. The archival map and aerial photograph search indicated no buildings, except for a modern open-sided shed, existed in the project area (Figures 4-11). All of the project area was examined by the pedestrian survey. The areas of poor visibility were shovel tested at a 15 m interval. A backhoe was used on the floodplain to produce profile trenches for mapping the distribution of a shallow buried A horizon. This work allowed the delineation and mapping of the Holocene age alluvium on the Saline Branch floodplain (Figures 12-13).

Acres: 15.17 (6.14 ha)                      Sq. m: 61,400                      Time Expended: 34 hours

Materials: none

Sites/Spots Located: none

Collection Techniques: n/a                      Curated at: n/a

Recommendation: The pedestrian and shovel test survey revealed no artifacts in the project area. A shallow buried soil was observed in the Saline Branch floodplain, but it did not contain artifacts. No historic sites are shown on any of the available nineteenth and early twentieth century in the project area (Figures 4-11). It is recommended that the project area be cleared from an archaeological perspective.

IHPA LOG NUMBER: 026111306

- Phase I Archaeological Reconnaissance Has Located No Archaeological Material; Project Clearance is Recommended.
- Phase I Archaeological Reconnaissance Has Located Archaeological Materials; Site(s) Does (Do) Not Meet Requirements For National Register Eligibility; Project Clearance Is Recommended.
- Phase I Archaeological Reconnaissance Has Located Archaeological Materials; Site(s) May meet Requirements For National Register Eligibility; Phase II Testing Is Recommended.
- Phase II Archaeological Investigation Has Indicated That Site(s) Does (Do) Not Meet Requirements For National Register Eligibility; Project Clearance Is Recommended.
- Phase II Archaeological Investigation Has Indicated That Site(s) Meet Requirements For National Register Eligibility; Formal Report Is Pending and a Determination of Eligibility is Recommended.

Comments: Shovel testing and a series of backhoe tests on floodplain between the woodlot and the river revealed the presence of at least four former slough channels and only a thin veneer (30-40 cm) of post-Euroamerican settlement alluvium over a buried A horizon. No artifacts were observed in this buried soil and the buried site potential is considered to be low in the project area. The investigations allowed the geomorphology of the floodplain to be delineated and mapped in relation to the Holocene-age De Forest Formation (Bettis and Littke 1987). All four member of the De Forest Formation were present in the project area (Figure 12). They are the Corrington Member (Holocene colluvium), Gunder Member (Early Holocene alluvium), Roberts Creek Member (Late Holocene alluvium, typically with an A over C profile), and Camp Creek Member (historic age alluvium with an A over C profile, a.k.a. post-settlement alluvium) (Bettis and Littke 1987). In the project area the following specific observations were made. From an upland source caused by cultivation and soil erosion the Corrington Member colluvium has overlapped the floodplain surface at the "bulge" on the west side of the floodplain adjacent to the upland slope. There were at least four sloughs in the project area. One slough is apparently shown on the 1821 GLO survey plat and 1863 map as the position of Saline Branch that subsequently shifted southeast to the southeast corner of the project area by the 1873 map. All of the floodplain surface (except where overlapped by the Corrington Member) was masked by the ca. 30-40 cm thick historic-age Camp Creek Member sediments. The majority of the prehistoric floodplain was encompassed by the Roberts Creek Member. It was at least half a meter in thickness when present. There was a small, intact portion of the Gunder Member alluvium located between two of the roughly east-west oriented sloughs. No artifacts were observed in any of the floodplain sediments in the project area.

**ARCHAEOLOGICAL CONTRACTOR INFORMATION:**

Archaeological Contractor: Upper Midwest Archaeology  
 Address: PO Box 106, St. Joseph, IL 61873 / Phone: 217-778-0348

Surveyor(s): Fred, Honor, and Emma Finney Survey Date(s): January 9-15, 2007

Report Completed by: Fred A. Finney Date: January 17, 2007

Submitted By (signature and title): \_\_\_\_\_  
 Principal Investigator, Upper Midwest Archaeology

**Attachment Check List: (#1 Through #4 Are Mandatory)**

- X 1) Relevant Portion of USGS 7.5' Topographic Quadrangle Map(s) Showing Project Location And Any Recorded Sites
- X 2) Project Map(s) Depicting Survey Limits and, When Applicable, Approximate Site Limits and Concentrations of Cultural Materials.
- n/a 3) Site Form(s): Two Copies of Each Form.
- X 4) All Relevant Project Correspondence.
- X 5) Additional Information Sheets as Necessary.

Address of Owner/Agent/Agency To Whom SHPO Comment Should Be Mailed: Berns and Clancy, 405 E Main Street, PO Box 755, Urbana, IL 61803-0755  
 Contact Person: John Lyons Phone: 217-384-1144

Reviewer's Comments:

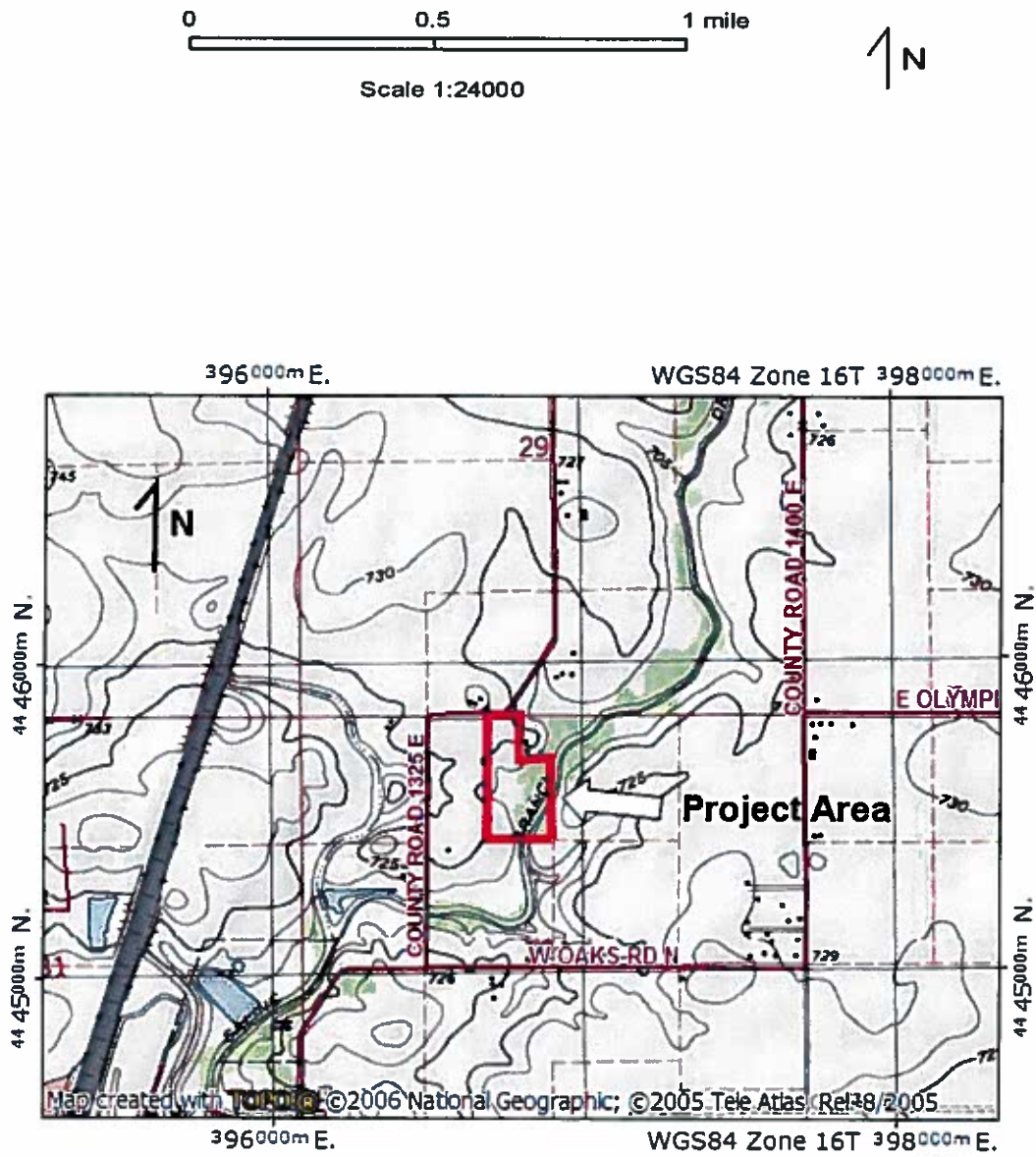


Figure 1. Project location (base map from USGS Thomasboro 7.5-minute Quadrangle 1970, photorevised 1975).



*Applicant:* Champaign County Planning & Zoning  
*Contact:* Susan Burgstrom  
*Address:* 1776 E Washington St  
 Urbana, IL 61802

*IDNR Project Number:* 1909075  
*Date:* 03/25/2019  
*Alternate Number:* 931-AM-19

*Project:* Cope RRO  
*Address:* 4018 N Lincoln Ave, Champaign

*Description:* rezoning for rural residential and event center

## Natural Resource Review Results

### Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

**Consultation is terminated.** This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

#### Location

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

*County:* Champaign

*Township, Range, Section:*  
 20N, 9E, 32



#### **IL Department of Natural Resources**

##### **Contact**

Justin Dillard  
 217-785-5500  
 Division of Ecosystems & Environment

#### **Government Jurisdiction**

Champaign County Planning & Zoning  
 Susan Burgstrom  
 Champaign County Planning & Zoning  
 1776 E Washington St  
 Urbana, Illinois 61802

#### **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.

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**MAR 25, 2019**

**CHAMPAIGN COUNTY  
 PLANNING & ZONING**



IDNR Project Number: 1909075

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**SITE ASSESSMENT (SA) WORKSHEET**

*Cope 931-935 3/27/19*

|          |                                |                         |           |          |
|----------|--------------------------------|-------------------------|-----------|----------|
| <b>1</b> | What size is the subject site? | More than 25 acres      | 10 points | <u>6</u> |
|          |                                | 20.1 to 25 acres        | 8 points  |          |
|          |                                | <u>15.1 to 20 acres</u> | 6 points  |          |
|          |                                | 10.1 to 15 acres        | 4 points  |          |
|          |                                | 5.01 to 10 acres        | 2 points  |          |
|          |                                | 5 acres or less         | 0 points  |          |

**Factor 1** considers that the size of the subject site has an impact on its long-term viability for agricultural purposes. The factor recognizes that the predominant row crop form of agriculture is generally more efficiently farmed on larger sites.

**Scoring Factor 1:** Determine the area of the subject site based on current Champaign County Assessor Office tax parcel size data or on a legal description of the subject site.

|           |  |           |           |          |
|-----------|--|-----------|-----------|----------|
| <b>2a</b> | Is the subject site Best Prime Farmland? | Yes       | 30 points | <u>0</u> |
|           |  | <u>No</u> | 0 points  |          |

**Factor 2a** assigns value to a subject site if it is designated as Best Prime Farmland, consistent with the *Champaign County Land Resource Management Plan* goals, objectives and policies.

