

CASES 050-S-22 and 051-V-22

PRELIMINARY MEMORANDUM

April 19, 2022

- Petitioner:** Champaign County Forest Preserve District, via agent Bridgette Moen, CCFPC District Planner
- Request:** Authorize a “public park or recreational facility” for those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to that portion of the Kickapoo Rail Trail located inside the Village of St. Joseph, authorized by-right in the R-1 Single Family Residence Zoning District and as a Special Use Permit in the AG-1 Agriculture Zoning District and subject to the variance fully described in the legal advertisement, on property that is commonly known as the inactive CSX railroad line located along U.S. Route 150 that is described fully in the legal advertisement (see Attachment A).
- Location:** Generally, fourteen different tracts of land totaling 52.7 acres and commonly known as the inactive CSX railroad line between the Village of St. Joseph and the Vermilion County line and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the Village of Ogden and more specifically described in the attached legal advertisement (see Attachment A).
- Site Area:** 52.7 acres
- Time Schedule for Development:** As soon as possible
- Prepared by:** **Susan Burgstrom**, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

For over 25 years, plans have been in place for converting the former CSX rail line between Urbana and Danville into a Rail Trail. The first 6-mile section was constructed between Urbana and St. Joseph after Case 828-S-16 was approved on September 15, 2016. The proposed special use permit and related variances include the proposed 5-mile trail between the Village of St. Joseph and the county line, although funding is only in place for the 1.5-mile section between Ogden and the county line. The 10 feet wide crushed limestone and asphalt trail will have 2 feet aggregate shoulders and will be constructed on the existing rail bed.

The purpose of this Special Use case and associated Variance case is to bring the subject properties into compliance with the Zoning Ordinance. The subject properties in St. Joseph Township fall within the R-1 Single Family Residence and AG-1 Agriculture Districts, while the properties in Ogden Township fall within the AG-1 District. A Special Use Permit is required for a “Public Park or Recreation Facility” to be constructed in the AG-1 Zoning District. No Special Use Permit is required in the R-1 Single Family Residence Zoning District. Variances are required for setback from the centerline of a Federal Highway, the minimum rear yard requirement, and minimum parking requirements.

Note that the Petitioner provided construction and cross section sheets (Attachments E and F) for the entire trail between St. Joseph and the county line; however, some sheets show the trail located within the corporate limits of those communities. Those sheets are provided on the ZBA meetings website at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php.

Staff has divided the 5-mile proposed project into 6 parts by township sections for facilitating discussion. Each part isolates specific variances within specific zoning districts and townships. Attachment C is a map showing those divisions:

- Part A: St. Joseph Township sections 11 and 14 (Variance only)
- Part B: St. Joseph Township sections 12 and 13 (Special Use Permit and Variance)
- Part C: Ogden Township sections 7 and 18 (Special Use Permit and Variance)
- Part D: Ogden Township sections 7 and 18 (Special Use Permit and Variance)
- Part E: Ogden Township sections 8 and 17 (Special Use Permit and Variance)
- Part F: Ogden Township sections 9 and 16 (Special Use Permit and Variance)

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdictions of the Village of St. Joseph and the Village of Ogden, both municipalities with zoning. Municipalities with zoning do not have protest rights on Special Use Permits or Variances within their ETJ; however, they do receive notice of such cases and they are invited to comment.

The subject property is located within St. Joseph Township and Ogden Township. St. Joseph Township has a Plan Commission and Ogden Township does not. Townships with Plan Commissions have protest rights on Variances within their township, per Section 9.1.9 F.1. of the Zoning Ordinance:

“In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.”

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Former CSX rail line	AG-1 and R-1
North	varies: ag production, residential, businesses	AG-1 or incorporated area
East	agriculture	Vermilion County
West	Incorporated (St. Joseph)	Village of St. Joseph
South	varies: ag production, residential, businesses	AG-1 or incorporated area

PROPOSED SPECIAL CONDITIONS

There are two proposed special conditions for the Special Use Permit and one for the Variance.

Proposed condition for Special Use Case 050-S-22:

- A. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

That the proposed use provides for adequate drainage of the development site before, during, and after construction.

Proposed condition for Variance Case 051-V-22:

- A. **All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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

That the proposed use complies with the Zoning Ordinance.

ATTACHMENTS

- A Legal Advertisement for Cases 050-S-22 and 051-V-22 dated April 11, 2022
- B Case Maps (Location, Land Use, Zoning)
- C Map of proposed trail divided into township sections created by P&Z Staff
- D Site Plan: "Proposed Trail Construction in Champaign County" received March 29, 2022
- E Plans for Proposed Kickapoo Trail, St. Joseph to Vermilion County Line, received March 29, 2022, *provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php*
- F Plans for Proposed Kickapoo Trail, Village of Ogden to Vermilion County Line, received March 29, 2022, *provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php*
- G Storm Water Pollution Prevention Plan received April 5, 2022
- H Email from Jonathan Hasselbring received April 15, 2016 as part of Case 828-S-16 regarding IDNR permitting
- I Kickapoo Rail Trail site images received March 29, 2022
- J Site images taken by P&Z Staff on April 7, 2022
- K Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated April 28, 2022

LEGAL PUBLICATION: WEDNESDAY, APRIL 13, 2022
CASES: 050-S-22 and 051-V-22

NOTICE OF PUBLIC HEARING IN REGARD TO A SPECIAL USE PERMIT AND VARIANCES UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE.

CASES: 050-S-22 and 051-V-22

Champaign County Forest Preserve District, PO Box 1040, Mahomet, Illinois, via agent Bridgette Moen, has filed petitions for a Special Use Permit and Variance under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, Illinois.

A public hearing will be held **Thursday, April 28, 2022, at 6:30 p.m.** prevailing time in the Shield-Carter Meeting Room, Brookens Administrative Center, 1776 E. Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

CASES 050-S-22 and 051-V-22

Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are existing or proposed inside the Village of St. Joseph and the Village of Ogden, as a “public park or recreational facility” authorized by-right in the R-1 Single Family Residence Zoning District and as a Special Use Permit in the AG-1 Agriculture Zoning District and subject to the described variance, on the Subject Property described below in Parts and in general:

Subject Property Part A:

A 2.86 acre tract in the R-1 Single Family Residence District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part A:

Part A1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 70 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the R-1 Single Family Residence Zoning District;

Part A2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part B:

A 12.8 acre tract in the AG-1 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located along U.S. Route 150 and subject to the following variance:

Variance Part B:

Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 73 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part B2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part C:

A 9.1 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 11E of the Third Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part C: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part D:

A 10.9 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part D: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part E:

A 10.8 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part E:

Part E1: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 23 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and

Part E2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part F:

A 6.3 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part F: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property in General:

Fourteen different tracts of land totaling 52.7 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the Village of St. Joseph and the Vermilion County line and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the Village of Ogden.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, APRIL 13, 2022 ONLY

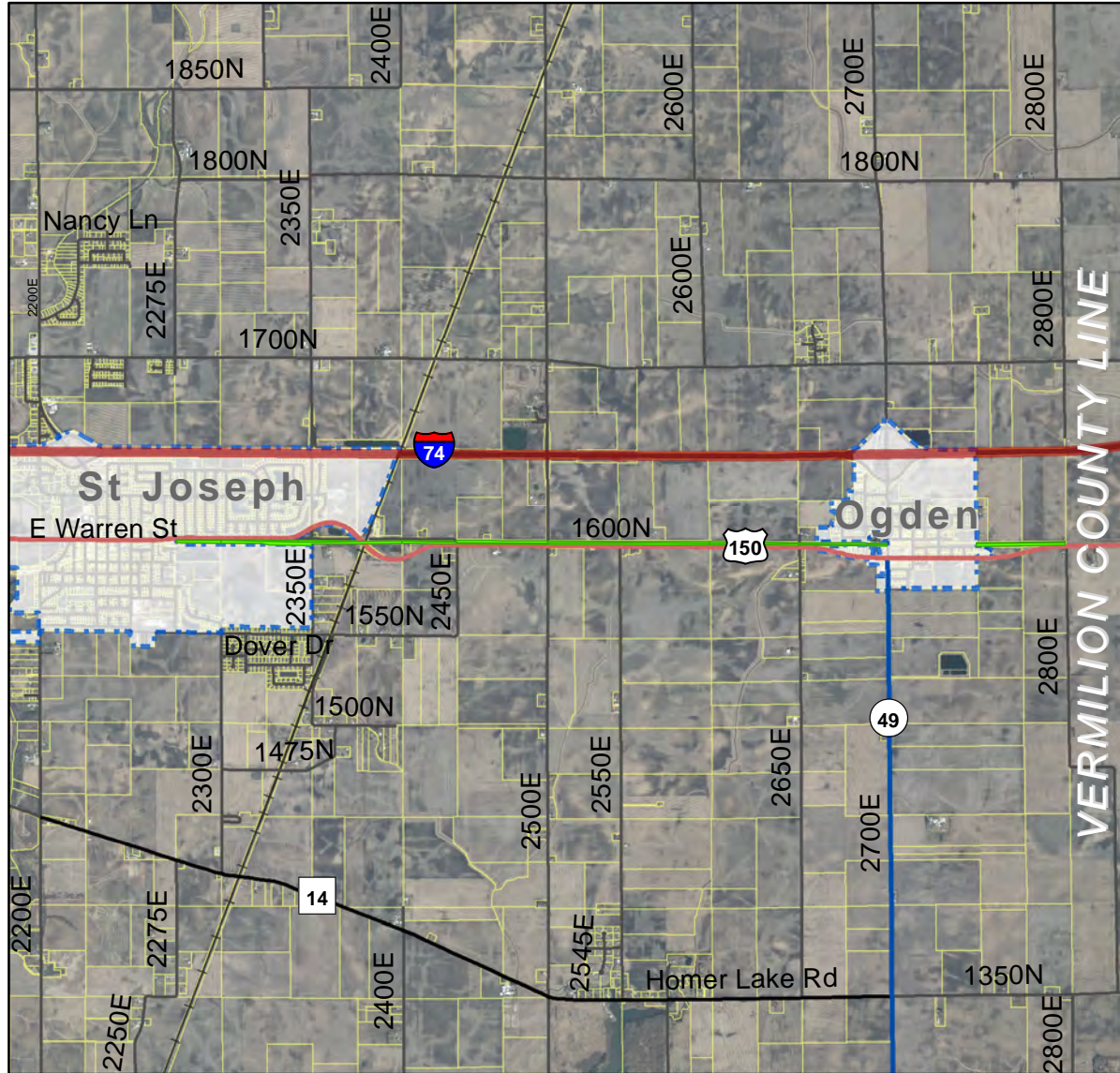
Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

