

## **CASE 967-S-19**

*PRELIMINARY MEMORANDUM*

*January 23, 2020*

- Petitioners:** Bruce and Brody Block, d.b.a., Block Field Tiling, LLC
- Request:** Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.
- Location:** A 35-acre tract in the South Half of the Southeast Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers Township with an address of 2460 CR 400N, Broadlands.
- Site Area:** Special Use Permit Area is five acres
- Time Schedule for Development:** Already in use
- Prepared by:** **Susan Burgstrom**, Senior Planner  
**John Hall**, Zoning Administrator

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

(217) 384-3708

[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)

[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

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### **BACKGROUND**

Co-petitioner Bruce Block has owned the subject property since 2010. He is co-owner of Block Field Tiling, LLC along with his son, Brody Block. They are the sole officers and shareholders in Block Field Tiling, LLC. The petitioners have established a construction materials recycling business on five acres of the 35-acre subject property. Onsite operations for the business include concrete, brick, and asphalt crushing, storage, and sales. They also still operate the farm on the remaining 30 acres and store grain in the bins onsite. They have farm equipment parked onsite and store some drainage equipment because they are also agricultural drainage contractors under the same business name.

The most relevant approximate land use in the Zoning Ordinance is a contractor's facility with outdoor storage and operations. Section 5.2: Table of Authorized Principal Uses states that Contractor's Facilities with outdoor storage and/or outdoor operations can be established with a Special Use Permit in the AG-1 Agriculture Zoning District. There are no standard conditions from Section 6.1.3 for this use in the AG-1 District.

The P&Z Department has no information on hand that the petitioners looked into what permits would be necessary to locate this business on the property; the Special Use Permit requirement was identified by staff based upon a complaint received in May 2019.

The P&Z Department has received complaints from two parties since May 2019. See the "Complaints" section below.

No comments have been received from Ayers Township officials, Broadlands Fire Protection District, or the Little Vermilion Special Drainage District.

### **EXTRATERRITORIAL JURISDICTION**

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

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

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Ag production, contractor's facility	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture and residential	AG-1 Agriculture

## COMPLAINTS

The following information is under Item 8.I. in the Summary of Evidence dated January 30, 2020:

- I. Regarding comments received related to existing operations on the subject property:
  - (1) A complaint was received on May 24, 2019 about operations on the subject property. They mentioned the site being noisy and an eyesore.
  - (2) A complaint from a second party was received on October 10, 2019 about operations on the subject property. They mentioned noise from jack hammers, grinders, and trucks; dirt and dust, rats, and significantly increased truck traffic posing a safety hazard.
  - (3) A follow-up email from the second party on October 13, 2019, stated that waste materials were being disposed of from the Illinois Route 49 construction project. P&Z Staff requested information about where the Route 49 project materials were being taken, and were informed that the subject property was the recipient of these materials. IDOT staff stated that District 5 did not receive a waste site submittal for the subject property, and therefore the site was rejected and the material associated with the State project would be removed and taken to an approved waste site.
  - (4) A complaint from the first party was received on October 12, 2019 mentioning a significant increase in activity and truck traffic.

## PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed**

**exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

**That the proposed uses are in compliance with the Zoning Ordinance.**

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioners have demonstrated that they have registered their operations with Illinois Environmental Protection Agency (IL EPA).**

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

**That the Special Use considers State of Illinois and federal permitting regulations to ensure public health and safety.**

- D. **Within 270 days of approval of Case 967-S-19, the petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**

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

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

- E. **The Special Use Permit area will be limited to no more than five acres, as reflected in the Site Plan received November 5, 2019.**

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

**To protect best prime farmland from being converted to a non-agricultural use.**

- F. **Should the five-acre contractor facility ever be divided from the 35 acre property, the lot will need a variance for a lot area of more than three acres on best prime farmland.**

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

**That any division of the subject property is compliant with the Zoning Ordinance.**

- G. **A storm water detention basin will be required if impervious area increases to one acre or more.**

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

**That the contractor's facility is compliant with the *Storm Water Management and Erosion Control Ordinance*.**

- H. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has constructed one loading berth meeting the requirements of Paragraph 7.4.2 on the subject property.**

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

**That off-street parking is in compliance with the Zoning Ordinance.**

#### **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received November 5, 2019
- C Aerial photography from 1973, 1988, 2005, 2008, 2014, 2016, 2017, and 2019
- D Letter from P&Z Staff to Bruce Block dated June 3, 2019
- E Email from Bruce Block received October 9, 2019
- F Letter from P&Z Staff to Bruce Block dated October 16, 2019
- G Email from Bruce Block received December 13, 2019
- H Natural Resources Report from Champaign County Soil and Water Conservation District received December 17, 2019
- I Site Visit Photos taken December 12, 2019
- J Case 967-S-19 Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated January 30, 2020

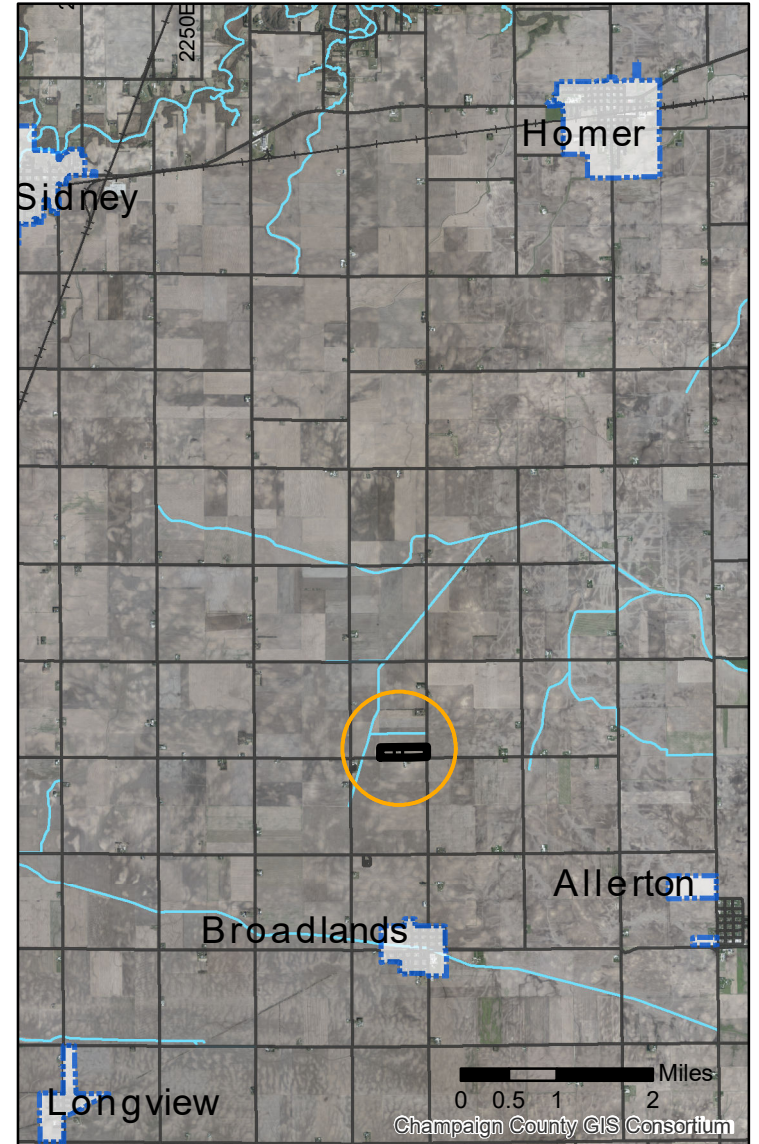
# Location Map

Case 967-S-19  
January 30, 2020





Subject Property



Property location in Champaign County



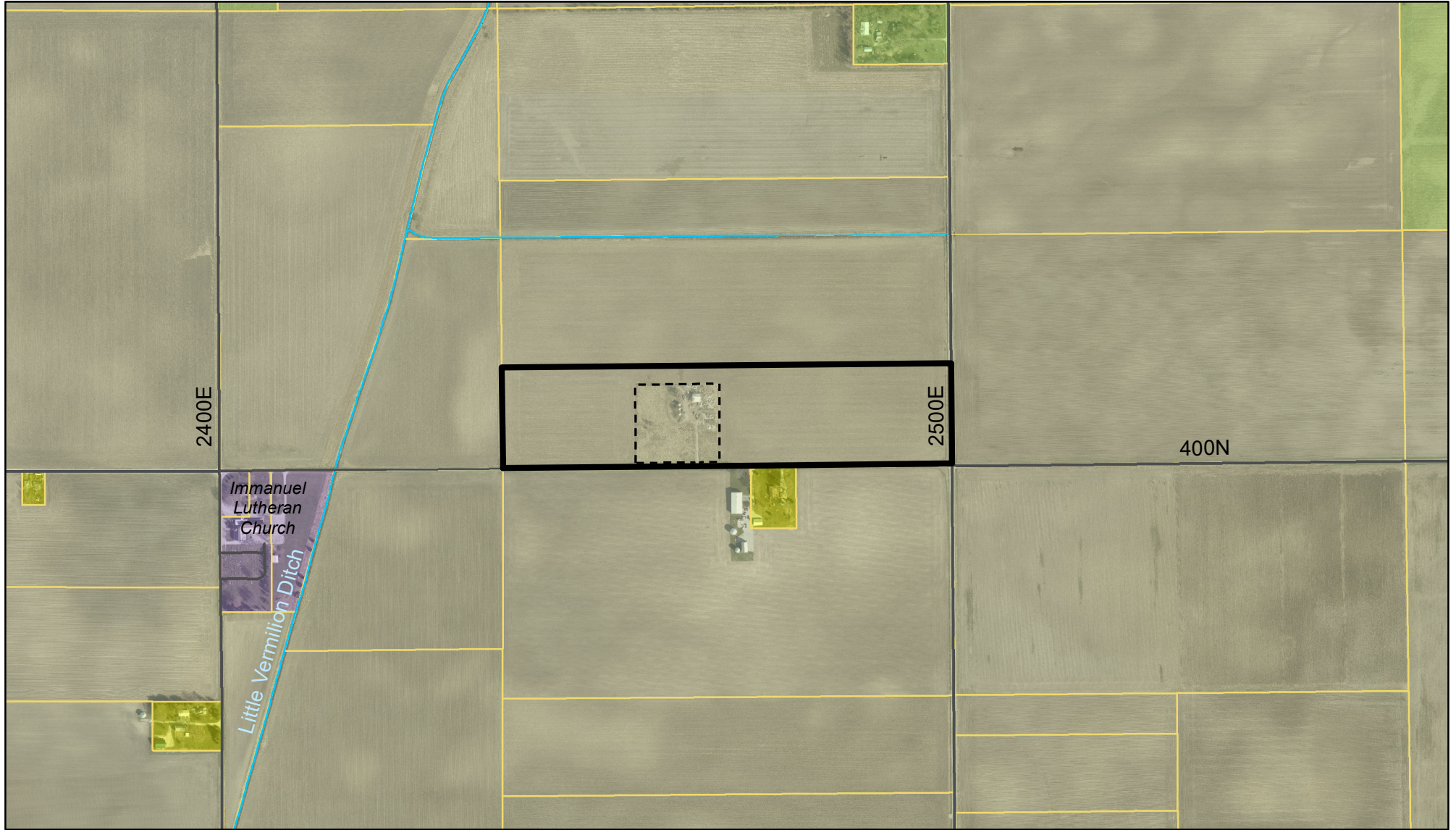
## Legend

-  Subject Property
-  SUP area
-  Parcels
-  Streams









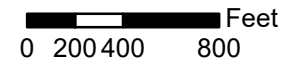
# Land Use Map

Case 967-S-19  
January 30, 2020



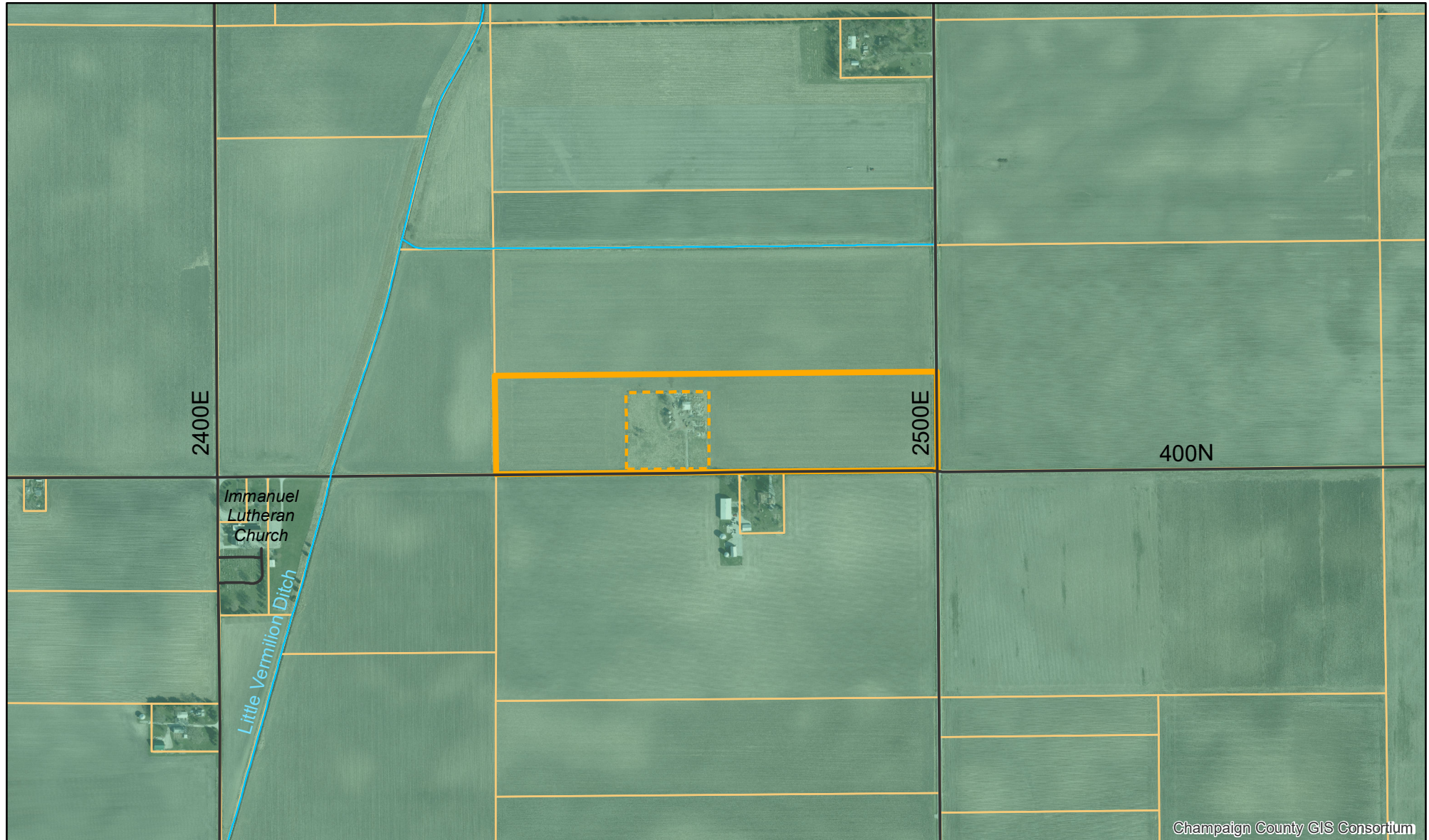
## Legend

- |                                                                                                      |                                                                                                    |                                                                                                 |
|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
|  Subject Property  |  Agriculture    |  Residential |
|  Proposed SUP area |  Ag-Residential |  Tax Exempt  |