An estimated 96.6% of the County consists of Prime Farmland soils. "Best Prime Farmland" is a subset of Prime Farmland soils identified by Champaign County in order to differentiate among Prime Farmland soils. The definition of 'Best Prime Farmland' is provided in the *Champaign County Zoning Ordinance*.

**Scoring Factor 2a:** Refer to the LE score of the subject site and to the "Best Prime Farmland" definition in the *Champaign County Zoning Ordinance*.

|           |   |           |          |
|-----------|---|-----------|----------|
| <b>2b</b> | If the subject site is Best Prime Farmland, which one of the following statements is correct:   | 10 points | <u>0</u> |
|           | (1) The subject site is 15% or less of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 0 points)      |           |          |
|           | (2) The subject site is larger than 15% of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 10 points) |           |          |
|           | (3) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is 25 acres or less. (Yes 0 points )                  |           |          |
|           | (4) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is larger than 25 acres. (Yes 10 points)              |           |          |

**Factor 2b** assigns value to a subject site if it exceeds the lot size and configuration limits noted. The 15% limit and 25-acre lot size limit featured are arbitrary values selected to represent the general concern about the conversion and loss of best prime farmland. The *Champaign County Zoning Ordinance* has included a maximum lot size limit on Best Prime Farmland since July, 2004.

**Scoring Factor 2b:** Review subject site size and configuration based on Champaign County parcel identification tax maps for the year 2004 (also referred to as the 27<sup>th</sup> Edition of the Champaign County tax map atlas).

**SITE ASSESSMENT (SA) WORKSHEET**

|           |  |  |   |
|-----------|--|--|---|
| <b>2c</b> | <p>If the subject site is not Best Prime Farmland and is at least 51% Prime Farmland, which one of the following statements is correct:</p> <p>(1) The subject site is larger than 25 acres. (Yes 10 points)</p> <p>(2) All of the following statements are true:</p> <p style="margin-left: 20px;">i. The subject site is part of a larger parcel that existed on April 12, 2011.</p> <p style="margin-left: 20px;">ii. Since April 12, 2011, a separate portion or portions of that larger parcel have been converted to a non-agricultural use as the result of a rezoning or special use.</p> <p style="margin-left: 20px;">iii. In total, the area of the subject site and those areas converted to a non-agricultural use (as identified in item ii. above) is larger than 25 acres. (Yes 10 points)</p> <p>(3) Neither (1) or (2) above apply to the subject site. (Yes 0 points)</p> |  | 0 |
|-----------|--|--|---|

**Factor 2c** assigns value to a subject site which is not Best Prime Farmland but which consists of at least 51% Prime Farmland and exceeds a 25-acre lot size and configuration as of April 12, 2011. The 25-acre size threshold is an arbitrary value selected to represent the general concern about the conversion and loss of Prime Farmland.

This factor awards 10 points to a subject site if it would result in conversion of more than 25 acres of Prime Farmland, or if the subject site would cumulatively contribute to the conversion of more than 25 acres of Prime Farmland on a larger parcel existing as of April 12, 2011.

**Scoring Factor 2c:** Assess whether the soils on the subject site are comprised of at least 51% Prime Farmland based on the 'Farmland Classification' column of Table A in Appendix A.

Review the lot size and configuration based on Champaign County parcel identification tax maps and digital orthophotography as of April 12, 2011. (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.)

|          |  |           |                       |   |
|----------|--|-----------|-----------------------|---|
| <b>3</b> | Is the subject site located within the Contiguous Urban Growth Area? | no<br>yes | 40 points<br>0 points | 0 |
|----------|--|-----------|-----------------------|---|

**Factor 3** is a general measure of development pressures which tend to support the conversion of agricultural sites to urban uses.

The 'Land Use Management Areas Map' of the *Champaign County Land Resource Management Plan* specifies the location of the 'Contiguous Urban Growth Area' (CUGA). CUGA is land designated for non-agricultural land use, and consists of:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near-to mid-term (within approximately five years);
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near-to mid-term (within approximately five years); or
- land surrounded by incorporated land or other urban land within the County.

**Scoring Factor 3:** Review the CUGA boundaries of the current *Champaign County Land Resource Management Plan* "Land Use Management Map".

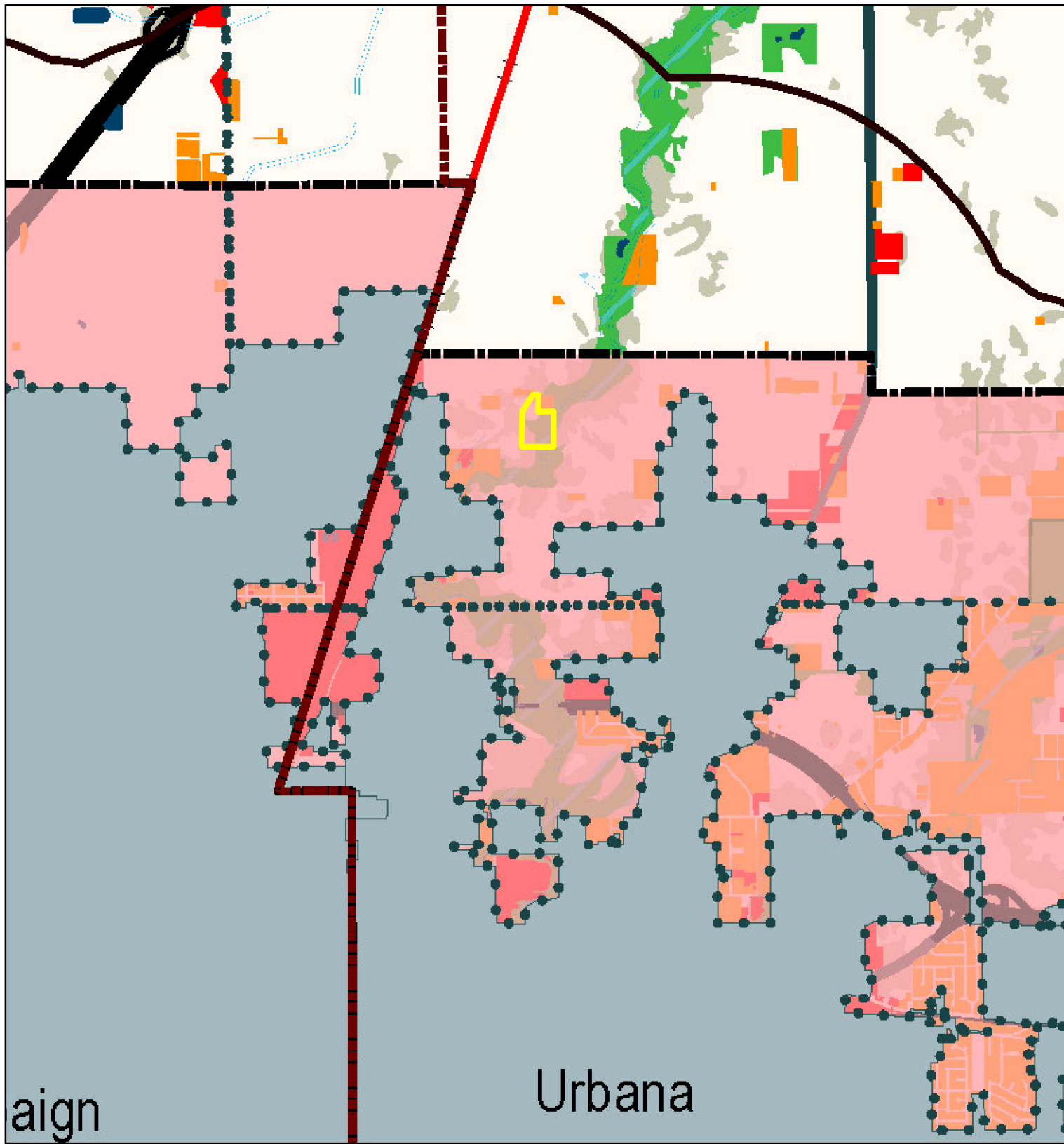
If the subject site is located within the CUGA, skip the remaining SA Factor questions and indicate a total SA score for only SA Factors 1, 2 and 3 at the end of the SA Worksheet.

in CUGA SA score = 6

# Contiguous Urban Growth Area (CUGA)

Cases 931-AM-19 & 932-S-19

April 25, 2019



 Contiguous Urban Growth Area (CUGA)

 Subject Property

Not to scale

Champaign County  
Department of  
PLANNING &  
ZONING



**Site Images for 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19**



**Semicircle drive at entrance to main residence  
(event center location on proposed Lot 4)**



**From path to parking area for event center facing  
main residence and outdoor event area on proposed Lot 4**

**Site Images for 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19**



**Front door to main residence**



**Portable ramp used at front door during events for accessibility**

**Site Images for 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19**



Cases 931 - 935  
04/09/19

**Living area used for indoor events – capacity for 75**



Cases 931 - 935  
04/09/19

**Patio used for outdoor events**

**Site Images for 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19**



**Grass area adjacent to patio for optional tent**



**Path between residence and parking area used for events, facing northwest**



**Site Images for 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19**



**Parking area used for events, facing east from main driveway**



**Same parking area used for events, closer to east side**

**Site Images for 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19**



**Detached garage with residence on 2<sup>nd</sup> floor, on proposed lot 3  
Concrete pad is area for accessible parking for events**



**Accessible path from accessible parking area to main residence**

**Site Images for 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19**



**Main driveway, facing north, showing sufficient parking for events alongside driveway**



**Current access on Lincoln Avenue, from subject property facing northwest**

**PRELIMINARY DRAFT**

**CASES 931-AM-19 & 932-S-19**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

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

Date: *{April 25, 2019}*

Petitioners: **Bill Cope and Mary Kalantzis**

Request: **Case 931-AM-19**  
**Amend the Zoning Map to allow for the development of 5 single-family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance.**

**Case 932-S-19**  
**Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.**

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**PRELIMINARY DRAFT****Cases 931-AM-19 & 932-S-19**

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**FINDING OF FACT FOR CASE 931-AM-19 & SUMMARY OF EVIDENCE FOR CASE 932-S-19**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019**, the Zoning Board of Appeals of Champaign County finds that:

- \* *Indicates evidence from RRO Case 573-AM-06 for the subject property approved on March 29, 2007. Note that the 2007 RRO analysis included the RRO factors below, but did not include the Land Resource Management Plan analysis or the LaSalle and Sinclair factors analysis. Some information about the subject property has changed since 2007, so the analyses below have largely been redone with newer information. Some analysis results still apply, and those items are noted with the asterisk.*
1. Petitioners Bill Cope and Mary Kalantzis own the subject property.
  2. The subject property is a 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln Avenue, Champaign.
  3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
    - A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but do not have protest rights on County Board Special Use Permits. Notice of the public hearing was sent to the City.
      - (1) The City of Urbana has subdivision jurisdiction for the subject property, and the County has zoning jurisdiction. The petitioners do not plan to annex into the City of Urbana. The petitioners require this RRO through the County in order to subdivide the subject property into the proposed five lots. P&Z Staff have been in communication with the City of Urbana since the subdivision was proposed.
      - (2) The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.
    - B. The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
  4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“RRO needed for number of lots proposed in subdivision.”**
  5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning, the petitioner has indicated: **“Currently there are two residences on one lot. Subdividing the property will make legal lots for both residences. We have planned to divide this property for many years, and had an RRO approved for it in 2007, but it expired. We still want to create multiple lots beyond the two required for the two residences.”**

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

6. Land use and zoning on the subject property and in the vicinity are as follows:
- A. The 17.2 acre subject property is currently zoned CR Conservation Recreation and has both residential and event center uses.
    - (1) The subject property was originally zoned AG-2 in the western 6 acres, and CR Conservation Recreation in the remaining 13 acres (approximate).
      - a. The subject property was originally 19 acres, but was reduced to the current acreage after approximately 2 acres was taken for the new Lincoln Avenue alignment.
    - (2) Case 579-AM-07 was approved on March 29, 2007 to authorize rezoning the AG-2 Agriculture part to CR Conservation Recreation, placing the entire subject property in the CR district.
    - (3) Case 573-AM-06 was also approved on March 29, 2007 to authorize an RRO with three single-family residential lots in the CR Conservation Recreation district, in addition to the three lots that could be built by right on this property, for a total of six buildable lots.
      - a. Subparagraph 5.4.2 D.4. establishes that an RRO designation shall expire after two years if no Preliminary Plat is submitted to the relevant subdivision authority for approval. The RRO approved in Case 573-AM-06 expired in March 2009.
      - b. The following statements summarize the Finding of Fact for RRO Case 573-AM-07:
        - (a) The proposed site was suitable overall for the development of three residences because: every RRO category was rated as “Typical” or “Better” with no negative finding; no farmland was being taken out of production; it was in accordance with the City of Urbana’s Comprehensive Plan, and no endangered species were identified on the subject property.
        - (b) The proposed site was compatible with surrounding agriculture because: the property was surrounded on two sides by agricultural property; the property drained directly to the Saline Branch with very little upstream watershed and there was no evidence of drainage tile outlets to the Saline Branch from the subject property; the ingress and egress was going to be in one location which would feed off of Lincoln Avenue, which should mitigate the effect on farming operations; the petitioner planned to maintain the tree farm close to its present condition, and the RRO would have no additional impact on the livestock management facility (Prairie Fruits Farm).
    - (4) There is one previous zoning use permit for the subject property:
      - a. ZUPA # 150-07-03 was approved on June 19, 2007, to construct a single-family residence with a detached garage.

**PRELIMINARY DRAFT****Cases 931-AM-19 & 932-S-19**

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- B. Land to the north is zoned CR Conservation Recreation to the east of Lincoln Avenue and AG-2 Agriculture to the west of Lincoln Avenue, and has a mix of agricultural and residential uses.
- C. Land to the east is zoned CR Conservation Recreation and has a mix of agricultural and residential uses.
- D. Land to the south is zoned CR Conservation Recreation and is in agricultural production.
- E. Land to the west is zoned CR Conservation Recreation and AG-2 Agriculture, and is in agricultural production.
  - (1) Prairie Fruits Farm is located 0.37 mile north of the subject property.

**GENERALLY REGARDING THE PROPOSED RRO DISTRICT**

- 7. The plan that was received on November 19, 2018 toward fulfillment of the Schematic Plan requirement indicates the following:
  - A. Existing features on the subject property include:
    - (1) A 7,638 square feet primary residence, located east of the circle drive;
    - (2) A two-story detached garage, which includes a second, illegal residence on the upper floor;
    - (3) A gravel access drive extending from North Lincoln Avenue;
    - (4) No septic system location information was provided.
    - (5) No well location information was provided.
  - B. There are five proposed buildable lots that range in area from 1.05 acres to 5.87 acres.
    - (1) Lots 1, 2 and 5 are proposed for single-family residential development.
    - (2) Lot 3 is for the existing detached garage with guest residence; creation of this lot will make that a legal residence for zoning purposes.
    - (3) Lot 4 is for the existing residence.
  - C. There are also three outlots proposed, totaling 4.08 acres.
    - (1) Outlot A, 16,135 square feet, is located on the east side of the proposed public road adjacent to the Lincoln Avenue right-of-way.
    - (2) Outlot B, 79,400 square feet, is located in the southeast corner of the subject property on the east side of the drainage ditch.
    - (3) Outlot 5A, 82,280 square feet, is located on the east side of Lot 5 and parallels the “approximate floodway line” shown on the BCA variance request map received November 19, 2018.



- D. During review of the proposed rezoning for the existing event center that is the subject of Case 934-AM-19, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture. Based on that, P&Z Staff worked out a slightly different proposed lot configuration that creates a dividing line based on the approximate floodway, which will create unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch rather than just the east side. The revised lot configuration, which has been approved in concept by the petitioner, is Attachment C to the Preliminary Memorandum dated April 18, 2019. The revised lots would have to be updated on the Schematic Plan created by Berns, Clancy and Associates.
- (1) All references to lots in this document will be based on the following revised configuration:
    - a. Lots 1, 2, and 3 will remain as shown on the Schematic Plan by BCA dated September 13, 2018 and received November 19, 2018.
    - b. Proposed Lot 4 will be divided into Lot 4 and Outlot 4A, with the division between the two being a straight line that is slightly west of the floodway.
    - c. The division between proposed Lot 5 and Outlot 5A will be adjusted to be slightly west of the floodway.
    - d. Outlots A and B will not change.
- E. The RRO District is necessary for only two of the five buildable lots proposed on the subject property because three residential lots are allowed by-right.
- F. The subject property has access to the recently constructed North Lincoln Avenue alignment. There is a new public cul-de-sac proposed as part of this RRO. All lots are proposed to access the new road and not Lincoln Avenue.
- G. The property at the northeast corner of the subject property (parcel 25-15-32-100-003) gains access from Lincoln Avenue by means of an existing easement over what will be Outlot A. Access concerns will be addressed with the City of Urbana during the subdivision process, contingent upon RRO approval.
- H. The proposed preliminary Site Plan received November 19, 2018, complies with all requirements with one exception.
- (1) Proposed Lot 1 has an average width of 183.2 feet in lieu of the 200 feet minimum required for the CR Conservation Recreation District.
  - (2) In related zoning case 934-AM-19, the petitioners have requested a rezoning from the CR Conservation Recreation District to the AG-2 Agriculture District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in order to continue operating their event center.
  - (3) In the AG-2 district, the minimum average lot width is only 150 feet.

**PRELIMINARY DRAFT****Cases 931-AM-19 & 932-S-19**

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- (4) Should case 934-AM-19 be approved, the petitioners will not need a variance. If case 934-AM-19 is not approved, and Lot 1 remains in the CR district, they will require an administrative variance, which will be processed upon determination of case 934-AM-19. A special condition has been added regarding Lot 1.
- I. For analysis purposes, the RRO will include lots 1 and 2, but the proposed RRO District is still for the entire tract.

**GENERALLY REGARDING ORDINANCE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT**

8. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
- A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
- B. The adoption of an RRO requires both a Map Amendment and a County Board Special Use Permit, per paragraph 5.4.3 B. of the *Zoning Ordinance*.
- C. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for an RRO approval:
- (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
  - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
- D. Paragraph 5.4.3 C.2 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
- (1) Adequacy and safety of roads providing access to the site;
  - (2) Effects on nearby farmland and farm operations;
  - (3) Effects of nearby farm operations on the proposed residential development;
  - (4) The Land Evaluation and Site Assessment (LESA) score of the subject site.
  - (5) Effects on drainage both upstream and downstream;
  - (6) The suitability of the site for onsite wastewater systems;
  - (7) The availability of water supply to the site;
  - (8) The availability of public services to the site;
  - (9) The flood hazard status of the site;

- (10) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
- (11) The presence of nearby natural or manmade hazards;
- (12) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated; and

**FOR THE RRO SPECIAL USE PERMIT****GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

## 9. Regarding the requested Special Uses in the AG-1 Zoning District:

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) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
- (2) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (3) “AREA, LOT” is the total area within the LOT LINES.
- (4) “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.

**PRELIMINARY DRAFT****Cases 931-AM-19 & 932-S-19**

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- (5) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (6) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (7) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (8) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (9) “LOT LINES” are the lines bounding a LOT.
- (10) “OVERLAY” is a DISTRICT that modifies or supplements the standards and requirements of an underlying DISTRICT. Those standards and requirements of the underlying DISTRICT that are not specifically modified by the terms of the OVERLAY DISTRICT remain in full force and effect.
- (11) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (12) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (13) “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.
- (14) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new

STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.

- (15) “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.

- (16) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.

B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.

**PRELIMINARY DRAFT****Cases 931-AM-19 & 932-S-19**

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- C. 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 is 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.
  - (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).
- D. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

10. 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, **“The proposed residential lots will have easy access to Lincoln Avenue. They will be located in a unique rural wooded area while being close to the cities.”**

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

11. 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, **“Subdivision of the lots will be by the City of Urbana, which has more stringent standards in many cases. Residential uses are allowed in the CR District as well as the proposed AG-2 District.”**
- B. Regarding traffic, the following evidence is provided:
- (1) The Illinois Department of Transportation measures traffic on various roads throughout the County. IDOT determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent AADT data near the subject property is from 2016 (prior to the North Lincoln Avenue reconstruction):
    - \*a. North Lincoln Avenue where it passes the subject property had an AADT of 450.
    - \*b. Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT was 2900.
  - (2) Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the three residences that could be constructed by right on the property would create 30 average daily vehicle trips. The two residences in the requested RRO District are estimated to account for an increase of approximately 20 ADT in total, which is a 67% increase over the non-RRO alternative. While there will be an increase in traffic, P&Z Staff consider this to be an insignificant increase to the traffic on North Lincoln Avenue.
  - (3) The subject property is located on the recently constructed new alignment of North Lincoln Avenue. The proposed new public cul-de-sac would align perpendicular to North Lincoln Avenue, which is an improvement over the existing gravel drive and its former alignment to the old Lincoln Avenue alignment.
  - (4) The Somer Township Road Commissioner has been notified of this case, but no comments have been received.
- C. Regarding fire protection, the subject property is located approximately 3.4 road miles from the Eastern Prairie Fire Protection District station; the approximate travel time is 7 minutes. The Fire Chief has been notified of this request for an RRO, and no comments have been received.
- D. Regarding flood hazards, parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
- (1) As discussed in RRO Factor C.2.I: Flood Hazard Status under Item 26 above:
    - a. All proposed lots have sufficient buildable area for a dwelling.

