

CASES 035-AM-21, 036-S-21 & 041-V-22

PRELIMINARY MEMORANDUM

SEPTEMBER 7, 2022

Petitioner: Jeffrey Jenkins, d.b.a. Walnut Grove MHP

Request:

Case 035-AM-21

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21

Case 036-S-21

Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the of standard conditions as listed on the legal advertisement (other waivers may be necessary).

Case 041-V-22

Authorize a variance for a 9.68 acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Location: A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

Site Area: 9.68 acres

Time Schedule for Development: Already in use

Prepared by: **Susan Burgstrom**, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

Petitioner Jeffrey Jenkins purchased the Walnut Grove Manufactured Home Community in 2019. The original 12 home sites were authorized under a permit from the Illinois Department of Public Health (IDPH) in 1972, and the manufactured home park has been operating since then.

The petitioner received a license from IDPH to expand to 20 sites in 2021, but IDPH later corrected that only 12 sites are licensed, and any expansion would need to have a construction permit through IDPH. This has not yet occurred. In December 2021, IDPH sent a cease-and-desist letter to Mr. Jenkins indicating no additional homes could be placed without appropriate permits.

Similarly, the County only recognizes 12 home sites for this manufactured home park. In the last couple of years, four additional homes have been added without Planning & Zoning Department permits. On November 30, 2021, P&Z Staff sent a First Notice of Violation to Mr. Jenkins telling him that additional homes are not authorized and that he would either need to remove the unauthorized homes or apply for a Map Amendment and Special Use Permit.

Mr. Jenkins applied for the Map Amendment and Special Use Permit on December 20, 2021, and has been working in the meantime on a professional site plan. Mr. Jenkins has maintained that he has successfully improved other manufactured home parks outside of Champaign County, and simply was not aware of this County's regulations. He has been diligent in providing information upon request by P&Z Staff. He seeks to bring Walnut Grove MHC into full compliance with the Zoning Ordinance.

Three zoning cases are required to bring the property into compliance. A Map Amendment is required because manufactured home parks are only allowed in the R-5 Manufactured Home Park Zoning District. A Special Use Permit is required for all manufactured home parks, and the Special Use Permit includes a series of waivers from standard conditions in Section 6.2 of the Zoning Ordinance. Note that approval of the Map Amendment is contingent upon approval of the Special Use Permit. A Variance is needed because the original lot was expanded to 9.68 acres, which is larger than the maximum 3 acres allowed on Best Prime Farmland. Note that the variance is not necessary if the rezoning to R-5 is approved because the Best Prime Farmland maximum of three acres is only applicable to CR, AG-1, and AG-2 zoning districts.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities with zoning have protest rights in Map Amendment cases.

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Non-conforming Manufactured Home Park	AG-1 Agriculture (proposed rezoning to R-5 Manufactured Home Park)
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture, residential	AG-1 Agriculture
South	agriculture	AG-1 Agriculture

DEFICIENCIES, RELATED WAIVERS AND SPECIAL CONDITIONS

Attachment E is an annotated aerial photo of the manufactured home park that highlights current deficiencies. The petitioner requests a waiver related to each deficiency. For some of the deficiencies, a special condition has been added to help bring the property into compliance. The Board will need to determine approval or denial of each waiver and/or related special conditions to ensure that the property is brought into full compliance with County ordinances. The Board is not expected to ensure that the property is brought into compliance with all State requirements; the petitioner will be responsible for working with the State and special condition E reflects that required coordination.

DECISION POINTS FOR CASE 035-AM-21

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be generally compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance. The Board can revise any of these recommended findings.

DECISION POINTS FOR CASE 036-S-22 and 041-V-22

P&Z Staff have declined to make recommendations in the Summary Finding of Fact for Cases 036-S-22 and 041-V-22. The Board will need to finalize the findings based on the evidence provided in the Summary of Evidence and testimony during the public hearing.

PROPOSED SPECIAL CONDITIONS

The following are special conditions proposed for Map Amendment Case 035-AM-21:

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- B. **The Map Amendment is contingent upon approval of Case 036-S-21.**

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

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

The following are special conditions proposed for Special Use Permit Case 036-S-21:

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- B. **No parking signs shall be posted along all streets in the manufactured home park.**

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

That there is always adequate emergency vehicle access.

- C. **Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**

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

To clarify the permits that are required to ensure conformance with the Zoning Ordinance.

- D. **Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing building and proposed addition is a requirement for approval of the Zoning Use Permit.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

- E. **The manufactured home park shall be compliant at all times with the requirement for licensing from the Illinois Department of Public Health and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21.**

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

To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.

- F. **Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**

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

That the manufactured home park conforms to State of Illinois requirements.

- G. **The east road in the manufactured home park shall be widened to 24 feet wide and shall connect to the existing interior road between home sites 16 and 17.**

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

To provide efficient and safe traffic circulation.

H. **Homes on sites 17 through 20 shall meet the following requirements:**

- (1) **Homes shall be no larger than 16 feet by 68 feet.**
- (2) **Homes shall be 15 feet from the eastern interior road.**
- (3) **Homes shall be set on concrete pads.**

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

That new home sites meet the requirements of the Zoning Ordinance.

I. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.**

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

That all home sites meet the requirements of the Zoning Ordinance.

J. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area and also along the entire length of the new private accessway to the recreation area.**

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

That the required recreation area meets the requirements of the Zoning Ordinance.

There are no proposed special conditions for Variance Case 041-V-22.

ATTACHMENTS

- A Legal advertisement
- B Case Maps (Location, Land Use, Zoning)
- C Topographic Survey by Farnsworth Group received August 9, 2022
- D Boundary Survey by Round Table Design received December 20, 2021
- E Annotated 2020 aerial photo of Walnut Grove MHC
- F Annotated 2020 aerial photo: alternative option for sites 17-20 created by P&Z Staff on September 6, 2022
- G Illinois Department of Public Health license for Walnut Grove MHC received December 20, 2021
- H Email string from Andrew Friedrich, IDPH, received December 29 & 30, 2021, with attachment:
 - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
- I Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
- J Construction permit dated February 3, 1972 for 12 home sites

- K Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
- L Zoning Ordinance Section 6.2: Manufactured Home Parks *(available on ZBA meetings website)*
- M LRMP Land Use Goals, Objectives, and Policies *(available on ZBA meetings website)*
- N LRMP Appendix of Defined Terms *(available on ZBA meetings website)*
- O Site photos taken August 10, 2022
- P Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21
- Q Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated September 15, 2022

LEGAL PUBLICATION: WEDNESDAY, AUGUST 31, 2022

CASES 035-AM-21, 036-S-21 & 041-V-22

NOTICE OF A PUBLIC HEARING IN REGARD TO A REZONING, A SPECIAL USE PERMIT WITH WAIVERS, AND A VARIANCE ON PROPERTY IN UNINCORPORATED CHAMPAIGN COUNTY, UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE.

Jeffrey Jenkins, 13426 Maverick, Marion, IL, d.b.a. Walnut Grove MHC, has filed petitions for a Zoning Map Amendment, a Special Use Permit with Waivers, and a 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 East Washington Street, Urbana, Illinois.

A public hearing will be held **Thursday, September 15, 2022, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, at which time and place the Champaign County Zoning Board of Appeals will consider petitions for the following:

CASE 035-AM-21

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21, on the subject property described below.

CASE 036-S-21

Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the following waivers of standard conditions (other waivers may be necessary):

Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 24 home sites in an existing manufactured home park.

Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.

Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.

Part D: Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area, per Section 6.2.2 D.

Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.

Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.

Part G: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.

Part H: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c. for existing home site 3.

Part I: Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.

Part J: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for all existing and proposed home sites.

Part K: Authorize a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.

Part L: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing private accessways.

Part M: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width.

Part N: Authorize a waiver from Section 6.2.3 A., for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch.

Part O: Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.

CASE 041-V-22

Authorize a variance for a 9.68 acres lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance, on the subject property described below:

SUBJECT PROPERTY

A 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.

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, AUGUST 31, 2022 ONLY

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

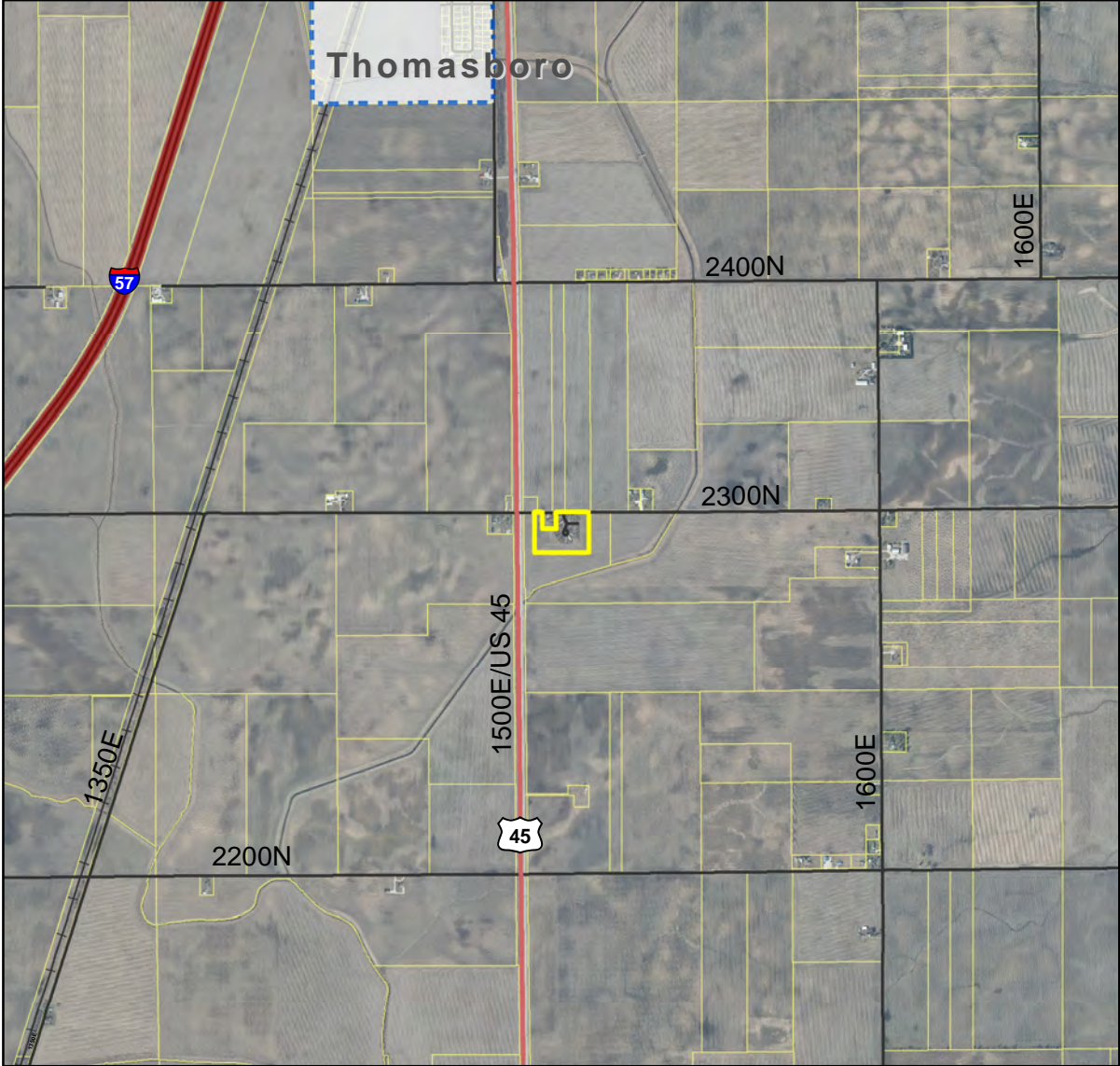
Phone: 217-384-3708

Our News Gazette account number is 99225860.