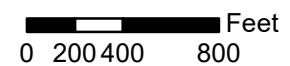
# Zoning Map

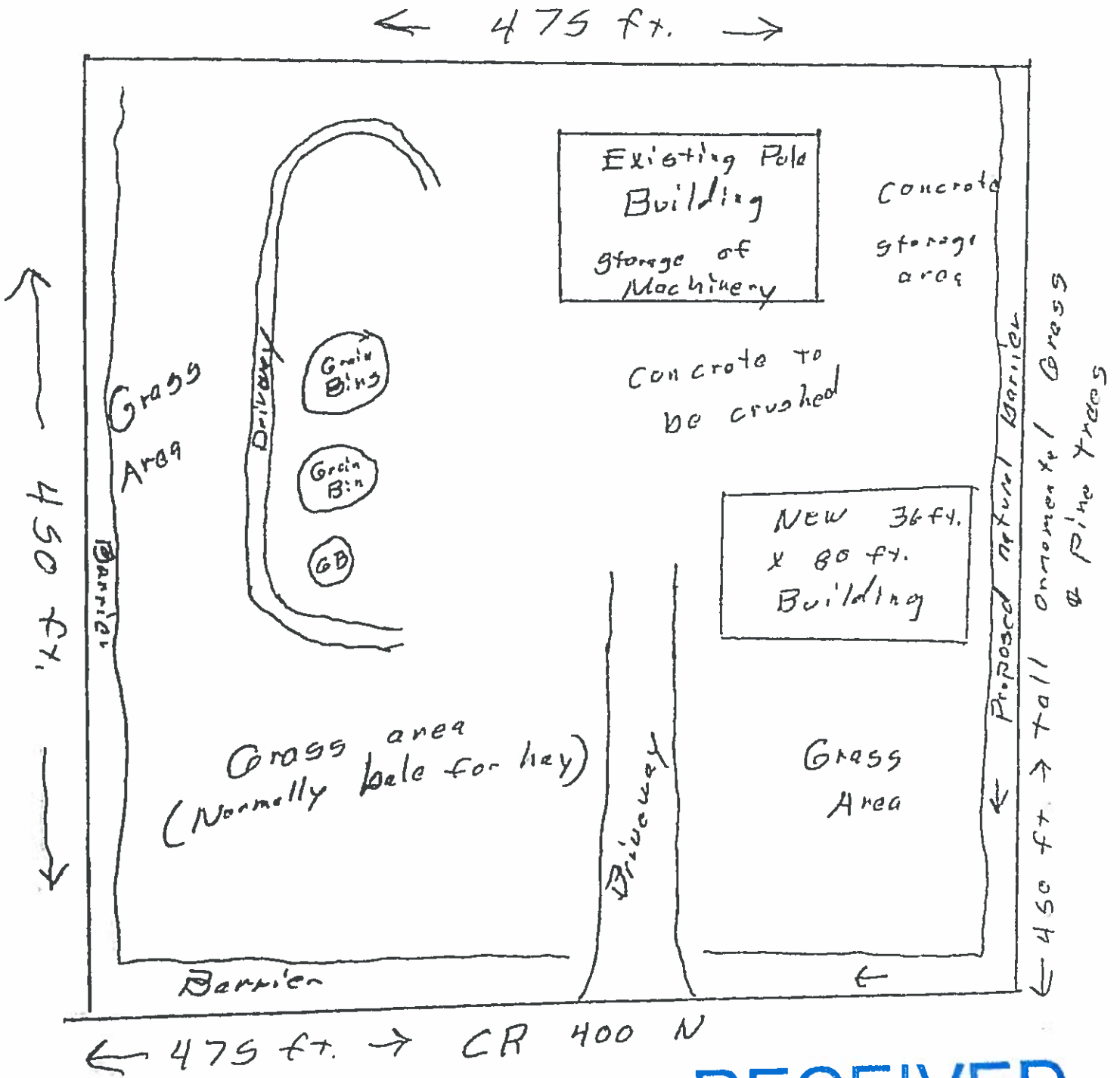
Case 967-S-19  
January 30, 2020



## Legend

-  Subject Property
-  Proposed SUP area
-  Parcels
-  AG-1 Agriculture





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NOV 05 2019

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# 2460 CR 400N 1973 aerial



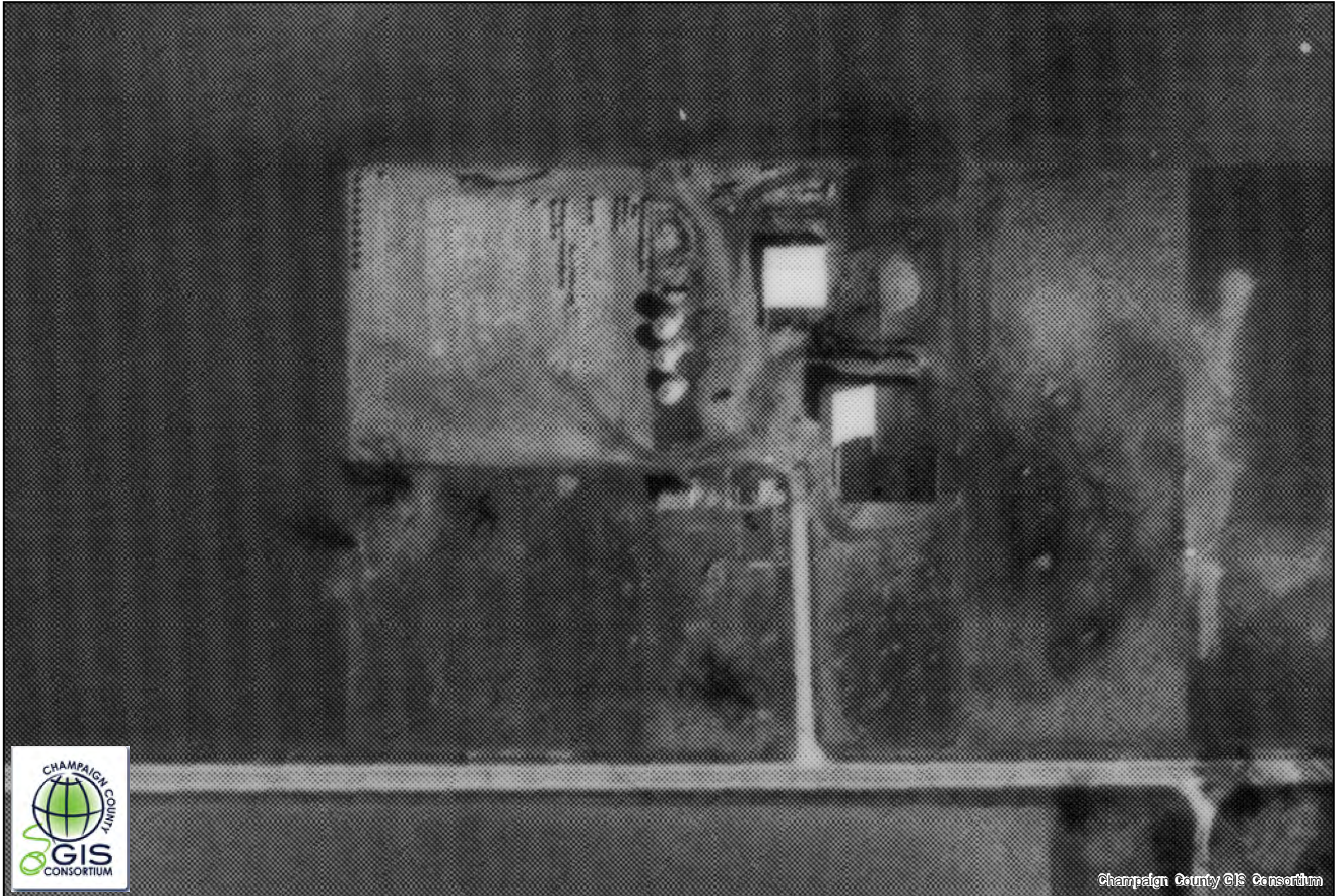
Champaign County GIS Consortium

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Feet

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# 2460 CR 400N 1988 aerial



Champaign County GIS Consortium

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 Feet

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# 2460 CR 400N 2005 aerial



Champaign County GIS Consortium

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Feet

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# 2460 CR 400N 2008 aerial



Champaign County GIS Consortium

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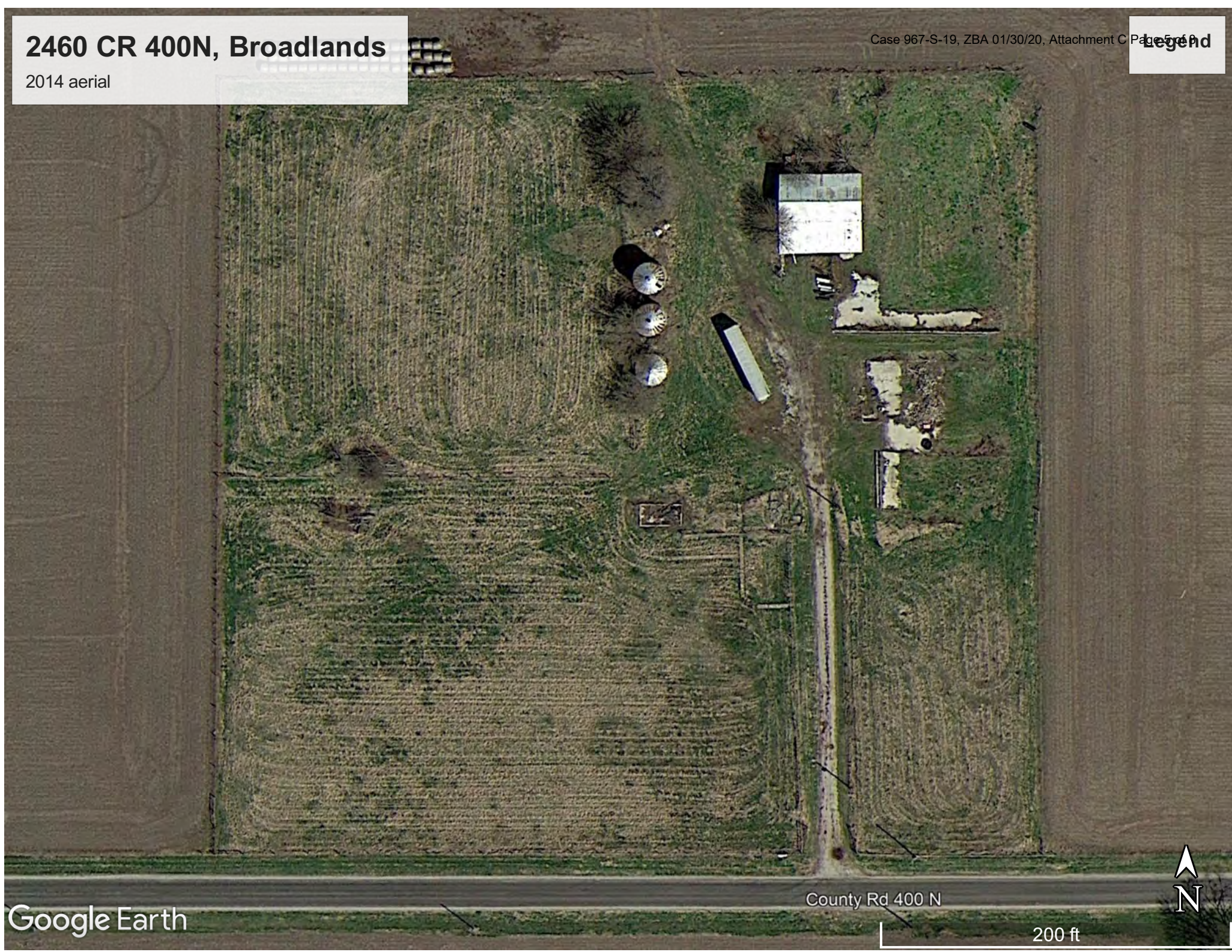
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# 2460 CR 400N, Broadlands

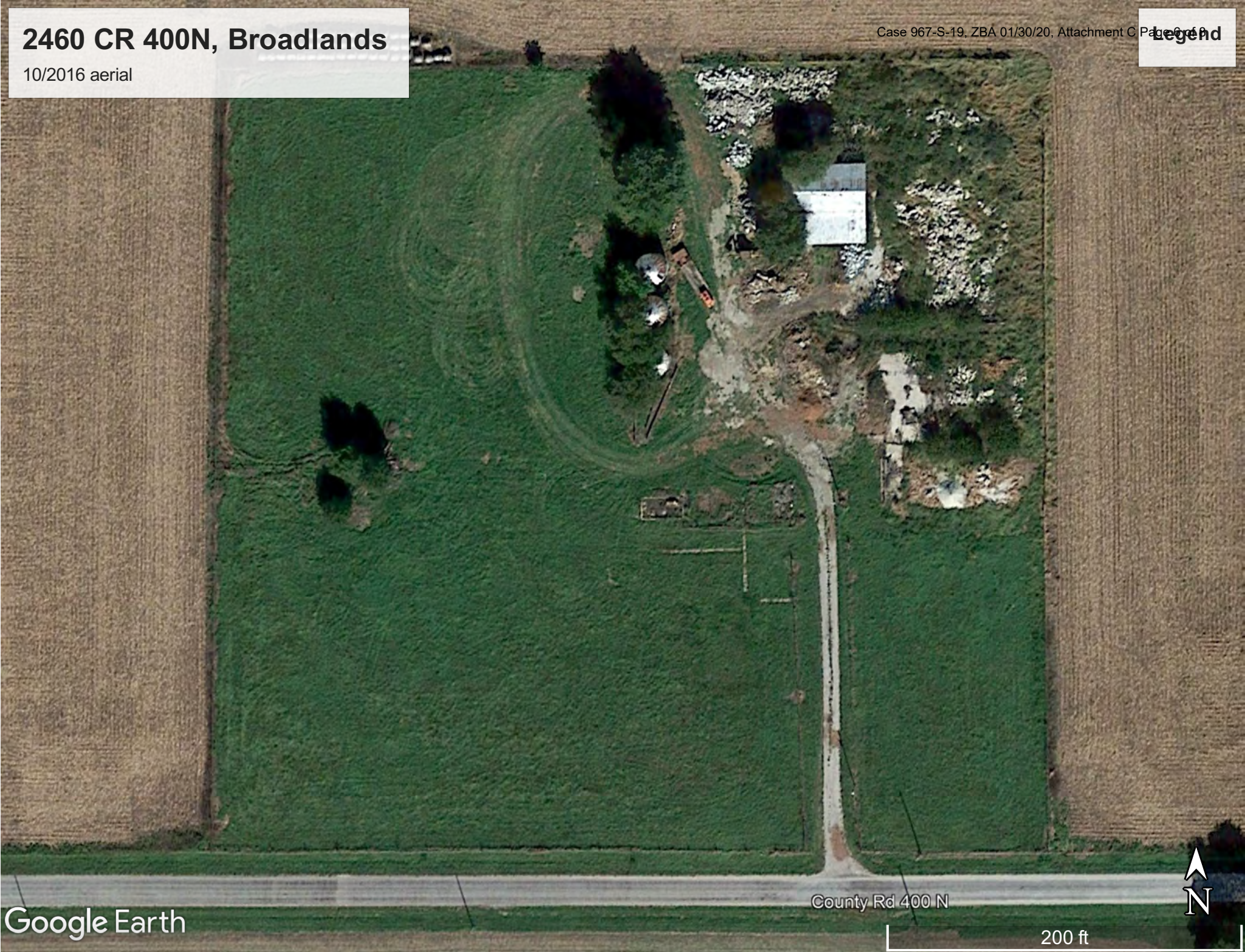
2014 aerial

Legend



# 2460 CR 400N, Broadlands

10/2016 aerial



Google Earth

County Rd 400 N

200 ft



# 2460 CR 400N 2017 aerial



Champaign County GIS Consortium

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# 2460 CR 400N, Broadlands

04/2019 aerial



Google Earth

County Rd 400 N

200 ft





Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

June 3, 2019

Bruce Block  
PO Box 80  
Broadlands, IL 61816

**FILE COPY**

RE: Champaign County Zoning Ordinance regulations

Dear Mr. Block:

The Champaign County Planning & Zoning Department recently received a complaint about the operations located at 2460 CR 400N, Broadlands (Parcel Identification Number 01-35-07-400-006). Our office must ensure that the use of your property is in compliance with the Zoning Ordinance. For reference, this property is located in the AG-1 Agriculture Zoning District, and I have enclosed an information sheet regarding land uses allowed in that district.