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- b. For purposes of analysis, Lot 3, 4, and 5 are not proposed to be part of the RRO. Lot 1 has no area under the Base Flood Elevation (BFE), and Lot 2 has only a small area under the BFE with adequate buildable area above it.
  - c. More than half of the proposed cul-de-sac circle is inside the mapped floodplain.
- E. The subject property is NOT considered BEST PRIME FARMLAND. The soil on the subject property consists of 3107A Sawmill silty clay loam, 236A Sabina silt loam, and 233B Birkbeck silt loam, and has an average LE of 86.
- (1) Note that the Natural Resources Report received on February 15, 2007 for the previous RRO calculated an LE score of 76. The difference in LE score is because the subject property has been reduced by approximately 2 acres due to land being taken for the new Lincoln Avenue alignment.
- F. Regarding outdoor lighting on the subject property, the petitioner did not provide information on lighting in the application. A special condition has been added to ensure compliance for any future outdoor lighting.
- G. Regarding wastewater treatment and disposal on the subject property:
- (1) There is a septic system connected to both existing residences.
  - (2) New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.
- H. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as 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***

12. 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) The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. The adoption of an RRO requires both a Map Amendment and a County Board Special Use Permit per paragraph 5.4.3 B. of the *Zoning Ordinance*.
    - (2) The Rural Residential Overlay has been deemed appropriate only in the AG-1 Agriculture, AG-2 Agriculture, and CR Conservation Recreation Zoning Districts.



- (3) The proposed preliminary Site Plan received November 19, 2018 complies with all requirements with one exception.
    - a. Proposed Lot 1 has an average width of 183.2 feet in lieu of the 200 feet minimum required for the CR Conservation Recreation District.
    - b. The petitioners have requested a rezoning from the CR Conservation Recreation District to the AG-2 Agriculture District in related zoning case 934-AM-19 in order to continue operating their event center.
    - c. In the AG-2 district, the minimum average lot width is only 150 feet.
    - d. Should case 934-AM-19 be approved, the petitioners will not need a variance. If case 934-AM-19 is not approved, they will require an administrative variance, which will be processed upon determination of case 934-AM-19. A special condition has been added regarding Lot 1.
  - (4) Regarding parking on the subject property, there are no parking requirements for a Rural Residential Overlay.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) An RRO does not require compliance with the SWMEC Ordinance.
  - (2) Any development within an approved RRO must comply or be exempted from the SWMEC Ordinance, which will be determined on a case-by-case basis during the construction permitting process.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the proposed subdivision will need to be approved by the City contingent upon approval of the RRO by the County.
- F. Regarding the requirement that the Special Use preserve the essential character of the CR Conservation Recreation Zoning District:
- (1) A Rural Residential Overlay is permitted in the AG-1, AG-2, and CR districts with a combined map amendment and Special Use Permit.

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

13. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A Rural Residential Overlay may be authorized by the County Board in the AG-1 Agriculture, AG-2 Agriculture, or CR Conservation Recreation Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.

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- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.16 of the Ordinance states the general intent of the Rural Residential Overlay (RRO) District and states as follows (capitalized words are defined in the Ordinance):
 

The RRO, Rural Residential OVERLAY DISTRICT is intended to provide rural areas that are suitable for residential development and whose development will not significantly interfere with AGRICULTURAL pursuits in neighboring areas.
  - (2) The types of uses authorized in the AG-1, AG-2, and CR Districts are in fact the types of uses that have been determined to be acceptable in those Districts. RROs authorized by Special Use Permit are acceptable uses in those districts provided that they are determined by the ZBA to meet the criteria for RROs in Section 5.4 and for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

14. 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: **“Not applicable.”**
  - B. The existing use on the property is not a non-conforming use.

**GENERALLY REGARDING SOILS ON THE SUBJECT PROPERTY**

15. Evaluation of a property depends on soil characteristics in many ways, including suitability for agricultural production, septic systems, and development. The following are soil characteristics for the subject property:
- A. The subject property is NOT considered BEST PRIME FARMLAND. The soil on the subject property consists of 3107A Sawmill silty clay loam, 236A Sabina silt loam, and 233B Birkbeck silt loam, and has an average LE of 86.
    - (1) Note that the Natural Resources Report received on February 15, 2007 for the previous RRO calculated an LE score of 76. The difference in LE score is because the subject property has been reduced by approximately 2 acres due to land being taken for the new Lincoln Avenue alignment.
  - B. Information on soils can be found under RRO Factors C.2.E and C.2.F, and Land Resource Management Goals 4 and 8.

**RRO FACTOR C.1.A: OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT**

16. Attachment F to the Preliminary Memorandum dated April 18, 2019 is a table summarizing each factor and the criteria used to assess the suitability for any proposed RRO. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following (see individual RRO factor evidence starting at Item 18 below):

- A. “Ideal or Nearly Ideal” conditions for six factors:
  - (1) RRO Factor B: Effects on farms
  - (2) RRO Factor D: LESA score
  - (3) RRO Factor E: Effects on drainage
  - (4) RRO Factor G: Availability of water supply
  - (5) RRO Factor K: Natural or manmade hazards
  - (6) RRO Factor L: Land converted from agricultural uses
  
- B. “Much Better Than Typical” conditions for four factors:
  - (1) RRO Factor A: Safety
  - (2) RRO Factor C: Effects of nearby farms
  - (3) RRO Factor F: Septic suitability
  - (4) RRO Factor H: Emergency services
  
- C. “More or Less Typical” conditions for two factors:
  - (1) RRO Factor I: Flood hazard status
  - (2) RRO Factor J: Effects on sensitive natural areas

**RRO FACTOR C.1.B: COMPATIBILITY WITH SURROUNDING AGRICULTURE**

17. Discussion regarding compatibility of the proposed residential development with surrounding agriculture can be found under RRO Factor C.2.B (Item 19 below) and RRO Factor C.2.C (Item 20 below).

**RRO FACTOR C.2.A: THE ADEQUACY AND SAFETY OF ROADS**

- \*18. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
- \*A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.
  
  - \*B. The Staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
  
  - \*C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the three residences that could be constructed by right on the property would create 30 average daily vehicle trips. The two residences in the requested RRO District are estimated to account for an increase of approximately 20 ADT in total, which is a 67% increase over the non-RRO alternative.
  
  - D. The subject property is located on the recently constructed new alignment of North Lincoln Avenue. The proposed new public cul-de-sac would align perpendicular to North Lincoln

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Avenue, which is an improvement over the existing gravel drive and its former alignment to the old Lincoln Avenue alignment.

- E. The Illinois Department of Transportation measures traffic on various roads throughout the County. IDOT determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent AADT data near the subject property is from 2016 (prior to the North Lincoln Avenue reconstruction):
- (1) North Lincoln Avenue where it passes the subject property had an AADT of 450.
  - (2) Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT was 2900.
- F. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access, because access is via Lincoln Avenue, which is a newly constructed township road with no deficiencies; the access location is uncontrolled and potentially has visibility issues because it is near a curve in the road.

**RRO FACTOR C.2.B: THE EFFECTS ON NEARBY FARMLAND AND FARM OPERATIONS**

19. Regarding the likely effects of the proposed development on nearby farm operations:
- \*A. The surrounding land use on three sides of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
- (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.  
  
The five single-family dwellings that will result from the proposed RRO (including three by-right homes) would generate 67% more traffic than the non-RRO alternative development of only three homes.
  - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.  
  
The five single-family dwellings that will result from the proposed RRO (including three by-right homes) could generate more trespass than the non-RRO alternative development of only three homes.
  - (3) Blowing litter into the adjacent crops making agricultural operations more difficult.  
  
The five single-family dwellings that will result from the proposed RRO (including three by-right homes) could generate more litter than the non-RRO alternative development of only three homes. Windblown litter would probably affect the farmland to the north the most.
  - \* (4) Discharge of “dry weather flows” of storm water or ground water (such as from a sump pump) may make agricultural operations more difficult.

Because the subject property is adjacent to the Saline Branch Drainage Ditch, there should be no problems with dry weather flows, which means there would be no difference between the proposed RRO and the non-RRO alternative.

- \* (5) If trees are planted close to the property lines, they can be expected to interfere with some farming operations (such as harvesting) and may contribute to blockage of underground tiles (if any exist). Perimeter fencing, if installed, could also interfere with farming operations.

The subject property currently contains a tree farm, which has trees planted very close to the south and west property lines, and the adjacent farmland does not appear to be negatively impacted. Therefore, there would be no difference between the proposed RRO and the non-RRO alternative.

\*B. The indirect effects are not as evident as the direct effects:

- \* (1) A potential primary indirect effect of non-farm development on adjacent farmers is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers, particularly for livestock management operations.
- \* (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private lawsuits from being filed.
- (3) Prairie Fruits Farm, located 0.37 miles north of the subject property at 4410 North Lincoln Avenue, Urbana, is a known livestock management facility that makes dairy products from the milk produced from their herd of approximately 70 goats (based on information from the Prairie Fruits Farm website).
  - a. The State of Illinois Livestock Management Facilities Act (510 ILCS 77) governs where larger livestock facilities (those with more than 50 or more animal units) can be located in relation to non-farm residences and public assembly uses (events centers and churches, for example). Livestock facilities with 50 or more animal units must be one-quarter mile from a non-farm residence and one-half mile from a populated area (an area containing a public assembly use like a church or 10 or more non-farm dwellings).
  - b. The 70 goats are equivalent to seven animal units according to the University of Illinois Extension, making no separation distance necessary from the 10 or more non-farm dwellings or public assembly areas.
  - c. The two additional residences requested in the proposed RRO would not increase the restrictions placed on the Prairie Fruits Farm beyond what the three by-right residences would impose.

C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of effects on nearby farmland and farm

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operations, because all proposed homes will front a new public street that carries no agricultural traffic, and the traffic from the proposed homes is not likely to interfere with agricultural activities.

**RRO FACTOR C.2.C: EFFECTS OF NEARBY FARM OPERATIONS ON THE PROPOSED RESIDENTIAL DEVELOPMENT**

- \*20. Regarding the likely effects of nearby farm operations on the proposed development:
- A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
- (1) Row crop production agriculture occupies a significant portion of the land area within the immediate vicinity of the proposed RRO District and occurs on three sides of the proposed RRO, with the Saline Branch Drainage Ditch and Lincoln Avenue providing a buffer on the east and north sides.
  - \* (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark, exacerbating the impact of noise related to fieldwork.
  - (3) Prairie Fruits Farm is located 0.37 mile north of the subject property; the owners have been notified of the public hearing for the proposed RRO, and no comments have been received to date.
- B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development because the subject property is bordered on only three sides by row crop agriculture, and buffers are provided by Lincoln Avenue to the north and the Saline Branch Drainage Ditch to the east.