Phone: 384-3708

Location Map

Cases 050-S-22 & 051-V-22
 April 28, 2022

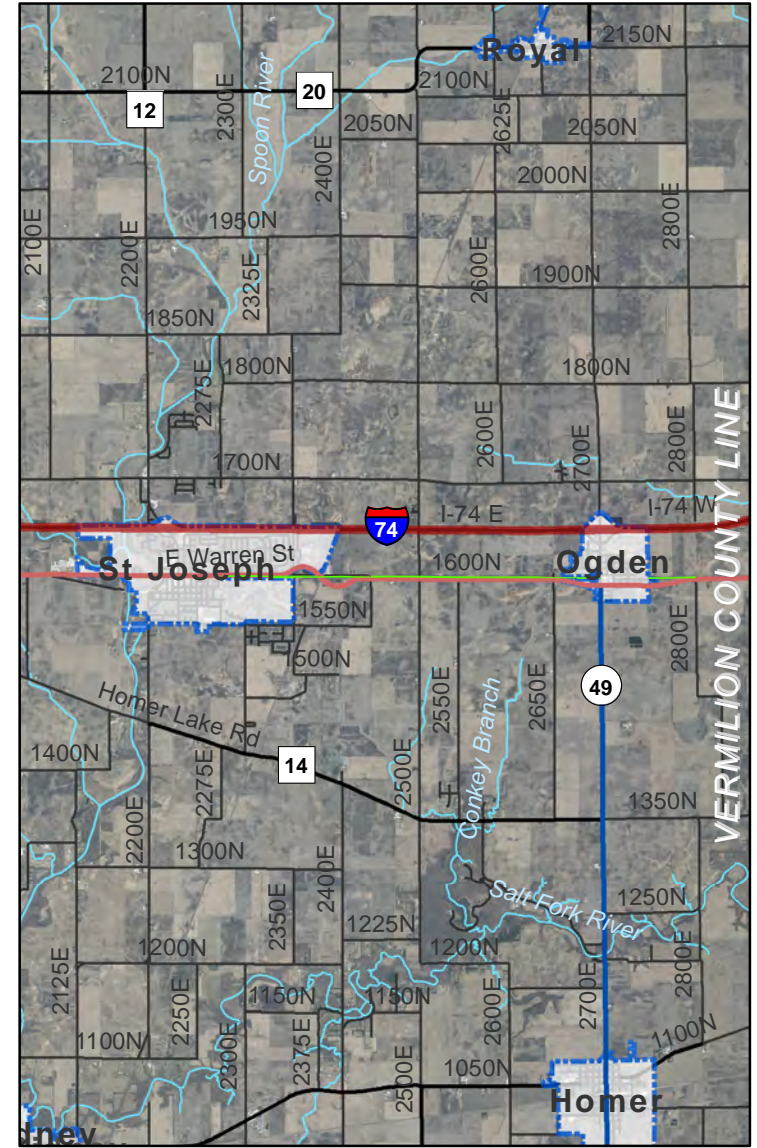
Subject Property



- Subject Properties
- Municipal Boundary
- Parcels

0.1 0.25 0.5 0.75 1 Miles

Property location in Champaign County



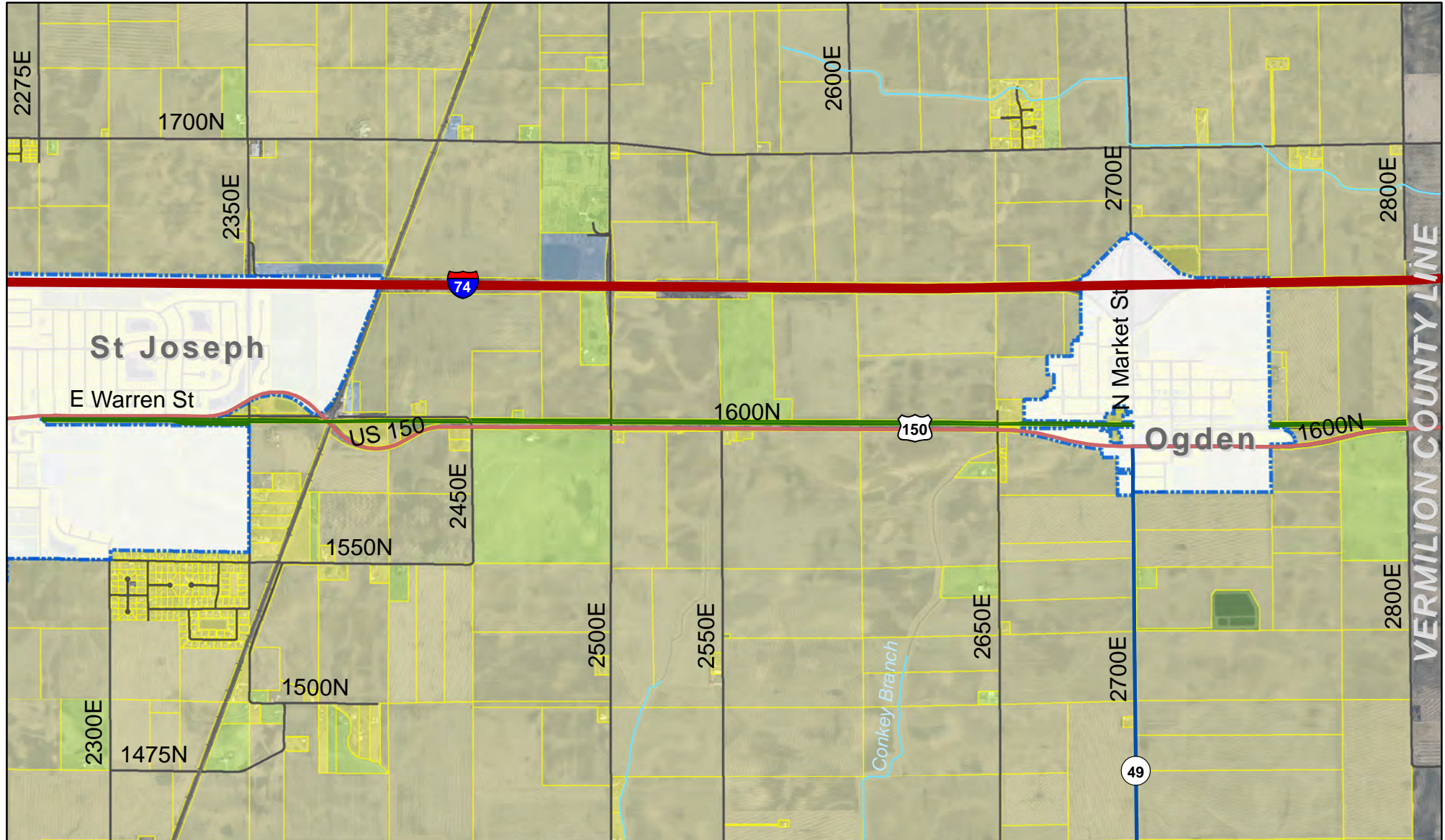
0 0.5 1 2 Miles



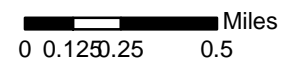
Champaign County
 Department of
**PLANNING &
 ZONING**

Land Use Map

Cases 050-S-22 & 051-V-22
 April 28, 2022

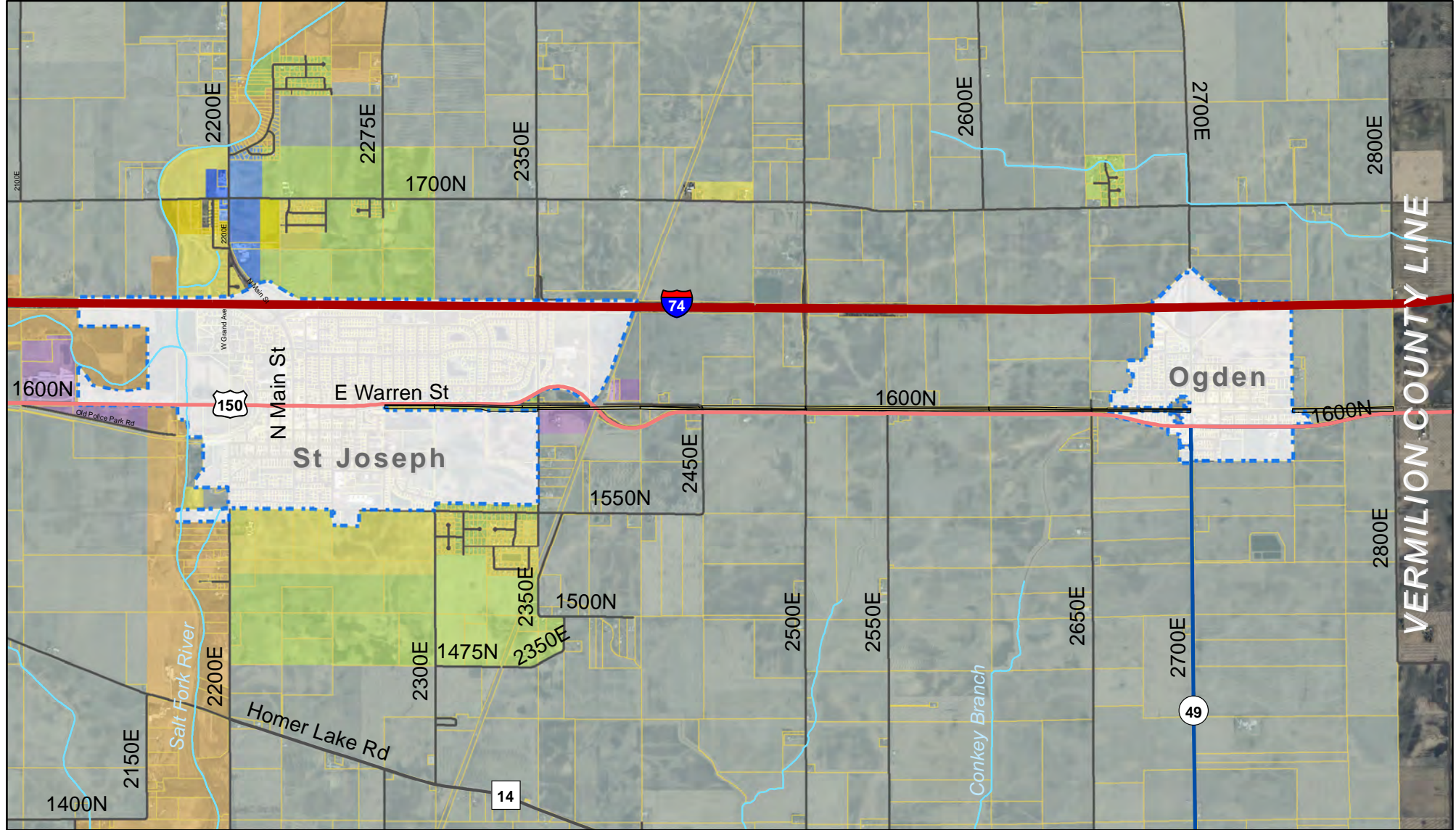


- | | | |
|--------------------|----------------|-------------|
| Subject Properties | Tax Exempt | Residential |
| Parcels | Agriculture | Commercial |
| Municipal Boundary | Ag/Residential | |

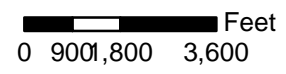


Zoning Map

Cases 050-S-22 & 051-V-22
April 28, 2022

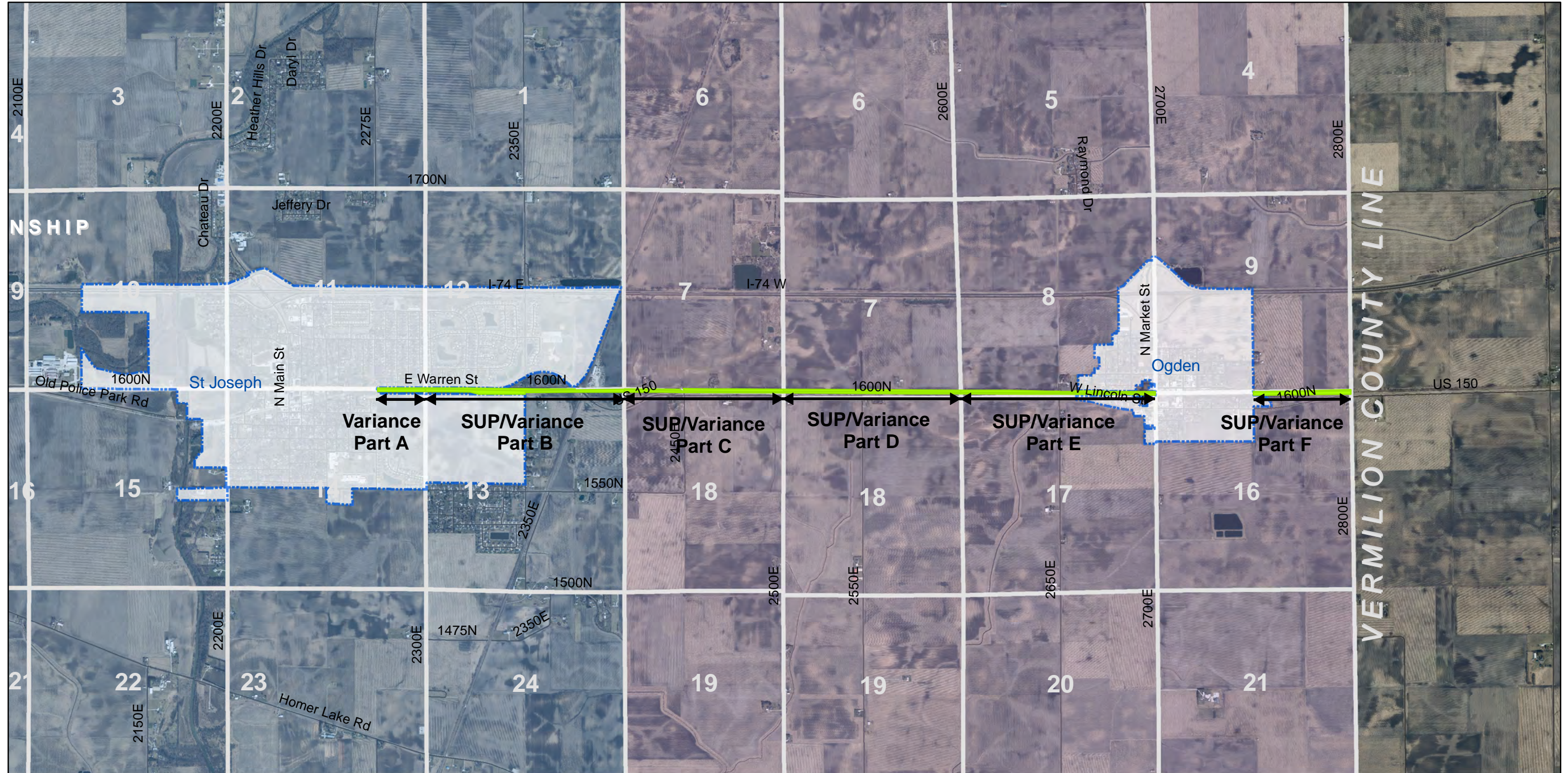


- | | | |
|----------------------------|-------------------------------|---------------------------|
| Subject Properties | AG-2 Agriculture | B-2 Neighborhood Business |
| Parcels | R-1 Single Family Residential | B-3 Highway Business |
| CR Conservation Recreation | R-2 Single Family Residential | B-4 General Business |
| AG-1 Agriculture | R-3 Two-Family Residence | I-1 Light Industry |