All land use in the rural area must comply with the Champaign County Zoning Ordinance. In some instances, business operations are not allowed at all in certain zoning districts; some operations can occur by-right, meaning that no permit is required; and others may need a Special Use Permit and/or other permitting that require a public hearing at the Zoning Board of Appeals.

This letter is a request for information about the use of your property so that I can advise you on the type of zoning approval that may be required. To that end, I would appreciate a written summary of operations on your property, including:

- the specific activities occurring at the site;
- the specific materials being stored at the site;
- the specific equipment being used/stored at the site (make, model, year);
- days and hours of operation;
- if there are sales of goods produced on site;
- the number of employees working on site;
- whether Ayer Township Supervisor Kara Walker or Township Road Commissioner Shawn Walker have any comments or other guidance regarding operations at your property; and
- whether Broadlands Fire Protection District has provided any comments or other guidance regarding operations at your property.

I would appreciate receiving the summary by **Monday, June 17, 2019**. After review of the written summary I will contact you regarding the type of zoning review and approval that your property may require.

Please call (217) 384-3708 or email me if you have questions. Any of our staff can help you if I am not available.

Sincerely,



**Susan Burgstrom**  
Senior Planner  
sburgstrom@co.champaign.il.us

Enclosure: AG-1 Zoning District handout

**Susan Burgstrom**

---

**From:** Bruce Block <bruceb61@icloud.com>  
**Sent:** Wednesday, October 9, 2019 6:39 AM  
**To:** Susan Burgstrom  
**Subject:** Oct. 9, 2019

Oct. 9, 2019

To: Susan Burgstrom  
Champaign County Dept. of Planning & Zoning

From: Bruce Block

Information regarding property at 2460 CR 400 N, Broadlands, Illinois

We operate a demolition business and bring some concrete and bricks to this site that we recycle into rock with our crusher. We also have crushed some asphalt with our machine.

We have concrete, bricks and asphalt stored here as well as the material that has been crushed which we are starting to sell.

Normally our crusher is stored here. It is a 2108 Rebel Crusher. It is a jaw crusher which doesn't make much noise other than the engine running. We are usually have 2 Kubota 90-2 skid loaders there and sometimes a Caterpillar 315 excavator. We also park our semi trucks there sometime. We have 2 International trucks and a Volvo truck and some dump trailers. Our crusher is portable and we move it to other job sites at different times.

We operate on Monday through Friday normally 8-5. We don't operate every day here. We run the crusher sometimes 2 or 3 days at a time and then may not run it at all for a couple of weeks.

We also still operate a farm here and store some grain in our grain bins there. Sometimes we have farm equipment parked here and some of our farm drainage equipment which we also do.

My son and I work here and have a couple of part time employees.

I have not received any comments from Shawn or Kara Walker or the fire dept. about my operations here.

I hope this answers your questions. Contact me at 217-841-3080 if you have further questions.

Sent from my iPad

**RECEIVED**

**OCT 09 2019**

**CHAMPAIGN CO. P & Z DEPARTMENT**

October 16, 2019

**FILE COPY**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Bruce Block  
PO Box 80  
Broadlands, IL 61816

RE: Unauthorized business at 2460 CR 400N, Broadlands (PIN 01-35-07-400-006)

Dear Mr. Block:

Thank you for the information you provided in your October 9, 2019 email. In order to continue your demolition and rock crushing business, you will need to apply for a Special Use Permit (SUP) for a Contractor's Facility, submit a complete Site Plan for the entire property, and pay appropriate fees. Compliance with all relevant Illinois Environmental Protection Agency (IEPA) regulations is also required, and it is your responsibility to ensure compliance.

I have enclosed the Special Use Permit application packet. Note that the packet also includes an application for a Natural Resource Report from the Champaign County Soil and Water Conservation District, which is required for SUP applications. Please submit that with their required fee to their office; the address is listed at the top of the form. They will send us a copy of the report.

**The necessary application must be received in this Department no later than Thursday, November 7, 2019, or you will receive a Notice of Violation. If the application is not received in a timely manner and a Notice of Violation is sent, this matter may also be referred to the Champaign County State's Attorney's Office for legal action. A complaint may be filed in the Champaign County Circuit Court naming you as defendant and fines from \$100 to \$500 per day may be imposed for each day that the violations continue to exist.**

Please understand that approval of the Special Use Permit is not guaranteed. Application fees are non-refundable once the public hearing begins, and if the Special Use Permit is not approved, the use will have to cease.

Department staff would be happy to answer any questions you may have regarding this matter and Champaign County regulations and ordinances. Please call 384-3708 if you have questions.

Sincerely,



Susan Burgstrom  
Senior Planner

Enclosure: Special Use Permit Application packet

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

(217) 384-3708

**Susan Burgstrom**

---

**From:** Susan Burgstrom  
**Sent:** Tuesday, December 17, 2019 12:11 PM  
**To:** 'Bruce Block'  
**Cc:** John Hall  
**Subject:** RE: Illinois EPA permit?

Hi Bruce,

We will need something in writing from Illinois EPA about whether your operations require a permit. If you do not have anything in writing, please contact the IL EPA Bureau of Air at 217-785-1705. They will need to provide either a letter stating that you are exempt from permitting, or a copy of your permit/registration.

Thanks,  
Susan

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**From:** Bruce Block <bruceb61@icloud.com>  
**Sent:** Friday, December 13, 2019 5:10 AM  
**To:** Susan Burgstrom <sburgstrom@co.champaign.il.us>  
**Subject:** Re: Illinois EPA permit?

DEC 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT

I don't have a permit. People at EPA have told me I didn't need one for crushing the concrete.

Sent from my iPad

On Dec 12, 2019, at 9:04 AM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Hi Bruce,

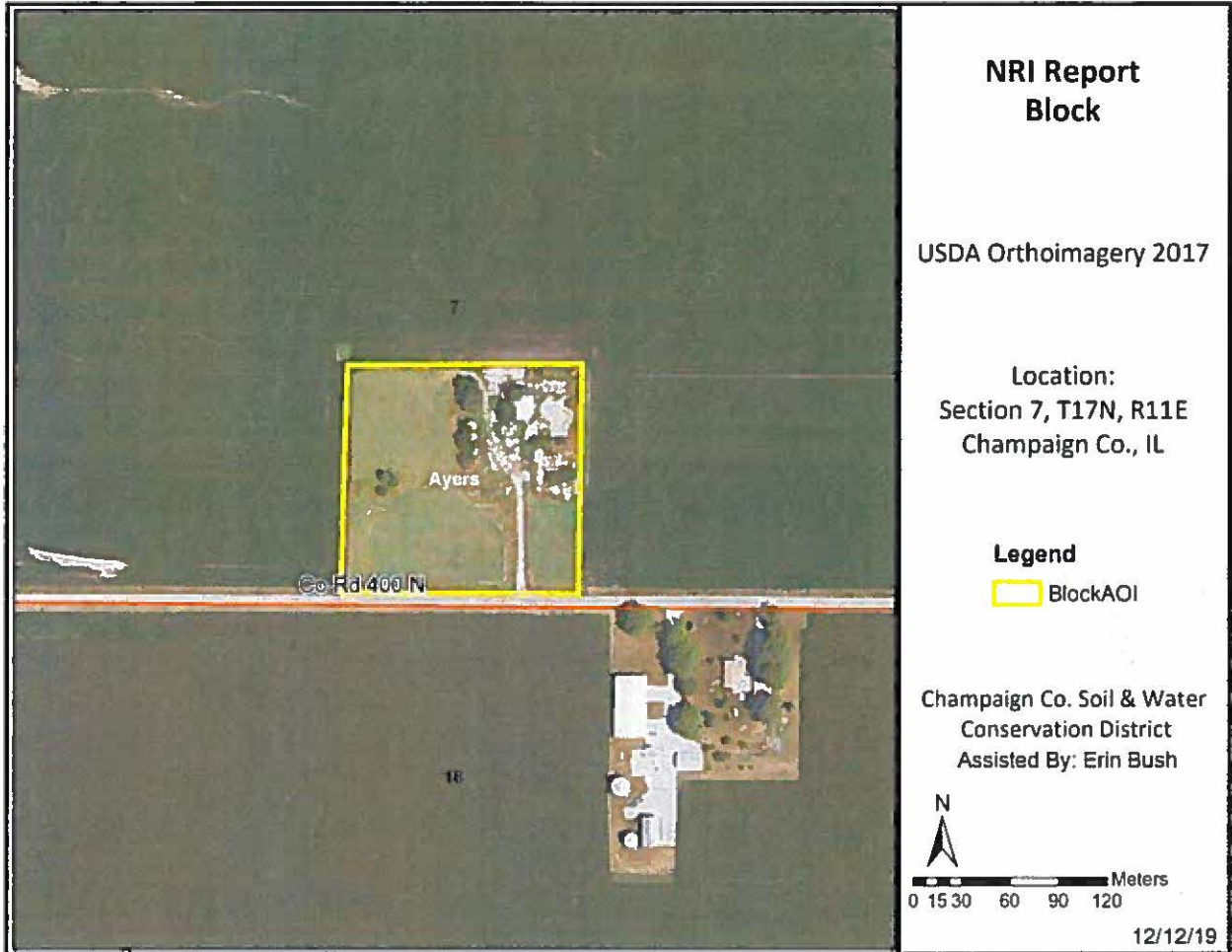
I am starting on your zoning case, and wanted to see if you have an Illinois EPA air permit for the concrete crushing? If so, could you please scan and email me a copy of your permit or mail a copy to me?

Thanks,  
Susan

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

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

DECEMBER 12, 2019



# NATURAL RESOURCE INFORMATION (NRI) **RECEIVED** REPORT 22.02

DEC 17 2019

PETITIONER: BRUCE & BRODY BLOCK

CHAMPAIGN CO. P & Z DEPARTMENT

PREPARED BY: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

2110 W PARK CT, STE C, CHAMPAIGN, IL 61821  
(217) 352-3536 EXT 3 | WWW.CCSWCD.COM

<b>Champaign County Soil and Water Conservation District Natural Resource Information Report (NRI)</b>	
------------------------------------------------------------------------------------------------------------	--

Date District Board Reviewed Application	17 December 2019
Applicant's Name	Bruce & Brody Block
Contact Person	Bruce Block
Size of Subject Property	5.1
Present Zoning	
Proposed Zoning	
Present Land Use	Agriculture & Concrete Recycling
Proposed Land Use	Concrete Recycling

<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	<b>Yes</b>	<b>No</b>
The Applicant	x	
The Contact Person	x	
The Local/Township Planning Commission	n/a	n/a
The Village/City/County Planning & Zoning Department	x	
The Champaign County Soil & Water Conservation District Files	x	

Report Prepared By: Erin Bush, Resource Conservationist

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## **Forward**

Soil and Water Conservation Districts are required to prepare Natural Resource Information (NRI) Reports under the Illinois Soil and Water Conservation Act of 1977, Illinois Revised Statutes, Chapter Five.

Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from municipality's or county's zoning ordinance or who proposes to sub-divide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than thirty days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action. Added by Act approved December 3, 1971.

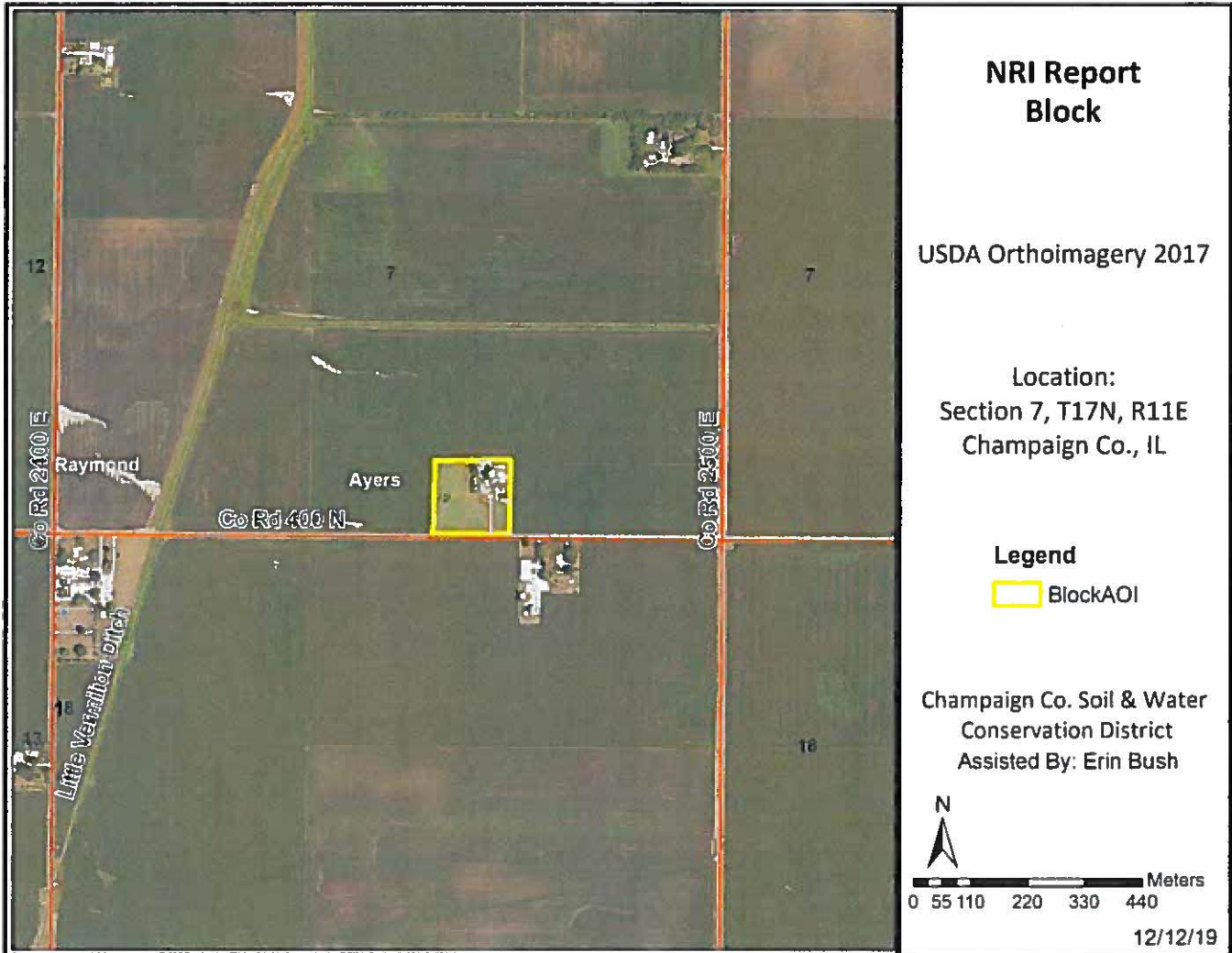
This report provides technical data necessary to evaluate the natural resources of a specific area and the impacts or limitations associated with the proposed land use change. The report is limited to information researched by the Champaign County Soil and Water Conservation District staff. (Technical information is obtained from several different sources and may be subject to modification based on detailed site investigations or new technical information.) The information gathered in this report comes from several key reference materials and are cited throughout this report and listed in the Reference section. Any questions on the information contained in this report can be directed to:

Champaign County Soil and Water Conservation District  
2110 W. Park Court, Suite C  
Champaign, IL 61821  
Phone 217-352-3536 ext. 3



### Subject Property Location

Location Map for Natural Resources Information Report for Bruce & Brody Block's special use permit for concrete recycling. The property is located in the south 1/2 of the southeast 1/4 of Section 7, Township 17N, Range 11E in Champaign County, Illinois.