**RRO FACTOR C.2.D: THE LAND EVALUATION AND SITE ASSESSMENT (LESA) SCORE OF THE SUBJECT SITE**

- \*21. Regarding the LESA score of the proposed RRO District:
- \*A. The Champaign County, Illinois LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site as follows:
- \* (1) An overall score of 251 to 300 indicates a very high rating for protection.
  - \* (2) An overall score of 226 to 250 indicates a high rating for protection.
  - \* (3) An overall score of 151 to 225 indicates a moderate rating for protection.
  - \* (4) An overall score of 150 or lower indicates a low rating for protection.
- B. The LESA worksheets are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
- (1) The Land Evaluation score for the proposed RRO District is 86 out of 100 possible.
  - (2) The Site Assessment score for the proposed RRO District is 6 out of 200 possible.

(3) The total LESA score is 92 and indicates a low rating for protection of agriculture.

C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the LESA score because the entire property is not best prime farmland and the property received a low rating for protection in the LESA evaluation.

**RRO FACTOR C.2.E: EFFECTS ON DRAINAGE**

\*22. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:

\*A. An Engineer’s Drainage Report was received with the original RRO application on November 21, 2006. The report described the existing conditions of the subject property and the proposed conditions for the RRO (*note that lot numbers refer to the 2007 RRO, not the proposed RRO*).

\* (1) The Existing Conditions from the 2006 report were described as follows:

- \*a. The subject property slopes generally from west to east and north to south towards the Saline Branch Drainage Ditch. The average ground slope is 1%.
- \*b. There are six acres to the west that drain across the subject property.
- \*c. There are four depressional areas on the east side of the subject property. Two are located in the southeast corner of the site, while the remaining two are in the northeast corner. The area located farthest to the north is part of a much larger depression in the land that continues off the subject property.
- \*d. These depressional areas collect storm water that flows over the subject property. The water fills up until it overflows and drains into the Saline Branch Drainage Ditch.

\* (2) The Proposed Conditions from the 2006 report were as follows:

- \*a. Drainage swales will be constructed along the western and southern boundaries of the subject property. These swales will drain the subject property and the six acres from off the subject property.
- \*b. There will be two swales on the western boundary, one from north to south and one from south to north. They will meet at the line between Lots 2 and 3, where they will run along that line in one swale that will pass under the proposed street by means of a culvert.
  - a. Note that the lot configuration and numbering were different from the current RRO proposal.
- \*c. Once past the street, water will flow overland to the depression area on Outlot 1 that is proposed to be a storm water management area.
- \*d. The swale on the southern boundary will flow to the edge of Lot 1 and then discharge directly into the Saline Branch Drainage Ditch.
- \*e. Because runoff accumulating in the depressed areas is unlikely to overflow very often, a culvert with a flap gate is proposed to connect the bottom of

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the depressional area with the channel of the Saline Branch Drainage Ditch. This culvert outlet will allow the depressional area to drain more rapidly than it does currently.

- \*f. The flap gate will allow flows from storm events to release into the channel under normal conditions. During flood events the flap will remain closed, which will maintain the existing floodplain characteristics.
- B. A pond was constructed sometime between 2008 and 2010 in proposed Lot 4.
- (1) 2017 aerial photography from the Champaign County GIS Consortium shows the pond covers approximately 0.31 acre.
  - (2) 2013 FEMA FIRM panel 17019C0314D (effective October 2, 2013) shows most of the pond located in the Special Flood Hazard Area.
  - (3) 2008 elevation contours taken at two-foot intervals from the Champaign County GIS Consortium indicate a surface level at approximately 714 to 715 feet mean sea level, and the lowest contour interval shown in the pond is 710 feet mean sea level.
- C. Overall, the proposed RRO District is comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
- (1) The buildable portions of the proposed RRO District have an average slope of 2%.
  - (2) Almost all of the soils making up the buildable portion of the proposed RRO District are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
  - (3) Due to the reconstruction of Lincoln Avenue, it is unknown how much upstream area might still drain across the proposed buildable portion of the proposed RRO District, but it would appear to be an insignificant amount.
  - (4) There are no known underground drainage tiles on the property and it is unlikely that any exist.

**RRO FACTOR C.2.F: THE SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS**

\*23. Regarding the suitability of the site for onsite wastewater systems:

- \*A. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the relevant soil types on the subject property can be summarized as follows:
  - (1) Sawmill silty clay loam, 0-2% slopes, (map unit 3107A; formerly 402 Colo silty clay loam) has Very Low suitability for septic tank leach fields with a soil potential index of 3. Sawmill has severe wetness problems due to a water table high enough to cause flooding (1 foot above to 2 feet deep) and moderate permeability. The typical corrective measure is subsurface drainage to lower groundwater levels.



Sawmill soil makes up about 48.4% (9.15 acres) of the subject property, and makes up more than 50% of the lot area for one of the five proposed buildable lots (lot 4). Overall, Sawmill soil makes up about 33.9% of the proposed buildable area.

- (2) Sabina silt loam, 0-3% slopes, (map unit 236A) has Medium suitability for septic tank leach fields with a soil potential index of 79. Sabina has severe wetness problems due to a high water table (1 to 3 feet deep) and severely limited permeability. The typical corrective measure is curtain drains to lower groundwater levels and a large absorption field. Sabina soil makes up about 18.9% (3.25 acres) of the subject property, and makes up 50% or more of the lot area for two of the five proposed lots (lots 1 and 2), and a significant portion of lot 5. Overall, Sabina soil makes up about 28.1% of the proposed buildable area.
- (3) Birkbeck silt loam, 1-5% slopes, (map unit 233B) has High suitability for septic tank leach fields with a soil potential index of 93. Birkbeck has severe wetness problems due to a high water table (3 to 6 feet deep) and moderate permeability. The typical corrective measure is curtain drains to lower groundwater levels. Birkbeck soil makes up about 27.4% (4.7 acres) of the subject property, and makes up 50% or more of the lot area for one of the 5 proposed lots (lot 3). Overall, Birkbeck soil makes up about 38% of the proposed buildable area.

- B. If only the buildable portion of the property is considered regarding septic suitability, the subject property is comparable to “much better than typical” conditions for Champaign County because approximately 66% of the soils on the buildable area of the subject property have Medium or Better suitability, as compared to the approximately 51% of the entire County that has a Low Potential.

***RRO FACTOR C.2.G: THE AVAILABILITY OF GROUNDWATER AT THE SITE***

24. Regarding the availability of water supply to the site:
  - A. The Champaign County Land Resource Management Plan includes Figure 10-9: Primary Sand and Gravel Aquifers in Champaign County, which shows that the subject property is not within an area of limited groundwater availability.
  - B. The subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the availability of water supply because it is located above the Mahomet Aquifer.

***RRO FACTOR C.2.H: THE AVAILABILITY OF PUBLIC SERVICES TO THE SITE***

25. Regarding the availability of emergency services to the site:
  - A. The subject property is located approximately 3.4 road miles from the Eastern Prairie Fire Protection District station; the approximate travel time is 7 minutes. The Fire Chief has been notified of this request for an RRO, and no comments have been received.
  - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the availability of emergency services because the site is approximately 3.4 road miles from the Eastern Prairie fire station.

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Page 23 of 60**RRO FACTOR C.2.I: FLOOD HAZARD STATUS**

26. Regarding the flood hazard status of the site, pursuant to FEMA Panel No. 170190314D, some of the subject property is located within the Special Flood Hazard Area, as follows:
- A. For purposes of analysis, proposed lots 3, 4 and 5 are not included in the RRO because these lots could be created “by-right.” Lots 3, 4, and 5 are the only proposed lots within the Special Flood Hazard Area.
  - B. More than half of the proposed cul-de-sac circle is inside the mapped floodplain.
  - C. The existing Base Flood Elevation (BFE) is approximately 718.5 feet above mean sea level. There are portions of proposed lots 2, 3, 4 and 5 below the BFE.
    - (1) Lot 2 has a small area in the southeast corner near the cul-de-sac below BFE, but over 85% of it is still buildable outside that area.
    - (2) Proposed lot 3 has an existing dwelling that is outside the floodplain.
    - (3) Proposed lot 4 has the existing main residence that is outside the floodplain.
    - (4) Over two-thirds of proposed lot 5 has buildable area outside the floodplain. The BCA variance request map received November 19, 2018 states, “fill will be placed on Lot 5 to remove flood plane from Lot 5.”
  - D. Overall, the proposed RRO District is comparable to “more or less typical” conditions for Champaign County in terms of flood hazard status because of the following:
    - (1) All lots have sufficient buildable area for a dwelling.
    - (2) For purposes of analysis, lots 3, 4, and 5 are not proposed to be part of the RRO. Lot 1 has no area under the BFE, and Lot 2 has only a small area under the BFE with adequate buildable area above it.
    - (3) More than half of the proposed cul-de-sac circle is inside the mapped floodplain.

**RRO FACTOR C.2.J: EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS**

27. Regarding the effects on wetlands, endangered species, and natural areas:
- A. On March 25, 2019, P&Z Staff completed a preliminary endangered species consultation using the Illinois Department of Natural Resources online EcoCAT tool. The report indicated that there were no threatened or endangered species or protected natural areas near the subject property.
  - B. According to the National Wetlands Inventory online mapping, there are no regulatory wetlands on the subject property.
  - \*C. Regarding the effects on archaeological resources, a letter reply from the Illinois Historic Preservation Agency was received on November 17, 2006, and indicated that the subject property has a high probability of containing significant prehistoric/historic archaeological resources; indicating that a Phase I archaeological survey should be performed on the subject property.

- (1) A completed Phase 1 Archaeological Survey of the subject property was received on February 15, 2007. It indicated that no archaeological materials were located, and project clearance was recommended.
- D. The vegetation along the Saline Branch appears to be similar to the pre-settlement oak savanna landscape of Champaign County. Regarding the impact of the proposed RRO on this vegetation:
- (1) Existing construction on proposed lot 4 has had minimal impact on the landscape, probably due to the very large lot area.
- (2) Development on proposed lot 5 may have a greater impact due to the smaller size of lot 5.
- (3) The proposed outlots should ensure that much of this vegetation will remain largely undisturbed. However, this vegetation may not exist in this condition for the long term unless there is appropriate maintenance to maintain the open savanna.
- E. The former tree farm on proposed lots 1, 2, and 3 provides wildlife habitat, but is not representative of the pre-settlement environment.
- \*F. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of effects on wetlands and archaeological sites, because reports from the appropriate agencies showed there were no effects, and because there are significant natural areas and habitats that include pre-settlement conditions.

**RRO FACTOR C.2.K: THE PRESENCE OF NEARBY NATURAL OR MANMADE HAZARDS**

28. Regarding the presence of nearby natural or manmade hazards:
- \*A. There appear to be no natural or manmade hazards near the subject property.
- \*B. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards because there are no manmade or natural hazards near the subject property.

**RRO FACTOR C.2.L: THE AMOUNT OF LAND TO BE CONVERTED FROM AGRICULTURAL USES**

- \*29. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
- \*A. As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
- \*B. There can be no more than three new lots smaller than 35 acres in area that can be created from the subject property without authorization for the RRO Zoning District.