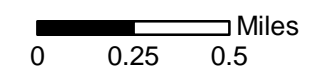


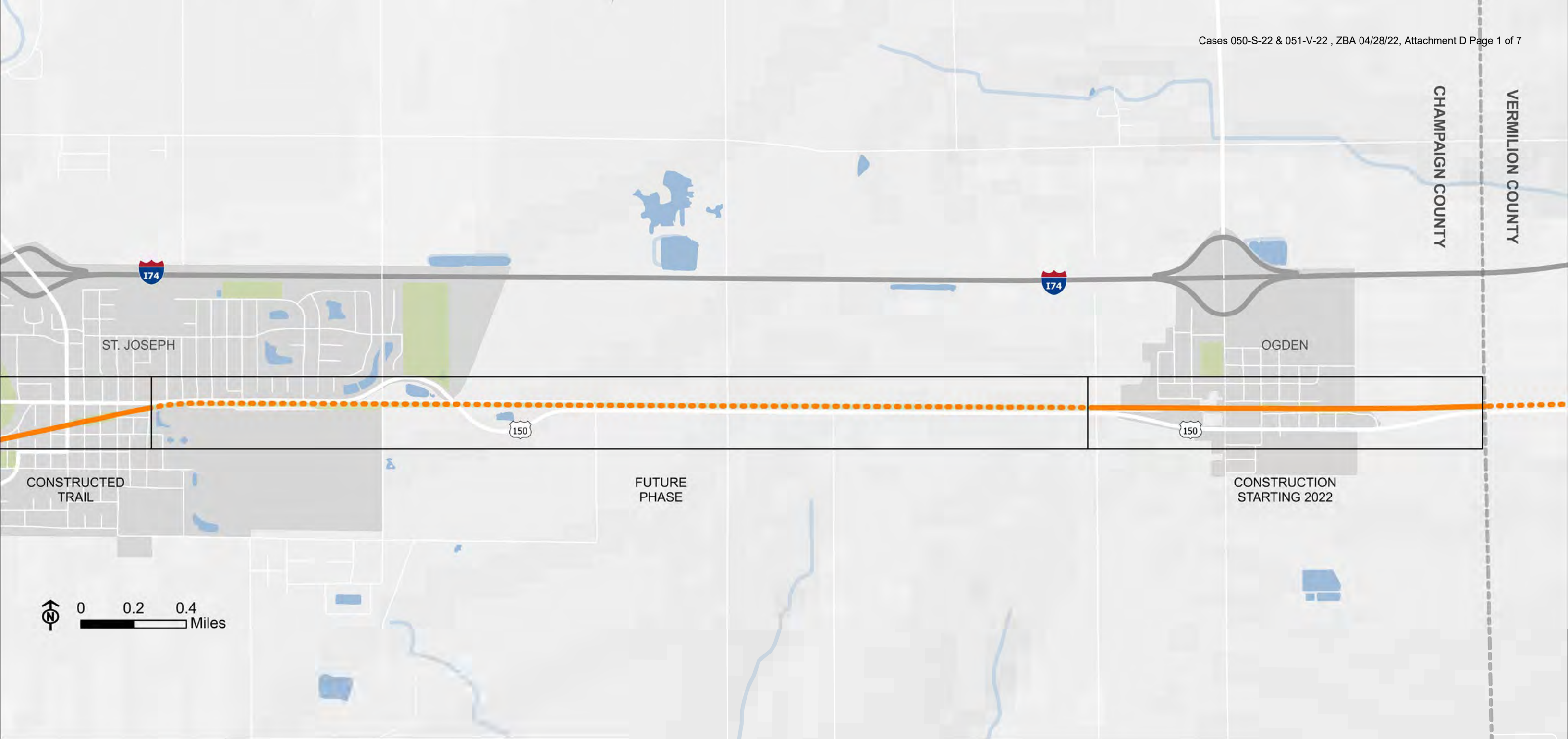
Special Use Permit & Variance Areas A through F with Township Sections

Cases 050-S-22 & 051-V-22
April 28, 2022



- Subject Properties
- St. Joseph Township
- Municipal Boundary
- Ogden Township
- PLSS Sections





**PROPOSED TRAIL CONSTRUCTION IN
CHAMPAIGN COUNTY**







Champaign County Forest Preserve District
March 28, 2022

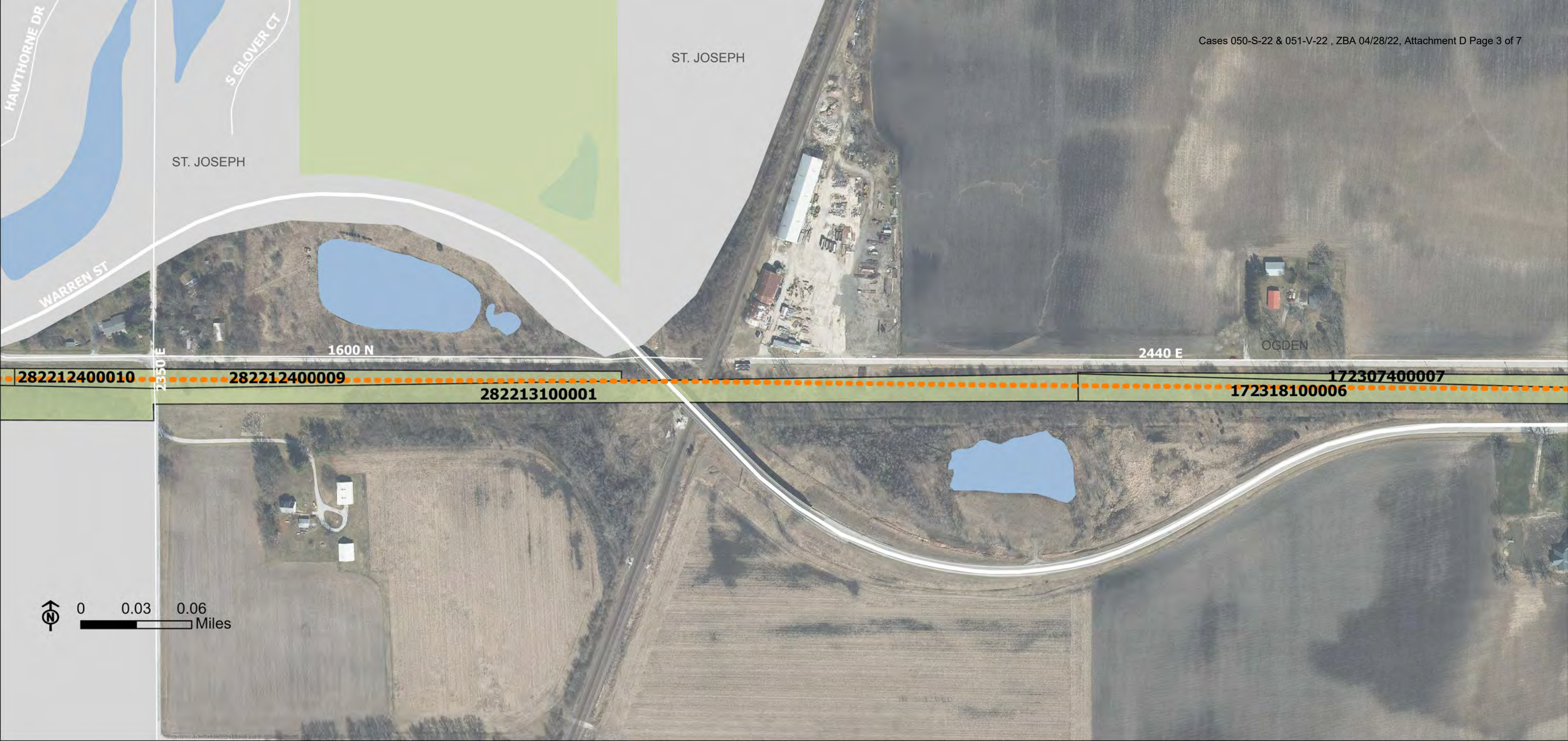
RECEIVED
MAR 29, 2022
CHAMPAIGN COUNTY
PLANNING & ZONING



**PROPOSED TRAIL CONSTRUCTION IN
CHAMPAIGN COUNTY: PARCELS 1 OF 6**

Champaign County Forest Preserve District
March 28, 2022

-  County Line
-  CCFPD Property Parcels
-  St Joseph
-  Ogden
-  Future Trail
-  Trail to be Constructed in 2023



PROPOSED TRAIL CONSTRUCTION IN CHAMPAIGN COUNTY: PARCELS 2 OF 6







Champaign County Forest Preserve District
March 28, 2022

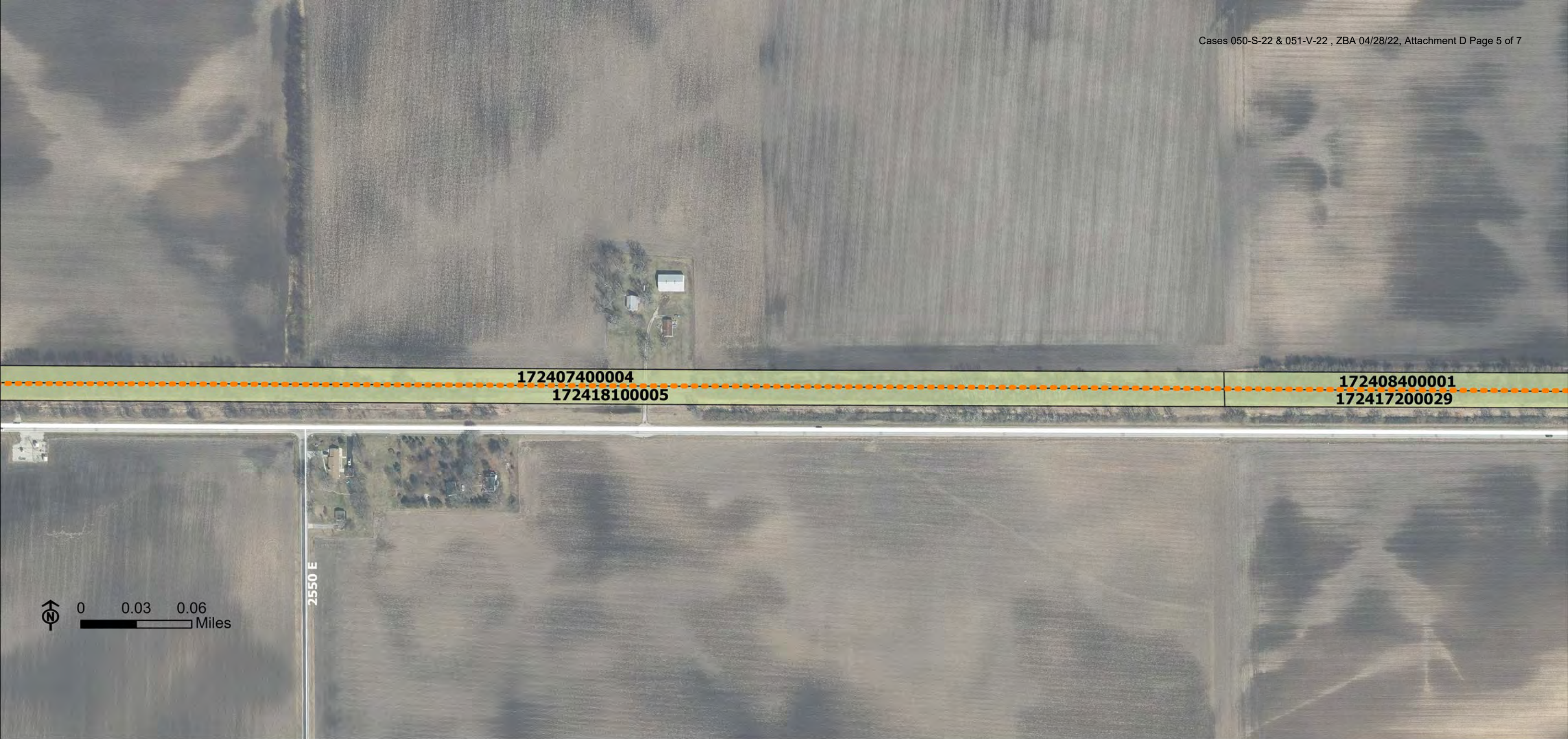
- County Line
- CCFPD Property Parcels
- St Joseph
- Ogden
- Future Trail
- Trail to be Constructed in 2023



**PROPOSED TRAIL CONSTRUCTION IN
CHAMPAIGN COUNTY: PARCELS 3 OF 6**







Champaign County Forest Preserve District
March 28, 2022

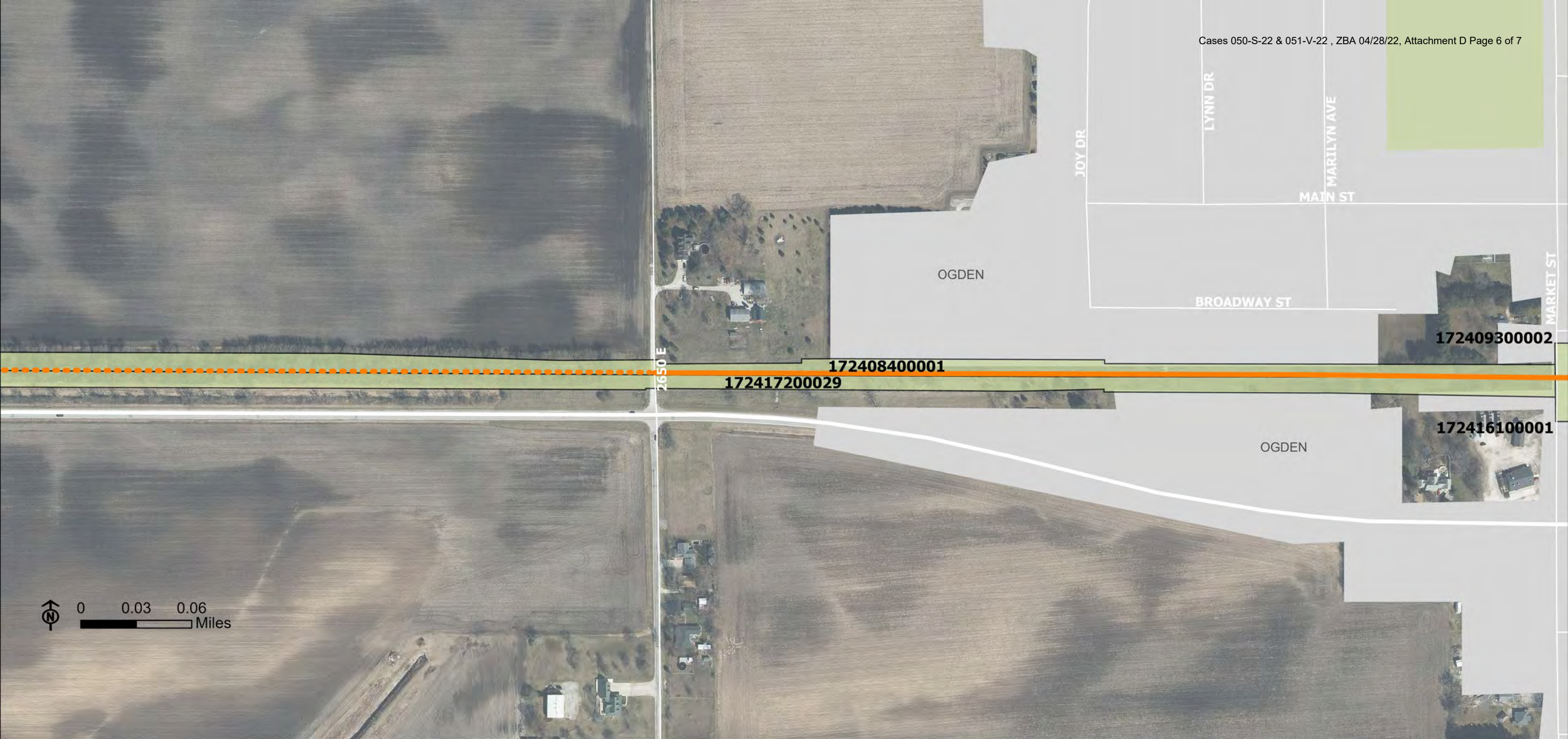
-  County Line
-  CCFPD Property Parcels
-  St Joseph
-  Ogden
-  Future Trail
-  Trail to be Constructed in 2023