### **Summary and Concerns of the Board**

The Champaign County Soil and Water Conservation District has reviewed the proposed land use change and has the following concerns relevant to the impact on the area's natural resources.

1. All soils on the subject property are not suitable sanitary facilities. It is advised to perform onsite investigations with a professional to determine construction strategy before moving forward. See pages 7-9.
2. A majority of the soils on the subject property are not suitable for dwellings or small commercial buildings. It is advised to consult with a professional to determine safety and quality of current and future construction projects. See page 9.
3. A large majority of the subject property area is considered hydric. Hydric soils are problematic for dwellings, buildings, agricultural use, and more. See pages 11-12.
4. The subject property is located in the 43. Little Vermilion drainage district. Please contact drainage district commissioners for drainage questions.
5. The average Land Evaluation (LE) score for this site is: 99.4, which indicates high productivity farmland. See page 14.

### Soil Information

The soil information comes from the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) Soil Survey of Champaign County. This information is important to all parties involved in determining the suitability of the proposed land use change. Each polygon is given a number with letters, which represents its soil type, slope, flooding, etc., and is then called a map unit. Each soil map unit has limitations for a variety of land uses, which are explained using interpretations.

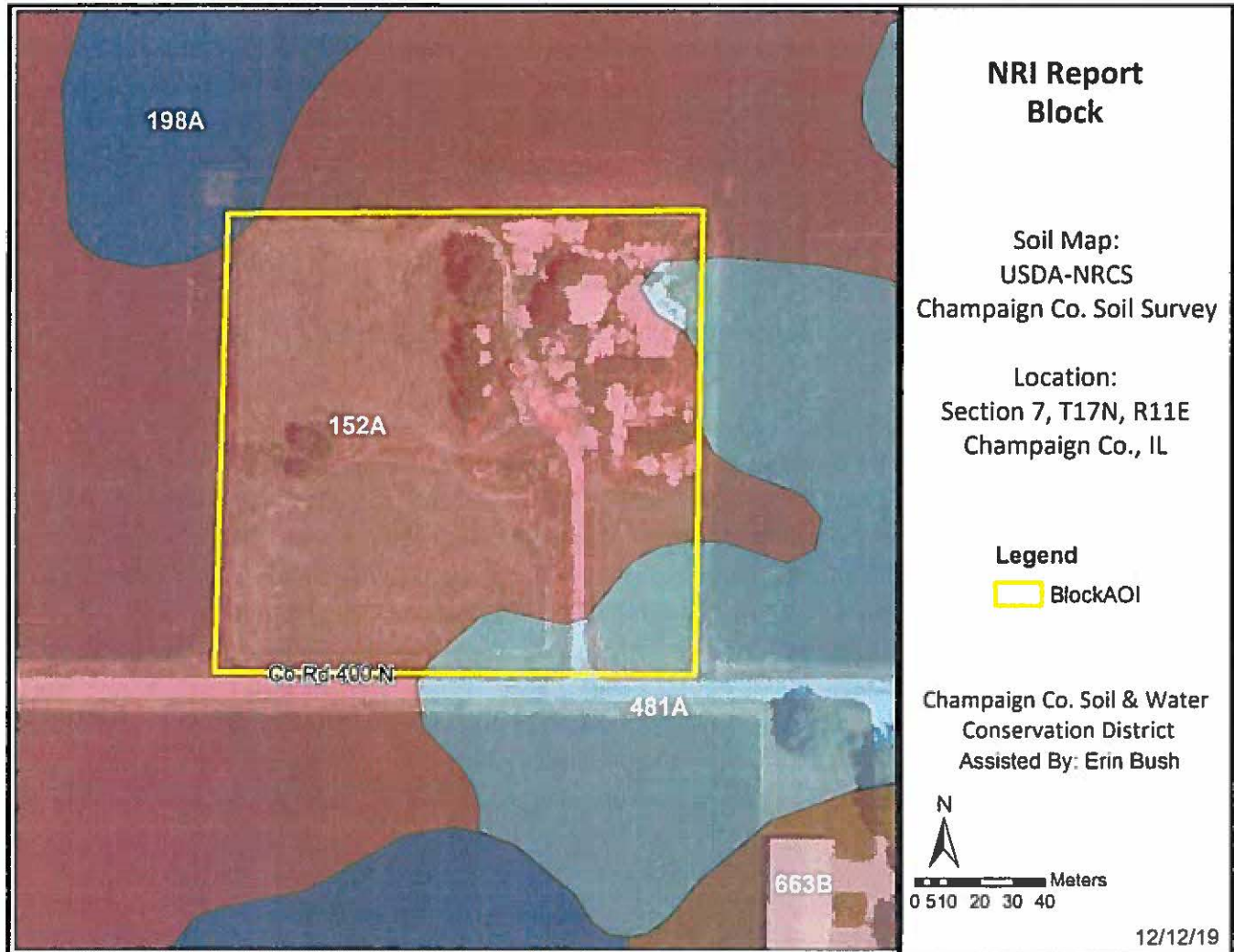


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
152A	Drummer silty clay loam, 0-2% slopes	4.5	88%
481A	Raub silt loam, non-densic, 0-2% slopes	0.5	10%
198A	Elburn silt loam, 0-2% slopes	0.1	2%

#### Introduction to Soil Interpretations

Non-agricultural soil interpretations are ratings that help engineers, planners, and others understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. However, most of these practices are costly. The final decision in selecting a site for a land use generally involves weighing the costs for site preparation and maintenance.

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common type of building limitation this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Organic soils, when present on the subject property, are referenced in the hydric soils section of the report.

The area of development will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days should be temporarily seeded or mulched and permanent vegetation needs to be established as soon as possible.

#### *Limitation Ratings*

1. *Not limited*- This soil has favorable properties for the intended use. The degree of limitation is minor and easy to overcome. Those involved can expect good performance and low maintenance.
2. *Somewhat limited*- This soil has moderately favorable properties for the intended use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated "*not limited*."
3. *Very limited*- This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonally high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

#### **Soil Interpretations**

##### *Sanitary Facilities*

The table below shows the degree and kind of soil limitations that affect septic tank absorption fields and sewage lagoons.

Septic Tank Absorption Fields: Areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. The ratings are based on soil properties, site features, and observed performance of the soils. Permeability, high water table, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Large stones and bedrock or a cemented pan interfere with installation. Unsatisfactory performance of septic tank absorption fields, including excessively slow absorption of effluent, surfacing of effluent, and hillside seepage can affect public health. There must be unsaturated soil material beneath the absorption field to filter the effluent effectively.

Table 2. Septic tank absorption fields.

Map Unit Symbol	Septic Tank Absorption Fields	Acres	Percent of Area
152A	Very limited: ponding, depth to saturated zone	4.5	88%
481A	Very limited: depth to saturated zone, slow water movement	0.5	10%
198A	Very limited: depth to saturated zone, seepage	0.1	2%

For the subject property: 100% of the soils on the property are very limited for the use of septic tank absorption fields and special design is required for any septic tank absorption field.

**Building Site Development**

The table below shows the degree and the kind of soil limitations that affect dwellings with or without basements and small commercial buildings.

Dwellings and Small Commercial Buildings: Structures built on a shallow foundation on undisturbed soil that are three stories or less. The ratings are based on soil properties, site features, and observed performance of the soils. High water table, depth to bedrock or to a cemented pan, large stones, slope, and flooding effect the ease of excavation, construction, and maintenance.

Table 3. Dwellings and small commercial buildings limitations.

Map Unit Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Acres	Percent of Area
152A	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	4.5	88%
481A	Very limited: depth to saturated zone	Somewhat limited: depth to saturated zone	Somewhat limited: depth to saturated zone	0.5	10%
198A	Very limited: ponding, depth to saturated zone	Somewhat limited: depth to saturated zone	Somewhat limited: depth to saturated zone	0.1	2%

**Ponds and Embankments**

The table below gives information on the soil properties and site features that affect water management and soil suitability for ponds and embankments.

Embankments, Dikes, and Levees: Raised structures of soil material constructed to impound water or to protect land against overflow. The ratings apply to the soil material below the surface layer to a depth of 5 or 6 feet. Soil material in embankments must be resistant to seepage, piping, and erosion and have favorable compaction characteristics. Unfavorable features include less than 5 feet of suitable material and a high content of stones or boulders, organic matter, or salts or sodium. A high water table affects the amount of usable material and trafficability.

Aquifer-fed Excavated Ponds: Pits or dugouts that extend to a groundwater aquifer or to a depth below a permanent water table. Excluded are ponds that are fed only by surface runoff and embankment ponds that impound water 3 feet or more above the original surface. Excavated ponds are affected by depth to a permanent water table, saturated hydraulic conductivity (Ksat) of the aquifer, and quality of the water as inferred from the salinity of the soil. Depth to bedrock and the content of large stones affect the ease of excavation.

Pond Reservoir Areas: Areas that hold water behind a dam or embankment. Soils best suited to this use have low seepage potential in the upper 60 inches of the profile. The seepage potential is determined by the

saturated hydraulic conductivity (Ksat) of the soil and the depth to fractured bedrock or other permeable material. Excessive slope can affect the storage capacity of the reservoir area.

Table 4. Ponds and embankments limitations.

Map Unit Symbol	Ponds and Embankments			Acres	Percent of Area
	Embankments, Dikes, Levees	Aquifer-fed Excavated Ponds	Pond Reservoir Areas		
152A	Very limited: ponding, depth to saturated zone	Somewhat limited: unstable excavation walls	Somewhat limited: seepage	4.5	88%
481A	Very limited: depth to saturated zone	Very limited: depth to water	Somewhat limited: seepage	0.5	10%
198A	Very limited: depth to saturated zone	Very limited: unstable excavation walls	Very limited: seepage	0.1	2%

### Soil Water (Wetness) Features

This section gives estimates of various soil water (wetness) features that should be taken into consideration when reviewing engineering for a land use project.

**Hydrologic Soil Groups (HSGs):** The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- Group A: Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- Group B: Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- Group C: Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- Group D: Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: if a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D) the first letter is for drained areas and the second is for undrained areas.

**Surface Runoff:** Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate, and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from the irregularities in the ground surface is minimal). The classes are: negligible, very low, low, medium, high, and very high.

**Water Table:** Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or

mottles, called redoximorphic features) in the soil. Note: a saturated zone that lasts for less than a month is not considered a water table.

**Ponding:** Refers to standing water in a closed depression and the data indicates duration and frequency of ponding.

- Duration: expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- Frequency: expressed as *none* (ponding is not possible), *rare* (unlikely but possible under unusual weather conditions), *occasional* (occurs, on average, once or less in 2 years), *frequent* (occurs, on average, more than once in 2 years).

**Flooding:** The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- Duration: Expressed as *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- Frequency: Expressed as *none* (flooding is not probable), *very rare* (very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year)), *rare* (unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year)), *occasional* (occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year)), and *very frequent* (likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year)).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5. Soil water (wetness) features.

Map Unit Symbol	HSG	Surface Runoff	Depth to Water Table (ft)			Ponding		Flooding	
			Upper Limit	Lower Limit	Kind	Duration	Frequency	Duration	Frequency
152A	B/D	Neg.	0.0-1.0	6.0	Apparent	0.0-0.5	Frequent	-	None
481A	B/D	Low	1.0-2.0	3.3-5.8	Perched	-	None	-	None
198A	B/D	Low	1.0-2.0	6.0	Apparent	-	None	-	None

### Hydric Soils

Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. Soil maps may not be small enough to show inclusions of hydric soils, so it is important to consult a soil scientist if building residential areas on hydric soils or soils with hydric inclusions.

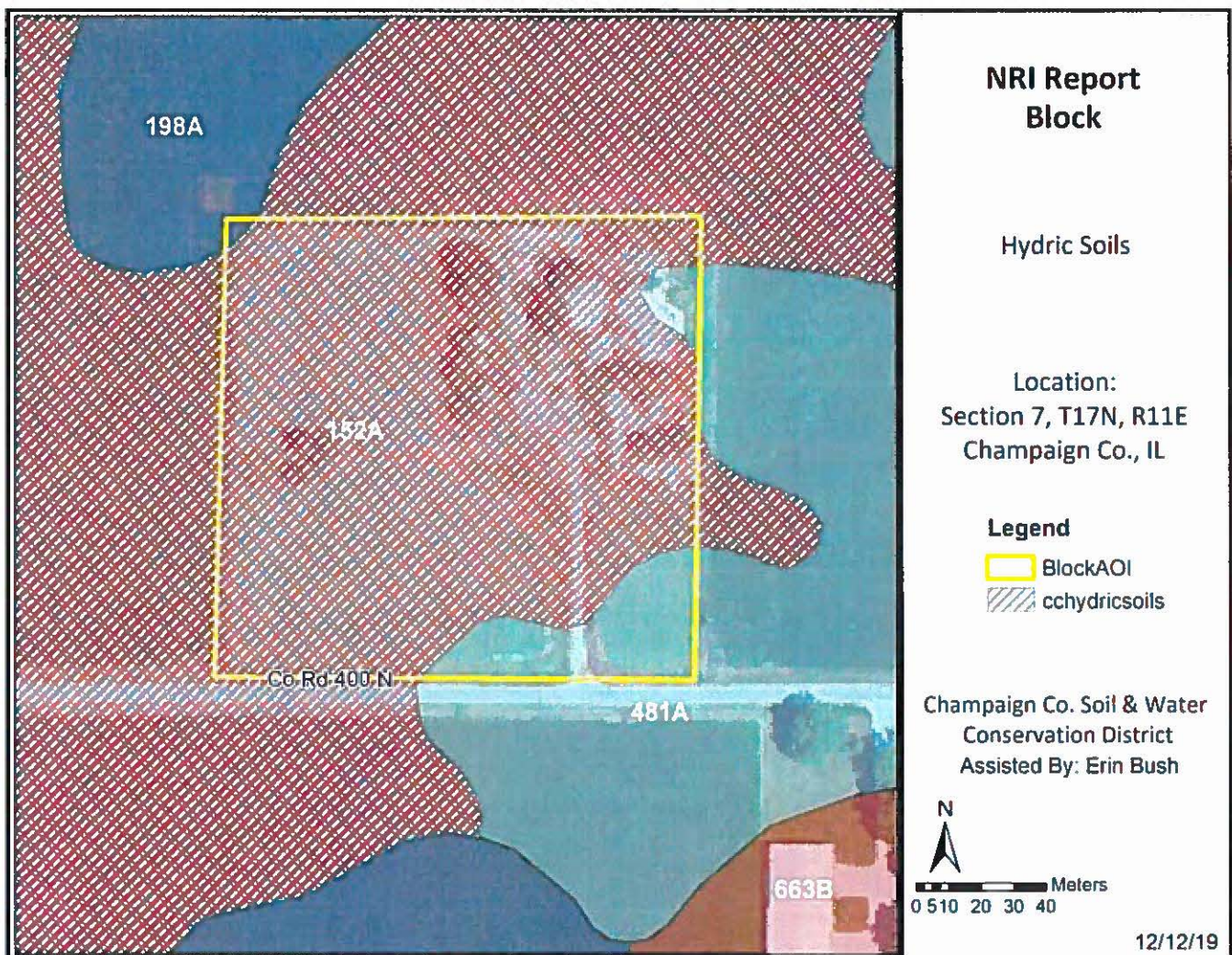
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

The Champaign County SWCD recommends the following for an intense land use, such as a subdivision:

1. A topographical survey with 1-foot contour intervals to define the flood area.
2. An intensive soil survey to define locations of hydric inclusions.
3. A drainage tile survey to locate tiles that must be preserved.