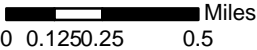
Location Map

Cases 035-AM-21, 036-S-21 & 041-V-22
September 15, 2022

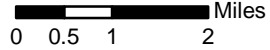
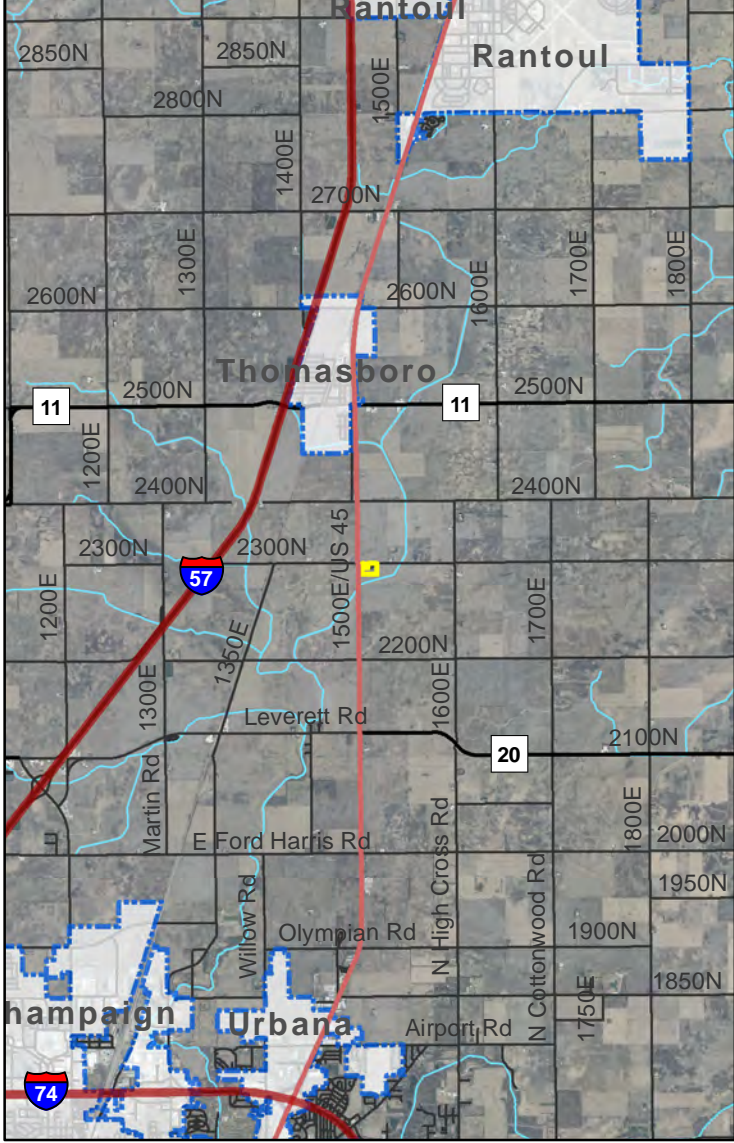
Subject Property



- Subject Property
- Parcels
- Municipal Boundary

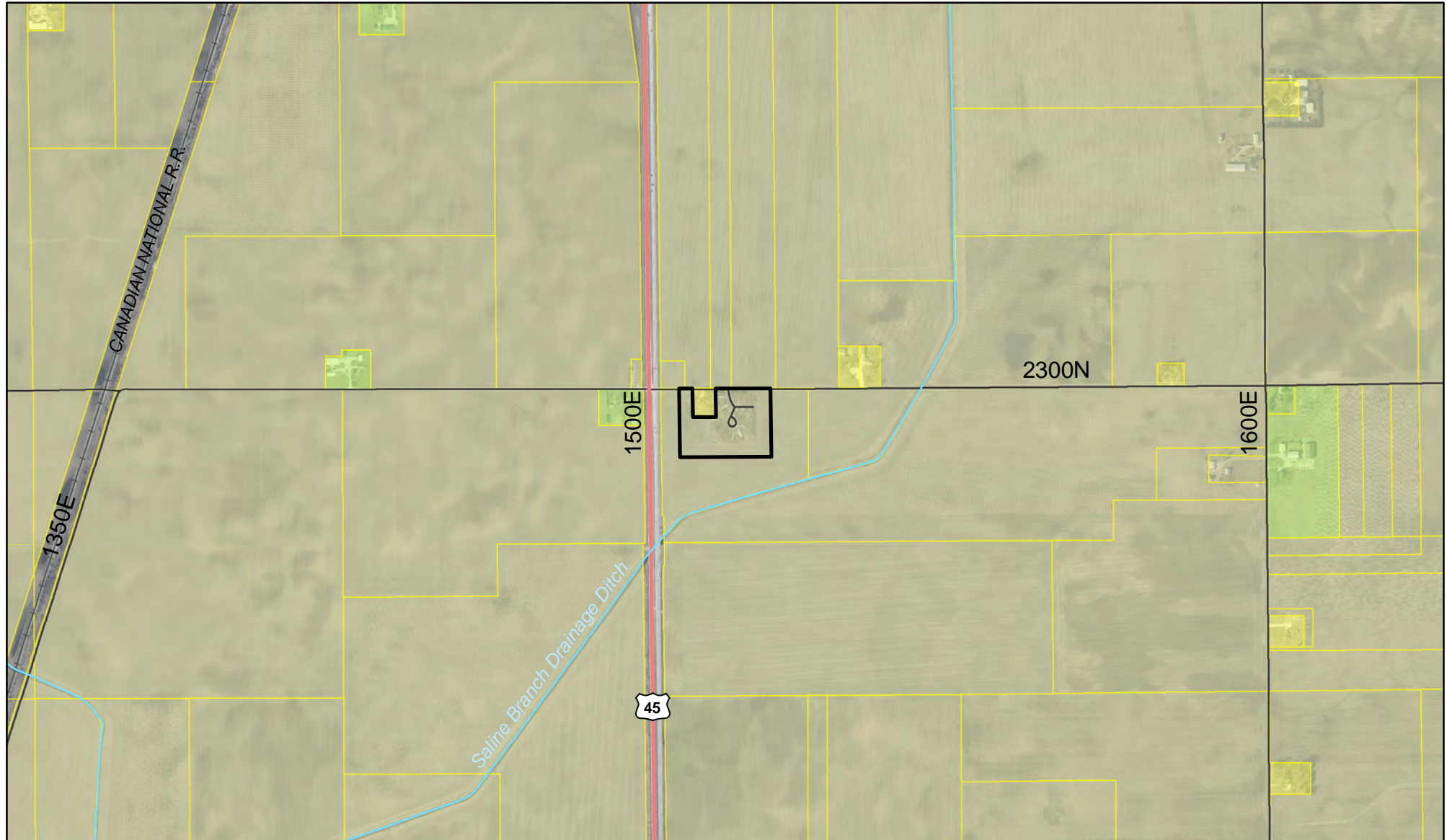


Property location in Champaign County

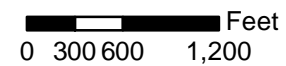


Land Use Map

Cases 035-AM-21, 036-S-21 & 041-V-22
September 15, 2022



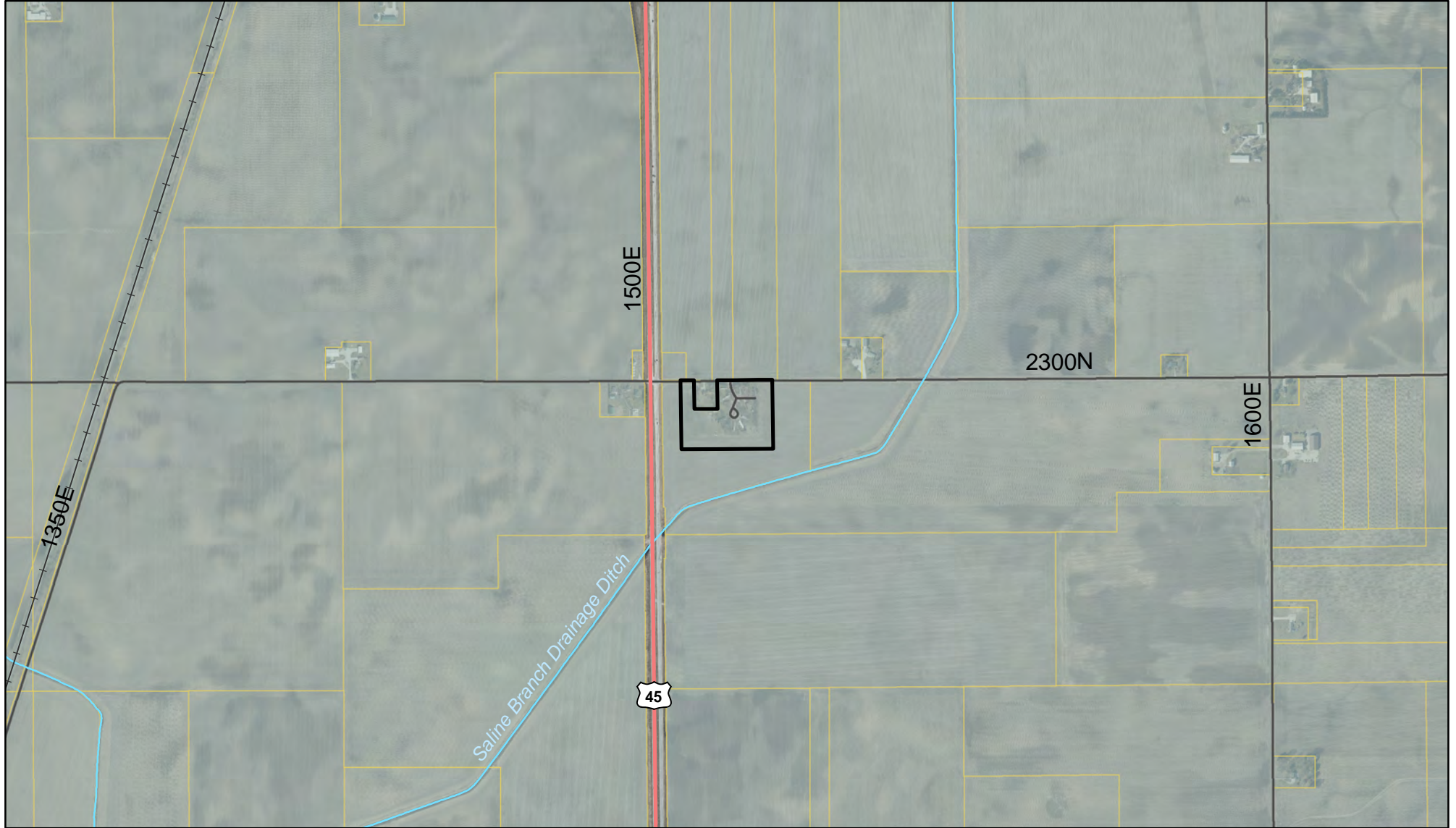
- | | | |
|------------------|----------------|-------------|
| County Highways | Tax Exempt | Residential |
| Subject Property | Agriculture | Commercial |
| Parcels | Ag/Residential | |






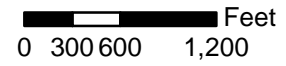
Champaign County
Department of
**PLANNING &
ZONING**

Zoning Map

Cases 035-AM-21, 036-S-21 & 041-V-22
September 15, 2022



-  Subject Property
-  Parcels
-  AG-1 Agriculture



Champaign County
Department of
**PLANNING &
ZONING**

BOUNDARY SURVEY

OF PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10,
T.20N., R.9E. OF THE 3RD P.M., CHAMPAIGN COUNTY, ILLINOIS.