**PROPOSED TRAIL CONSTRUCTION IN
CHAMPAIGN COUNTY: PARCELS 4 OF 6**







Champaign County Forest Preserve District
March 28, 2022

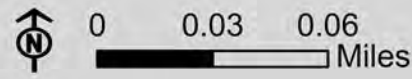
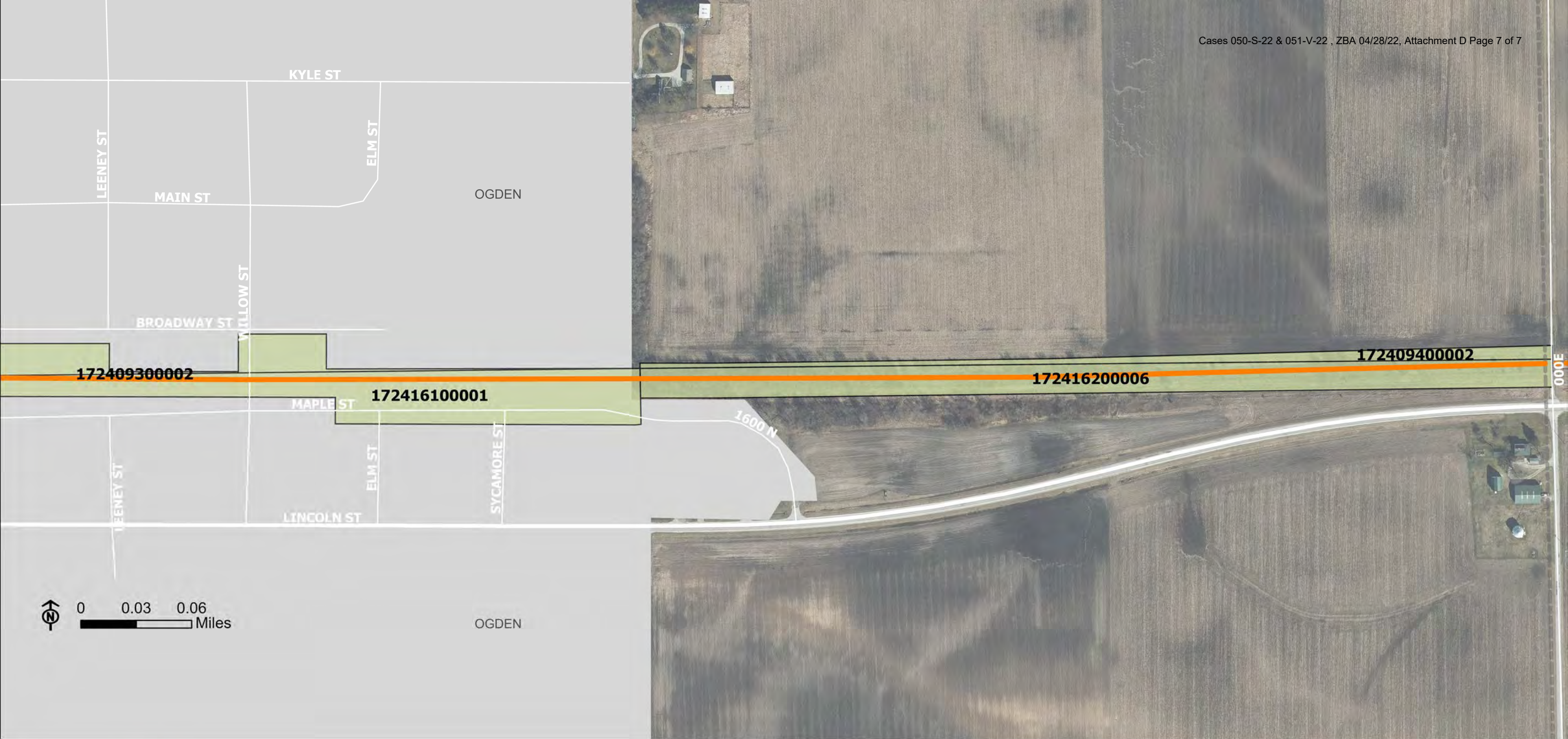
-  County Line
-  CCFPD Property Parcels
-  St Joseph
-  Ogden
-  Future Trail
-  Trail to be Constructed in 2023



**PROPOSED TRAIL CONSTRUCTION IN
CHAMPAIGN COUNTY: PARCELS 5 OF 6**







Champaign County Forest Preserve District
March 28, 2022

-  County Line
-  CCFPD Property Parcels
-  St Joseph
-  Ogden
-  Future Trail
-  Trail to be Constructed in 2023



**PROPOSED TRAIL CONSTRUCTION IN
CHAMPAIGN COUNTY: PARCELS 6 OF 6**

Champaign County Forest Preserve District
March 28, 2022

-  County Line
-  CCFPD Property Parcels
-  St Joseph
-  Ogden
-  Future Trail
-  Trail to be Constructed in 2023

Attachment E: Plans for Proposed Kickapoo Trail, St. Joseph to Vermilion County Line

is available online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Attachment F: Plans for Proposed Kickapoo Trail, Ogden to Vermilion County Line

is available online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php



Storm Water Pollution Prevention Plan



Route Kickapoo Rail Trail	Marked Route N/A	Section Number 17-F3000-02-BT
Project Number 7WHJ-314	County Champaign	Contract Number C-95-036-22

This plan has been prepared to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit No ILR10 (Permit ILR10), issued by the Illinois Environmental Protection Agency (IEPA) for storm water discharges from construction site activities.

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

Signature <i>Bridgette Moen</i>	Date 4/5/2022
------------------------------------	------------------

Print Name Bridgette Moen	Title Planning and Projects Coordinator	Agency Champaign County Forest Preserve
------------------------------	--	--

Note: Guidance on preparing each section of BDE 2342 can be found in Chapter 41 of the IDOT Bureau of Design and Environment (BDE) Manual. Chapter 41 and this form also reference the IDOT Drainage Manual which should be readily available.

I. Site Description:

A. Provide a description of the project location; include latitude and longitude, section, town, and range:
Former CSX railroad right of way from County Road 2650 E in Champaign County (40deg 06' 46" N, 87deg 58' 05" W) east to Champaign/Vermilion County line (40deg 06' 46" N, 87deg 56' 24" W).

B. Provide a description of the construction activity which is the subject of this plan. Include the number of construction stages, drainage improvements, in-stream work, installation, maintenance, removal of erosion measures, and permanent stabilization:
Construction of a 10' wide aggregate recreational trail with 2' wide aggregate shoulder wedges on the existing railroad embankment.

C. Provide the estimated duration of this project:
150 working days

D. The total area of the construction site is estimated to be 5.9 acres.
The total area of the site estimated to be disturbed by excavation, grading or other activities is 5.9 acres.

E. The following are weighted averages of the runoff coefficient for this project before and after construction activities are completed, see Section 4-102 of the IDOT Drainage Manual:
Weighted C=0.15 (before), Weighted C=0.25

F. List all soils found within project boundaries; include map unit name, slope information, and erosivity:
56B Dana silt loam, 2 to 5 percent slopes
67A Harpster silty clay loam, 0 to 2 percent slopes
102A La Hogue loam, 0 to 2 percent slopes
125A Selma loam, 0 to 2 percent slopes

RECEIVED
APR 05 2022

131B Alvin fine sandy loam, 2 to 5 percent slopes
 149A Brenton silt loam, 0 to 2 percent slopes
 150B Onarga sandy loam, 2 to 5 percent slopes
 152A Drummer silty clay loam, 0 to 2 percent slopes
 153A Pella silty clay loam, 0 to 2 percent slopes
 154A Flanagan silt loam, 0 to 2 percent slopes
 171B Catlin silt loam, 2 to 5 percent slopes
 234A Sunbury silt loam, 0 to 2 percent slopes
 330A Peotone silty clay loam, 0 to 2 percent slopes
 687B Penfield loam, 2 to 5 percent slopes

G. If wetlands were delineated for this project, provide an extent of wetland acreage at the site. see Phase I report:
 No wetlands will be impacted as a result of this project per WIE clearance dated 11-04-2019

H. Provide a description of potentially erosive areas associated with this project:
 The erosive areas are very minimal. Those areas include a very small amount of ditch work at the location of the extension or replacement of 5 culverts.

I. The following is a description of soil disturbing activities by stages, their locations, and their erosive factors (e.g., steepness of slopes, length of slopes, etc.):
 Soil disturbing activities include culvert installation and furnished excavation throughout the project limits. The design involves a narrow footprint utilizing existing slopes and proposed 1:3 slopes and 1:4 slopes along embankments to allow as much as possible of the existing area along this trail is to be preserved.

J. See the erosion control plans and/or drainage plans for this contract for information regarding drainage patterns, approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking (to be added after contractor identifies locations), areas of soil disturbance, the location of major structural and non-structural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands) , and locations where storm water is discharged to surface water including wetlands.

K. Identify who owns the drainage system (municipality or agency) this project will drain into:
 Champaign County Forest Preserve District

L. The following is a list of General NPDES ILR40 permittees within whose reporting jurisdiction this project is located:
 Champaign County Forest Preserve District

M. The following is a list of receiving water(s) and the ultimate receiving water(s) for this site. In addition, include receiving waters that are listed as Biologically Significant Streams by the Illinois Department of Natural Resources (IDNR). The location of the receiving waters can be found on the erosion and sediment control plans:
 Unnamed tributaries to the Salt Fork River

N. Describe areas of the site that are to be protected or remain undisturbed. These areas may include steep slopes (i.e., 1:3 or steeper), highly erodible soils, streams, stream buffers, specimen trees, natural vegetation, nature preserves, etc. Include any commitments or requirements to protect adjacent wetlands.

 For any storm water discharges from construction activities within 50-feet of Waters of the U.S. (except for activities for water-dependent structures authorized by a Section 404 permit, describe: a) How a 50-foot undisturbed natural buffer will be provided between the construction activity and the Waters of the U.S. or b) How additional erosion and sediment controls will be provided within that area.

Most of the corridor is wooded and minimal clearing will be done for trail construction. The existing trees and shrubs that remain will serve as a natural buffer and slope protection. Areas that are not wooded and have the potential to silt off the project corridor will be protected with silt fence along with upstream of all culverts. The areas outside of the limits of construction shall remain undisturbed.

Per the Phase I document, the following sensitive environmental resources are associated with this project and may have the potential to be impacted by the proposed development. Further guidance on these resources is available in Section 41-4 of the BDE Manual.

N/A

303(d) Listed receiving waters for suspended solids, turbidity, or siltation.
The name(s) of the listed water body, and identification of all pollutants causing impairment

N/A

Provide a description of how erosion and sediment control practices will prevent a discharge of sediment resulting from a storm event equal to or greater than a twenty-five (25) year, twenty-four (24) hour rainfall event.

N/A

Provide a description of the location(s) of direct discharge from the project site to the 303(d) water body:

N/A

Provide a description of the location(s) of any dewatering discharges to the MS4 and/or water body:

N/A

Applicable Federal, Tribal, State, or Local Programs

N/A

Floodplain

N/A

Historic Preservation

N/A

Receiving waters with Total Maximum Daily Load (TMDL) for sediment, total suspended solids, turbidity or siltation
TMDL (fill out this section if checked above)

The name(s) of the listed water body:

N/A

Provide a description of the erosion and sediment control strategy that will be incorporated into the site design that is consistent with the assumptions and requirements of the TMDL:

N/A

If a specific numeric waste load allocation has been established that would apply to the project's discharges, provide a description of the necessary steps to meet that allocation

N/A

Threatened and Endangered Species/Illinois Natural Areas (INA)/Nature Preserves

Indiana Bat

Other

N/A

Wetland

N/A

P. The following pollutants of concern will be associated with this construction project:

Antifreeze / Coolants

Solid Waste Debris

- Concrete
- Concrete Curing Compounds
- Concrete Truck Waste
- Fertilizers / Pesticides
- Paints
- Petroleum (gas, diesel, oil, kerosene, hydraulic oil / fluids)
- Soil Sediment

- Solvents
- Waste water from cleaning construction equipments
- Other (Specify) _____
- Other (Specify) _____
- Other (Specify) _____
- Other (Specify) _____
- Other (Specify) _____

II. Controls:

This section of the plan addresses the controls that will be implemented for each of the major construction activities described in Section I.C above and for all use areas, borrow sites, and waste sites. For each measure discussed, the Contractor will be responsible for its implementation as indicated. The Contractor shall provide to the Resident Engineer a plan for the implementation of the measures indicated. The Contractor, and subcontractors, will notify the Resident Engineer of any proposed changes, maintenance, or modifications to keep construction activities compliant with the Permit ILR10. Each such Contractor has signed the required certification on forms which are attached to, and are a part of, this plan:

A. Erosion and Sediment Controls: At a minimum, controls must be coordinated, installed and maintained to:

1. Minimize the amount of soil exposed during construction activity;
2. Minimize the disturbance of steep slopes;
3. Maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible;
4. Minimize soil compaction and, unless infeasible, preserve topsoil.