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- C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of effects on the amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated, because there are only two lower acreage residential lots being created on a former tree farm, and the proposed lots are closer to urban areas.

**FOR THE RRO MAP AMENDMENT****GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

30. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:  
“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
  - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
  - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**FOR THE RRO MAP AMENDMENT****REGARDING RELEVANT LRMP GOALS & POLICIES**

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

31. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:  
**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed RRO will **NOT IMPEDE** the achievement of Goal 1.

32. LRMP Goal 2 is entitled “Governmental Coordination” and states:

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

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Goal 2 has two objectives and three policies. The proposed RRO will **NOT IMPEDE** the achievement of Goal 2.

33. LRMP Goal 3 is entitled “Prosperity” and states:

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

Goal 3 has three objectives and no policies. The proposed RRO will **HELP ACHIEVE** Goal 3 for the following reasons:

A. The three objectives are:

- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

B. Although the proposed RRO is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed RRO rezoning will allow the Petitioner to seek a subdivision for the subject property from the City of Urbana, with the intent to use one of those lots for an existing events center, and therefore the proposed RRO can be said to **HELP ACHIEVE** Goal 3.

34. LRMP Goal 4 is entitled “Agriculture” and states:

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

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, and 4.9 and their policies do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Goal 4 for the following reasons:

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

Objective 4.1 includes nine subsidiary policies. Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
  - i. Suitability of the site for the proposed use;**
  - ii. Adequacy of infrastructure and public services for the proposed use;**

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

The proposed RRO will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. Discussion on the LESA score and soils is provided under Item 21 above. The soils are not Best Prime Farmland, and they received a “low rating for protection” in the LESA analysis.
- b. Policy 4.3.2 regarding site suitability on best prime farmland is not relevant.
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- e. No farmland will be converted for the proposed RRO.
- f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
  - (a) Discussion regarding protection of natural resources can be found under Item 27 above and under Item 38 (Goal 8: Natural Resources).
  - (b) The ZBA has recommended that the proposed RRO will **NOT IMPEDE** Policy 8.6.2 regarding the preservation of habitat for native and game species.
- g. A Natural Resource Report was prepared by the Champaign County Soil and Water Conservation District and received on February 12, 2007 for the RRO approved in 2007, which discussed the types of soils and other site characteristics.

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- (a) Site-specific concerns stated in the report were the following:
- \*i. The area that is to be developed has two soil types that have severe wetness restriction and one that has flooding characteristics. This will be especially important for the septic systems that are planned.
  - \*ii. The west portion of the tract has many trees that were planted as part of the Conservation Reserve Program. An effort to save or transplant the high quality trees should be made.
    - (i) The CRP contract ended on September 30, 2007.

- (2) Policy 4.1.8 states, **“The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**

The proposed RRO will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- a. Discussion on the LESA score and soils is provided under Item 21 above. The soils are not Best Prime Farmland, and they received a “low rating for protection” in the LESA analysis.

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

Objective 4.2 includes four subsidiary policies. Policy 4.2.1 does not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 4.2 because of the following:

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

The proposed RRO will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed RRO is **NOT NEGATIVELY AFFECTED** by agricultural activities because the subject property is only bordered by agriculture on three sides and buffers are provided by the existing trees on the subject property, Lincoln Avenue to the north, and the Saline Branch Drainage Ditch to the east.
- b. The proposed RRO will **NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
  - (a) The proposed RRO is sited on land that is not in crop production.

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- (b) Agricultural drainage should not be affected.
  - (c) Rural roads should not be affected, per discussion in Item 18 above.
- (2) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed RRO will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:

- a A special condition has been added regarding Right to Farm Resolution 3425.

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

The proposed RRO will **HELP ACHIEVE** Policy 4.2.4 for the following reasons:

- a The subject property is only bordered by agriculture on three sides and buffers are provided by the existing trees on the subject property, Lincoln Avenue to the north, and the Saline Branch Drainage Ditch to the east.

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

Objective 4.3 includes five subsidiary policies. Policies 4.3.2 and 4.3.5 are not relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 4.3 because of the following:

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

The proposed RRO will **HELP ACHIEVE** Policy 4.3.1 because the proposed site **IS SUITED OVERALL** for the proposed RRO for the following reasons:

- a Discussion on the LESA score and soils is provided under Item 21 above. The soils are not Best Prime Farmland, and they received a “low rating for protection” in the LESA analysis.
- b No farmland will be converted for the proposed RRO. Three of the proposed lots are on an old tree farm, and the petitioners intend to maintain as many of the trees as possible on the lots.
- c Agricultural drainage should not be affected.
- d Regarding wastewater treatment and disposal on the subject property:
  - (1) The subject property residences have a septic system, and new septic systems will be required for new dwellings on the proposed lots.



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- e. The Somer Township Highway Commissioner has been notified of this case, and no comments have been received.
- f. The subject property is 0.27 mile from the City of Urbana.

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

The proposed RRO will **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. Emergency services were discussed under Item 25 above.
- b. Response time of the Eastern Prairie Fire Protection District would be approximately 7 minutes (3.4 road miles).
- c. Both hospitals in Urbana are approximately 7 to 8 minutes (3 road miles) from the subject property.

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

The proposed RRO will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. Item 18 above provides information on traffic impacts.
- b. The proposed new public cul-de-sac for the RRO would align perpendicular to North Lincoln Avenue, which is an improvement over the existing gravel drive and its former alignment to the old Lincoln Avenue alignment.
- c. The estimated 30 additional trips per day to the existing 2,900 average daily vehicle trips on Lincoln Avenue would be an insignificant increase in traffic volumes.
- d. The Somer Township Highway Commissioner has been notified of this case, and no comments have been received.

- D. Objective 4.7 is entitled “Right to Farm Resolution” and states: “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

Objective 4.7 has no subsidiary policies. The proposed RRO will **HELP ACHIEVE** Objective 4.7 because of the following:

- (1) A special condition has been added regarding Right to Farm Resolution 3425.

- E. Objective 4.8 is entitled “Locally Grown Foods” and states: “Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.”

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Objective 4.8 has no subsidiary policies. The proposed RRO will **HELP ACHIEVE** Objective 4.8 because of the following:

- (1) Discussion under Item 19.B.(3) above indicates that the proposed RRO will not likely impact the nearby Prairie Fruits Farm.
- (2) Approval of the RRO is a step toward the petitioner's legal use of the existing event center proposed in zoning cases 934-AM-19 and 935-S-19; the event center purchases food from Prairie Fruits Farm for some of its events.

35. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

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

Goal 5 has 3 objectives and 15 policies. Objectives 5.2, 5.3, and their subsidiary policies do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Goal 5 because of the following:

- A. Objective 5.1 is entitled "Population Growth and Economic Development" and states, "Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers."

Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 5.1 because of the following:

- (1) Policy 5.1.1 states, **"The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**

The proposed RRO will **HELP ACHIEVE** Policy 5.1.1 for the following reasons:

- a. The subject property is not served by sanitary sewer.
  - b. The Appendix to Volume 2 of the LRMP defines "urban development" as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and "urban land use" as generally, land use that is connected and served by a public sanitary sewer system.
  - c. The proposed use is not considered urban development because it is too far away from a public sanitary sewer system to connect. The subject property residence has a septic system.
- (2) Policy 5.1.3 states, **"The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map."**

The proposed RRO will **NOT IMPEDE** Policy 5.1.3 because of the following:

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- a. The subject property is within the City of Urbana Contiguous Urban Growth Area.
- b. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area, which is consistent with the proposed residential subdivision.

36. LRMP Goal 6 is entitled "Public Health and Safety" and states as follows:

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

Goal 6 has four objectives and seven policies. Objectives 6.2, 6.3, 6.4 and their subsidiary policies do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Goal 6 for the following reasons:

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

Objective 6.1 includes four subsidiary policies. Policies 6.1.3 and 6.1.4 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 6.1 because of the following:

- (1) Policy 6.1.1 states, "**The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems.**"

The proposed RRO will **HELP ACHIEVE** Policy 6.1.1 for the following reason:

- a. The proposed lots meet the minimum lot size established in the Zoning Ordinance.
- (2) Policy 6.1.2 states, "**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**"

The proposed RRO will **HELP ACHIEVE** Policy 6.1.2 for the following reasons:

- a. The subject property residence has a septic system.
- b. New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed RRO will **NOT IMPEDE** Goal 7.

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38. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.7, 8.8, and 8.9 and the subsidiary policies either are not relevant to or will not impede the proposed RRO. The proposed RRO will **NOT IMPEDE** Goal 8 for the following reasons:

A. Objective 8.1 states, “**Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.**”

Objective 8.1 includes nine subsidiary policies. Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, 8.1.8, and 8.1.9 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 8.1 because of the following:

(1) Policy 8.1.1 states, “**The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.**”

The proposed RRO will **HELP ACHIEVE** Policy 8.1.1 for the following reason:

a. Discussion regarding water availability can be found under Item 24 above. The subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the availability of water supply because it is located above the Mahomet Aquifer.

B. Objective 8.2 states, “Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”

Objective 8.2 includes one subsidiary policy. The proposed RRO will **HELP ACHIEVE** Objective 8.2 for the following reason:

(1) Policy 8.2.1 states, “**The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. 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.”**

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The proposed RRO will **HELP ACHIEVE** Policy 8.2.1 for the following reason:

a. The subject property is not comprised of Best Prime Farmland.

- C. Objective 8.4 states, “Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.”

Objective 8.4 includes six subsidiary policies. The proposed RRO will **HELP ACHIEVE** Objective 8.4 because of the following:

- (1) Policy 8.4.1 states, **“The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.4.1 for the following reasons:

a. The Watershed Implementation Plan for the Upper Salt Fork of the Vermilion River dated May 2007 includes the following information related to the Saline Branch:

(a) The plan identified problems such as “poor urban and residential land uses adjacent to streams may be at risk of flooding or causing water pollution” and “poorly controlled urbanization may overload agricultural drainage systems.”

(b) The plan identified goals such as:

- i. Increasing aquatic and terrestrial wildlife habitat;
- ii. Providing public information and education regarding wildlife habitat; and
- iii. Reducing nitrate-nitrogen, phosphorus, and sediment loads.

(c) The plan identified implementation strategies related to residential development:

- i. Lawn care education to reduce unnecessary use of lawn fertilizer; and
- ii. Control construction erosion.

b. Any development in the floodplain will be required to complete a Floodplain Development Permit application, which will help ensure that construction will not negatively affect area waterways.