LEGEND

- IRON PIN FOUND
- 1/2" IRON PIN SET
- MAG NAIL FOUND
- M. MEASURED
- R. RECORDED
- BOUNDARY LINE



BEARINGS BASED ON ILLINOIS STATE PLANE
COORDINATE SYSTEM, EAST ZONE NAD 83

RECEIVED

DEC 20 2021

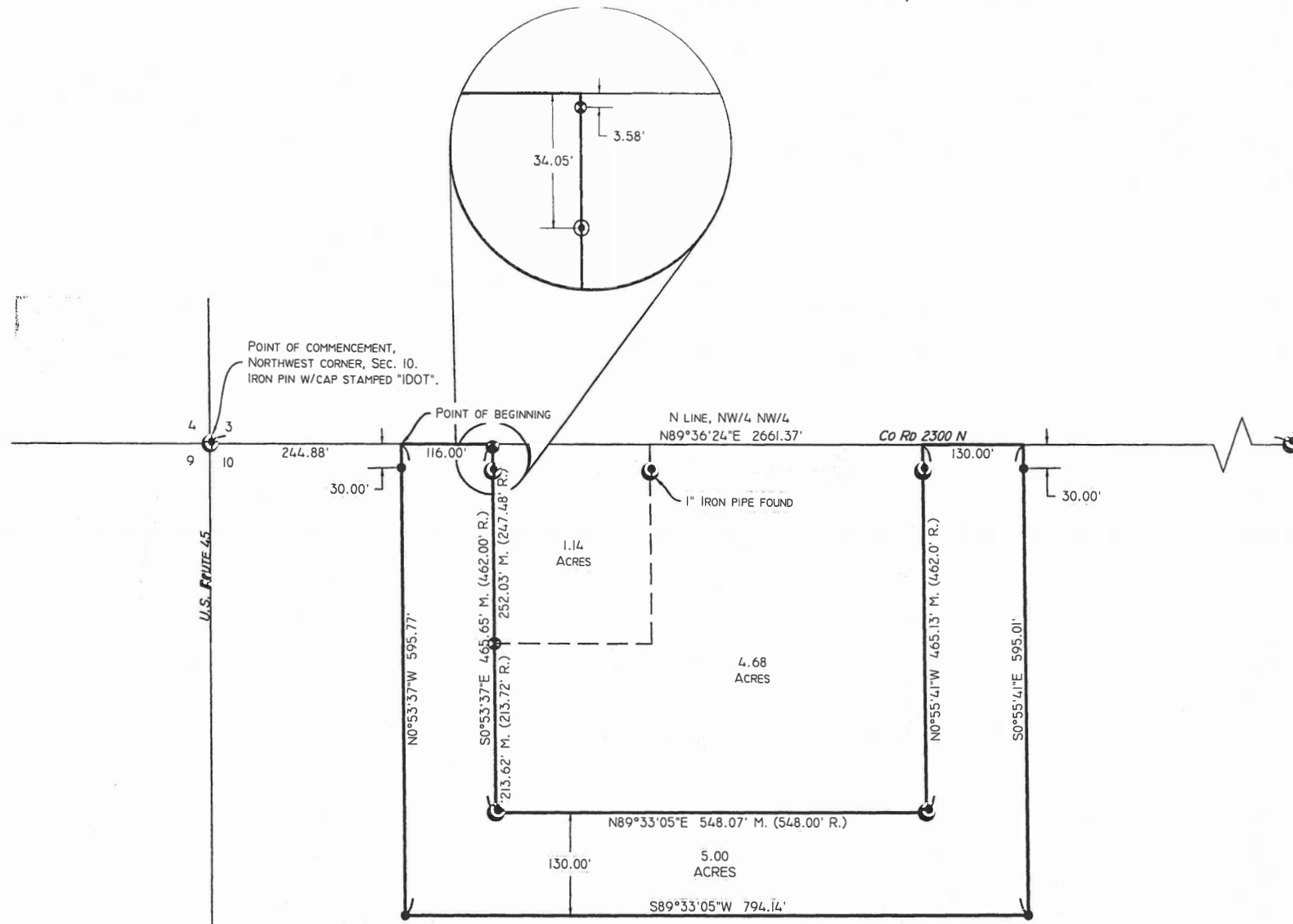
CHAMPAIGN CO. P & Z DEPARTMENT



GRAPHIC SCALE

1" = 200'

FIELD WORK COMPLETED
5/6/2020



LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN IRON PIN WITH CAP STAMPED "IDOT", BEING THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE NORTH 89 DEGREES 36 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 244.88 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 89 DEGREES 36 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 116.00 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 53 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF A 1.14 ACRE PARCEL RECORDED IN DOCUMENT NUMBER 2018R19263 (ALL REFERENCED DOCUMENTS ARE IN THE RECORDER'S OFFICE OF CHAMPAIGN COUNTY, ILLINOIS), AND THE WEST LINE OF A 4.68 ACRE PARCEL RECORDED IN DOCUMENT NUMBER 2019R11010, A DISTANCE OF 465.65 FEET (462.00 FEET RECORD) TO AN IRON PIN FOUND AT THE SOUTHWEST CORNER OF SAID 4.68 ACRE PARCEL, PASSING THROUGH A MAG NAIL FOUND 3.58 FEET, AN IRON PIN FOUND 34.05 FEET, AND A MAG NAIL FOUND 252.03 FEET, ALL FROM THE ORIGIN OF THIS COURSE;
THENCE NORTH 89 DEGREES 33 MINUTES 05 SECONDS EAST ALONG THE SOUTH LINE OF SAID 4.68 ACRE PARCEL A DISTANCE OF 548.07 FEET (548.00 FEET RECORD) TO AN IRON PIN FOUND AT THE SOUTHEAST CORNER OF SAID 4.68 ACRE PARCEL;
THENCE NORTH 00 DEGREES 55 MINUTES 41 SECONDS WEST ALONG THE EAST LINE OF SAID 4.68 ACRE PARCEL A DISTANCE OF 465.13 FEET (462.0 FEET RECORD) TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, PASSING THROUGH AN IRON PIN FOUND 33.31 FEET, AND A NAIL FOUND 3.26 FEET, BOTH FROM THE TERMINUS OF THIS COURSE;
THENCE NORTH 89 DEGREES 36 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 130.00 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 55 MINUTES 41 SECONDS EAST A DISTANCE OF 595.01 FEET TO AN IRON PIN SET, PASSING THROUGH AN IRON PIN SET 30.00 FEET FROM THE ORIGIN OF THIS COURSE;
THENCE SOUTH 89 DEGREES 33 MINUTES 05 SECONDS WEST A DISTANCE OF 794.14 FEET TO AN IRON PIN SET;
THENCE NORTH 00 DEGREES 53 MINUTES 37 SECONDS WEST A DISTANCE OF 595.77 FEET TO THE POINT OF BEGINNING, PASSING THROUGH AN IRON PIN SET 30.00 FEET FROM THE TERMINUS OF THIS COURSE;
CONTAINING 5.00 ACRES.

SURVEYOR'S CERTIFICATE

I, MARSHALL DAVIS, ILLINOIS PROFESSIONAL LAND SURVEYOR No. 35-003975, CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

SIGNED: Marshall Davis DATED: 5-7-2020
MARSHALL DAVIS IPLS 35-003975



LICENSE EXPIRES 11/30/2020

"THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY."

REVISIONS		
NO.	DESCRIPTION	DATE

A SURVEY FOR JEFF JENKINS CHAMPAIGN COUNTY, ILLINOIS	FILE NAME: 1200140.DWG	ILLINOIS PROFESSIONAL DESIGN FIRM NUMBER: 18-00614
	JOB NUMBER: 1200140	
DRAWING TITLE: PLAT OF SURVEY	DWN BY: KRL/MRD	APP. BY: MRD
	PLOT SCALE: 1:1	DATE: 5/7/2020

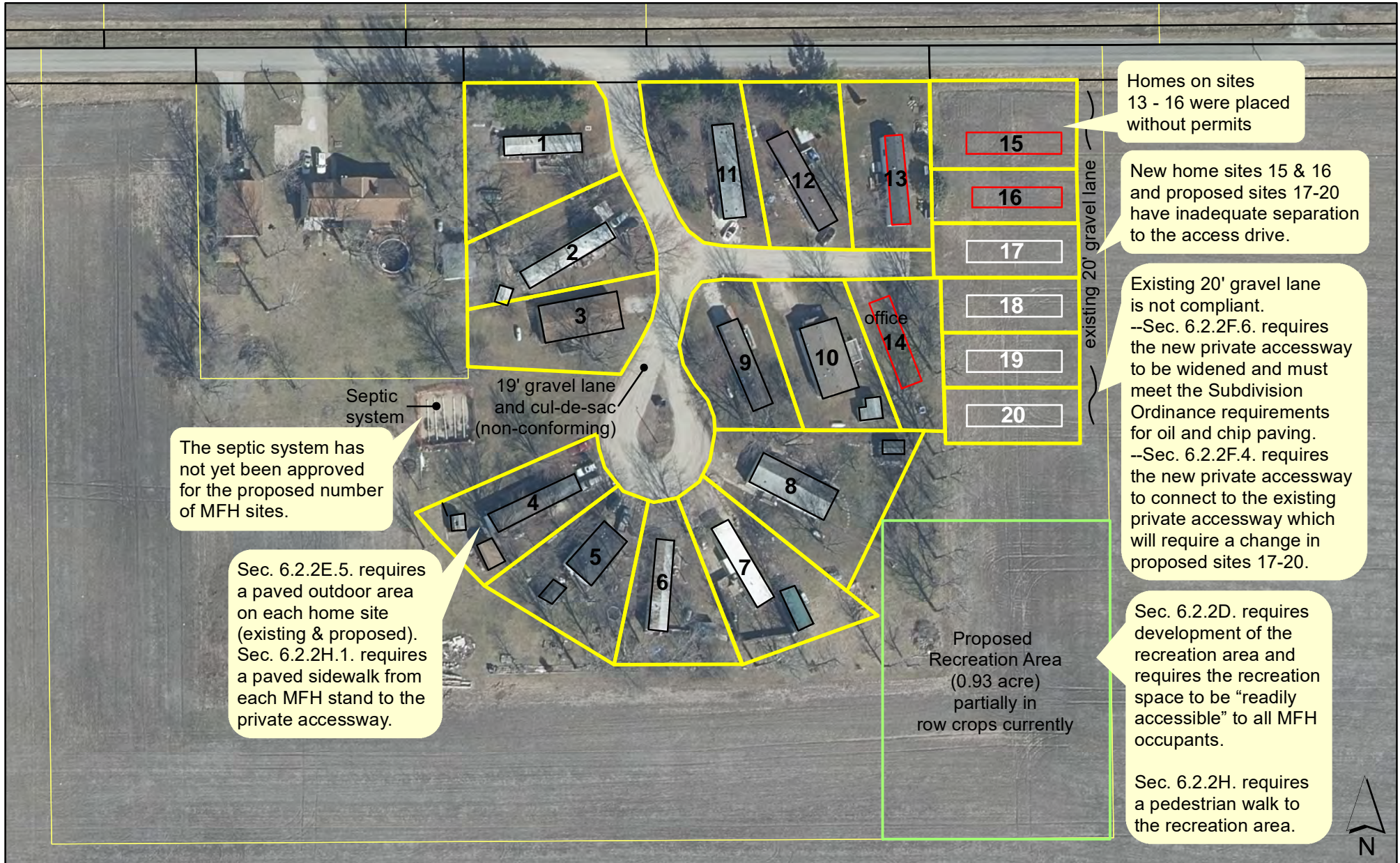
Round Table Design INC.
PROFESSIONAL ENGINEERING - LAND SURVEYING