B. Stabilization Practices: Provided below is a description of interim and permanent stabilization practices, including site- specific scheduling of the implementation of the practices. Site plans will ensure that existing vegetation is preserved where attainable and disturbed portions of the site will be stabilized. Stabilization practices may include but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sodding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Except as provided below in II.B.1 and II.B.2, stabilization measures shall be initiated **immediately** where construction activities have temporarily or permanently ceased, but in no case more than **one (1) day** after the construction activity in that portion of the site has temporarily or permanently ceases on all disturbed portions of the site where construction will not occur for a period of fourteen (14) or more calendar days.

1. Where the initiation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
2. On areas where construction activity has temporarily ceased and will resume after fourteen (14) days, a temporary stabilization method can be used.

The following stabilization practices will be used for this project.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Erosion Control Blanket / Mulching | <input checked="" type="checkbox"/> Temporary Turf (Seeding, Class 7) |
| <input type="checkbox"/> Geotextiles | <input type="checkbox"/> Temporary Mulching |
| <input checked="" type="checkbox"/> Permanent Seeding | <input type="checkbox"/> Vegetated Buffer Strips |
| <input type="checkbox"/> Preservation of Mature Seeding | <input type="checkbox"/> Other (Specify) _____ |
| <input checked="" type="checkbox"/> Protection of Trees | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Sodding | <input type="checkbox"/> Other (Specify) _____ |
| <input checked="" type="checkbox"/> Temporary Erosion Control Seeding | <input type="checkbox"/> Other (Specify) _____ |

Describe how the stabilization practices listed above will be utilized during construction

If construction operations in an area are completed or not anticipated to resume for 14 days, the area shall be seeded with temporary erosion control seeding. Permanent seeding and mulch shall be placed once construction dictates that it can be applied without further interference from construction activities. All temporary and/or permanent stabilization practices installed, maintained, and inspected by the Contractor shall be in accordance with the IDOT Standard Specifications for Road and Bridge Construction adopted April 1, 2016.

Describe how the stabilization practices listed above will be utilized after construction activities have been completed:

Once permanent erosion control systems as proposed in the plans such as permanent seeding are functional

and established, temporary items shall be removed, cleaned up, and disturbed turf reseeded as needed.

C. Structural Practices: Provided below is a description of structural practices that will be implemented, to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include but are not limited to: perimeter erosion barrier, earth dikes, drainage swales, sediment traps, ditch checks, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. The installation of these devices may be subject to Section 404 of the Clean Water Act

- | | |
|--|---|
| <input type="checkbox"/> Aggregate Ditch | <input type="checkbox"/> Stabilized Construction Exits |
| <input type="checkbox"/> Concrete Revetment Mats | <input type="checkbox"/> Stabilized Trench Flow |
| <input type="checkbox"/> Dust Suppression | <input type="checkbox"/> Slope Mattress |
| <input type="checkbox"/> Dewatering Filtering | <input type="checkbox"/> Slope Walls |
| <input type="checkbox"/> Gabions | <input checked="" type="checkbox"/> Temporary Ditch Check |
| <input type="checkbox"/> In-Stream or Wet and Work | <input type="checkbox"/> Temporary Pipe Slope Drain |
| <input type="checkbox"/> Level Spreaders | <input type="checkbox"/> Temporary Sediment Basin |
| <input type="checkbox"/> Paved Ditch | <input type="checkbox"/> Temporary Stream Crossing |
| <input type="checkbox"/> Permanent Check Dams | <input type="checkbox"/> Turf Reinforcement Mats |
| <input checked="" type="checkbox"/> Perimeter Erosion Barrier | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Permanent Sediment Basin | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Retaining Walls | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Riprap | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Rock Outlet Protection | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Sediment Trap | <input type="checkbox"/> Other (Specify) _____ |
| <input checked="" type="checkbox"/> Storm Drain Inlet Protection | <input type="checkbox"/> Other (Specify) _____ |

Describe how the structural practices listed above will be utilized during construction.

1. Temporary erosion control systems shall be left in place with proper maintenance until permanent erosion control is in place and working properly and all proposed turf areas are seeded and established.
2. Inlet and pipe protection shall be constructed around upstream ends of culverts in accordance with IDOT Article 280.04(c) of the Standard Specifications for Road and Bridge Construction adopted April 1, 2016.
3. Perimeter erosion barrier shall be constructed at locations shown on the plans and in accordance with IDOT Article 280.04(b) of the Standard Specifications for Road and Bridge Construction adopted April 1, 2016.

Describe how the structural practices listed above will be utilized after construction activities have been completed:

Once permanent erosion control systems as proposed in the plans are functional and established, temporary items shall be removed by the Contractor.

D. Treatment Chemicals

Will polymer flocculants or treatment chemicals be utilized on this project: Yes No

If yes above, identify where and how polymer flocculants or treatment chemicals will be utilized on this project.

E. Permanent (i.e., Post-Construction) Storm Water Management Controls: Provided below is a description of measures that will be installed during the construction process to control volume and pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the Clean Water Act.

1. Such practices may include but are not limited to: storm water detention structures (including wet ponds), storm water retention structures, flow attenuation by use of open vegetated swales and natural depressions, infiltration of runoff on site, and sequential systems (which combine several practices).

The practices selected for implementation were determined based on the technical guidance in Chapter 41 (Construction Site Storm Water Pollution Control) of the IDOT BDE Manual. If practices other than those discussed in Chapter 41 are selected for implementation or if practices are applied to situations different from those covered in Chapter 41, the technical basis for such decisions will be explained below.

2. Velocity dissipation devices will be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., maintenance of hydrologic conditions such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).

Description of permanent storm water management controls:

N/A

- F. **Approved State or Local Laws:** The management practices, controls and provisions contained in this plan will be in accordance with IDOT specifications, which are at least as protective as the requirements contained in the IEPA's Illinois Urban Manual. Procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials shall be described or incorporated by reference in the space provided below. Requirements specified in sediment and erosion site plans, site permits, storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI, to be authorized to discharge under the Permit ILR10 incorporated by reference and are enforceable under this permit even if they are not specifically included in the plan.

Description of procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials:

N/A

- G. **Contractor Required Submittals:** Prior to conducting any professional services at the site covered by this plan, the Contractor and each subcontractor responsible for compliance with the permit shall submit to the Resident Engineer a Contractor Certification Statement, BDE 2342A.

1. The Contractor shall provide a construction schedule containing an adequate level of detail to show major activities with implementation of pollution prevention BMPs, including the following items:
- Approximate duration of the project, including each stage of the project
 - Rainy season, dry season, and winter shutdown dates
 - Temporary stabilization measures to be employed by contract phases
 - Mobilization time-frame
 - Mass clearing and grubbing/roadside clearing dates
 - Deployment of Erosion Control Practices
 - Deployment of Sediment Control Practices (including stabilized cons
 - Deployment of Construction Site Management Practices (including concrete washout facilities, chemical storage, refueling locations, etc.)
 - Paving, saw-cutting, and any other pavement related operations
 - Major planned stockpiling operation
 - Time frame for other significant long-term operations or activities that may plan non-storm water discharges as dewatering, grinding, etc
 - Permanent stabilization activities for each area of the project
2. During the pre-construction meeting, the Contractor and each subcontractor shall provide, as an attachment to their signed Contractor Certification Statement, a discussion of how they will comply with the requirements of the permit in regard to the following items and provide a graphical representation showing location and type of BMPs to be used when applicable:
- Temporary Ditch Checks - Identify what type and the source of Temporary Ditch Checks that will be installed as part of the project. The installation details will then be included with the SWPPP.
 - Vehicle Entrances and Exits - Identify type and location of stabilized construction entrances and exits to be used and how they will be maintained.
 - Material Delivery, Storage and Use - Discuss where and how materials including chemicals, concrete curing compounds, petroleum products, etc. will be stored for this project.
 - Stockpile Management - Identify the location of both on-site and off-site stockpiles. Discuss what BMPs will be used to prevent pollution of storm water from stockpiles.
 - Waste Disposal - Discuss methods of waste disposal that will be used for this project.
 - Spill Prevention and Control - Discuss steps that will be taken in the event of a material spill (chemicals, concrete curing compounds, petroleum, etc.)
 - Concrete Residuals and Washout Wastes - Discuss the location and type of concrete washout facilities to be used on this project and how they will be signed and maintained.
 - Litter Management - Discuss how litter will be maintained for this project (education of employees, number of dumpsters, frequency of dumpster pick-up, etc.)
 - Vehicle and Equipment Fueling - Identify equipment fueling locations for this project and what BMPs will be used to ensure containment and spill prevention.
 - Vehicle and Equipment Cleaning and Maintenance - Identify where equipment cleaning and maintenance locations for

this project and what BMPs will be used to ensure containment and spill prevention.

Dewatering Activities - Identify the controls which will be used during dewatering operations to ensure sediments will not leave the construction site.

Polymer Flocculants and Treatment Chemicals - Identify the use and dosage of treatment chemicals and provide the Resident Engineer with Material Safety Data Sheets. Describe procedures on how the chemicals will be used and identify who will be responsible for the use and application of these chemicals. The selected individual must be trained on the established procedures.

Additional measures indicated in the plan.

III. Maintenance:

When requested by the Contractor, the Resident Engineer will provide general maintenance guides (e.g., IDOT Erosion and Sediment Control Field Guide) to the Contractor for the practices associated with this project. Describe how all items will be checked for structural integrity, sediment accumulation and functionality. Any damage or undermining shall be repaired immediately. Provide specifics on how repairs will be made. The following additional procedures will be used to maintain, in good and effective operating conditions, the vegetation, erosion and sediment control measures and other protective measures identified in this plan. It will be the Contractor's responsibility to attain maintenance guidelines for any manufactured BMPs which are to be installed and maintained per manufacture's specifications.

The Contractor will be responsible for installing, making inspections, completing relevant compliance forms and maintaining erosion control systems as directed by the Engineer.

During construction, areas outside the construction limits as outlined previously herein shall be protected. The Contractor shall not use this area for staging except as described on the plans and directed by the Engineer, parking of vehicles or construction equipment, storage of materials, or other construction related activities.

1. Within the construction limits, areas that may be susceptible to erosion as determined by the Engineer shall remain undisturbed until full-scale construction is underway to prevent unnecessary soil erosion.
2. Earth stockpiles shall be temporarily seeded if they are to remain unused for more than fourteen days.
3. As construction proceeds, the Contractor shall institute the following as directed by the Engineer.
 - a. Place temporary erosion control facilities at locations shown on the plans.
 - b. Temporarily seed erodable bare earth on a weekly basis to minimize the amount of erodable surface area with the contract limits.
 - c. Continue building up the embankment to the proposed grade while at the same time placing permanent erosion controls and conducting final shaping to the slopes.
4. Excavated areas and embankment shall be permanently seeded immediately after final grading. If not, they shall be temporarily seeded if no construction activity in the area is planned for 7 days.
5. Construction equipment shall be stored and fueled only at designated locations. All necessary measures shall be taken to contain any fuel or other pollutant in accordance with EPA water quality regulations. Leaking equipment or supplies shall be immediately repaired or removed from site.
6. The Contractor shall inspect the project daily during construction activities. Inspection shall also be done weekly after rains of 1/2" or greater or equivalent snowfall and during the winter shutdown period. Additionally, the project shall be inspected by the Contractor on a bi-weekly basis to determine that erosion control efforts are in place and effective and if other erosion control is necessary.
7. Sediment collected during construction of the various temporary erosion control systems shall be disposed on the site on a regular basis as directed by the Engineer. The cost of this maintenance shall be included in the unit bid price for various temporary erosion control pay items.
8. The temporary erosion control systems shall be removed as directed by the Engineer after use is no longer needed or no longer functioning. The cost of this removal shall be included in the unit bid price for various

temporary erosion control pay items.

IV. Inspections:

Qualified personnel shall inspect disturbed areas of the construction site including Borrow, Waste, and Use Areas, which have not yet been finally stabilized, structural control measures, and locations where vehicles and equipment enter and exit the site using IDOT Storm Water Pollution Prevention Plan Erosion Control Inspection Report, BC 2259. Such inspections shall be conducted at least once every seven (7) calendar days and within twenty-four (24) hours of the end of a storm or by the end of the following business or work day that is 0.5 inch or greater or equivalent snowfall.

Inspections may be reduced to once per month when construction activities have ceased due to frozen conditions. Weekly inspections will recommence when construction activities are conducted, or if there is 0.5" or greater rain event, or a discharge due to snowmelt occurs.

If any violation of the provisions of this plan is identified during the conduct of the construction work covered by this plan, the Resident Engineer shall notify the appropriate IEPA Field Operations Section office by email at: epa.swnoncomp@illinois.gov, telephone or fax within twenty-four (24) hours of the incident. The Resident Engineer shall then complete and submit an 'Incidence of Non-Compliance' (ION) report for the identified violation within five (5) days of the incident. The Resident Engineer shall use forms provided by IEPA and shall include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. All reports of non-compliance shall be signed by a responsible authority in accordance with Part VI. G of the Permit ILR10.