Table 6. Hydric soils.

Map Unit Symbol	Drainage Class	Hydric Designation	Acres	Percent of Area
152A	Poorly drained	Hydric	4.5	88%
481A	Somewhat poorly drained	Non-hydric	0.5	10%
198A	Somewhat poorly drained	Non-hydric	0.1	2%
			<b>Percent Hydric</b>	<b>88%</b>





## Soil Erosion and Sediment Control

Erosion is the wearing away of the soil by water, wind, and other forces and a soil's erodibility is mainly determined by the following properties: soil texture, slope, soil structure, soil organic matter content. Soil erosion threatens the nation's soil productivity and contributes to pollutants in waterways. Sediment entering creeks, rivers, and lakes degrade water quality and reduce capacity, which increases the risk of flooding and disrupts ecosystems. Sediment also carries other possible pollutants, such as chemicals and metals, by adhering to the sediment's surface.

### Erosion Control at Construction Sites

Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.

- **Silt Fencing:** A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
- **Construction Road Stabilization:** The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
- **Vegetative Cover:** One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth bromegrass, oats, cereal rye) to help protect soil from erosion during construction.

### EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool

EPA requires a plan to control storm water pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP to obtain NPDES permit coverage for their storm water discharges. More information at the following website:

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

Table 7. Soil erosion potential.

Map Unit Symbol	Slope	Rating	Acres	Percent of Area
152A	0.5%	Slight	4.5	88%
481A	0.9%	Slight	0.5	10%
198A	1.0%	Slight	0.1	2%

## Prime Farmland Soils

Prime farmland soils are an important resource to Champaign County. Some of the most productive soils in the world occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Urban or built-up land on prime farmland soils is not prime farmland.

Table 8. Prime farmland designation.

Map Unit Symbol	Prime Designation	Acres	Percent of Area
152A	Prime farmland if drained	4.5	88%
481A	Prime farmland	0.5	10%
198A	Prime farmland	0.1	2%
<b>Percent Prime Farmland</b>			<b>100%</b>

## The Land Evaluation and Site Assessment System

Decision-makers in Champaign County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the USDA-NRCS and takes into consideration local conditions, such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure:

- Land Evaluation (LE) – the soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agricultural use. The best group is assigned a value of 100 and is based on data from the Champaign County Soil Survey. The Champaign County LE designates soils with a score of 91 to 100 as best prime farmland, as reported in Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils. Best Prime Farmland consists of:
  - a) Soils identified as agricultural value groups 1, 2, 3, and/or 4
  - b) Soils that, in combination on a subject site, have an average LE of 91 or higher
  - c) Any 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
- Site Assessment (SA) – the site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives.

The Champaign County LESA system is designed to provide officials with a systematic objective means to numerically rate a site in terms of its agricultural importance.

- To assist officials in evaluating the proposed conversion of farmland on a parcel or site in zoning cases that include farmland conversion to a non-agricultural land use.
- To assist in the review of state and federal projects for compliance with the Illinois Farmland Preservation Act and the Federal Farmland Protection Policy Act in terms of their impact on important farmland.

Note: A land evaluation (LE) score will be compiled for every project property, but a site assessment score is not applicable in most cases, making the full LESA score unavailable.

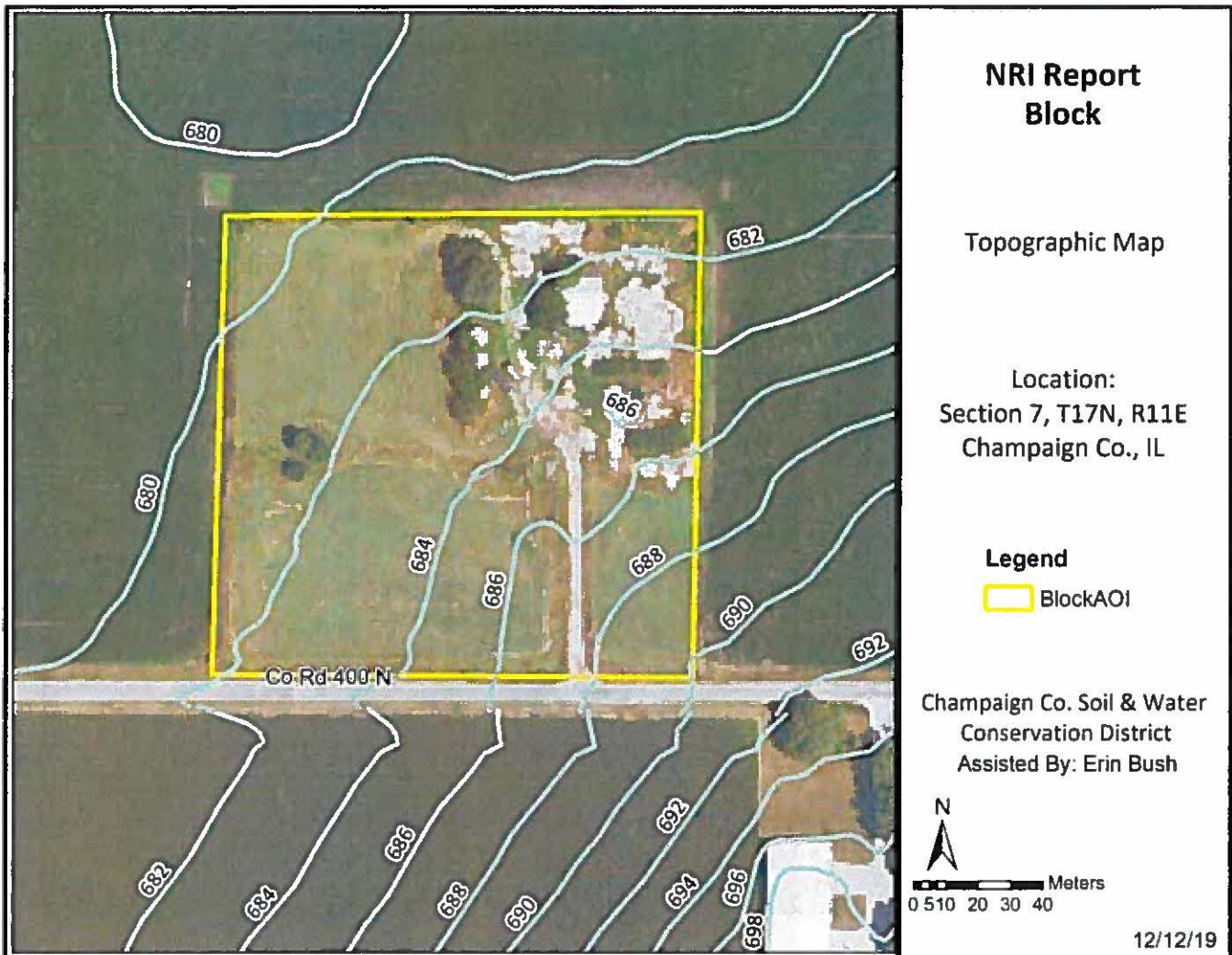
Table 9. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
152A	2	100	4.5	450
481A	3	94	0.5	47
198A	1	100	0.1	10
Totals			5.1	507
LE Score		LE=507/5.1		LE = 99.4

For the subject property: the overall Land Evaluation (LE) score is 99.4.

### Topographic Information

United States Geologic Survey (USGA) topographic maps give information on elevation, which are important mostly to determine slope, drainage direction, and watershed information. Elevation determines the area of impact of floods. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the subject property, possibly impacting surrounding natural resources.



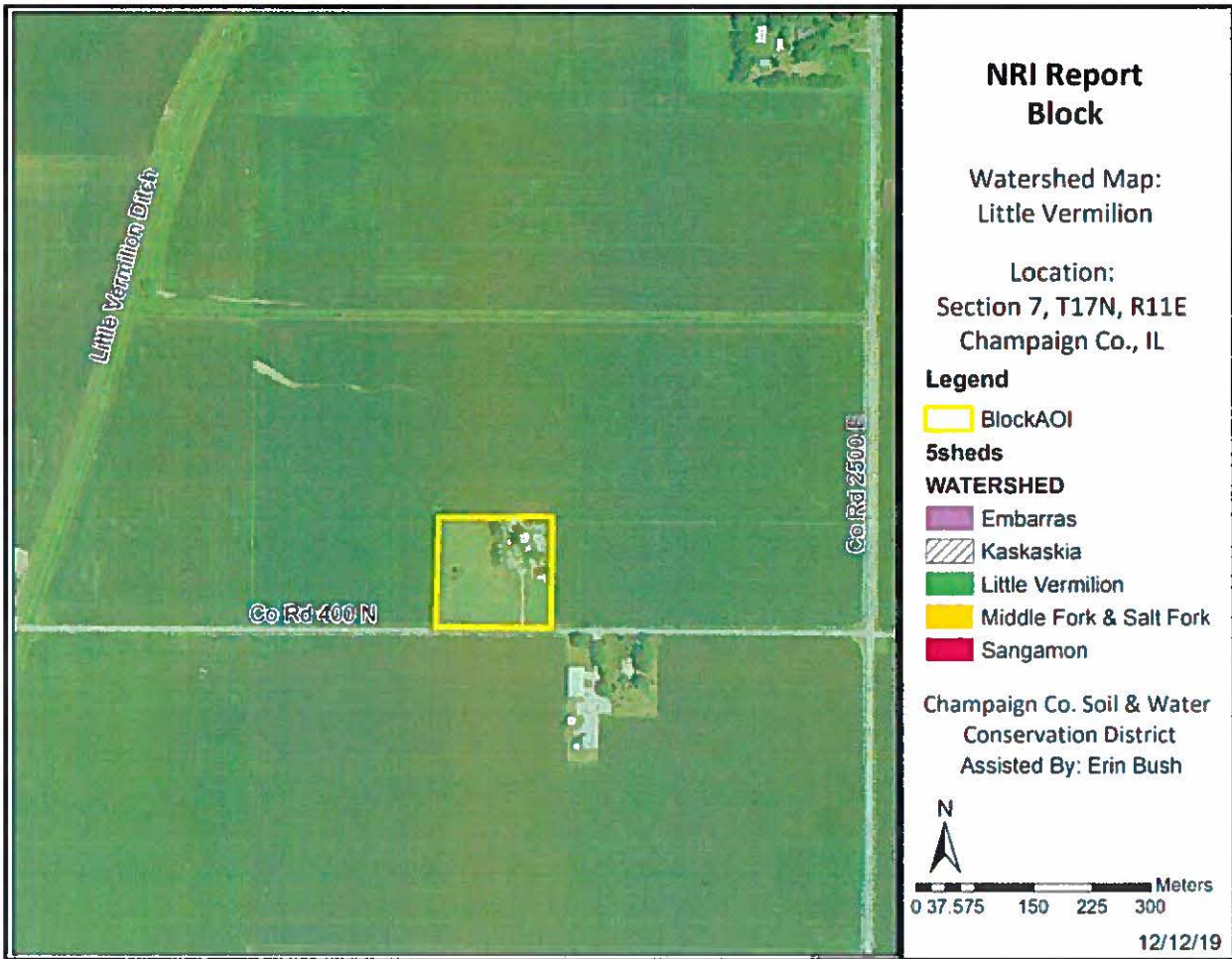
### Watershed Information

Watershed information is given when land use is changed to a subdivision type of development on parcels greater than 10 acres. A watershed is an area of land that drains to an associated water resource, such as a wetland, river, or lake. Rainwater carries pollutants through watersheds, impacting natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities.

The following are recommendations to developers for protection of watersheds:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving construction sites
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing and style types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Treat water where it falls

For the subject property: the property is located in the Middle Fork & Salt Fork River Watershed.



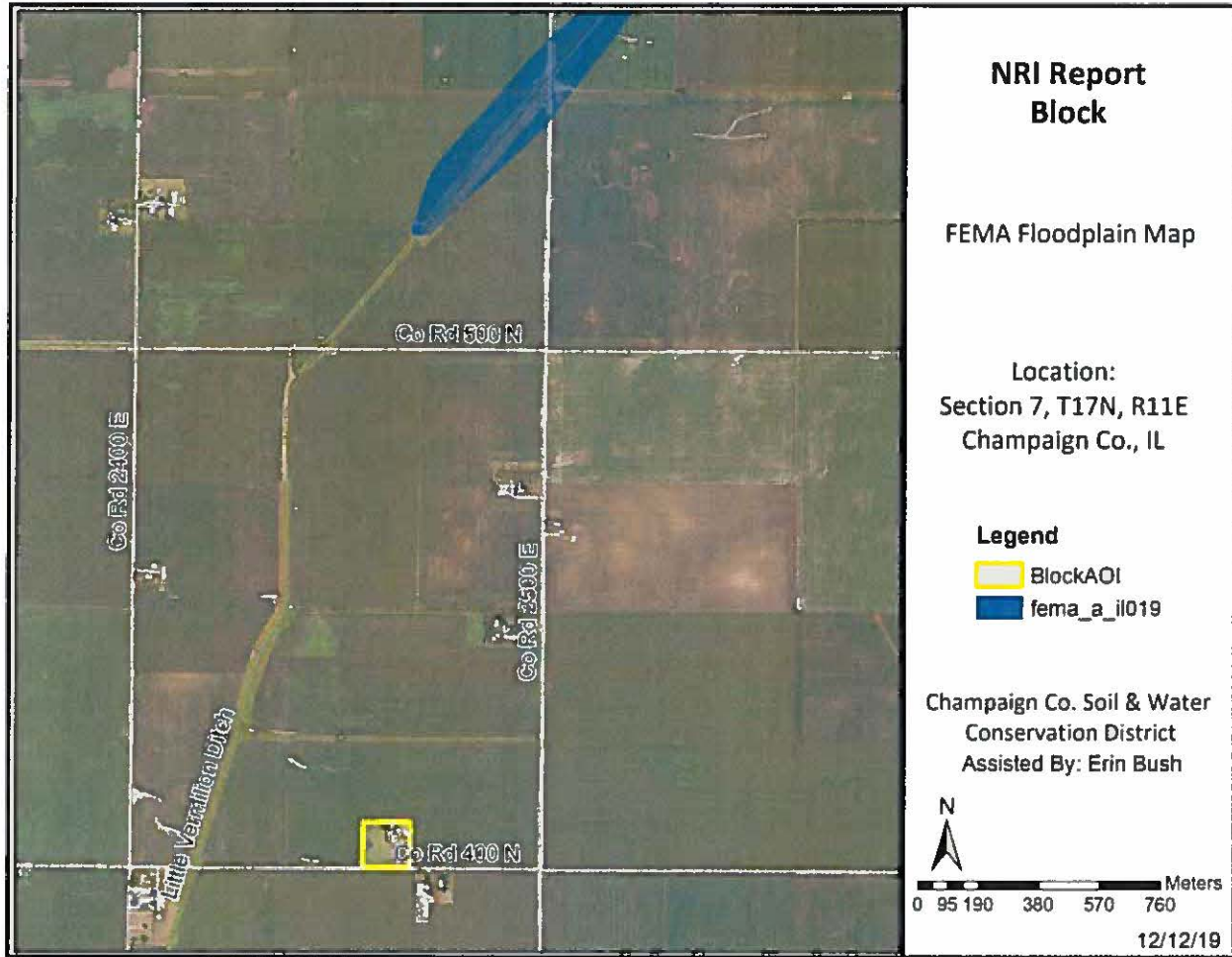
## Floodplain and Wetland Information

### Floodplain Information

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas that demand protection since they have water storage and conveyance functions that affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is dangerous to people and destructive to their properties. The following map can help developers and future homeowners to “sidestep” potential flooding or ponding problems. The Flood Insurance Rate Map (FIRM) was produced by the Federal Emergency Management Agency (FEMA) to define flood elevation adjacent to tributaries and major bodies of water that are superimposed onto a simplified USGS topographic map.