1020 MAIN STREET | MT. VERNON, IL | 618 - 244 - 7819
WWW.ROUND-TABLE-DESIGN.COM

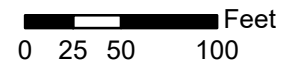
SHEET:
LS-1

Annotated 2020 Aerial Photo

Cases 035-AM-21, 036-S-21 & 041-V-22
September 15, 2022



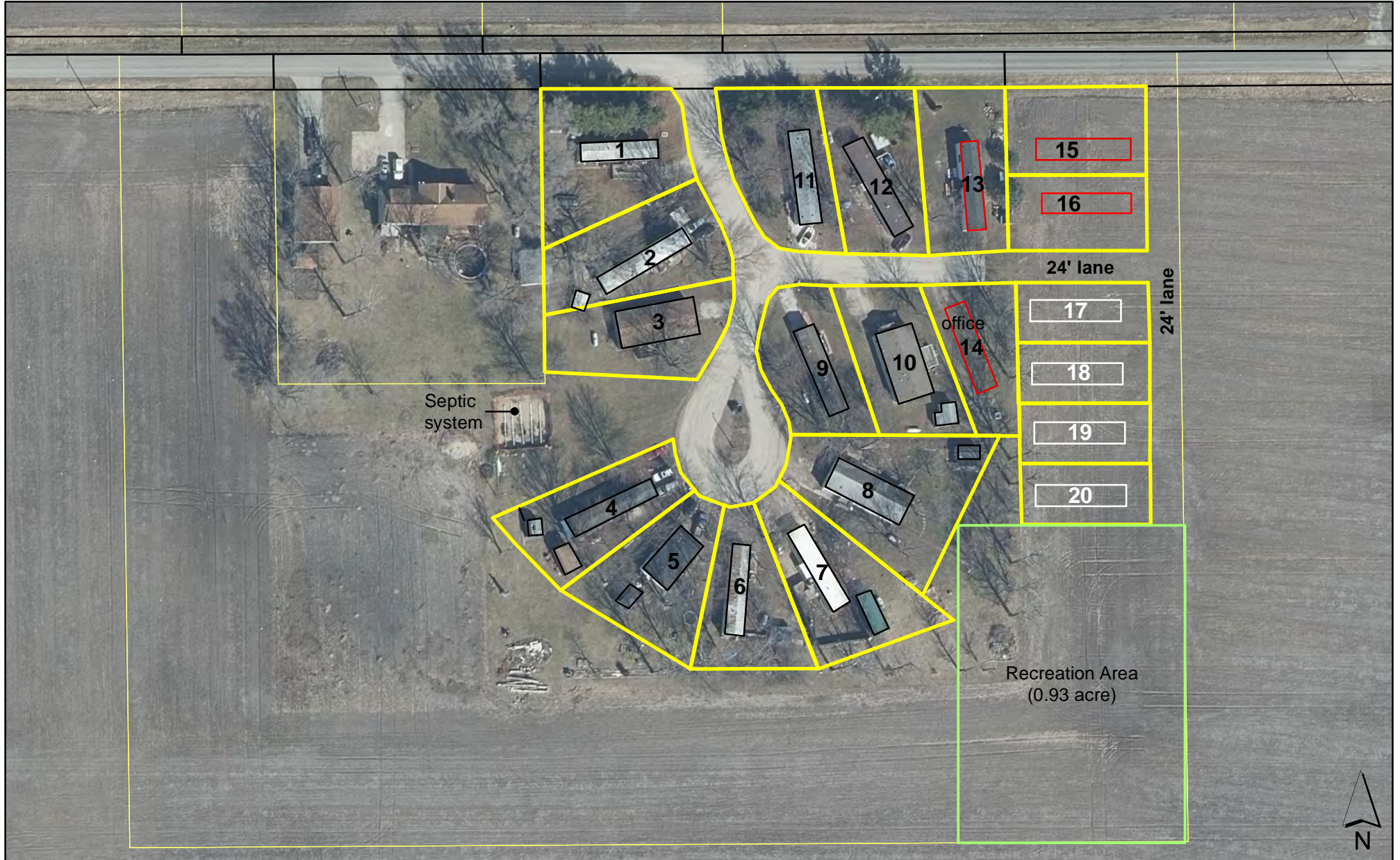
Yellow home site boundaries were drawn by P&Z Staff to calculate necessary waivers
Actual home site boundaries are unknown



Alternative Layout Sites 17 - 20

Cases 035-AM-21, 036-S-21 & 041-V-22

September 15, 2022



Red rectangles are homes placed without permits
Yellow home site boundaries were drawn by P&Z Staff to calculate necessary waivers
Actual home site boundaries are unknown

0 25 50 100 Feet

RECEIVED

DEC 20 2021

CHAMPAIGN CO. P & Z DEPARTMENT



Illinois Department of
PUBLIC HEALTH

EH0176033

LICENSE, PERMIT, CERTIFICATION, REGISTRATION

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below.

Issued under the authority of
the Illinois Department of
Public Health

EXPIRES 4/30/2022	CATEGORY 059	LICENSE NUMBER 05912633
Walnut Grove MHC MANUFACTURED HOME COMMUNITY 20 LICENSED SPACES		

Walnut Grove MHC
1513 County Rd. 2300 N
Urbana, IL 61802

COUNTY Champaign

REGION CHAMPAIGN

Susan Burgstrom

From: Frierdich, Andrew <Andrew.Frierdich@Illinois.gov>
Sent: Thursday, December 30, 2021 11:24 AM
To: siecenter@gmail.com
Cc: Flanagan, Michael; Holste, Jeffrey; Kennedy, Paul J.; Jacobs, Kevin; House, Gina; Susan Burgstrom
Subject: Walnut Grove MHC Cease and Desist/8 New Sites
Attachments: 059-0-12633 Walnut Grove Cease and Desist Letter 12-30-2021.pdf; Application to Alter MHP.pdf; 059-0-12633 Walnut Grove MHC img136.jpg

CAUTION External email, be careful when opening.

Mr. Jenkins,
 Please accept my apology for misspelling your name in my previous email. The cease and desist letter has been revised (attached) to reflect the correct name of the facility (Walnut Grove Mobile Home Community). In your email below you attached the 2021 license for the subject facility and imply the license is a permit to construct. The license is not a construction permit to alter a mobile home park. The reference to twenty licensed sites on the 2021 license is in error and should read twelve. The license for 2022, will be revised to the number of sites constructed and inspected under a valid construction permit issued by the Department. The construction of the eight new sites is altering the subject facility and a construction permit from this Department is required prior to starting any work. This Department has not issued a permit for the construction of the additional 8 new sites and therefore you are in violation of the Mobile Home Park Act. Further, the Illinois Environmental Protection Agency, which has jurisdiction over the on-site sewage treatment facility and the associated NPDES permit, is concerned the sewage treatment facility is not currently sized to handle the addition of eight new sites. If this is the case, the Department could not issue a permit for additional sites without upgrading the sewage treatment facility to account for the additional load. The Department would request that you work with Jeffery Holste (cc above) of the Illinois Environmental Protection Agency to address the outstanding issues relating to the sewage treatment facility. All work at the subject facility relating to the eight new sites shall cease until a permit is obtained from this Department.

With respect to the two homes already set on the new sites, the Department will be visiting the subject facility after the first of the year to evaluate the homes and ensure they were installed properly and by an Illinois licensed installer. Per Section 860.210(c) of the Manufactured Community Code, the owner or operator of a licensed manufactured home community must keep on file copies of the Installation Compliance Certificate required by the Manufactured Home Installation Code. Within the next 10 days, please forward copies of the Installation Compliance Certificates for the two homes set on the new sites. The Manufactured Home Installation Code can be accessed at the following link:
<https://www.ilga.gov/commission/jcar/admincode/077/07700870sections.html>

Please feel free to give me a call with any questions.

Thank you

Andrew Frierdich, P.E.
 Manager, General Engineering Program
 Division of Environmental Health
 Illinois Department of Public Health
 525 West Jefferson Street
 Springfield, IL 62761
andrew.frierdich@illinois.gov
 ph. (217) 782-5830

RECEIVED
DEC 30 2021
 CHAMPAIGN CO P & Z DEPARTMENT

Fax (217) 785-0253
Cell (217) 836-7459

CONFIDENTIALITY NOTE:

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From: JEFFREY D JENKINS <siecenter@gmail.com>
Sent: Wednesday, December 29, 2021 8:28 PM
To: Frierdich, Andrew <Andrew.Frierdich@Illinois.gov>
Subject: [External] Misinformation Mr Frierdich

Dear Mr Frierdich,

It is very upsetting when misinformation comes with a threat that frightens my Community, not Court. Please view my attached License, Permit, Certification and Registration for "20 Licensed Spaces" registered to:

"Walnut Grove Mobile Home Community"

"Jeffrey D "JENKINS" not Jinkins.

We both know this is not a perfect world and things happen, but your information received on my office computer got out to my community before I knew and my phone is busy steady with residents scared.

Please clarify Sir and give my Community proper information so they can rest easy. Thank you Mr Frierdich, as I have always complied and always will!

Have a great day!!

Sincerely yours,

Jeffrey D Jenkins

--

Jeff Jenkins
Executive Director
Jenkins & Son Limited
Trustee
Fish Habitat Forever
Sole Proprietor
Maverick Stables
siecenter@gmail.com
(618) 889-8995

From: Frierdich, Andrew
Sent: Wednesday, December 29, 2021 3:51 PM
To: siecenter@gmail.com
Cc: Flanagan, Michael <Michael.Flanagan@Illinois.gov>; Holste, Jeffrey <Jeffrey.Holste@Illinois.gov>; Kennedy, Paul J. <Paul.Kennedy@Illinois.gov>; Jacobs, Kevin <Kevin.Jacobs@Illinois.gov>; House, Gina <Gina.House@Illinois.gov>
Subject: Walnut Grove MHC Cease and Desist/8 New Sites

Mr. Jinkins,

Please see the attached cease and desist letter regarding the construction currently under way at the Walnut Grove Mobile Home Court in Urbana.

Please give me a call if you have any questions.



525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • www.dph.illinois.gov

December 29, 2021

Urbana/Champaign
Walnut Grove Mobile Home Court
License # 059-0-12633

RECEIVED

DEC 29 2021

CHAMPAIGN CO. P & Z DEPARTMENT

Jeffery D. Jenkins
1324 Maverick Road
Marion, IL 62969

Dear Mr. Jenkins (Licensee):

During an inspection of the Walnut Grove Mobile Home Park on December 22, 2021, our regional inspector observed eight new sites being constructed at the subject facility. The Department has no record of issuing a permit for the construction of the 8 new sites nor has the Department received an application for a permit to alter a licensed mobile home park as required by the Mobile Home Park Act.