- (2) Policy 8.4.2 states, **“The County will require storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.4.2 for the following reasons:

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- a. Discussion regarding drainage can be found under RRO Factor C.2.E (Item 22). Overall, the proposed RRO District is comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
- (a) The buildable portions of the proposed RRO District have an average slope of 2%.
  - (b) Almost all of the soils making up the buildable portion of the proposed RRO District are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
  - (c) Due to the reconstruction of Lincoln Avenue, it is unknown how much upstream area might still drain across the proposed buildable portion of the proposed RRO District, but it would appear to be an insignificant amount.
  - (d) There are no known underground drainage tiles on the property and it is unlikely that any exist.
- (3) Policy 8.4.3 states, **“The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing storm water infiltration and aquifer recharge.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.4.3 for the following reasons:

- a. The petitioners constructed a detention pond sometime between 2008 and 2010 that covers approximately 0.31 acre on proposed Lot 4 and Outlot 4.
  - b. There is sufficient area on each proposed lot to construct a house outside of the special flood hazard area.
  - c. The petitioners intend to keep as many trees from the former tree farm as possible in the development of the proposed subdivision.
- (4) Policy 8.4.4 states, **“The County will ensure that point discharges, including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.”** The proposed RRO will **HELP ACHIEVE** Policy 8.4.4 for the following reason:
- a. New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.
- (5) Policy 8.4.5 states, **“The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.4.5 for the following reasons:

- a. New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.

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- b. The land adjacent to the Saline Branch will be left as “outlots” and thus will not be developed or used intensively
- (6) Policy 8.4.6 states, **“The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.4.6 for the following reason:

- a. The Saline Branch Drainage Ditch runs through the southeast corner of the subject property. The Beaver Lake Drainage District was notified of this case, and no comments have been received.
- D. Objective 8.5 states, “Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.”

Objective 8.5 includes five subsidiary policies. Policies 8.5.4 and 8.5.5 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 8.5 because of the following:

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

The proposed RRO will **HELP ACHIEVE** Policy 8.5.1 for the following reasons:

- a. On March 25, 2019, P&Z Staff completed a preliminary endangered species consultation using the Illinois Department of Natural Resources online EcoCAT tool. The report indicated that there were no threatened or endangered species or protected natural areas near the subject property.
- b. The petitioners intend to keep as many trees from the former tree farm as possible in the development of the proposed subdivision.
- (2) Policy 8.5.2 states, **“The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.5.2 for the following reasons:

- a. The proposed subdivision includes Outlots B, 4A and 5A along the Saline Branch Drainage Ditch where development cannot occur.
- b. No further residential development can occur on lots 3 or 4.
- (3) Policy 8.5.3 states, **“The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.”**

The proposed RRO will **NOT IMPEDE** Policy 8.5.3 for the following reasons:

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- a. The pond constructed by the petitioners does not meet the definition of a wetland according to a review of wetland community classifications by the Illinois Department of Natural Resources.
  - b. The US Fish and Wildlife Service's National Wetlands Inventory has no identified wetlands on the subject property.
  - c. The creation of the 0.3-acre pond by the petitioners could still benefit the environment as a wildlife habitat and could still support some wetland plant species despite not being classified as a wetland.
- E. Objective 8.6 states, "Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species."

Objective 8.6 includes six subsidiary policies. Policies 8.6.1, 8.6.5, and 8.6.6 do not appear to be relevant to the proposed RRO. The proposed RRO will **NOT IMPEDE** Objective 8.6 because of the following:

- (1) Policy 8.6.2 states, "**a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas. b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.**"

The proposed RRO will **NOT IMPEDE** Policy 8.6.2 for the following reasons:

- a. The vegetation along the Saline Branch appears to be similar to the pre-settlement oak savanna landscape of Champaign County. Regarding the impact of the proposed RRO on this vegetation:
    - (a) Existing construction on proposed lot 4 has had minimal impact on the landscape, probably due to the very large lot area.
    - (b) Development on proposed lot 5 may have a greater impact due to the smaller size of lot 5.
    - (c) The proposed outlots should ensure that much of this vegetation will remain largely undisturbed. However, this vegetation may not exist in this condition for the long term unless there is appropriate maintenance to maintain the open savanna.
  - b. The former tree farm on proposed lots 1, 2, and 3 provides wildlife habitat, but is not representative of the pre-settlement environment.
- (2) Policy 8.6.3 states, "**For discretionary development, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to**



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**identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.6.3 for the following reasons:

a. P&Z Staff checked the Illinois Natural Areas Inventory for possible INAI Sites on April 15, 2019, and there were no sites on or near the subject property.

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

The proposed RRO will **NOT IMPEDE** Policy 8.6.4 for the following reason:

a. On March 25, 2019, P&Z Staff completed a preliminary endangered species consultation using the Illinois Department of Natural Resources online EcoCAT tool. The report indicated that there were no threatened or endangered species or protected natural areas near the subject property.

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

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

The proposed RRO will **NOT IMPEDE** the achievement of Goal 9.

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

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

The proposed RRO will **NOT IMPEDE** the achievement of Goal 10.

**FOR THE RRO MAP AMENDMENT  
GENERALLY REGARDING THE LASALLE AND SINCLAIR FACTORS**

41. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed RRO. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors, but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

- A. **LaSalle factor: The existing uses and zoning of nearby property.** Table 1 below summarizes the land uses and zoning of the subject property and nearby properties.

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**Table 1. Land Use and Zoning Summary**

| Direction | Land Use                     | Zoning   |
|-----------|------------------------------|--|
| Onsite    | Residential and Event Center | CR Conservation Recreation   |
| North     | Agriculture and Residential  | CR Conservation Recreation (east of Lincoln Ave)<br>AG-2 Agriculture (west of Lincoln Ave) |
| Direction | Land Use                     | Zoning   |
| East      | Agriculture and Residential  | CR Conservation Recreation   |
| West      | Agriculture                  | CR Conservation Recreation<br>AG-2 Agriculture   |
| South     | Agriculture                  | CR Conservation Recreation   |

- B. *LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, so any discussion of values is necessarily general.
  - (2) Without the proposed RRO, two of the proposed lots could not be created, which would limit the potential value of the subject property.
  - (3) In regards to the value of nearby residential properties, the requested RRO should not have any effect. Regarding the effect on nearby properties:
    - a. One residence is adjacent to the proposed RRO; the nearest existing residence is approximately 100 feet north of proposed Lot 5, providing more than the minimum separation between residences in a non-RRO setting.
    - b. The traffic generated by the proposed residential lots will be insignificant.
- C. *LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) There has been no evidence submitted regarding property values.
  - (2) If the petitioners are denied the RRO map amendment and special use permit, the property can still be used for one residence, and two other lots could be developed by right through a subdivision with the City of Urbana. The illegal second residence in the detached garage would have to be decommissioned unless they have an approved subdivision with the City.
- D. *LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) Approval of the RRO is a step toward the petitioner's legal use of the existing event center proposed in zoning cases 934-AM-19 and 935-S-19. The petitioners indicate that the event center is in demand by the community.
  - (2) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) The RRO proposed by the petitioners in 2007 was approved for three additional lots beyond the three by-right proposed lots.
  - (2) Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
  - (3) Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
  - (4) The proposed RRO will **NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
    - a. The proposed RRO is sited on land that is not in crop production.
    - b. Agricultural drainage should not be affected.
    - c. Rural roads should not be affected.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is in residential use in the CR Conservation Recreation Zoning District.
  - (2) There has been no development in the surrounding rural area in decades.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed RRO will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
  - (2) The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.
- I. Overall, the proposed RRO **IS** consistent with the LaSalle and Sinclair factors.

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**OR BOTH THE RRO REZONING AND THE RRO SPECIAL USE PERMIT  
REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

42. Regarding the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- B. 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.
- (1) It is not clear whether or not the proposed RRO 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.
- (2) The proposed RRO could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
- a. An RRO is authorized by Special Use Permit in the CR Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between conservation/recreation and residential uses. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
- (3) 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:
- a. If the petitioners are denied the RRO, the property can still be used as a residence.
- b. The petitioners feel that they will get more value and use out of their land if they can subdivide it for residential and maintain use of their existing event center, all of which depend on the RRO approval.
- C. 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.
- Probable traffic impacts are reviewed under RRO FACTOR C.2.A (Item 18). The traffic generated by the proposed residential lots will not substantially affect traffic volumes on Lincoln Avenue.

- D. 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.
- (1) Discussion regarding drainage can be found under RRO Factor C.2.E (Item 22).
  - (2) Overall, the proposed RRO District is comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
    - a. The buildable portions of the proposed RRO District have an average slope of 2%.
    - b. Almost all of the soils making up the buildable portion of the proposed RRO District are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
    - c. Due to the reconstruction of Lincoln Avenue, it is unknown how much upstream area might still drain across the proposed buildable portion of the proposed RRO District, but it would appear to be an insignificant amount.
    - d. There are no known underground drainage tiles on the property and it is unlikely that any exist.
- E. 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.
- (1) 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.
  - (2) 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.
  - (3) No comments were received during the public hearings for previous RRO case 573-AM-06.
  - (4) No comments have been received to date regarding the proposed RRO.
- F. 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 RRO appears to be in compliance with those limits.

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- G. 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.

- H. 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.

- I. 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.

- (1) No agricultural land will be removed from production.
- (2) The soil on the subject property is not BEST PRIME FARMLAND.
- (3) The petitioners do not seek urban services such as sewer and public water for the proposed RRO, and therefore the use is not considered to be urban.

- J. 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.

- (1) A Natural Resource Report was prepared by the Champaign County Soil and Water Conservation District and received on February 12, 2007 for the RRO approved in 2007, which discussed the types of soils and other site characteristics.

\*a. Site-specific concerns stated in the report were the following:

- \*a. The area that is to be developed has 2 soil types that have severe wetness restriction and one that has flooding characteristics. This will be especially important for the septic systems that are planned.

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- \* (b) The west portion of the tract has many trees that were planted as part of the Conservation Reserve Program. An effort to save or transplant the high quality trees should be made.
  - a. The CRP contract ended on September 30, 2007.
  
- (2) Discussion regarding natural resources can be found under RRO Factor C.2.J (Item 27) and LRMP Goal 8 (Item 38).
  - a. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of effects on wetlands and archaeological sites, because reports from the appropriate agencies showed there were no effects, and because there are significant natural areas and habitats that include pre-settlement conditions.
  
- K. 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.
  - (1) The proposed RRO 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.
  - (2) The proposed RRO will not require public investment in facilities or utilities.
  
- L. 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 petitioners do not seek to change the rural nature of the property, and the proposed RRO will not take any land out of agricultural production.
  
- M. 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 RRO and proposed Special Use will not hinder the development of renewable energy sources.