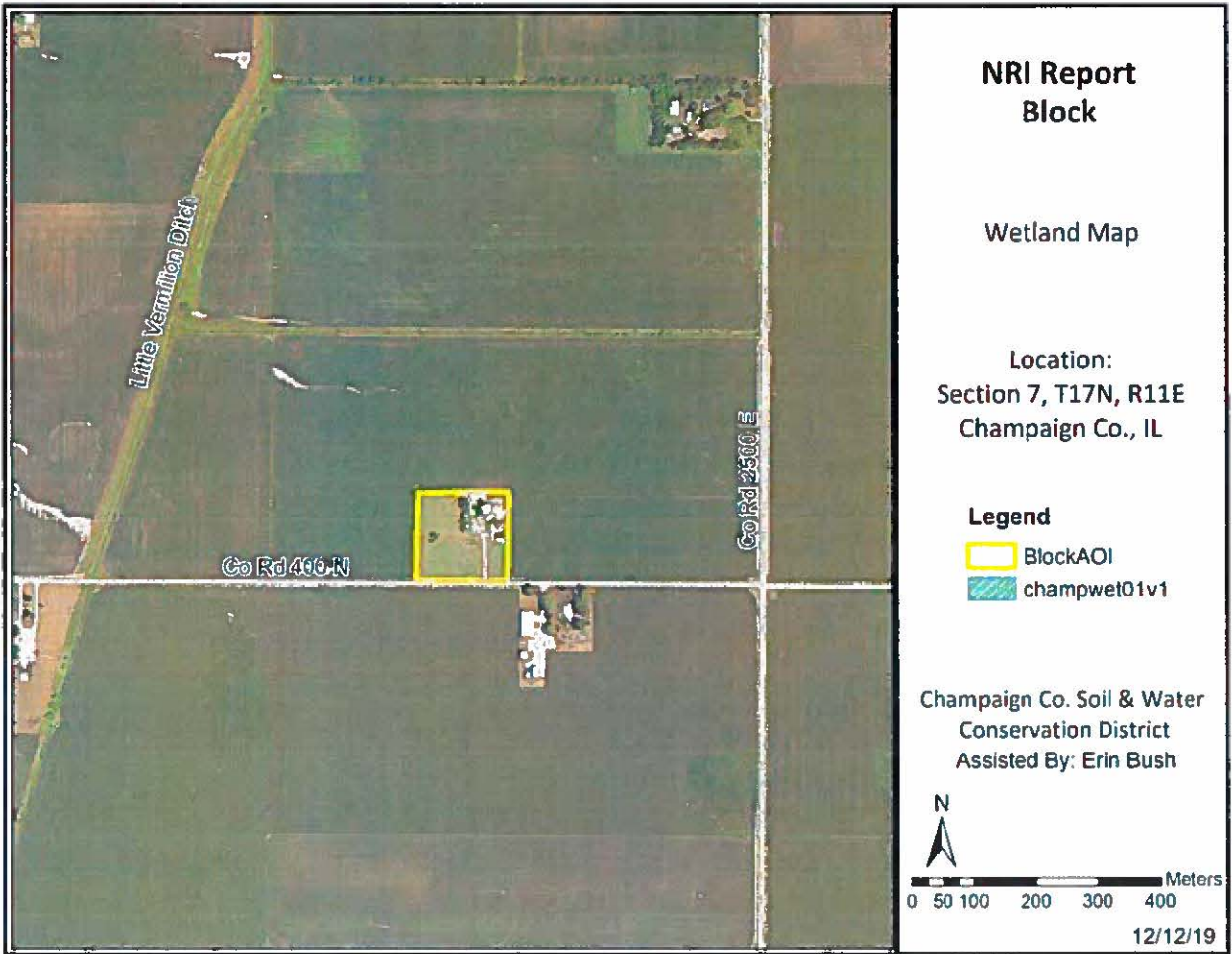
For the subject property: none of the property is in the floodplain.



### Wetland Information

Wetlands function in many ways to provide numerous benefits to society and the environment, including flood control, cleanse water, recharge groundwater, and provide a wildlife habitat. However, approximately 95% of the wetlands that were historically present in Illinois have been destroyed. It is crucial that we take steps to conserve current wetlands and reestablish new wetlands where once destroyed. Wetland determinations are made by a certified NRCS staff.

For the subject property: a wetland is not present on the subject property.



### Wetland and Floodplain Regulations

Please read the following if you are planning to do any work near a stream, lake, wetland, or floodway, including: dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain, or floodway subject to State or Federal regulatory jurisdiction.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy and adversely impact the public. Therefore, please contact the proper authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

#### Regulatory Agencies:

- Wetlands or U.S. Waters: U.S. Army Corps of Engineers

- Floodplains: Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL
- Water Quality/Erosion Control: Illinois Environmental Protection Agency

Coordination: we recommend early coordination with the agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. This could reduce time required to process necessary approvals and reduce expense.

## **Cultural and Animal Resources**

### **Cultural Resources**

The most common cultural resources found during changes in land use are historical properties or non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are non-renewable because there is no way to grow a site to replace a disrupted site. Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains. Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth-moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency may require a Phase 1 Archaeological review to identify any cultural resources that may be on the site. The IHPA has not been contacted by the Champaign County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

### **Animal Resources**

According to the Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act, state agencies or local units of government must consult Illinois Department of Natural Resources (IDNR) about proposed actions that they will authorize, fund, or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants and animals or for adversely modifying a Nature Preserve or a Land and Water Preserve. Home rule governments may delegate this responsibility through duly enacted ordinances to the parties seeking authorization or funding of the action.

### **Ecologically Sensitive Areas**

Biodiversity is the sum of total of all the plants, animals, fungi, and microorganisms in the world, or in a particular area that make up the fabric of the Earth and allow it to function. Biodiversity must be protected, as it is diminishing, which weakens entire natural systems. It is intrinsically valuable for an ecosystem to be biologically diverse to sustain ecosystem health and support life.

As part of the Natural Resources Information Report, staff checks if any nature preserves are in the general vicinity of the subject property. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect

that resource. Such efforts should include but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

For the subject property: as shown on the below EcoCAT, there is no record of sensitive areas in the vicinity of the property.



**Applicant:** NRCS Champaign County Field Office  
**Contact:** Taylor Shedd  
**Address:** 2110 W. Park court suite C  
Champaign, IL 61821  
  
**Project:** Block  
**Address:** Champaign, Champaign

**IDNR Project Number:** 2004836  
**Date:** 12/12/2019

**Description:** Block concrete

### Natural Resource Review Results

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

#### Location

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



**County:** Champaign

**Township, Range, Section:**

17N, 11E, 7  
17N, 11E, 18  
17N, 14W, 7  
17N, 14W, 18

**IL Department of Natural Resources**  
**Contact**  
Impact Assessment Section  
217-785-5500  
Division of Ecosystems & Environment

**Government Jurisdiction**  
U.S. Department of Agriculture

#### Disclaimer

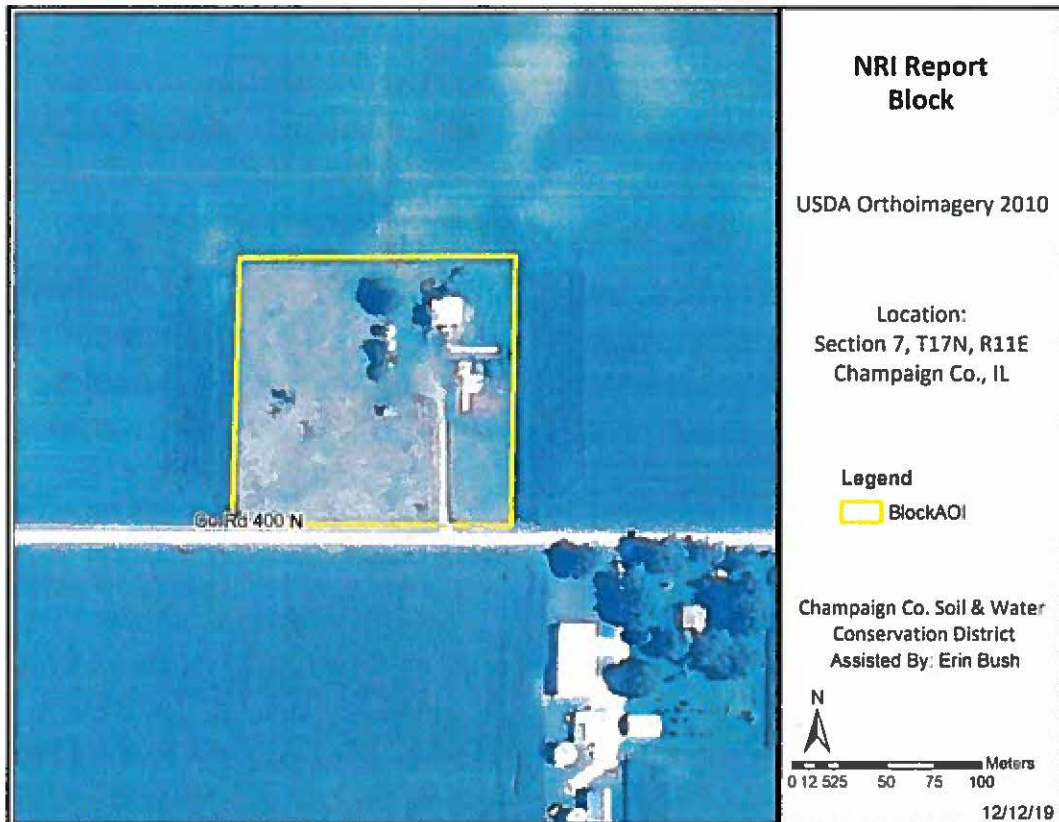
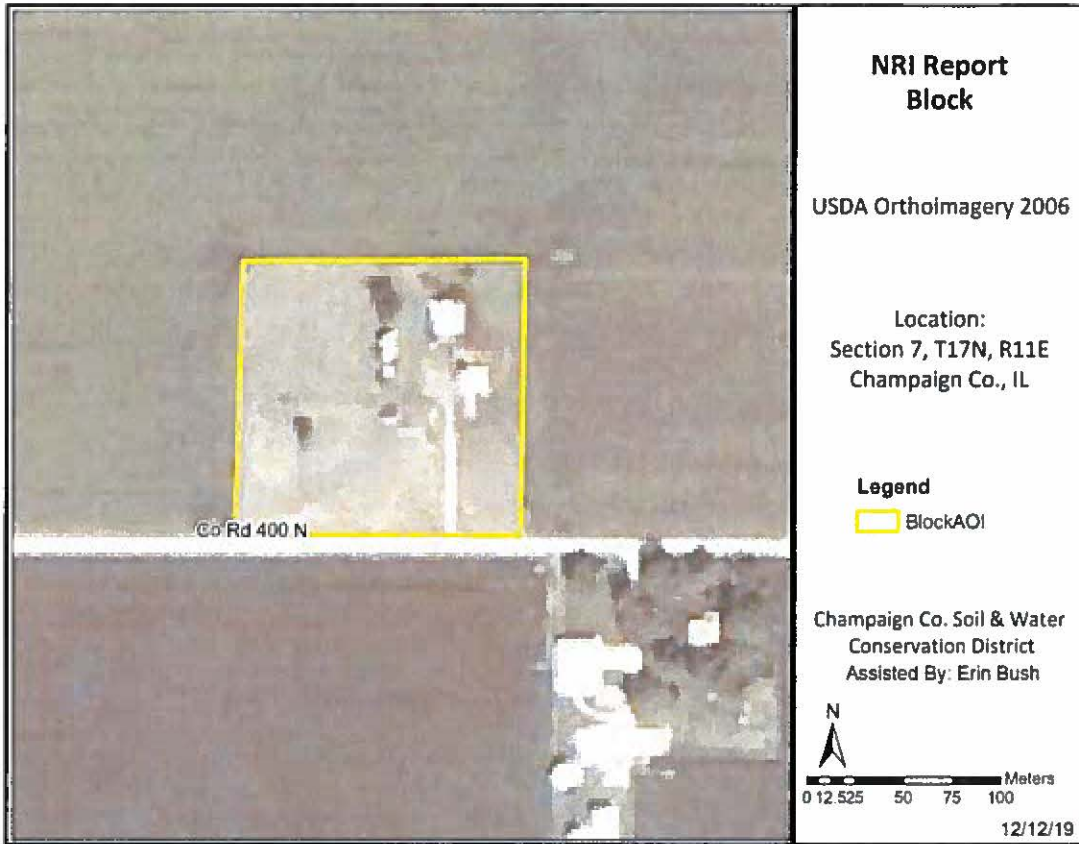
The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site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