(210 ILCS 115/4.2) (from Ch. 111 1/2, par. 714.2)

Sec. 4.2. An application for a permit to alter a licensed mobile home park shall be submitted to the Department for any changes to the water, sewage, fuel, or electrical systems other than normal maintenance, the relocation of sites or the expansion of the number of sites in the park. Detailed plans and specifications shall be provided to show compliance with this Act and the promulgated rules. A plan review fee shall accompany the application. For permits submitted prior to the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$50. For permits submitted on or after the effective date of this amendatory Act of the 101st General Assembly, the fee shall be \$150. This fee shall not be refundable. Construction shall not commence until a permit is issued.

(Source: P.A. 101-454, eff. 8-23-19.)

PROTECTING HEALTH. IMPROVING LIVES
Nationally Accredited by PHAB

The licensee is currently in violation of the Mobile Home Park Act for not obtaining a permit prior to altering a licensed mobile home park. **Cease and desist all work immediately** and submit an Application to Alter a Licensed Mobile Home Park, a check for \$150 made out to the Illinois Department of Public Health and plans meeting the requirement of Section 860.120 of the Manufactured Home Community Code. Work can resume after you receive an approved permit from the Department. Failure to comply will result in the scheduling of a compliance conference.

Whoever violates any provision of the Mobile Home Park Act, shall, except as otherwise provided, be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The State's Attorney of the county in which the violation occurred, or the Attorney General shall bring such actions in the name of the people of the State of Illinois, or may, in addition to other remedies provided in this Act, bring action for an injunction to restrain such violation, or to enjoin the operation of any such mobile home park.

Please provide a written response to this letter within 10 days of the date of this letter. If you have any questions, please email me at andrew.friedrich@illinois.gov, call 217/782-5830 or fax to 217-785-0253. (TDD number 1-800-547-0466 for hearing impaired use only)

Sincerely,



Andrew Friedrich, P.E., Manager
General Engineering Program
Division of Environmental Health

cc: Champaign Regional Office
Champaign County Health Department
Illinois Environmental Protection Agency

Attachments: Application to Alter a Manufactured Home Community

Susan Burgstrom

From: JEFFREY D JENKINS <siecenter@gmail.com>
Sent: Monday, January 24, 2022 3:24 PM
To: andrew.friedrich@illinois.gov; Susan Burgstrom
Subject: WALNUT GROVE

RECEIVED

JAN 24 2022

CAUTION: External email, be careful when opening.

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Andrew & Susan,

I am writing to you one more time as I feel the misinformation and additional misinformation is unfair to my long standing efforts. The statement that the IEPA was concerned of the adequacy of my sewage treatment plant WAS true. Since I purchased the property June 10, 2019 I have been inspected 3 times(annually) by our IEPA inspector. The reason for the annual concern was the finding of my actual discharge into the environment. The inspector was mislead the first 2 years causing him to return each year instead of every 2 years caused by the missing discharge of record. This last summer I traced our discharge from my chlorination tank. I discovered the projected pipe south by southwest of my treatment plant. I have spent multiple afternoons checking the projected pipe into our County's drainage ditch system, not a drop. So one day I decided to go into the chlorination tank with a hose to confirm no obstruction. Sure enough there was a flow of water, unobstructed, discharging. This year, yes, on December 22nd at 10am the IEPA inspector and I returned to the drainage ditch again only to find no drainage pipe in site. I said, damn, I know it's there!! We walked around the ditch, by rt. 45 bridge and went to where I had marked the location with a white stake. I climbed down the steep embankment and sure enough, prairie grass had grown over the 6' projected drainage pipe.....thus the projection. I reached out and ran my finger around the inside of the pipe and showed him NO moisture, confirming that my sewage treatment plant is far too extensive in size for just 15 homes.

The original owner of my community, Charles Hepler, was extremely extensive in his original construction of the plant and 6" water main system. The quality of not only the water main pipes but the sewage system piping exceeds the integrity of schedule 80. His sewage treatment plant was divided into 3 separate treatment tank systems. The 3 raw sewage tanks are 9' wide by 12 feet long and 14 feet deep. Since our influent sewage enters the tank at 5 1/2 feet below grade, by design and timing of the clean water pump, the raw sewage level is between 7.5 feet and 8 feet deep. Knowing those raw sewage dimensions, we have approximately 864 cubic feet of raw sewage per tank which equals 6463 gallons X 3 = 19,389 gallons of raw sewage. As we all know, the 2nd chamber per tank, clean water, is transferred from raw sewage tank to the clean water tank 6 feet up from the bottom of the tank above the solids and below the surface films. Mr Heplers design includes a pump in the bottom of each clean water tank that intermittently pumps the clean water out over a 30 feet X 30 feet sand bed 4 feet deep. At the bottom of the bed, a drain line removes the filtered clean water and drains effluent to the chlorination tank and you know the rest. I walked this entire system for the inspector and just as I am to this day, he was shocked at how extensive this treatment plant was for such a small community. Then I told the inspector that it's very clear that this system is far too extensive for 15 homes as Mr Helper designed this system for over 120 homes. That is why there is only 1 sand filter 30 X 30 installed so far, instead of 3. Conclusion, and we both agreed, EVAPORATION EXCEEDS ABSORPTION/EFFLUENT DISCHARGE. Note: we did not include the gallons held in the 3 clean water tanks.

I have been in this business since I was 20. In my 30s I purchased a 66 home mobile home community in Lake Bluff, IL. I worked 6 years to bring that community back to normal. Homes out of level, broken foundations, no tie downs, 8 wide homes and too many 10 wides. I put back every dime I made, and then some, to get my community right. Then in the year 2000 the Illinois Department of Public Health awarded me a

Most Improved Community honor which I cherish front and center in my office today.

I take great pride in what I do. This enormous load you are putting on me, in my eyes is unfair, however, how could you know my history/quality? I see local installers of homes, certified, putting anchors in the ground at a 45 degree angle...what? 1 loosens they are all loose. Vertical anchors.....or else you're doing it for show. My post holes now are done with a bobcat and a 30 inch posthole digger down 24 inches.

Vertical anchors of the home are installed adjacent to the postholes. I have a license for Potable with IEPA and a license with IEPA for a Sewage Treatment Plant Operator. I went into this project pretentiously prepared but clearly Champaign County is more hands on then Lake County Illinois. I pray we respect each other for all we do and we will work through our discrepancies quickly and smoothly. Thank you for your time, All the Best!!

Sincerely yours,

Jeffrey D Jenkins

--

Jeff Jenkins
Executive Director
Jenkins & Son Limited
Trustee
Fish Habitat Forever
Sole Proprietor
Maverick Stables
siecenter@gmail.com
(618) 889-8995

DEPARTMENT OF PUBLIC HEALTH
SPRINGFIELD, ILLINOIS 62706

FRANKLIN D. YODER, M.D., M.P.H.
DIRECTOR

February 3, 1972

BUREAU OF
ENVIRONMENTAL HEALTH
VERDUN RANDOLPH, M.P.H., CHIEF
(AREA CODE 217) 525-6555

CHAMPAIGN COUNTY - Thomasboro
Country Manor Mobile Home Park
Permit to Construct No. 3 - 1972

IN REPLY REFER TO: **AM-P**

Mr. Charles W. Hepler
1005 W. Harvard Street
Champaign, Illinois 61853

Dear Mr. Hepler:

A permit subject to the conditions following is hereby given to construct a trailer coach park containing 12 trailer spaces to be known as ~~Country Manor~~ **Country Manor Mobile Home Park**, located on U. S. Route 45, Thomasboro, Champaign County, Illinois, all as is shown on an application and plans submitted by C. S. Parsons and Associates, Professional Engineers, acting as your agent.

Authority for this permit is granted in accordance with the provisions of "An Act in relation to the licensing and regulation of trailer coach parks" (approved July 13, 1953, as amended) and subject to the provisions hereof:

The conditions of permit are:

1. This permit shall not be considered in any manner effecting the title to the premises upon which any of the proposed improvements are to be located.
2. This permit does not in any way release the permittee from any liability for damage to person or property caused by or resulting from installations, maintenance or operation of these improvements, located and constructed in accordance with the plans and specifications herein referred to.
3. The State Department of Public Health, in issuing this permit, has relied upon the statements and representations made by the permittee in the application herefor; and in case any statement or representation in said application is found to be incorrect, this permit may be revoked without further notice, and the permittee thereupon waives all rights thereunder.
4. There shall be no deviations from the plans and specification.

BRANCH I
P.O. Box 722 (306 W. Main St.)
Carbondale, Illinois 62901
Phone: 618 - 457-8102

BRANCH II
9500 Collinsville Road, Unit E
Collinsville, Illinois 62234
Phone: 618 - 345-5141

BRANCH III
4500 South Sixth St. Rd., Rm. 173
Springfield, Illinois 62706
Phone: 217 - 525-6482

BRANCH IV
2125 South First Street
Champaign, Illinois 61820
Phone: 217 - 333-6914

THE NEW ILLINOIS
We accommodate

BRANCH V
5415 North University Avenue
Peoria, Illinois 61614
Phone: 309 - 691-8480, Ext. 561

BRANCH VI
4302 North Main Street
Rockford, Illinois 61103
Phone: 815 - 877-8051, Ext. 511

BRANCH VII
P.O. Box 910 (48 W. Galena Blvd.)
Aurora, Illinois 60504
Phone: 312 - 892-4272

submitted with the application for this permit unless revised plans and specifications therefore shall first have been submitted to the State Department of Public Health and a supplemental permit issued therefore.

5. The State Department of Public Health or any person duly authorized by it, may at any time during the progress of the construction or the installation of these improvements or any part thereof under authority hereof have the right and authority to inspect such work during the progress thereof; and such Department or its duly authorized agent shall have the authority any time and all times after the erection or the completion of these improvements to inspect the same or the operation thereof.

6. This permit does not relieve the applicant from securing building permits in municipalities or counties having a building code, or complying with any municipal or county zoning or other ordinances applicable thereto.

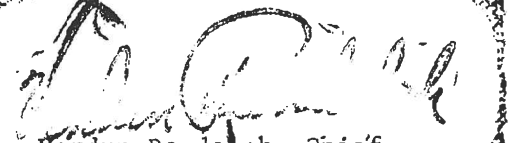
7. The Department of Public Health shall be notified when construction, as authorized herein, is completed and ready for inspection.

8. This permit shall become void one year after date of issue, unless the project as authorized is completed prior to date of expiration.

9. Not more than one occupied trailer shall be accommodated on the site of the proposed park until a license has been issued.

Very truly yours,

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~


Verdun Randolph, Chief
Bureau of Environmental Health

JW:law

cc - Region 3b

- C. S. Parsons and Associates
Professional Engineers
1914 Lynwood Drive
Champaign, Illinois
- County Clerk

NOTE: Region 3b - Attached is a copy of the application and plans for permit to construct subject trailer park.

February 3, 1972

EH-GS
MHP

CHAMPAIGN COUNTY - Thomasboro
Country Manor Mobile Home Park

Mr. Charles W. Hepler
1005 West Harvard Street
Champaign, Illinois 61853

Dear Mr. Hepler:

Enclosed please find permit to construct No. 3 - 1972, which authorizes the construction of twelve (12) independent trailer spaces for your trailer park to be known as Country Manor Mobile Home Park, located on U. S. Route 45, Thomasboro, Champaign County, Illinois.