**REGARDING SPECIAL CONDITIONS OF APPROVAL FOR THE PROPOSED RRO**

- 43. Proposed Special Conditions of Approval for Case 931-AM-19:
  - A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

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44. Proposed Special Conditions of Approval for Case 932-S-19:

A. **The Special Use is subject to the approval of Case 931-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

**That any construction complies with the 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 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 meets the requirements established for Special Uses in the Zoning Ordinance.**

D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

**Any new septic system is in compliance with the Champaign County Health Ordinance.**

E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5.**

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

**That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.**



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- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

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

**That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.**

**DOCUMENTS OF RECORD**

1. Application for a Rural Residential Overlay (RRO) received March 15, 2019, with attachments:
  - A Application for Map Amendment
  - B Application for Special Use Permit
  - C Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
2. Case 573-AM-06 approved Finding of Fact (previous RRO for the subject property)
3. Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007 (during the previous RRO process)
4. Phase 1 Archaeological Survey of the subject property received February 15, 2007 (during the previous RRO process)
5. Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
6. Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
7. 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
8. Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
9. Excerpt of Map: LRMP Land Use Management Areas Map updated in 2016, to show the Contiguous Urban Growth Area (CUGA), created by P&Z Staff on April 15, 2019
10. Preliminary Memorandum dated April 18, 2019 for Cases 931-AM-19 and Case 932-S-19, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
  - C Revised Lot Configuration based on Approximate Floodway created by P&Z Staff on April 17, 2019
  - D 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
  - E Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019

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- F Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County revised June 7, 2016
- G LRMP Land Use Goals, Objectives, and Policies
- H LRMP Appendix of Defined Terms
- I Right to Farm Resolution 3425
- J Case 573-AM-06 approved Summary Finding of Fact (previous RRO for the subject property)
- K Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007
- L Phase 1 Archaeological Survey of the subject property received February 15, 2007
- M Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
- N Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
- O Excerpt of Map: LRMP Land Use Management Areas Map updated in 2016, to show the Contiguous Urban Growth Area (CUGA), created by P&Z Staff on April 15, 2019
- P Site Visit Photos taken April 9, 2019
- Q Combined Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated April 25, 2019

**SUMMARY FINDING OF FACT FOR REZONING CASE 931-AM-19**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed RRO map amendment **IS** suitable for the development of the specified maximum number of residences because: compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
  - A. “Ideal or Nearly Ideal” conditions for seven factors:
    - (1) RRO Factor B: Effects on farms
    - (2) RRO Factor D: LESA score
    - (3) RRO Factor E: Effects on drainage
    - (4) RRO Factor G: Availability of water supply
    - (5) RRO Factor J: Effects on sensitive natural areas
    - (6) RRO Factor K: Natural or manmade hazards
    - (7) RRO Factor L: Land converted from agricultural uses
  - B. “Much Better Than Typical” conditions for four factors:
    - (1) RRO Factor A: Safety
    - (2) RRO Factor C: Effects of nearby farms
    - (3) RRO Factor F: Septic suitability
    - (4) RRO Factor H: Emergency services
  - C. “More or Less Typical” conditions for one factor:
    - (1) RRO Factor I: Flood hazard status
2. The proposed RRO map amendment **WILL** be compatible with surrounding agriculture because:
  - A. Compared to the three homes allowed by-right on the subject property, the five total homes proposed in the RRO would increase traffic, increase possible trespass onto adjacent farmland, and potentially increase litter onto adjacent fields, but there is no guaranteed increase in any of these factors.
  - B. There is no difference between the RRO and the non-RRO alternative for discharge of “dry weather flows” of storm water or ground water (such as from a sump pump).
  - C. There is no difference between the RRO and the non-RRO alternative for the effect of trees planted close to the property lines on adjacent farming operations.
  - D. Potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers, particularly for livestock management operations. A special condition has been added regarding the Right to Farm Resolution.
  - E. The two additional residences requested in the proposed RRO would not increase the restrictions placed on the Prairie Fruits Farm beyond what the three by-right residences would impose.
  - F. Agricultural operations adjacent to the subject property are buffered by existing trees, the Saline Branch Drainage Ditch, and Lincoln Avenue.

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3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
- A. Regarding Goal 3:
- (1) Although the proposed RRO is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed RRO will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
  - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
- B. Regarding Goal 4:
- (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on Best Prime Farmland because it will **HELP ACHIEVE** the following:
    - a. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 34.A.(1)).
    - b. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 34.A.(2)).
  - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
    - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 34.B.(1)).
    - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 34.B.(2)).
    - c. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 34.B.(3)).
  - (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
    - a. Policy 4.3.1 requiring a discretionary development to be suited overall (see Item 34.C.(1)).
    - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 34.C.(2)).

- c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 34.C.(3)).
  - (4) It will **HELP ACHIEVE** Objective 4.7 requiring the right to farm because a special condition has been added regarding Right to Farm Resolution 3425 (see Item 34.D).
  - (5) It will **HELP ACHIEVE** Objective 4.8 encouraging the production, purchase, and consumption of locally grown food because the proposed RRO will not likely impact the nearby Prairie Fruits Farm and the existing events center purchases food from Prairie Fruits Farm (see Item 34.E).
  - (6) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed RRO will **HELP ACHIEVE** Objective 5.1 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
    - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 35.A.(1)).
    - b. Policy 5.1.3 requiring the County to consider the municipal Contiguous Urban Growth Area (CUGA) (see Item 35.A.(2)).
  - (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed RRO will **HELP ACHIEVE** Objective 6.1 because it will **HELP ACHIEVE** the following:
    - a. Policy 6.1.1 requiring the County to establish lot requirements that provide ample and appropriate areas for wastewater and septic systems (see Item 36.A.(1)).
    - b. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 36.A.(2)).
  - (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.
- E. Regarding Goal 8:
- (1) The proposed RRO will **HELP ACHIEVE** Objective 8.1 because it will **HELP ACHIEVE** the following:
    - a. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.A.(1)).

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- (2) The proposed RRO will **HELP ACHIEVE** Objective 8.2 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.2.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.B.(1)).
  
- (3) The proposed RRO will **HELP ACHIEVE** Objective 8.4 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.4.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.C.(1)).
  
  - b. Policy 8.4.2 requiring storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems (see Item 38.C.(2)).
  
  - c. Policy 8.4.3 requiring the County to encourage land management that promotes good drainage (see Item 38.C.(3)).
  
  - d. Policy 8.4.4 requiring the County to ensure that point discharges exceed state and federal water quality standards (see Item 38.C.(4)).
  
  - e. Policy 8.4.5 requiring the County to ensure that non-point discharges exceed state and federal water quality standards (see Item 38.C.(5)).
  
  - f. Policy 8.4.6 requiring the County to recognize the importance of Drainage Districts (see Item 38.C.(6)).
  
- (4) The proposed RRO will **HELP ACHIEVE** Objective 8.5 because it will either will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
  - a. Policy 8.5.1 requiring land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat (see Item 38.D.(1)).
  
  - b. Policy 8.5.2 requiring new development to cause no more than minimal disturbance to the stream corridor environment (see Item 38.D.(2)).
  
  - c. Policy 8.5.3 requiring the County to encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage (see Item 38.D.(3)).
  
- (5) The proposed RRO will **NOT IMPEDE** Objective 8.6 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
  - a. Policy 8.6.2 requiring the County to use land use patterns, site design standards and land management practices to minimize the disturbance of habitat areas (see Item 39.E.(1)).

- b. Policy 8.6.3 requiring the County to use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement (see Item 39.E.(2)).
  - c. Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 39.E.(3)).
- (6) Based on achievement of the above Objective and Policies, the proposed map amendment will **NOT IMPEDE** Goal 8 Natural Resources.
- F. The proposed RRO will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 7 Transportation
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- G. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
4. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the existing uses and zoning of nearby property because the RRO is proposed for residential use and surrounding land is residential in use or in agricultural production.
  - B. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the extent to which property values are diminished by the particular zoning restrictions because without the proposed RRO, two of the proposed lots could not be created, which would limit the potential value of the subject property.
  - C. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public because:
    - (1) There has been no evidence submitted regarding property values.
    - (2) If the petitioners are denied the map amendment and special use permit, the property can still be used for one residence, and two other lots could be developed by right through a subdivision with the City of Urbana. The illegal second residence in the detached garage would have to be decommissioned unless they have an approved subdivision with the City.
  - D. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the relative gain to the public as compared to the hardship imposed on the individual property owner because:

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- (1) Approval of the RRO is a step toward the petitioner's legal use of the existing event center proposed in zoning cases 934-AM-19 and 935-S-19. The petitioners indicate that the event center is in demand by the community.
  - (2) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
- E. The proposed RRO *IS* consistent with the *LaSalle* factor regarding the suitability of the subject property for the zoned purposes because:
- (1) The RRO proposed by the petitioners in 2007 was approved for three additional lots beyond the three by-right proposed lots.
  - (2) The RRO does not require additional public infrastructure or services.
  - (3) The RRO does not conflict with surrounding agricultural activities or agricultural infrastructure.
- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is in residential use in the CR Conservation Recreation Zoning District.
  - (2) There has been no development in the surrounding rural area in decades.
- G. ***Sinclair* factor: The need and demand for the use.** Regarding this factor:
- (1) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed RRO will ***HELP ACHIEVE*** the Champaign County Land Resource Management Plan.
  - (2) The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.
5. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance because:
- A. The proposed RRO should have no significant effect on the value of nearby properties (Purpose 2.0 (b) - see Item 42.B.)
  - B. The proposed RRO will not substantially affect traffic volumes (Purpose 2.0(c) - see Item 42.C.).
  - C. The proposed RRO ***WILL*** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) - see Item 42.D.).



- D. Establishing the RRO will ***NOT IMPEDE*** the protection the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) – see Item 42.I).
- E. The proposed RRO ***WILL*** protect natural features such as forested areas and watercourses (Purpose 2.0 (o) – see Item 42.J).
- F. The proposed RRO ***WILL*** minimize the cost of development of public utilities and public transportation facilities (Purpose 2.0 (p) – see Item 42.K).
- G. The proposed RRO ***WILL*** encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities (Purpose 2.0 (q) – see Item 42.L).
- H. The proposed RRO ***WILL NOT*** hinder the development of renewable energy sources (Purpose 2.0(r) – see Item 42.M).

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**FINDINGS OF FACT FOR RRO SPECIAL USE PERMIT CASE 932-S-19**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **932-S-19** held on **April 25, 2019**, 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 TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **The Special Use is subject to the approval of Case 931-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

**That any construction complies with the 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 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 meets the requirements established for Special Uses in the Zoning Ordinance.**

- D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

**Any new septic system is in compliance with the Champaign County Health Ordinance.**

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- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5.**

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

**That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.**

- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

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

**That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.**

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**FINAL DETERMINATION FOR RRO REZONING CASE 931-AM-19**

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

The Map Amendment for a Rural Residential Overlay (RRO) requested in **Case 931-AM-19** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

**SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

- A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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**FINAL DETERMINATION FOR RRO SPECIAL USE PERMIT CASE 932-S-19**

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, recommends that:

The Special Use requested in Case **932-S-19** be *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Bill Cope and Mary Kalantzis**, to authorize the following as a Special Use Permit:

**Authorize a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.**

***{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}***

- A. **The Special Use is subject to the approval of Case 931-AM-19.**
- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**
- C. **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.**
- D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**
  - (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
  - (2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
  - (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**
- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5.**
- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

**Cases 931-AM-19 & 932-S-19**

***PRELIMINARY DRAFT***

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date