The Incidence of Non-Compliance shall be mailed to the following address:
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Attn: Compliance Assurance Section
 1021 North Grand East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

V. Failure to Comply:

Failure to comply with any provisions of this Storm Water Pollution Prevention Plan will result in the implementation of a National Pollutant Discharge Elimination System/Erosion and Sediment Control Deficiency Deduction against the Contractor and/or penalties under the Permit ILR10 which could be passed on to the Contractor.

Susan Chavarria

From: Jonathan Hasselbring <JHasselbring@ccfpd.org>
Sent: Friday, April 15, 2016 2:36 PM
To: Susan Chavarria
Subject: FW: KRT 404 Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Susan, please see below correspondence from our Engineer regarding the 404 permit.

Thanks,
Jon

From: Uebinger, Ryan [<mailto:ruebinger@F-W.com>]
Sent: Monday, April 11, 2016 3:38 PM
To: Jonathan Hasselbring
Cc: Grimm, Joseph; michael.carnahan@illinois.gov
Subject: RE: KRT 404 Permit

Jon,

We discussed this with IL DNR, who is generally more restrictive than USACE on these types of permits.

IL DNR considers this type of work to be maintenance and does not require a special permit.

Please let us know if you have any further questions.

Thanks, Ryan

RECEIVED

APR 15 2016

CHAMPAIGN CO. P & Z DEPARTMENT

EXISTING CONDITIONS



CR 2650E facing east.



CR 2800E facing west.

RECEIVED
MAR 29, 2022
CHAMPAIGN COUNTY
PLANNING & ZONING

PROPOSED TRAIL

The Champaign County Forest Preserve District has secured funds through the Illinois Transportation Enhancement Program, administered by the Illinois Department of Transportation, to construct 1.5 miles of trail in and near Ogden, IL. Once completed, CCFPD plans to then connect St. Joseph and the Village of Ogden to complete the Champaign County portion of the trail. Approximately half of the trail to be constructed in Ogden will be an asphalt surface and the remainder will be crushed gravel, similar to earlier phases. A conceptual rendering of improvements is shown below, near CR 2800E, facing west.



EXISTING CONDITIONS



US ROUTE 150

CRUSHED GRAVEL SURFACE

PROPOSED TRAIL

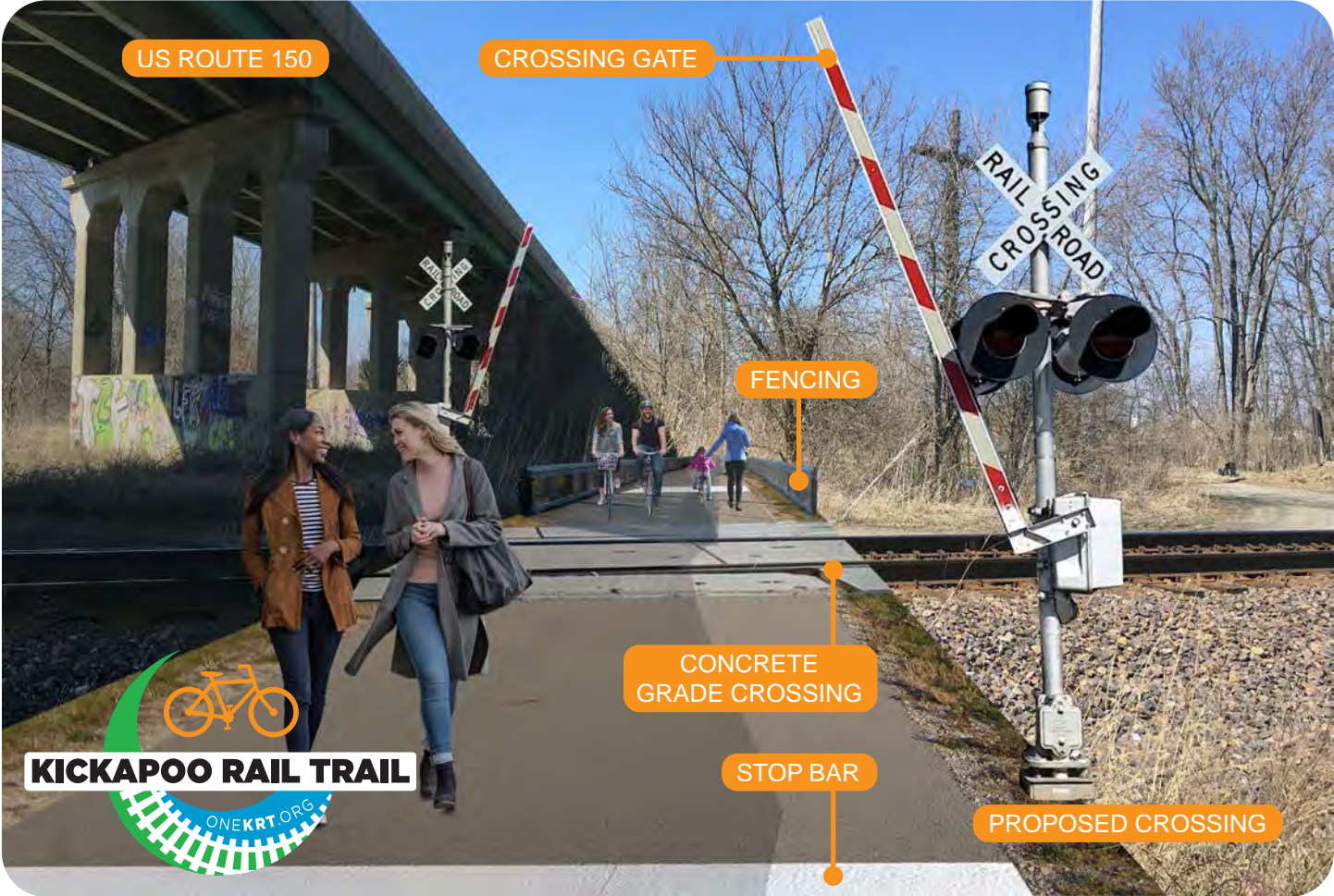


GLOVER CROSSING

The Kickapoo Rail Trail (KRT) is a proposed 24.5 mile pedestrian/bike trail which will connect Urbana and Danville, Illinois. 6.7 miles in Champaign County and 3.1 miles in Vermilion County have been completed. In order to connect each terminus, trail users must eventually cross an active Union Pacific Railroad (UPRR) line. The proposed crossing will adhere to safety regulations and include crossing gates, pavement markings, fencing, concrete crossing panels, and signage. The proposed improvements will greatly improve safety conditions both for UPRR and KRT users. A conceptual rendering of improvements is shown below, south of CR 1600N, near existing Union Pacific Rail Road line, facing west.



EXISTING CONDITIONS



US ROUTE 150

CROSSING GATE

FENCING

CONCRETE GRADE CROSSING

STOP BAR

PROPOSED CROSSING

KICKAPOO RAIL TRAIL

ONEKRT.ORG

050-S-22 & 051-V-22 Site Images



Existing trail in St. Joseph



End of existing trail in St. Joseph

050-S-22 & 051-V-22 Site Images



Proposed trail east of St. Joseph



Proposed trail in Ogden

050-S-22 & 051-V-22 Site Images



Proposed trail in Ogden



Proposed trail from CR 2800E (county line) facing west

PRELIMINARY DRAFT

050-S-22 and 051-V-22

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{April 28, 2022}***

Petitioner: **Champaign County Forest Preserve District, via agent Bridgette Moen,
CCFPD District Planner**

Request: **Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are existing or proposed inside the Village of St. Joseph and the Village of Ogden, as a “public park or recreational facility” authorized by-right in the R-1 Single Family Residence Zoning District and as a Special Use in the AG-1 Agriculture Zoning District and subject to the described variance, on the Subject Property described below in Parts and in general:**

Subject Property Part A:

A 2.86 acre tract in the R-1 Single Family Residence District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part A:

Part A1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 70 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the R-1 Single Family Residence Zoning District;

Part A2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part B:

A 12.8 acre tract in the AG-1 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the

PRELIMINARY DRAFT

inactive CSX railroad line located along U.S. Route 150 and subject to the following variance:

Variance Part B:

Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 73 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part B2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part C:

A 9.1 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 11E of the Third Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part C: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part D:

A 10.9 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part D: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part E:

A 10.8 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part E:

Part E1: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 23 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and

Part E2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

PRELIMINARY DRAFT

Cases 050-S-22 & 051-V-22

Page 3 of 34

Subject Property Part F:

A 6.3 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part F: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Table of Contents

General Application Information2 - 9

Required Variance 6 - 7

Specific Ordinance Requirements7 - 12

Special Use Evidence.....12 - 20

Variance Evidence.....20 - 25

Documents of Record..... 26

Cases 050-S-22 and 051-V-22 Findings of Fact27 - 30

Case 050-S-22 Final Determination 31

Case 051-V-22 Final Determination32 - 34

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 28, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner, Champaign County Forest Preserve District (CCFPD), owns the subject property. Bridgette Moen, CCFPD District Planner, is the agent for these cases.
2. The subject property is 14 different tracts of land totaling 52.7 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the Village of St. Joseph and the Vermilion County line and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the Village of Ogden.
 - A. Subject Property Part A is a 2.86 acre tract in the R-1 Single Family Residence District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150.
 - B. Subject Property Part B is a 12.8 acre tract in the AG-1 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located along U.S. Route 150.
 - C. Subject Property Part C is a 9.1 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 11E of the Third Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150.
 - D. Subject Property Part D is a 10.9 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150.
 - E. Subject Property Part E is a 10.8 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150.
 - F. Subject Property Part F is a 6.3 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdictions of the Village of St. Joseph and the Village of Ogden, both municipalities

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 5 of 34

with zoning. Municipalities with zoning do not have protest rights on Special Use Permits or Variances within their ETJ; however, they do receive notice of such cases and they are invited to comment.

- B. The subject property is located within St. Joseph Township and Ogden Township. St. Joseph Township has a Plan Commission and Ogden Township does not. Townships with Plan Commissions have protest rights on Variances within their township and are notified of such cases.

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. Subject Property Part A is in the R-1 Single Family Residence Zoning District and is in use as an inactive CSX railroad line.
- B. Special Use Parts B through F of the subject property are in the AG-1 Agriculture District and are in use as an inactive CSX railroad line.
- C. Land adjacent to the proposed trail is zoned and in use as follows:
- (1) For Subject Property Part A:
 - a. Land to the north and south of the proposed trail is within the Village of St. Joseph and is zoned by St. Joseph.
 - (2) For Subject Property Part B:
 - a. Outside the Village of St. Joseph, land to the north and south of the proposed trail is zoned AG-1 Agriculture and I-1 Light Industry, and is in use as a mix of agricultural production, residential, and light industry.
 - (3) For Subject Property Part C:
 - a. Land to the north and south of the proposed trail is zoned AG-1 Agriculture and is in use as a mix of agricultural production and residential.
 - (4) For Subject Property Part D:
 - a. Land to the north and south of the proposed trail is zoned AG-1 Agriculture and is in use as a mix of agricultural production and residential.
 - (5) For Subject Property Part E:
 - a. Outside of the Village of Ogden, land to the north and south of the proposed trail is zoned AG-1 Agriculture and is in use as a mix of agricultural production and residential.
 - (6) For Subject Property Part F:
 - a. Land to the north and south of the proposed trail is zoned AG-1 Agriculture and is agricultural production.

PRELIMINARY DRAFT**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the proposed site plan for the subject properties:
 - A. The Site Plan received March 29, 2022 includes seven sheets and indicates the following:
 - (1) “Proposed Trail Construction in Champaign County” shows the termini for purposes of the Special Use Permit, which extends from the existing trail approved in Special Use Permit 828-S-16 in the Village of St. Joseph eastward to the Vermilion County line.
 - (2) Sheets 2 through 7 show a closer view of the parcels included in the proposed trail and a general trail alignment, which generally follows the former CSX rail line.
 - B. CCFPD also provided the following documents with the applications:
 - (1) “Plans for Proposed Kickapoo Trail: St. Joseph to Vermilion County Line.” The plans include the following sheets:
 - a. Sheet 1: Cover Sheet
 - b. Sheet 2: General notes, highway standards, commitments
 - c. Sheets 3 – 6: Summary of quantities
 - d. Sheet 7: Typical sections
 - e. Sheets 8 – 12: Schedule of quantities
 - f. Sheets 13 – 20: Alignment, ties, and benchmarks
 - g. Sheets 21 – 66: Plan and profile sheets
 - h. Sheet 67: Railroad crossing improvements
 - i. Sheets 68 – 90: Erosion control plans
 - j. Sheets 91 – 101: Intersection details
 - k. Sheets 102 – 103: General details
 - l. Sheets 104 – 186: Cross sections
 - (2) “Plans for Proposed Kickapoo Trail: Village of Ogden Vermilion County Line.” This includes similar sheets for this portion of the trail.
 - C. There are no previous Zoning Use Permits on the subject properties.
 - D. The required variance is as follows:
 - (1) Variance Part A:
 - a. Part A1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 70 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the R-1 Single Family Residence Zoning District.
 - b. Part A2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
 - (2) Variance Part B:
 - a. Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 73 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 7 of 34

- b. Part B2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (3) Variance Part C: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (4) Variance Part D: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (5) Variance Part E:
 - a. Part E1: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 23 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and
 - b. Part E2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.
- (6) Variance Part F: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a PUBLIC PARK OR RECREATIONAL FACILITY in the AG-1 Agriculture and R-1 Single Family Residence Zoning DISTRICTS 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) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (3) “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.