This permit is being issued with the understanding that the following items be complied with:

1. The trailer space capacity will not be increased utilizing the existing septic tank sewage disposal system. The existing septic tank absorption field shall not be topped except by unadulterated earth.
2. There shall be an average illumination of at least 150 watts ever 150 feet or 40 watts per space and at potential hazardous locations such as park entrance, street and walkway intersections or steps.

Very truly yours,

Verdun Randolph
Verdun Randolph, Chief
Bureau of Environmental Health



JW:lsw
cc - Region 3b
- County Clerk

MH
APR 2 - 18 - 72
cc 3 x 72
cc - C. S. Parsons & Assoc.
Professional Engineer

JANUARY 14, 2022



**NRI Report
Walnut Grove
Subdivision**

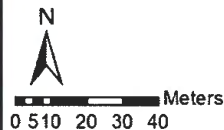
USDA Orthoimagery 2021

Location:
Section 10, T20N, R9E
Champaign Co., IL

Legend

 WalnutGroveSubAOI

Champaign Co. Soil & Water
Conservation District
Assisted By: Erin Gundy



1/14/2022

NATURAL RESOURCE INFORMATION (NRI)
RECEIVED
REPORT 22.02

JAN 21 2022

PETITIONER: JEFFREY JENKINS

CHAMPAIGN CO. P & Z DEPARTMENT

PREPARED BY: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
2110 W PARK CT, STE C, CHAMPAIGN, IL 61821
(217) 352-3536 EXT 3 | WWW.CCSWCD.COM

Champaign County Soil and Water Conservation District Natural Resource Information Report (NRI)
--

Date District Board Reviewed Application	January 19, 2022
Applicant's Name	Jeffrey Jenkins
Contact Person	
Size of Subject Property	9.67
Present Zoning	AG-1
Proposed Zoning	AG-1 & Special Use
Present Land Use	Agriculture & Special Use
Proposed Land Use	Combined Agriculture & Special Use

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

Report Prepared By: Erin Gundy, Resource Conservationist

RECEIVED
 DISTRICT BOARD
 CHAMPAIGN COUNTY SOIL & WATER CONSERVATION

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Forward

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

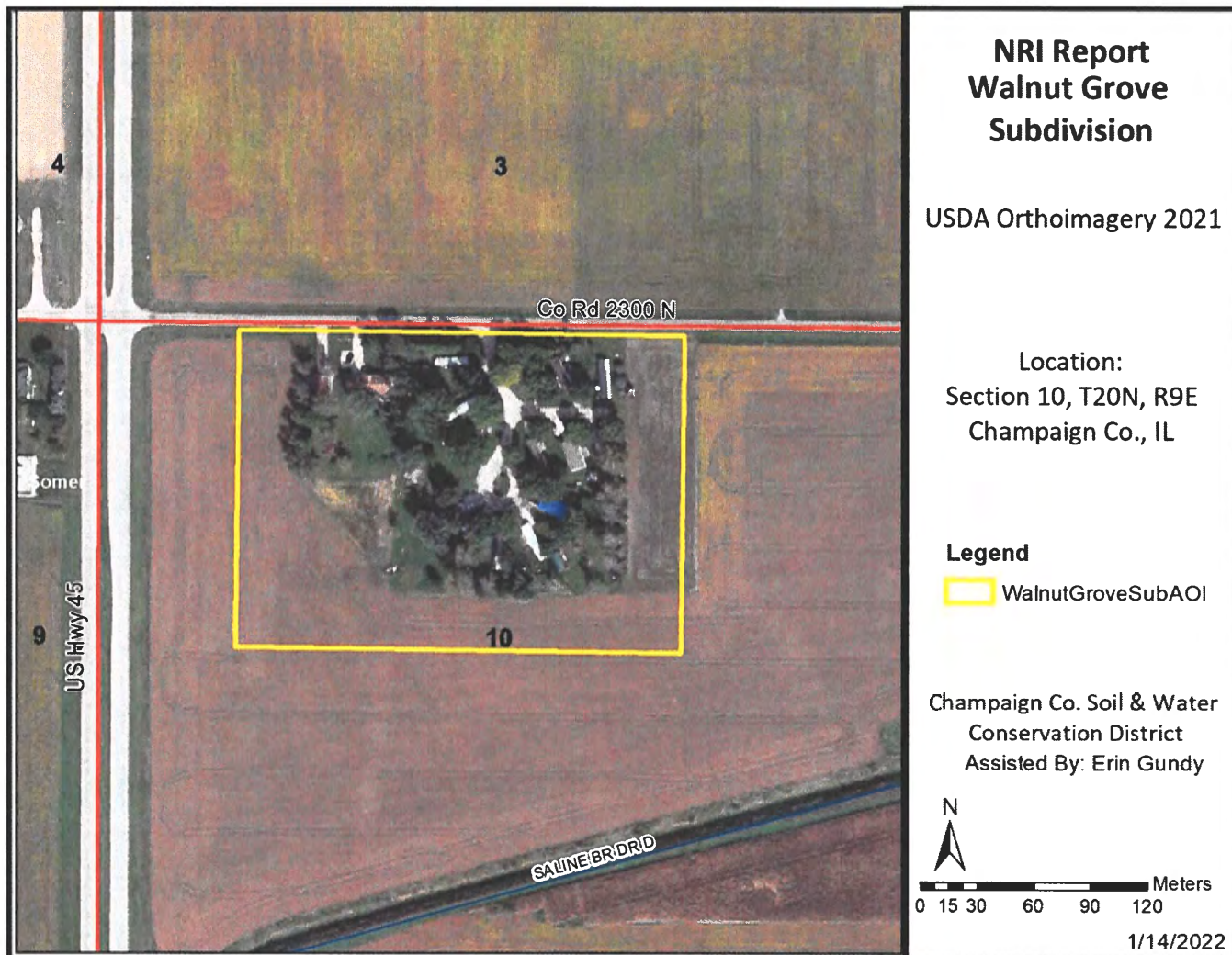
Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation,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

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

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

Subject Property Location

Location Map for Natural Resources Information Report for the Walnut Grove Subdivision. The property is located in the northwest quarter of Section 10, Township 20N, Range 9E in Champaign County, Illinois.



Summary and Concerns of the Board

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

1. All soils on the subject property are not suitable sanitary facilities or dwellings. It is advised to perform onsite investigations with a professional to determine construction strategy before moving forward. See pages 7-9.
2. A portion of the soils on the subject property are not suitable for dwellings or small commercial buildings. It is advised to consult with a professional to determine safety and quality of current and future construction projects. See pages 7-9.
3. The subject property is located in the 2. *Beaver Lake* drainage district. Please contact drainage district officials for questions or concerns regarding drainage management.
4. The average Land Evaluation (LE) score for this site is: 100. See pages 13-14.

Soil Information

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

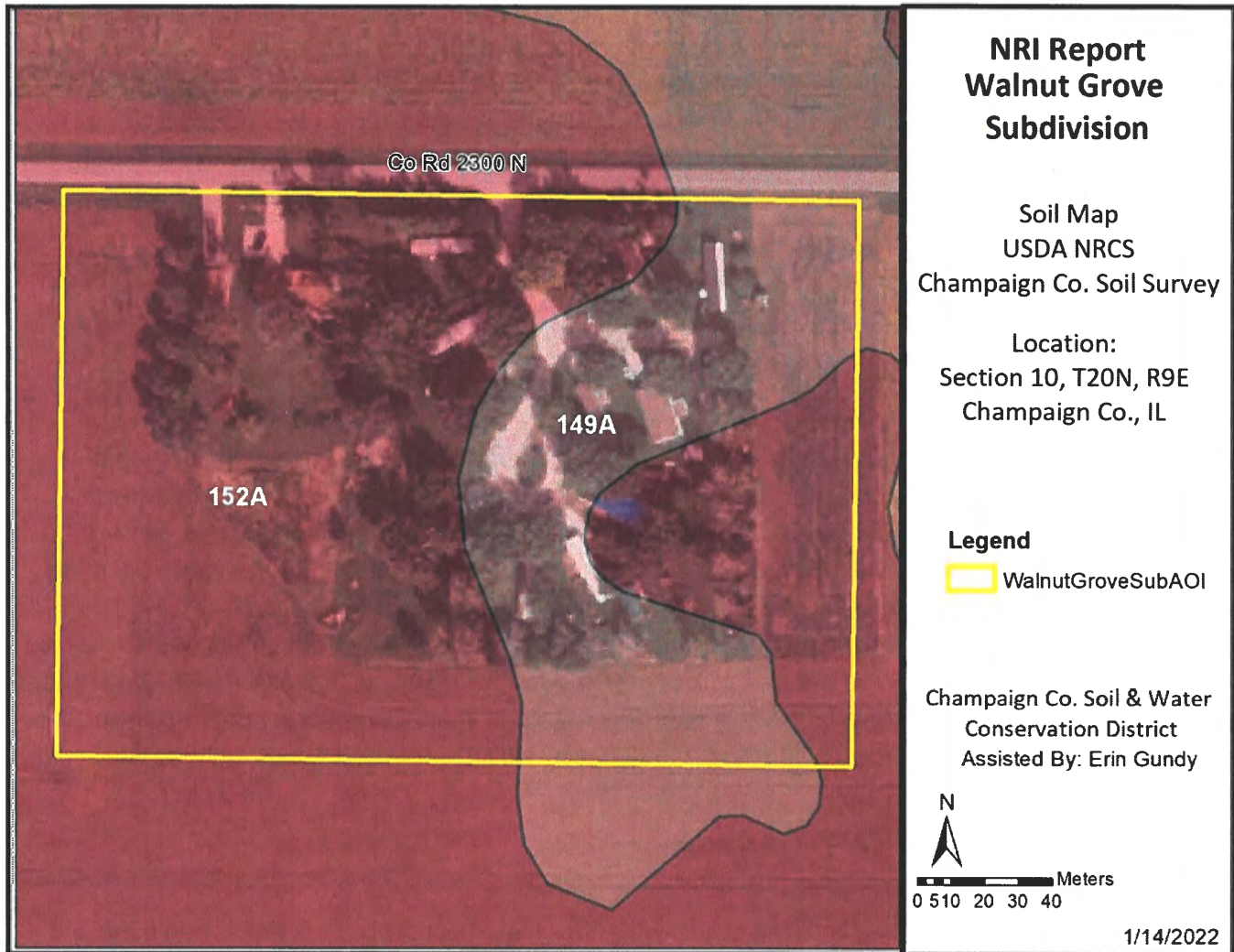


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
152A	Drummer silty clay loam, 0-2% slopes	6.2	63.9%
149A	Brenton silt loam, 0-2% slopes	3.5	36.1%

Introduction to Soil Interpretations

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

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

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

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

Limitation Ratings

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

Soil Interpretations

Sanitary Facilities

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

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

Table 2. Septic tank absorption fields.

Map Unit Symbol	Septic Tank Absorption Fields	Acres	Percent of Area
152A	Very limited: ponding, depth to saturated zone, slow water movement	6.2	63.9%
149A	Very limited: depth to saturated zone, seepage, slow water movement	3.5	36.1%

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

Building Site Development

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

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

Table 3. Dwellings and small commercial buildings limitations.