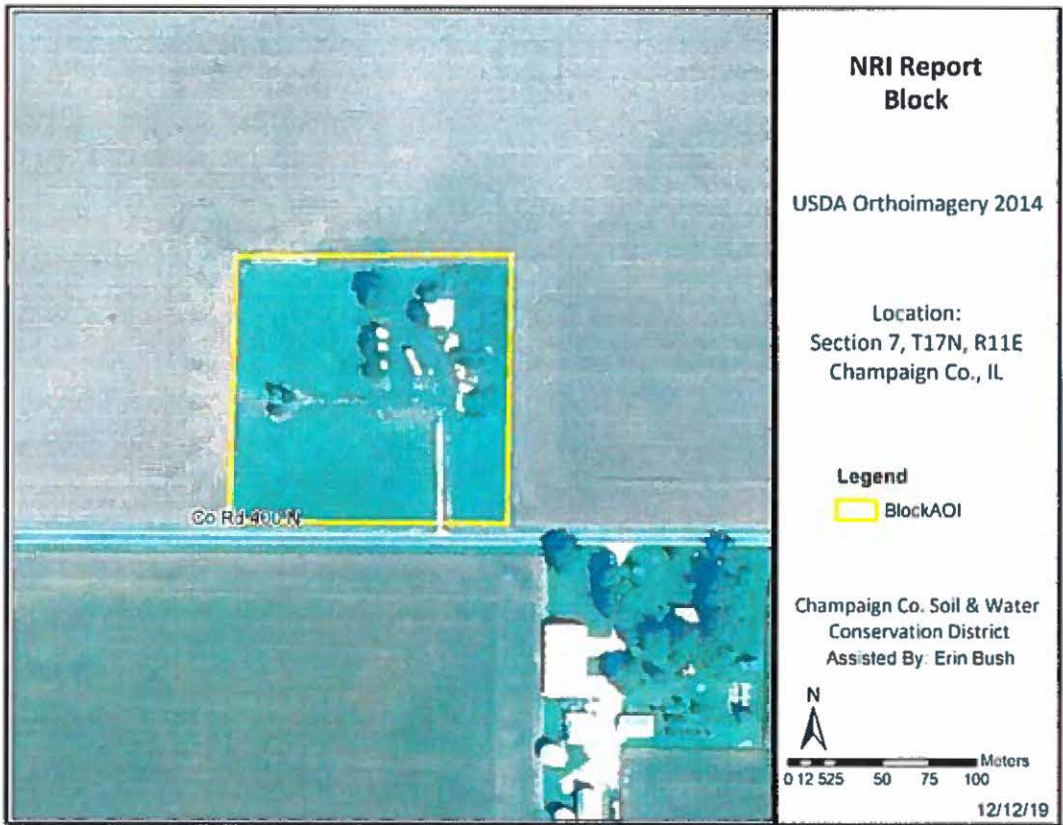
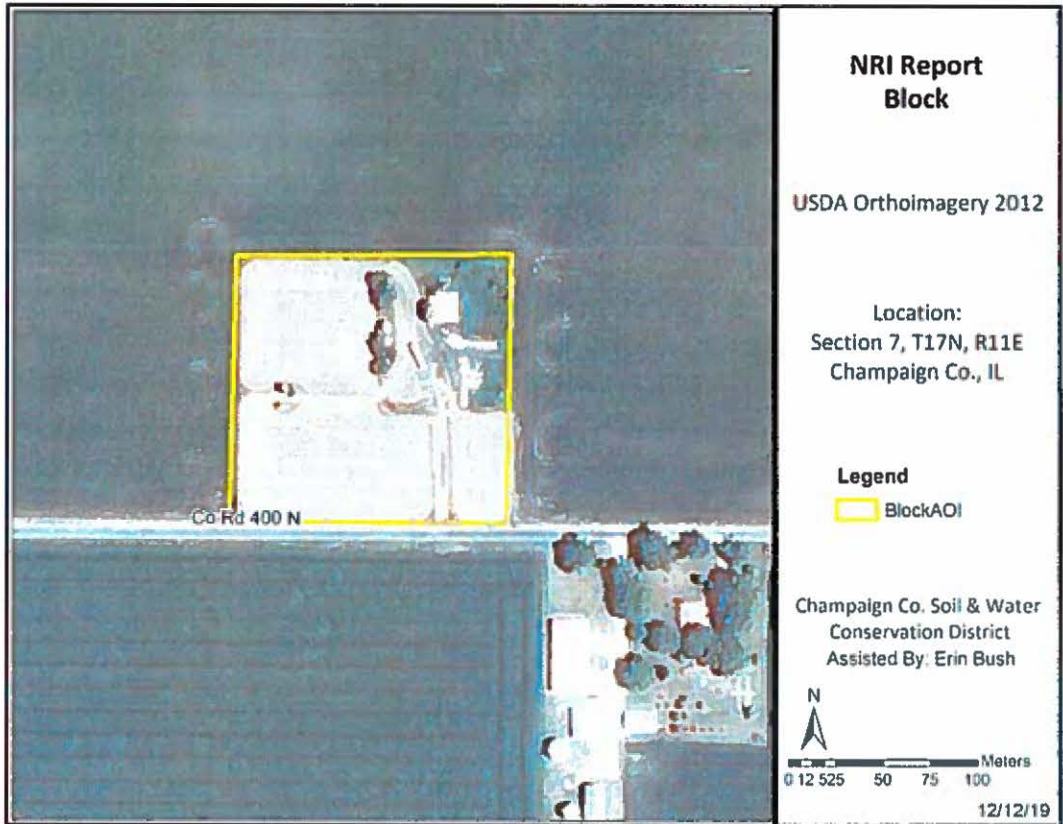
#### Terms of Use

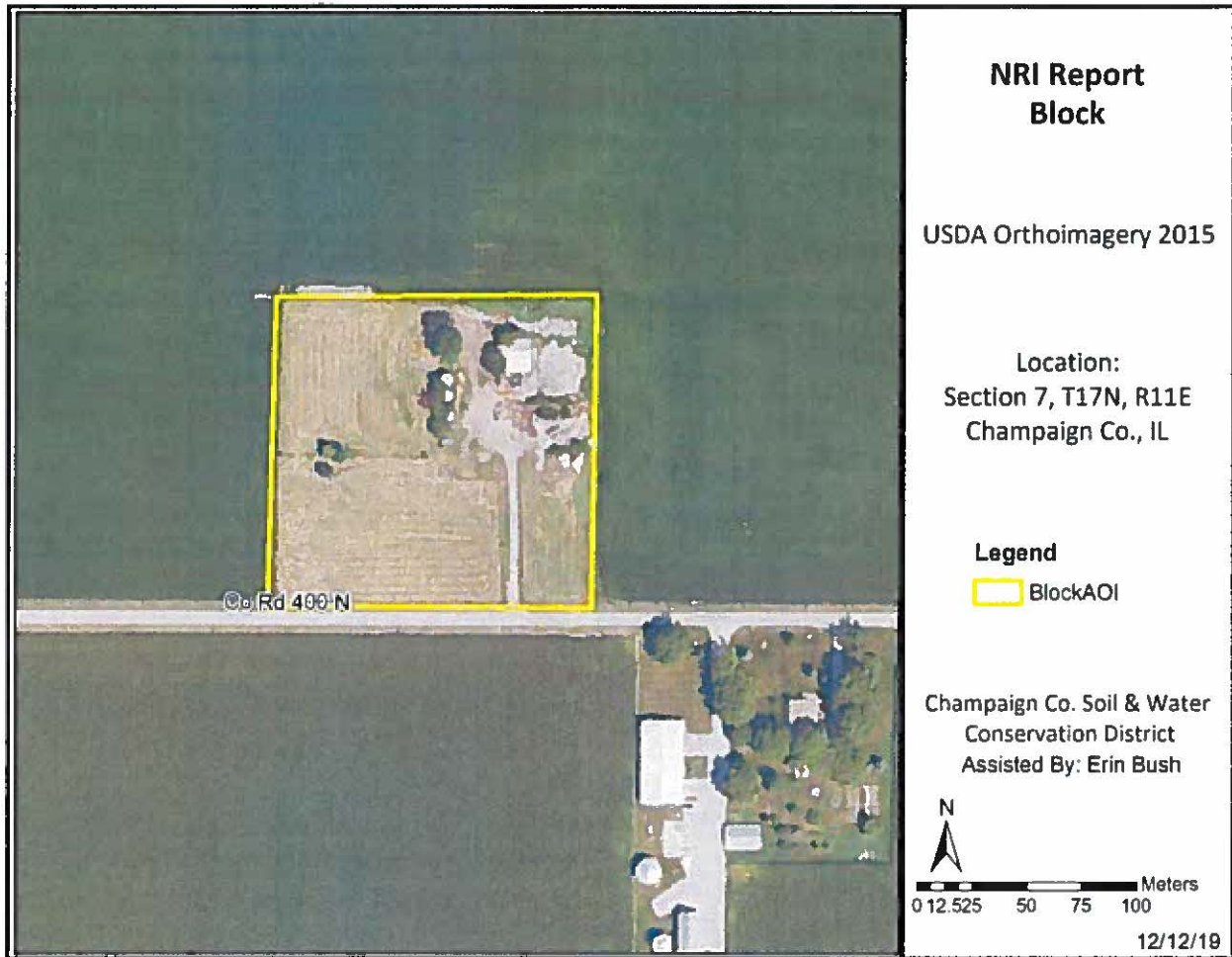
By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms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



### Historic Aerial Photos







## Glossary and Acronyms

**Agriculture** – The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit; and truck or vegetables, including dairy, poultry, swine, sheep, beef cattle, pony and horse, fur, and fish and wildlife; 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, or 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 around hired farm workers.

**ADT** – average daily traffic that a local road normally receives, based upon records by the County Superintendent of Highways.

**B.G.** – below grade. Under the surface of the Earth.

**Bedrock** – indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**Flooding** – indicates frequency, duration, and period during year when floods are likely to occur.

**High Level Management** – the application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near-optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing

conditions and reduce harvesting losses (within limits imposed by weather).

**High Water Table** – a seasonal highwater table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian.

**Water Table, Apparent** – a thick zone of free water in the soil indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

**Water Table, Artesian** – a water table under hydrostatic head, generally beneath an impermeable layer. When layer is penetrated, the water level rises in the uncased borehole.

**Water Table, Perched** – a water table standing above an unsaturated zone, often separated from a lower wet zone by a dry zone.

**Delineation** – (for wetlands) a series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**Determination** – (for wetlands) a polygon drawn on a map using map information that gives an outline of a wetland.

**Hydric Soil** – soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service, 1987).

**Intensive Soil Mapping** – mapping done on a small, intensive scale than a modern soil survey to determine soil properties of a specific site, i.e. mapping for septic suitability.

**Land Evaluation Site Assessment (L.E.S.A.)** – LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**Modern Soil Survey** – a soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent is shown on a map. An accompanying report describes, defines, classifies, and interprets the soils.

Interpretations predict the behavior of soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soil information collected in a soil survey are useful in developing land use plans and alternatives.

**Palustrine** – name given to inland fresh water wetlands.

**Permeability** – values listed estimate the range of time it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** – parcel in question

**Potential Frost Action** – damage that may occur to structures and roads due to ice lens formation, causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**Prime Farmland** – lands that are best suited for food, feed, forage, fiber, and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban, built up land, or water areas. When well-managed, the soil qualities and moisture supply provide a sustained high yield of crops with minimum inputs of energy and economic resources in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooding during the growing season. The slope ranges from 0 to 5 percent. (USDA Natural Resources Conservation Service)

**Productivity Indexes** – express the estimated yields of the major grain crops in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state (Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn, Joy soil

series). See Circular 1156 from the Illinois Cooperative Extension Service.

Seasonal – when used in reference to wetlands, indicates the area flooded only during a portion of the year.

Shrink-Swell Potential – indicates volume changes to be expected for the specific soil material with changes in moisture content.

Soil Mapping Unit – collection of soil and miscellaneous areas delineated in mapping. Generally, an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for tax and in terms of ranges of tax adjuncts and inclusions.

Soil Series – a group of soils formed from a type of parent material, having horizons that, except for texture of the surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color,

texture, structure, reaction, consistence, mineralogy, and chemical composition.

Subsidence – applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

Terrain – the area or surface over which a particular rock or group of rocks is prevalent.

Topsoil – portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity, and plant growth take place. Depths of topsoil vary between soil types.

Watershed – an area of land that drains to an associated water resource, such as a wetland, river, or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams, ditches, and ponding areas, such as detention structures, natural ponds, or wetlands.

Wetland – an area that has a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.

## **References**

Field Office Technical Guide. Natural Resources Conservation Service.

Flood Insurance Rate Map. National Flood Insurance Program, Federal Emergency Management Agency.

Illinois Urban Manual. 2016. Association of Illinois Soil & Water Conservation Districts.

Soil Survey of Champaign County. USDA – Natural Resources Conservation Service.

Wetlands Inventory Maps. Department of the Interior.

Potential for Contamination of Shallow Aquifers in Illinois. Illinois Department of Energy and Natural Resources, State Geological Survey Division.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning, Building, and Zoning, and the Champaign County Soil and Water Conservation District. In cooperation with: USDA – Natural Resources Conservation Service.

**967-S-19 Site Images**



**From closest driveway across street from proposed SUP area, facing northwest**



**From end of subject property driveway facing north**

**967-S-19 Site Images**



**Stockpiles in central part of SUP area, existing open shed behind excavator**



**Stockpiles on east side of SUP area**



### 967-S-19 Site Images



**Stockpiles and equipment on west central part of SUP area**



**SUP area from CR 400N facing northeast**

**967-S-19 Site Images**



**From CR 2700E at CR 400N facing west (subject property is on right, homestead on left)**



**View of a residence facing west from subject property driveway**

**PRELIMINARY DRAFT**

**967-S-19**

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

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

Date: ***{January 30, 2020}***

Petitioners: **Bruce and Brody Block, d.b.a., Block Field Tiling, LLC**

Request: **Authorize a Contractor’s Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.**

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***PRELIMINARY DRAFT***

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 30, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Bruce Block owns the subject property and is co-owner of Block Field Tiling, LLC. His son, Brody Block, is co-owner. They are the sole officers and shareholders in Block Field Tiling, LLC.
2. The subject property is a 35-acre tract in the South Half of the Southeast Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers Township with an address of 2460 CR 400N, Broadlands.
  - A. The Special Use Permit area is approximately five acres located on the former home site on the subject property, as shown on the case maps.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is not located within the one and one-half mile extraterritorial of a municipality with zoning.
  - B. The subject property is located in Ayers Township, which does not have a Plan Commission.

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

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
  - A. The 35-acre subject property is zoned AG-1 Agriculture and is approximately 30 acres in agricultural production and five acres in asphalt, brick, and concrete crushing and recycled material sales.
  - B. Land to the north, east, south and west of the subject property is zoned AG-1 Agriculture and is in agricultural production. There is one residence located southeast of the subject property.

***GENERALLY REGARDING THE PROPOSED SPECIAL USE***

5. Regarding the site plan and operations of the proposed Special Use:
  - A. The preliminary Site Plan received November 5, 2019, includes the following existing and proposed features:
    - (1) Existing features include:
      - a. A 475 feet by 450 feet (5 acres) operations area;
      - b. A 44 feet by 48 feet (2,112 square feet) pole barn used for machinery storage;
      - c. Three grain bins;
      - d. A driveway accessing CR 400N and an oval interior driveway in the west half of the operations area;
      - e. A stockpile of concrete east of the pole shed;

**PRELIMINARY DRAFT****Case 967-S-19****Page 3 of 26**

- f. A stockpile of concrete to be crushed south of the pole building; and
  - g. Grass areas in the western and southern parts of the Special Use Permit area.
- (2) Proposed features include:
- a. One 36 feet by 80 feet (2,880 square feet) building located approximately where the house once stood; and
  - b. A natural barrier of ornamental grass and pine trees on the east, south, and west sides of the Special Use Permit area.
  - c. There is no mention of restrooms or a septic system on the Site Plan received November 5, 2019.
- B. Regarding operations, in an email received October 9, 2019, Bruce Block stated the following:
- (1) We operate a demolition business and bring some concrete and bricks to this site that we recycle into rock with our crusher. We also have crushed some asphalt with our machine.
  - (2) We have concrete, bricks and asphalt stored here as well as the material that has been crushed which we are starting to sell.
  - (3) Normally our crusher is stored here. It is a 2108 Rebel Crusher. It is a jaw crusher which doesn't make much noise other than the engine running. We usually have 2 Kubota 90-2 skid loaders there and sometimes a Caterpillar 315 excavator. We also park our semi-trucks there sometimes. We have 2 International trucks and a Volvo truck and some dump trailers. Our crusher is portable and we move it to other job sites at different times.
  - (4) We operate on Monday through Friday normally 8-5. We don't operate every day here. We run the crusher sometimes 2 or 3 days at a time and then may not run it at all for a couple of weeks.
  - (5) We also still operate a farm here and store some grain in our grain bins there. Sometimes we have farm equipment parked here and some of our farm drainage equipment which we also do.
  - (6) My son and I work here and have a couple of part time employees.
- C. In an email received December 13, 2019, Bruce Block stated that they do not have a permit and that "people at EPA have told me I didn't need one for crushing the concrete."
- (1) In an email dated December 17, 2019, Susan Burgstrom told Bruce Block that written verification regarding permit requirements for his operations would be needed from Illinois EPA.
- D. There are no previous Zoning Use Permits for the subject property.
- E. There are no previous zoning cases for the subject property.