- (4) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (5) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (6) “LOT LINES” are the lines bounding a LOT.
- (7) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (8) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) “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.
- (12) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (13) “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.

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 9 of 34

- (14) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- (15) 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.
- (16) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (18) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- B. Section 5.2: Table of Authorized Principal Uses states that a PUBLIC PARK OR RECREATIONAL FACILITY can be established with a Special Use Permit in the AG-1 Agriculture Zoning District and by right in the R-1 Single Family Residence 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.

PRELIMINARY DRAFT

- 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) There are no standard conditions for a PUBLIC PARK OR RECREATIONAL FACILITY in Subsection 6.1.3.
- 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) Section 7.4.1 C.2. states, "The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT."
 - (3) Section 7.4.1 C.3.b.ii. states, "For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation."
- E. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 11 of 34

- d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- 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.
- H. Minimum SETBACK from the centerline of a Federal Highway is established in Section 5.3 of the Zoning Ordinance as 85 feet.

- I. Minimum REAR YARD in the AG-1 Agriculture District is established in Section 5.3 of the Zoning Ordinance as 25 feet.

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, **“Continuation of completed trail from Urbana to St. Joseph. CCFPD is working with Vermilion County Forest Preserve District to connect to the existing trail in Oakwood, IL. Average weekday usage ranges from 18-22 and weekend usage averages 33-37. In St. Joseph, there has been a positive economic impact resulting from trail tourism.”**
 - B. The proposed Special Use Permit is for the second and third sections of the Kickapoo Trail that are within Champaign County. The second section, 1.5 miles, is between the Village of Ogden and the County line. The third section, 3.5 miles, is between the villages of St. Joseph and Ogden. These sections will link with the existing trail section constructed under Special Use Permit 828-S-16 between the City of Urbana and the Village of St. Joseph.
 - C. Once complete, the 24.5 mile Kickapoo Trail will connect the City of Urbana with Kickapoo State Park near Danville.

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, **“Trail has been designed to meet design standards for public use, including ADA. Safety will be improved along the trail as it will provide a safe, off-road corridor for pedestrian and bike transportation and recreation. The former rail bed soils will be capped prior to trail installation.”**
 - B. Regarding surface drainage:
 - (1) Water generally flows off the rail line into adjacent road ditches along US 150 or to the adjacent land along the former rail line.
 - (2) There are numerous culvert crossings along the proposed trail. Plan and Profile Sheets in the “Plans for Proposed Kickapoo Trail” include those cross section sheets where culvert crossings are shown.
 - (3) There is an Erosion Control Plan in place for construction of the proposed trail.
 - a. The Stormwater Pollution Prevention Plan (SWPPP) received April 5, 2022 states, **“Soil disturbing activities include culvert installation and furnished excavation throughout the project limits. The design involves a narrow footprint utilizing existing slopes and proposed 1:3 slopes and**

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 13 of 34

1:4 slopes along embankments to allow as much as possible of the existing area along this trail to be preserved.”

- b. Temporary and permanent seeding, temporary perimeter erosion barrier, and pipe and inlet protection are all listed as erosion control measures.
 - c. Most of the trail has shoulders with a 1:4 slope, but in some locations, the shoulder of the trail is at a 1:2 slope.
 - (a) The National Trails System Act (16 USC 1247) would make adjustments to the slope, railbed, and other elements of the former rail line unwise and economically impractical because reestablishing rail service could be necessary.
- (4) Per an email from Jonathan Hasselbring received April 15, 2016 as part of Case 828-S-16, the Illinois Department of Natural Resources stated it would not require a Section 404 permit for discharging into area streams; they consider this type of work maintenance, which does not require a special permit.
- (5) A special condition has been added to ensure compliance with the Storm Water Management and Erosion Control Ordinance.
- C. Regarding traffic in the subject property area:
- (1) The proposed trail is designed for pedestrian and bicycle traffic only. Markings and signage as per IDOT regulations will be installed to safely guide both vehicular and pedestrian traffic when the trail crosses a roadway.
 - a. A typical road crossing from the “Plans for Proposed Kickapoo Trail: St. Joseph to Vermilion County Line” received March 29, 2022 (pages 91 through 101) includes:
 - (a) Markings on the trail surface warning about the highway crossing;
 - (b) Bollards to prevent access by unauthorized vehicles;
 - (c) Detectable warning panels for accessibility;
 - (d) Thermoplastic pavement markings; and
 - (e) Various warning and directional signs.
 - (2) US150 between St. Joseph and the county line is a two-lane highway. West of the US 150 bridge east of St. Joseph, the trail runs parallel to US150 on the south side, and then runs parallel to US 150 on the north side to the county line.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2019.

PRELIMINARY DRAFT

- a. US 150 had an ADT of 7,250 east of Main Street in the Village of St. Joseph; 3,050 east of the US 150 bridge, 2,300 east of Market Street in Ogden.
 - b. Along the proposed trail, IL 49 (Market St) in Ogden had the highest ADT (3,200) of the north-south roads crossing the proposed trail.
- (4) The St. Joseph Township and Ogden Township Road Commissioners have been notified of this case, and no comments have been received.
 - (5) IDOT 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 within the St. Joseph-Stanton Fire Protection District for the western portion and the Ogden-Royal Fire Protection District for the eastern portion.
- (1) The St. Joseph-Stanton Fire Station is located approximately 0.4 road mile west of the west terminus of the proposed trail.
 - (2) The Ogden-Royal Fire Station is located approximately 500 feet from the part of the proposed trail going through the Village of Ogden.
 - (3) There are no buildings proposed on the subject properties.
 - (4) The Fire Protection Districts were notified of this case and no comments have been received.
- E. Regarding the mapped floodplain, no part of the proposed trail is in the floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of: Catlin silt loam 171B; Drummer silty clay loam 152A; Flanagan silt loam 154A; Dana silt loam 56B; Selma loam 125A; Pella silty clay loam 153A; La Hogue loam 102A; Sunbury silt loam 234A; Peotone silty clay loam 330A; Brenton silt loam 149A; Harpster silty clay loam 67A; Penfield loam 687B; Alvin fine sandy loam 131B; and Onarga sandy loam 150B. These soils have an average LE score of 96.
- (1) The former CSX rail line has traversed the subject properties for many years so the land has not been in agricultural production.
- G. Regarding outdoor lighting on the subject property:
- (1) The Petitioners do not have outdoor lighting planned at this time; the proposed trail will only be open from dawn to dusk.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) With no structures except the proposed trail, the subject property will not need wastewater treatment or disposal.
- I. 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,

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 15 of 34

vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: **“Yes, public outdoor recreation is permitted as a principal use in zoning areas other than AG-1, AG-2, and R-5, and is allowable as a special use in AG-1 and AG-2. Portions of the trail have been granted SUP west of St. Joseph and there have been no significant negative impacts as a result of the trail construction.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) A PUBLIC PARK OR RECREATIONAL FACILITY is authorized by right in the CR, R-1, R-2, R-3, R-4, B-1 through B-5, I-1 and I-2 Zoning DISTRICTS and by Special Use Permit in the AG-1 and AG-2 Zoning DISTRICTS. It is not authorized in the R-5 Zoning DISTRICT.
 - (2) Regarding parking on the subject property for the proposed Special Use: CCFPD has indicated that there will be no parking on the subject properties, which is the reason for the variance for parking. Parking is provided at trailheads adjacent to the trail in several locations.
 - C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - (1) The Petitioners submitted a Stormwater Pollution Protection Plan, received April 5, 2022, which fulfills part of the Ordinance requirements.
 - (2) Per an email from Jonathan Hasselbring received April 15, 2016 as part of Case 828-S-16, the Illinois Department of Natural Resources would not require a Section 404 permit for discharging into area streams; they consider this type of work maintenance, which does not require a special permit.
 - (3) A special condition has been added to ensure compliance with the Ordinance.
 - D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject properties is within the Special Flood Hazard Area.
 - E. Regarding the requirement that the Special Use preserve the essential character of the AG-1 and R-1 Zoning Districts:
 - (1) Public parks or recreation areas are allowed with a Special Use Permit in the AG-1 Zoning District and by right in the R-1 Zoning District.

- F. 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 a Public Park or Recreation Facility can be established with a Special Use Permit in the AG-1 Zoning District and by right in the R-1 Zoning District.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture DISTRICT and states as follows (capitalized words are defined in the Ordinance):
- The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
- (2) Subsection 5.1.4 of the Ordinance states the general intent of the R-1 Single Family Residence DISTRICT and states as follows (capitalized words are defined in the Ordinance):
- The R-1, Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
- (3) The types of uses authorized in the AG-1 and R-1 Districts are in fact the types of uses that have been determined to be acceptable in the AG-1 and R-1 Districts. Uses authorized by Special Use Permit are acceptable uses in the AG-1 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 will be in

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 17 of 34

compliance with those requirements upon approval of the Variance in related Case 051-V-22.

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - a. It is not clear whether the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property, no new construction other than the trail, bridge and fencing is anticipated for the proposed Special Use, so adjacent property values should not be impacted.
 - c. Regarding the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property, the subject property has been an abandoned rail line for several years. Value of the subject property should increase with the addition of the trail, bridge, and fencing.
- (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.
 - a. The proposed Special Use will provide an alternative transportation mode that may reduce the number of vehicles on adjacent streets.
 - b. Signage and markings will be installed with the proposed trail to control both vehicular and pedestrian traffic when the trail is at a crossroads.
- (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. Water generally flows off the existing rail line into roadway ditches or to adjacent land along the rail line.
 - b. There are numerous culvert crossings along the proposed trail. Plan and Profile Sheets in the “Plans for Proposed Kickapoo Trail” include those cross section sheets where culvert crossings are shown.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - a. In regards to public health and safety:

PRELIMINARY DRAFT

- (a) The proposed trail will promote outdoor exercise that can be used by everyone.
 - (b) The proposed trail will be built in accordance with IDOT “Standard Specifications for Road and Bridge Construction” and the “Manual on Uniform Traffic Control Devices for Streets and Highways.”
 - (c) Signage and markings will be installed with the proposed trail to control both vehicular and pedestrian traffic when the trail is at a crossroads.
- b. In regards to public comfort and general welfare:
- (a) No comments have been received by the Champaign County Department of Planning and Zoning from neighbors or other parties.
 - (b) CCFPD, in coordination with other government agencies, the public, and other interested parties, has spent many years raising awareness and funding for the proposed trail, including taking comments about the proposed trail in order to optimize public comfort and general welfare, among other ideals.
- (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. The related variance case 051-V-22 will establish conformity with setback and yard requirements.
- (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.

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 19 of 34

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

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

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

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

Soils on the subject property are BEST PRIME FARMLAND. The subject property has been a rail line for many years and has not been in agricultural production.

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

Proposed botanical areas will promote the growth of natural features in the area.

- (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 use explicitly provides for a new public transportation facility that does not expand the urban footprint.

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

The subject property has not been in agricultural production since the former CSX rail line was constructed.

- (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.

PRELIMINARY DRAFT

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“The current state of the property is vacant rail. The improvements will allow public use of the land and will improve the overall aesthetics of the corridor.”**
 - B. The existing use on the property is not a nonconforming use.

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

12. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“The parcels in question are located on unusually narrow lots due to their former use as a railroad. The majority of the subject property is 100’ wide, and at times as narrow as 60’ wide. The trail was designed to align with the existing elevated rail bed, which is primarily at the centerline of the property. Thus, it would be difficult to achieve both front and rear yard setbacks simultaneously, and adequate space is not available to meet parking requirements.”**
 - B. The subject properties are comprised of 5 miles of rail line formerly owned by CSX. The stretch of rail line is now owned by the petitioners with the intent to continue building a multi-use trail between Urbana and Danville.
 - (1) Per an email from Jonathan Hasselbring received April 15, 2016, CCFPD purchased the land under the National Trails System Act (16 USC 1247). Under this act they are not allowed to sell any individual piece or parcel to anyone. Further, if the Federal government determines that this rail line is significant for national transportation, CCFPD will be required to sell all of the land back to the railroad company.
 - a. It would thus be unwise and economically impractical to relocate the rail bed for purposes of creating the trail because it could be necessary to reestablish rail service.
 - C. Regarding Parts A1 and B1 of the Variance for setbacks less than the minimum required 85 feet from the centerline of a Federal or State Highway and front yards less than 35 feet between the structure and the front property line:
 - (1) The subject properties in some places become narrower due to adjacent existing roads, easements, or the layout of adjacent owners’ land.
 - (2) The proposed trail will be placed on the former rail bed, which was constructed many years ago.

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22****Page 21 of 34**

- (3) Moving the proposed trail to meet the setback requirement will result in higher construction costs and unnecessary land disturbance, including established drainage ditches and habitats.
- D. Regarding Part E1 of the Variance, for a rear yard less than 25 feet between the structure and the rear property line:
- (1) The subject properties in some places become narrower due to adjacent existing roads, easements, or the layout of adjacent owners' land.
 - (2) The proposed trail will be placed on the former rail bed, which was constructed many years ago.
 - (3) Moving the proposed trail to meet the setback requirement will result in higher construction costs and unnecessary land disturbance, including established drainage ditches and habitats.
- E. Regarding Parts A2, B2, C, D, E2, and F of the Variance, for a variance from the parking requirements of Section 7.4:
- (1) The petitioners are proposing parking only at the trailheads, which are not located on the subject properties.
 - (2) Use of the proposed trail will be limited to pedestrians and bicyclists, who will generally start their use of the path at one of the trailheads.