Map Unit Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Acres	Percent of Area
152A	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	Very limited: ponding, depth to saturated zone, shrink-swell	6.2	63.9%
149A	Very limited: depth to saturated zone	Somewhat limited: depth to saturated zone, shrink-swell	Somewhat limited: depth to saturated zone, shrink-swell	3.5	36.1%

Surface Water Management System

The table below shows the degree and the kind of soil limitations that affect surface water management systems.

Surface Water Management Systems: impoundments or excavated basins for the short-term detention of stormwater runoff from a completed development area followed by a controlled release from the structure at downstream, pre-development flow rates. The ratings are based on the soil properties that affect the capacity of the soil to convey surface water across the landscape. Factors affecting the system installation and performance are considered. Water conveyances include graded ditches, grassed waterways, terraces, and diversions. The properties that affect the surface system performance include depth to bedrock, saturated hydraulic conductivity, depth to cemented pan, slope, flooding, ponding, large stone content, sodicity, surface water erosion, and gypsum content.

Table 4. Surface Water Management Systems limitations.

Map Unit Symbol	Surface Water Management Systems	Acres	Percent of Area
152A	Somewhat limited: ponding	6.2	63.9%
149A	Not limited	3.5	36.1%

Soil Water (Wetness) Features

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

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

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

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

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

Water Table: Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles, called redoximorphic features) in the soil. Note: a saturated zone that lasts for less than a month is not considered a water table.

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

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

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

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

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

Table 5. Soil water (wetness) features.

Map Unit Symbol	HSG	Surface Runoff	Depth to Water Table (ft)			Ponding		Flooding	
			Upper Limit	Lower Limit	Kind	Duration	Frequency	Duration	Frequency
152A	B/D	Neg.	0.0-1.0	6.0	Apparent	Brief	Frequent	-	None
149A	B/D	Low	1.0-2.0	6.0	Apparent	Brief	Frequent	-	None

Hydric Soils

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

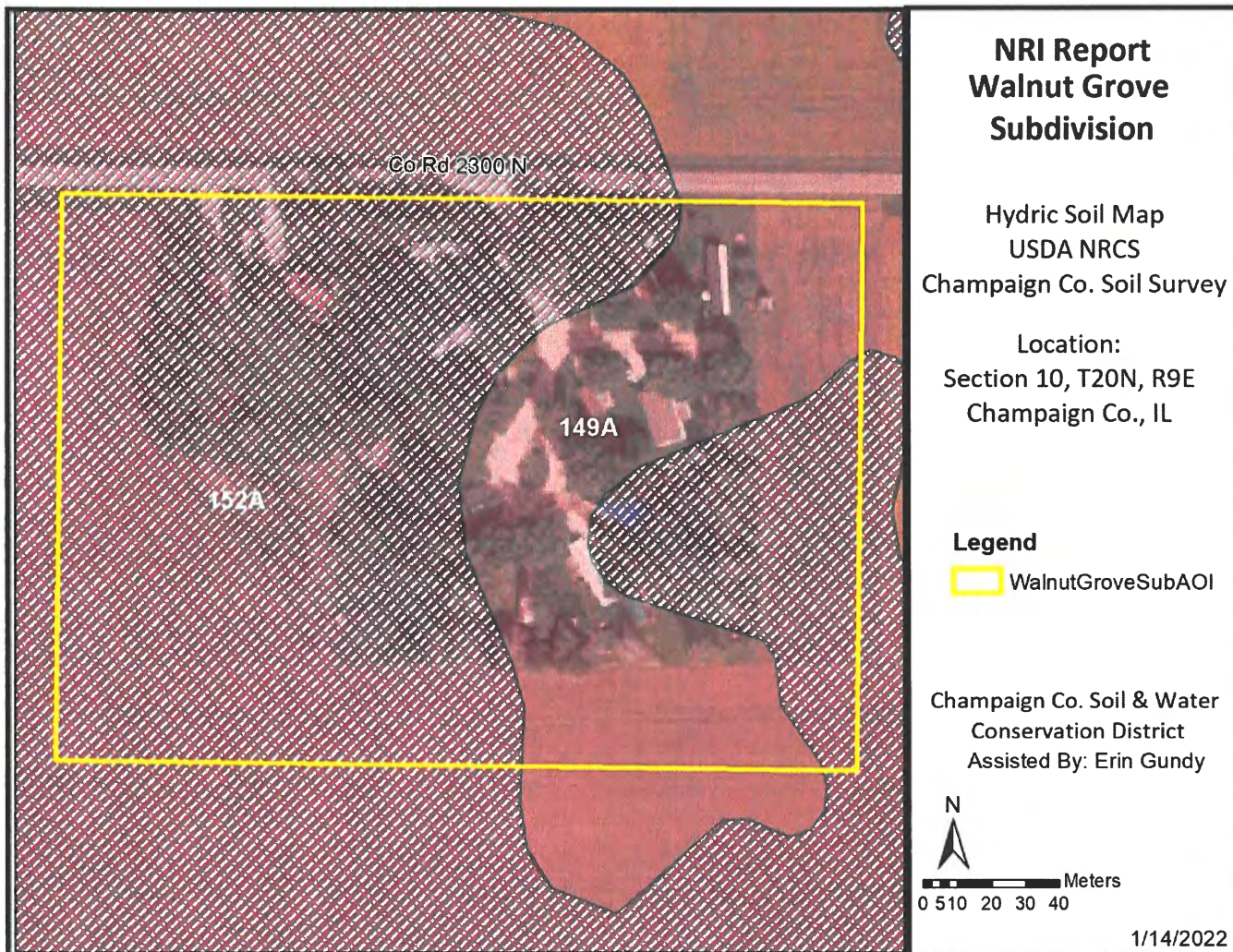
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

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

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

Table 6. Hydric soils.

Map Unit Symbol	Drainage Class	Hydric Designation	Acres	Percent of Area
152A	Poorly drained	Hydric	6.2	63.9%
149A	Somewhat poorly drained	Non hydric	3.5	36.1%
			Percent Hydric	63.9%



Soil Erosion and Sediment Control

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

Erosion Control at Construction Sites

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

- **Silt Fencing:** A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
- **Construction Road Stabilization:** The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.

- **Vegetative Cover:** One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth brome grass, oats, cereal rye) to help protect soil from erosion during construction.

EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool

EPA requires a plan to control storm water pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP to obtain NPDES permit coverage for their storm water discharges. More information at the following website: <http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>.

Table 7. Soil erosion potential.

Map Unit Symbol	Slope	Rating	Acres	Percent of Area
152A	0.5%	Slight	6.2	63.9%
149A	0.9%	Slight	3.5	36.1%

Prime Farmland Soils

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

Table 8. Prime farmland designation.

Map Unit Symbol	Prime Designation	Acres	Percent of Area
152A	Prime farmland if drained	6.2	63.9%
149A	All areas are prime farmland	3.5	36.1%
Percent Prime Farmland			100%

The Land Evaluation and Site Assessment System

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

- Land Evaluation (LE) – the soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agricultural use. The best group is assigned a value of 100 and is based on data from the Champaign County Soil Survey. The Champaign County LE designates soils with a score of 91 to 100 as best prime farmland, as reported in Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils. Best Prime Farmland consists of:
 - a) Soils identified as agricultural value groups 1, 2, 3, and/or 4
 - b) Soils that, in combination on a subject site, have an average LE of 91 or higher
 - c) Any site that includes a significant amount (10% or more of the area proposed to be developed) of agriculture value groups 1, 2, 3, and/or 4
- Site Assessment (SA) – the site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives.

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

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

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

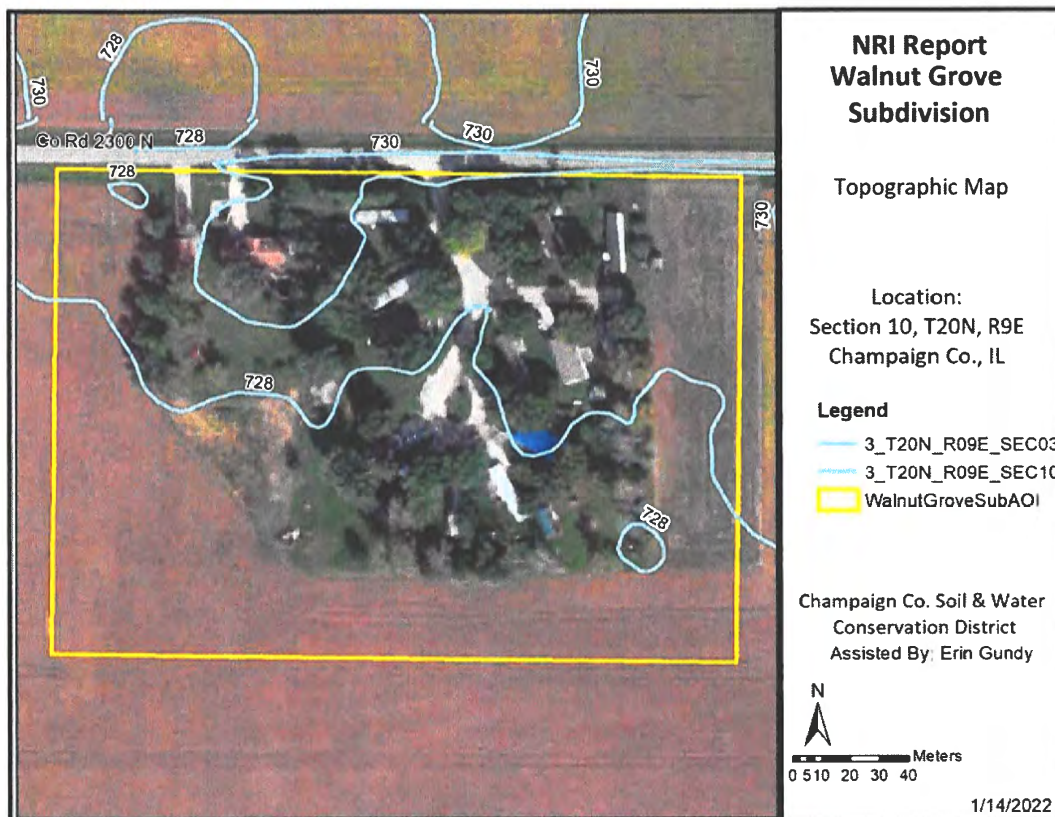
Table 9. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
152A	2	100	6.2	620
149A	1	100	3.5	350
Totals			9.7	970
LE Score		LE = 970/9.7		LE = 100

For the subject property: the overall Land Evaluation (LE) score is 100.