**PRELIMINARY DRAFT****GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for contractors' facilities both with and without outdoor operations and storage in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
  - (2) "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) "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.
  - (4) "BUFFER STRIP" is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
  - (5) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

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- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (8) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (9) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (12) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (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) “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.

**PRELIMINARY DRAFT**

- (15) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (16) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- 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 Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities with outdoor STORAGE and outdoor OPERATIONS can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.

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

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
  - 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.
- (2) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
  - a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.



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- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. states, “All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.”
  - (2) For parking purposes, the Zoning Administrator has determined that a Contractor’s Facility is most similar to the parking requirements for industrial uses.
  - (3) Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
    - a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
    - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
  - (4) Section 7.4.1 D.1. states, “One space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.”
  - (5) Section 7.4.1 D.2. states, “All such spaces shall be surfaced with an all-weather dustless material.”
  - (6) Section 7.4.1 D.3. states, “Required parking SCREENS for industrial USES shall be provided as required in paragraph 7.4.1 C.4.”
  - (7) Section 7.4.2 refers to off-street LOADING BERTHS:
    - a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
    - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
    - c. No VEHICLE repair or service work shall be performed on any LOADING BERTH.

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- d. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
  - e. Section 7.4.2 D. states, “Off-street LOADING BERTHS for Industrial USES shall be provided as follows:
    - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the Industrial USE served.
    - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in an R DISTRICT or any lot containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type D SCREEN.
    - (c) No LOADING BERTH shall be located less than 50 feet from the nearest point of intersection of two STREETS.
    - (d) All LOADING BERTHS shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
    - (e) The schedule of off-street LOADING BERTHS for commercial ESTABLISHMENTS shall also apply to Industrial USES.
      - i. For an establishment with a floor area of less than 9,999 square feet, one 12 feet by 40 feet loading berth is required.
- E. Subsection 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- (1) Paragraph 7.6.1 states: “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.”
  - (2) Paragraph 7.6.2 states: “A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
    - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
    - b. Any designated urban arterial street or MAJOR STREET.”

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- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner has testified on the application, **“There are no other places within 30 miles to dispose of broken concrete. It is expensive to haul concrete slabs very far because you can’t get a lot on the trucks.”**
  - B. The Petitioner’s site plan appears to be the same area as the original five acre farmstead that existed prior to 1973. The reuse of this already developed part of the 35-acre property will not take additional land out of production.

**PRELIMINARY DRAFT**

- C. The nearest companies known to P&Z Staff that crush concrete are located north of Urbana and in Mahomet, at least 27 miles from the subject property.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application: **“We do the crushing towards the back of the property which is 250 feet off the road. We are planning to plant natural barriers along the property to cut down on any noise we make.”**
- B. Regarding surface drainage:
- (1) The subject property is relatively flat, and generally drains northwest to the Little Vermilion Ditch.
- C. Regarding traffic in the subject property area:
- (1) The subject property has an existing driveway on the north side of CR 400N.
  - (2) CR 400N is a two-lane township road that is approximately 18 feet wide.
  - (3) The subject property is located about two road miles west of IL Route 49 (CR 2700E), approximately 1.75 miles north of the Village of Broadlands.
  - (4) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR 400N had an ADT of 125 adjacent to the subject property.
  - (5) The petitioners have indicated that they have a couple of part time employees, three semi-trucks and dump trailers. It is not known how many trips their vehicles make on any given day.
  - (6) The Ayers Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 2.9 road miles north of the Broadlands Fire Protection District station in Broadlands. The Fire Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The 35-acre subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of 152A Drummer silty clay loam, 198A Elburn silt loam, 481A Raub silt loam and 679B Blackberry silt loam, and has an average LE of 98.
- (1) The five acre Special Use Permit area consists of 152A Drummer silty clay loam, 481A Raub silt loam, and 198A Elburn silt loam, and has an average LE of 99.

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- (2) No land has been taken out of production because the Special Use Permit area is on a former homestead.
  - (3) Section 5.3 of the Zoning Ordinance states that the following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
    - a. LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
      - (a) The LOT is RRO-exempt;
      - (b) The LOT is made up of soils that are BEST PRIME FARMLAND; and
      - (c) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
  - (4) Should the five acre contractor facility ever be divided from the 35 acres, it will need a variance for a lot area of more than three acres on best prime farmland. A special condition has been added to ensure compliance.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan. A special condition has been added regarding any future outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) No septic information was provided with the application.
- I. Regarding comments received related to existing operations on the subject property:
- (1) A complaint was received on May 24, 2019 about operations on the subject property. They mentioned the site being noisy and an eyesore.
  - (2) A complaint from a second party was received on October 10, 2019 about operations on the subject property. They mentioned noise from jack hammers, grinders, and trucks; dirt and dust, rats, and significantly increased truck traffic posing a safety hazard.
  - (3) A follow-up email from the second party on October 13, 2019, stated that waste materials were being disposed of from the Illinois Route 49 construction project. P&Z Staff requested information about where the Route 49 project materials were being taken, and were informed that the subject property was the recipient of these materials. IDOT staff stated that District 5 did not receive a waste site submittal for the subject property, and therefore the site was rejected and the material associated with the State project would be removed and taken to an approved waste site.
  - (4) A complaint from the first party was received on October 12, 2019 mentioning a significant increase in activity and truck traffic.
- J. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:

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- a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the

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required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

- K. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“The area we are using previously was a feed lot for cattle. We have never raised crops on this 5 acres. The equipment makes no more noise than a farm tractor.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. They are authorized with a Special Use Permit in the AG-1, AG-2, B-4 (except as noted above), and B-5 Zoning DISTRICTS.
  - (2) Based on the May 24, 2019 complaint mentioned under Item 8.I., P&Z Staff sent a letter to Bruce Block on June 3, 2019, requesting information about his operations on the subject property. The letter requested a response by June 17, 2019.
    - a. Susan Burgstrom contacted Bruce Block by phone on September 12<sup>th</sup> because no information had been received. Mr. Block apologized because the letter got buried on his desk, and stated that he would email her the requested information the following week.
    - b. Susan Burgstrom emailed Bruce Block on October 1, 2019 to remind him to send the information. Mr. Block sent an email with the information on October 9, 2019.
    - c. Based on the details provided on October 9<sup>th</sup>, Susan Burgstrom sent a letter to Mr. Block dated October 16, 2019, in which she stated that a Special Use Permit application needed to be received by the P&Z Department no later than November 7, 2019 in order to not receive a Notice of Violation.
    - d. Mr. Block applied for the Special Use Permit on November 5, 2019.

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- (3) Regarding parking on the subject property for the proposed Special Use:
- a. For parking purposes, the Zoning Administrator has determined that a Contractor's Facility is most similar to the requirements for industrial uses.
    - (a) The business has 3 full-time equivalent employees. One parking space is required for every 3 employees in the industrial land use, for a total of one required employee parking space.
    - (b) There are at least three semi-trucks and an unknown number of dump trailers. In an email received October 9, 2019, Mr. Block stated, "We usually have 2 Kubota 90-2 skid loaders there and sometimes a Caterpillar 315 excavator. We also park our semi-trucks there sometimes. We have 2 International trucks and a Volvo truck and some dump trailers."
    - (c) Industrial uses also require one visitor parking space.
    - (d) The facility will need a total of five required parking spaces plus one space for every dump trailer, and one of these spaces would need to meet Illinois Accessibility Code standards. Should the number of employee or company vehicles increase, more spaces will be required.
  - b. There is sufficient grass parking within the Special Use Permit area for all required parking spaces.
  - c. A Type D screen will be required to screen the parking area per paragraph 7.4.1 C.4.b. A Type D screen is "a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade."
- (4) Regarding the required LOADING BERTH:
- a. The petitioner must construct one 12 feet by 40 feet LOADING BERTH per the requirements in Section 7.4.2. A special condition has been added to ensure compliance.
- (5) Regarding outdoor storage and operations, a Type D screen will be required to screen outdoor storage and operations per Section 7.6.2.
- a. A special condition has been added to ensure compliance with the screening requirements on the south and east sides of the Special Use Permit area.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*: The subject property is exempt from the SWMEC Ordinance because less than 16% of the subject property is impervious area and less than one acre of impervious area is located within any 90,000 square feet area.
- (1) Should impervious area increase to one acre or more, storm water detention will be required that is compliant with the SWMEC Ordinance. A special condition has been added to ensure compliance.



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- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the County's subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
  - (1) Contractors Facilities with or without Outdoor Storage and/or Operations are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
  - A. Section 5.2: Table of Authorized Principal Uses states that Contractors Facilities (with or without outdoor STORAGE and/or outdoor OPERATIONS) can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.1 of the Ordinance states, "The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits."
    - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
    - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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

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- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is likely to increase traffic on CR 400N and on CR 2500E (County Highway 13). The increase is not predictable because operations depend on diverse contracts for area construction waste materials (i.e. asphalt, concrete, etc.).

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. Regarding erosion concerns, the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received December 17, 2019, states: “Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.
    - (a) Silt Fencing: A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
    - (b) Construction Road Stabilization: The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
    - (c) Vegetative Cover: One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth brome grass, oats, cereal rye) to help protect soil from erosion during construction.”
  - b. The subject property is exempt from the Champaign County *Storm Water Management and Erosion Control Ordinance* because less than 16% of the subject property is impervious area and less than one acre of impervious area is located within any 90,000 square feet area.

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- c. A special condition has been added requiring storm water detention if impervious area increases to one acre or more.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
    - a. Complaints have been received from neighbors since May 24, 2019 regarding the site being an eyesore; noise from jack hammers, grinders, and trucks; dirt and dust; rats; and significantly increased truck traffic posing a safety hazard.
    - b. A special condition has been added requiring the petitioner to demonstrate compliance with Illinois EPA regulations.
  - (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - b. Soils on the subject property are BEST PRIME FARMLAND. The proposed Special Use Permit will not take any land out of agricultural production. A special condition has been added limiting the Special Use to the five-acre area shown on the Site Plan received November 5, 2019.

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

The subject property does not contain any natural features.

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

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

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

The proposed Special Use Permit will not take any land out of agricultural production. A special condition has been added limiting the Special Use to the five-acre area shown on the Site Plan received November 5, 2019.

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

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

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

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

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

12. Regarding proposed special conditions of approval:
  - A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

**That the proposed uses are in compliance with the Zoning Ordinance.**

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioners have demonstrated that they have registered their operations with Illinois Environmental Protection Agency (IL EPA).**

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

**That the Special Use considers State of Illinois and federal permitting regulations to ensure public health and safety.**

- D. **Within 270 days of approval of Case 967-S-19, the petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**

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

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

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- E. **The Special Use Permit area will be limited to no more than five acres, as reflected in the Site Plan received November 5, 2019.**

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

**To protect best prime farmland from being converted to a non-agricultural use.**

- F. **Should the five-acre contractor facility ever be divided from the 35 acre property, the lot will need a variance for a lot area of more than three acres on best prime farmland.**

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

**That any division of the subject property is compliant with the Zoning Ordinance.**

- G. **A storm water detention basin will be required if impervious area increases to one acre or more.**

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

**That the contractor's facility is compliant with the *Storm Water Management and Erosion Control Ordinance*.**

- H. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has constructed one loading berth meeting the requirements of Paragraph 7.4.2 on the subject property.**

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

**That off-street parking is in compliance with the Zoning Ordinance.**

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**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received November 5, 2019, with attachment:
  - A Site Plan
2. Letter from P&Z Staff to Bruce Block dated June 3, 2019
3. Email from Bruce Block received October 9, 2019
4. Letter from P&Z Staff to Bruce Block dated October 16, 2019
5. Email from Bruce Block received December 13, 2019
6. Natural Resources Report from Champaign County Soil and Water Conservation District received December 17, 2019
7. Preliminary Memorandum dated January 23, 2020, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received November 5, 2019
  - C Aerial photography from 1973, 1988, 2005, 2008, 2014, 2016, 2017, and 2019
  - D Letter from P&Z Staff to Bruce Block dated June 3, 2019
  - E Email from Bruce Block received October 9, 2019
  - F Letter from P&Z Staff to Bruce Block dated October 16, 2019
  - G Email from Bruce Block received December 13, 2019
  - H Natural Resources Report from Champaign County Soil and Water Conservation District received December 17, 2019
  - I Site Visit Photos taken December 12, 2019
  - J Case 967-S-19 Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated January 30, 2020

**PRELIMINARY DRAFT****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **967-S-19** held on **January 30, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{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.



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- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.

5. The requested Special Use *IS NOT* an existing nonconforming use.

6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

**That the proposed uses are in compliance with the Zoning Ordinance.**

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioners have demonstrated that they have registered their operations with Illinois Environmental Protection Agency (IL EPA).**

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

**That the Special Use considers State of Illinois and federal permitting regulations to ensure public health and safety.**

- D. **Within 270 days of approval of Case 967-S-19, the petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**

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

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

**PRELIMINARY DRAFT**

- E. **The Special Use Permit area will be limited to no more than five acres, as reflected in the Site Plan received November 5, 2019.**

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

**To protect best prime farmland from being converted to a non-agricultural use.**

- F. **Should the five-acre contractor facility ever be divided from the 35 acre property, the lot will need a variance for a lot area of more than three acres on best prime farmland.**

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

**That any division of the subject property is compliant with the Zoning Ordinance.**

- G. **A storm water detention basin will be required if impervious area increases to one acre or more.**

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

**That the contractor's facility is compliant with the *Storm Water Management and Erosion Control Ordinance*.**

- H. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has constructed one loading berth meeting the requirements of Paragraph 7.4.2 on the subject property.**

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

**That off-street parking is in compliance with the Zoning Ordinance.**

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**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 967-S-19 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Bruce and Brody Block, d.b.a., Block Field Tiling, LLC**, to authorize the following:

**Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.**

*{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}*

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 967-S-19 by the Zoning Board of Appeals.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- C. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioners have demonstrated that they have registered their operations with Illinois Environmental Protection Agency (IL EPA).**
- D. **Within 270 days of approval of Case 967-S-19, the petitioners must plant sufficient vegetative screening on the subject property to screen the Special Use Permit outdoor storage and parking areas from the residential lot located southeast of the subject property. Per standard Department practice, a sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.**
- E. **The Special Use Permit area will be limited to no more than five acres, as reflected in the Site Plan received November 5, 2019.**
- F. **Should the five-acre contractor facility ever be divided from the 35 acre property, the lot will need a variance for a lot area of more than three acres on best prime farmland.**
- G. **A storm water detention basin will be required if impervious area increases to one acre or more.**
- H. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has constructed one loading berth meeting the requirements of Paragraph 7.4.2 on the subject property.**

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***PRELIMINARY DRAFT***

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