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

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“To achieve required setbacks (where possible), the trail alignment would need to be shifted from the property centerline, and off of the existing elevated rail bed. This would locate the trail and trail users either closer to RT 150 or closer to the adjacent farmland. These alternate locations are less favorable for the safety of trail users and vehicular traffic, as well as the drainage of adjacent farm fields and roadways. Shifting trail alignment would also require significantly more earthwork, which would greatly inflate the overall project cost.”**
 - B. Item 12.B.(1) above states how the National Trails System Act (16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and economically impractical because it could be necessary to reestablish rail service.
 - C. Regarding the proposed Variance:
 - (1) Without the variance for setback from a Federal Highway (Parts A1 and B1), the petitioner would have to either not develop the proposed path or purchase additional land to secure the minimum setback requirements, which would in turn negatively impact construction costs and land disturbance.

PRELIMINARY DRAFT

- (2) Without the rear yard variance (Part E1), the petitioner would have to either not develop the proposed path or purchase additional land to secure the minimum rear yard requirements, which would in turn negatively impact construction costs and land disturbance.
- (3) Without the variance from minimum parking requirements (Parts A2, B2, C, D, E2, and F), the petitioner would have to provide one parking space for every three patrons on the subject properties based on the estimated number of patrons during peak attendance on a given day during said use is in operation.
 - a. This is a proposed trail and as of yet there is no peak hour of usage from which to estimate the number of patrons.
 - b. There is limited space to place parking on the subject properties, and new access points for parking areas would need to be cut at crossroads, which would increase traffic safety concerns.

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

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“Setback hardships are a result of the former use, existing lot dimensions, and location between RT 150 and the adjacent farmland. Lack of parking is a conscious effort to reduce paved surfaces and vehicular traffic in rural Champaign County. Appropriate locations for parking lots are currently under review by the Champaign County Forest Preserve District. We are working with the City of Urbana, the Urbana Park District, and the Village of St. Joseph to plan and develop new parking areas where none exist. Where adequate parking is already in place, for example Kolb Park in St. Joseph, our goal is to dedicate the parking lot as a trailhead. We currently have no plans to develop parking lots in rural Champaign County. We aim to minimize paved parking surfaces, and make use of infrastructure already in place.”**
 - B. The Petitioners purchased the former CSX rail line that had sufficient right of way for a train; the same amount of right-of-way will be used for constructing the proposed path.
 - C. Item 12.B.(1) above states how the National Trails System Act (16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and economically impractical because it could be necessary to reestablish rail service.

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

15. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **“We believe that these variances align with the general purpose of the Champaign County Zoning Ordinance. We aim to minimize vehicular traffic and development in rural Champaign County, while**

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 23 of 34

enhancing economic potential in existing urban areas. A major goal of this project is to restore natural resources and improve drainage near agricultural lands. We wish to improve the quality of life for local residents by offering a safe, off-road, opportunity to recreate and connect with neighboring communities.”

- B. Item 12.B.(1) above states how the National Trails System Act (16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and economically impractical because it could be necessary to reestablish rail service.
- (1) In the meantime, putting the rail bed to use as a rail trail adds an important recreational feature for all of Champaign County.
- C. Regarding Part A of the Variance:
- (1) Regarding Part A1 of the Variance, for a proposed for a setback of 70 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 82.4% of the minimum required, for a variance of 17.6%.
 - (2) Regarding Part A2 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- D. Regarding Part B of the Variance:
- (1) Regarding Part B1 of the Variance, for a proposed for a setback of 73 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway: the requested variance is 85.9% of the minimum required, for a variance of 14.1%.
 - (2) Regarding Part B2 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- E. Regarding Part C of the Variance for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- F. Regarding Part D of the Variance for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- G. Regarding Part E of the Variance:
- (1) Regarding Part E1 of the Variance, for a rear yard of 23 feet in lieu of the minimum required 25 feet: the requested variance is 92% of the minimum required, for a variance of 8%.
 - (2) Regarding Part E2 of the Variance, for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.
- H. Regarding Part F of the Variance for a variance from the parking requirements of Section 7.4: the requested variance is 0% of the minimum required, for a variance of 100%.

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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“Signage per IDOT standards will be provided as a part of this project. Storm water structures will be enhanced in efforts to improve drainage. Trees will be removed near county road intersections to improve visibility. The trail surface is designed to support the size and weight of emergency vehicles, should a situation arise that requires emergency attention.”**
 - B. In regards to public health and safety:
 - (1) The proposed trail will promote outdoor exercise that can be used by everyone.
 - (2) The proposed trail will be built in accordance with IDOT “Standard Specifications for Road and Bridge Construction” and the “Manual on Uniform Traffic Control Devices for Streets and Highways.”
 - (3) Signage and markings will be installed with the proposed trail to control both vehicular and pedestrian traffic when the trail is at a crossroads.
 - C. In regards to public comfort and general welfare:
 - (1) No comments have been received by the Champaign County Department of Planning and Zoning from neighbors or other parties.
 - (2) CCFPD, in coordination with other government agencies, the public, and other interested parties, has spent many years raising awareness and funding for the proposed trail, including taking comments about the proposed trail in order to optimize public comfort and general welfare, among other ideals.
 - D. The Township Road Commissioners for St. Joseph Township and Ogden Township have been notified of this variance case, and no comments have been received.
 - E. The St. Joseph-Stanton and Ogden-Royal Fire Protection Districts have been notified of this variance, and no comments have been received.
 - F. The nearest building on neighboring property is a residence in the Village of Ogden that is approximately 12 feet from the shared property line.

REGARDING THE VARIANCE, GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

17. Generally regarding any other circumstances which justify the Variance:
- A. The Petitioner provided no response on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval for Special Use Permit Case 050-S-22:

PRELIMINARY DRAFT

Cases 050-S-22 & 051-V-22

Page 25 of 34

- A. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

That the proposed use provides for adequate drainage of the development site before, during, and after construction.

19. Regarding proposed special conditions of approval for Variance Case 051-V-22:

- A. **All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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

That the proposed use complies with the Zoning Ordinance.

PRELIMINARY DRAFT**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received March 29, 2022, with attachments:
 - Site Plan: “Proposed Trail Construction in Champaign County”
 - “Plans for Proposed Kickapoo Trail: St. Joseph to Vermilion County Line”
 - “Plans for Proposed Kickapoo Trail: Village of Ogden Vermilion County Line”
 - Legal Description
 - Site Images

2. Application for Variance received April 5, 2022

3. Storm Water Pollution Prevention Plan received April 5, 2022

4. Email from Jonathan Hasselbring received April 15, 2016 as part of Case 828-S-16 regarding IDNR permitting

5. Preliminary Memorandum dated April 19, 2022 with attachments:
 - A Legal Advertisement for Cases 050-S-22 and 051-V-22 dated April 11, 2022
 - B Case Maps (Location, Land Use, Zoning)
 - C Map of proposed trail divided into township sections created by P&Z Staff
 - D Site Plan: “Proposed Trail Construction in Champaign County” received March 29, 2022
 - E Plans for Proposed Kickapoo Trail, St. Joseph to Vermilion County Line, received March 29, 2022, *provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php*
 - F Plans for Proposed Kickapoo Trail, Village of Ogden to Vermilion County Line, received March 29, 2022
provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php
 - G Storm Water Pollution Prevention Plan received April 5, 2022
 - H Email from Jonathan Hasselbring received April 15, 2016 as part of Case 828-S-16 regarding IDNR permitting
 - I Kickapoo Rail Trail site images received March 29, 2022
 - J Site images taken by P&Z Staff on April 7, 2022
 - K Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated April 28, 2022

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 27 of 34

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **050-S-22 and 051-V-22** held on **April 28, 2022** 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:
 - a. *The proposed trail sections will link with the existing trail section constructed under Special Use Permit 828-S-16 between the City of Urbana and the Village of St. Joseph.*
 - b. *Once complete, the 24.5 mile Kickapoo Trail will connect the City of Urbana with Kickapoo State Park near Danville.*

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 *{because*}: the proposed trail is designed for pedestrian and bicycle traffic only. Markings and signage as per IDOT regulations will be installed to safely guide both vehicular and pedestrian traffic when the trail crosses a roadway.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}: The St. Joseph-Stanton Fire Station is located approximately 0.4 road mile west of the west terminus of the proposed trail and the Ogden-Royal Fire Station is located approximately 500 feet from the part of the proposed trail going through the Village of Ogden.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}: the proposed trail sections will connect with the existing section of trail between Urbana and St. Joseph.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}: a special condition has been added to ensure compliance with the Storm Water Management and Erosion Control Ordinance.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - a. *The proposed trail will be built in accordance with IDOT “Standard Specifications for Road and Bridge Construction” and the “Manual on Uniform Traffic Control Devices for Streets and Highways.”*
 - b. *Signage and markings will be installed with the proposed trail to control both vehicular and pedestrian traffic when the trail is at a crossroads.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}: Champaign County Forest Preserve District has parking areas at the trailheads.*

- g. The property is BEST PRIME FARMLAND and the property with the proposed improvements ***{IS/ IS NOT}*** WELL SUITED OVERALL ***{because*}: the subject property has been a rail line for many years and has thus not been in agricultural production.***
- h. The existing public services ***{ARE/ ARE NOT}*** available to support the proposed special use effectively and safely without undue public expense ***{because*}: no additional public expense is required.***
- i. The existing public infrastructure together with proposed improvements ***{ARE/ ARE NOT}*** adequate to support the proposed development effectively and safely without undue public expense ***{because*}: Champaign County Forest Preserve District is responsible for maintenance of the trail.***

The Board may include other relevant considerations as necessary or desirable in each case.

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

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
- 4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use ***IS NOT*** an existing nonconforming use.
- 6. Regarding the variance:
 - a. Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:

PRELIMINARY DRAFT**Cases 050-S-22 & 051-V-22**

Page 29 of 34

- a. *Moving the proposed trail to meet the setback requirement will result in higher construction costs and unnecessary land disturbance, including established drainage ditches and habitats.*
- b. *Regarding parking, the narrow subject properties do not have sufficient area for parking spaces, and parking is provided at the trailheads.*
- b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
- a. *Without the variance for setback and rear yard, the petitioner would have to either not develop the proposed path or purchase additional land to secure the minimum setback requirements, which would in turn negatively impact construction costs and land disturbance.*
- b. *Without the variance from minimum parking requirements new access points for parking areas would need to be cut at crossroads, which would increase traffic safety concerns.*
- c. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: *the Petitioners purchased the former CSX rail line that had sufficient right of way for a train; the same amount of right-of-way will be used for constructing the proposed path.*
- d. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: *putting the rail bed to use as a rail trail adds an important recreational feature for all of Champaign County.*
- e. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
- a. *The proposed trail will promote outdoor exercise that can be used by everyone.*
- b. *Relevant jurisdictions have been notified of the proposed project, and no comments have been received by the Department.*
- f. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- a. *The National Trails System Act (16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and economically impractical because reestablishing rail service could be necessary.*
7. **{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:}**

Cases 050-S-22 & 051-V-22
Page 30 of 34

PRELIMINARY DRAFT

For Special Use Permit Case 050-S-22:

- A. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

That the proposed use provides for adequate drainage of the development site before, during, and after construction.

For Variance Case 051-V-22:

- A. **All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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

That the proposed use complies with the Zoning Ordinance.

PRELIMINARY DRAFT

Cases 050-S-22 & 051-V-22

Page 31 of 34

FINAL DETERMINATION FOR CASE 050-S-22

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 **050-S-22** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Champaign County Forest Preserve District**, to authorize the following:

Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are existing or proposed inside the Village of St. Joseph and the Village of Ogden, as a “public park or recreational facility” authorized by-right in the R-1 Single Family Residence and by Special Use Permit in the AG-1 Agriculture Zoning District, subject to the variance detailed in the Final Determination for Case 051-V-22:

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The Petitioners must comply with the Champaign County Storm Water Management and Erosion Control Ordinance.**

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

PRELIMINARY DRAFT

FINAL DETERMINATION FOR CASE 051-V-22

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 Variance requested in Case **051-V-22** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Champaign County Forest Preserve District**, to authorize the following:

Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are existing or proposed inside the Village of St. Joseph and the Village of Ogden, as a “public park or recreational facility” authorized by-right in the R-1 Single Family Residence and as a Special Use Permit in the AG-1 Agriculture Zoning District and subject to the described variance, on the Subject Property described below in Parts and in general:

Subject Property Part A:

A 2.86 acre tract in the R-1 Single Family Residence District in the North Half of the North Half of Section 14 and the South Half of the South Half of Section 11, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

Variance Part A:

Part A1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 70 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the R-1 Single Family Residence Zoning District;

Part A2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part B:

A 12.8 acre tract in the AG-1 District in the North Half of the North Half of Section 13 and the South Half of the South Half of Section 12, Township 19N Range 10E of the Third Principal Meridian in St. Joseph Township, commonly known as the inactive CSX railroad line located along U.S. Route 150 and subject to the following variance:

Variance Part B:

Part B1: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 73 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the AG-1 District;

Part B2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

PRELIMINARY DRAFT

Cases 050-S-22 & 051-V-22

Page 33 of 34

Subject Property Part C:

A 9.1 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 11E of the Third Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part C: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part D:

A 10.9 acre tract in the AG-1 District in the North Half of the North Half of Section 18 and the South Half of the South Half of Section 7, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part D: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part E:

A 10.8 acre tract in the AG-1 District in the North Half of the North Half of Section 17 and the South Half of the South Half of Section 8, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part E:

Part E1: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 23 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and

Part E2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part F:

A 6.3 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part F: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property in General:

Fourteen different tracts of land totaling 52.7 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line

Cases 050-S-22 & 051-V-22
Page 34 of 34

PRELIMINARY DRAFT

between the Village of St. Joseph and the Vermilion County line and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the Village of Ogden.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. All fences constructed on the subject properties will comply with the visibility requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

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