Topographic Information

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



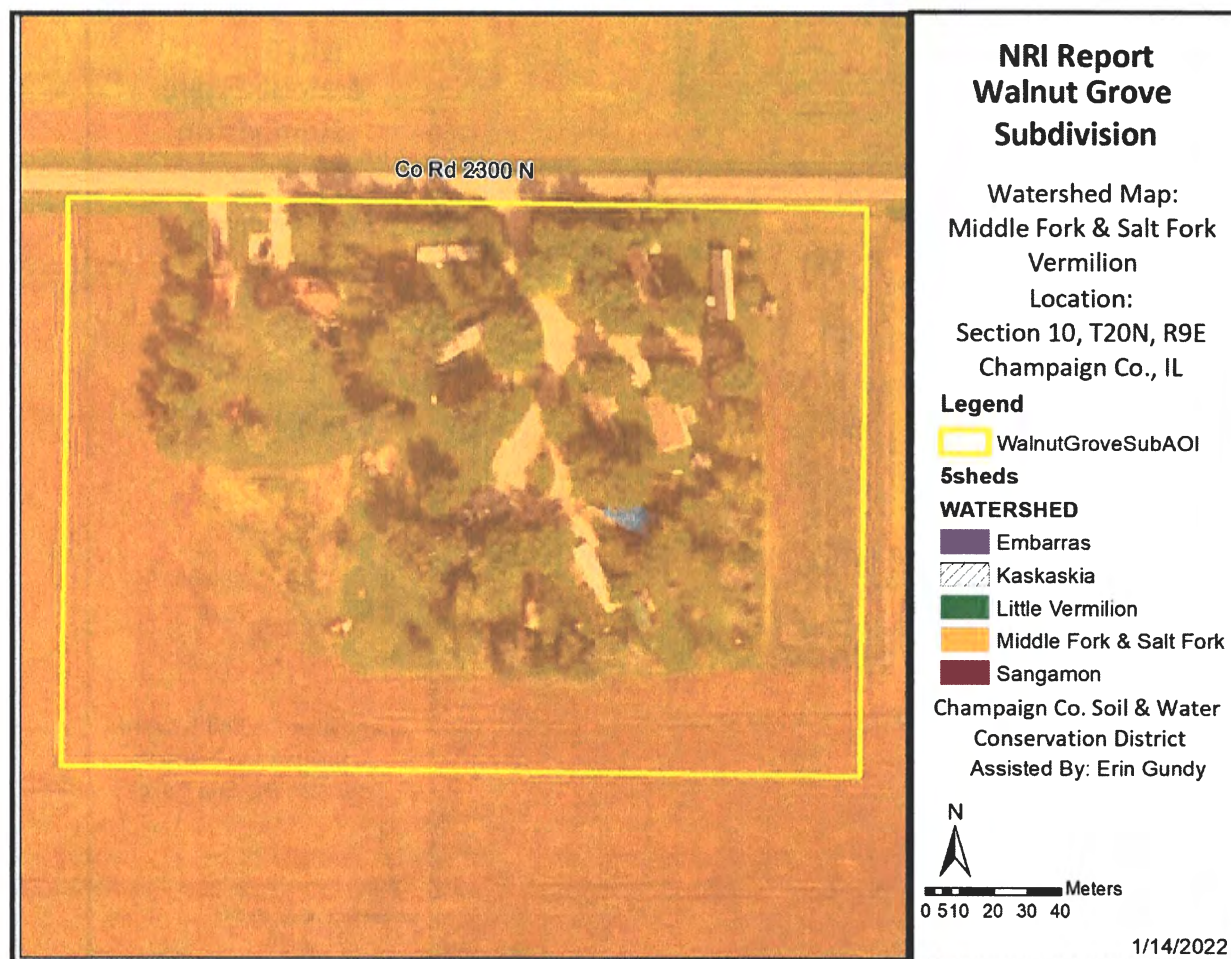
Watershed Information

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

The following are recommendations to developers for protection of watersheds:

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

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



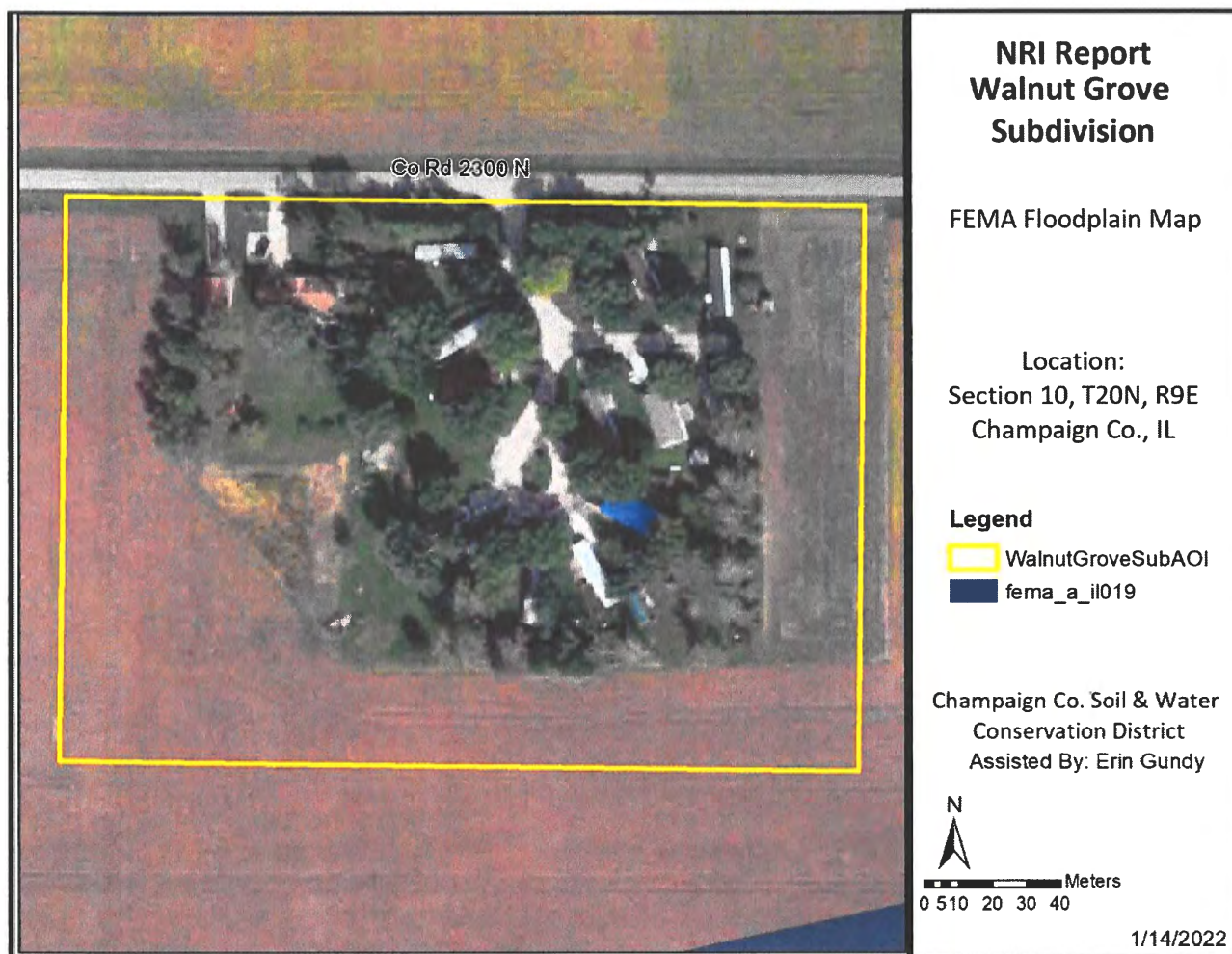
Floodplain and Wetland Information

Floodplain Information

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

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

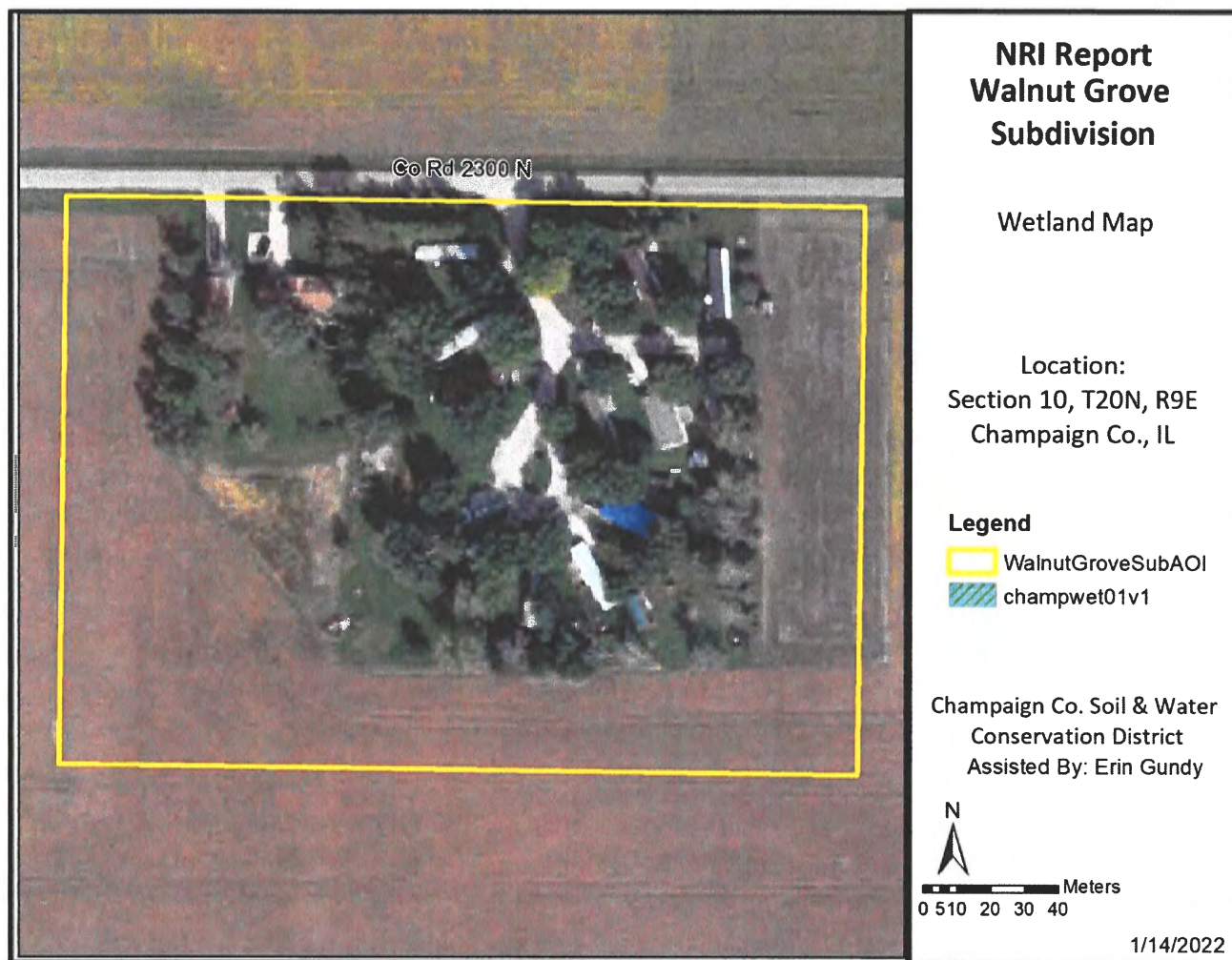
For the subject property: no portion of the property is in the floodplain.



Wetland Information

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

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



Wetland and Floodplain Regulations

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

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State’s boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated used of the waters within the State of Illinois could

permanently destroy and adversely impact the public. Therefore, please contact the proper authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

Regulatory Agencies:

- Wetlands or U.S. Waters: U.S. Army Corps of Engineers
- Floodplains: Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL
- Water Quality/Erosion Control: Illinois Environmental Protection Agency

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

Cultural and Animal Resources

Cultural Resources

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

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

Animal Resources

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

Ecologically Sensitive Areas

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

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

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

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



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

IDNR Project Number: 2208609
Date: 01/14/2022

Project: Champaign
Address: Champaign, Champaign

Description: Champaign

Natural Resource Review Results

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

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

Location

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

County: Champaign

Township, Range, Section:

20N, 9E, 3
 20N, 9E, 4
 20N, 9E, 9
 20N, 9E, 10



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

Government Jurisdiction
 U.S. Department of Agriculture

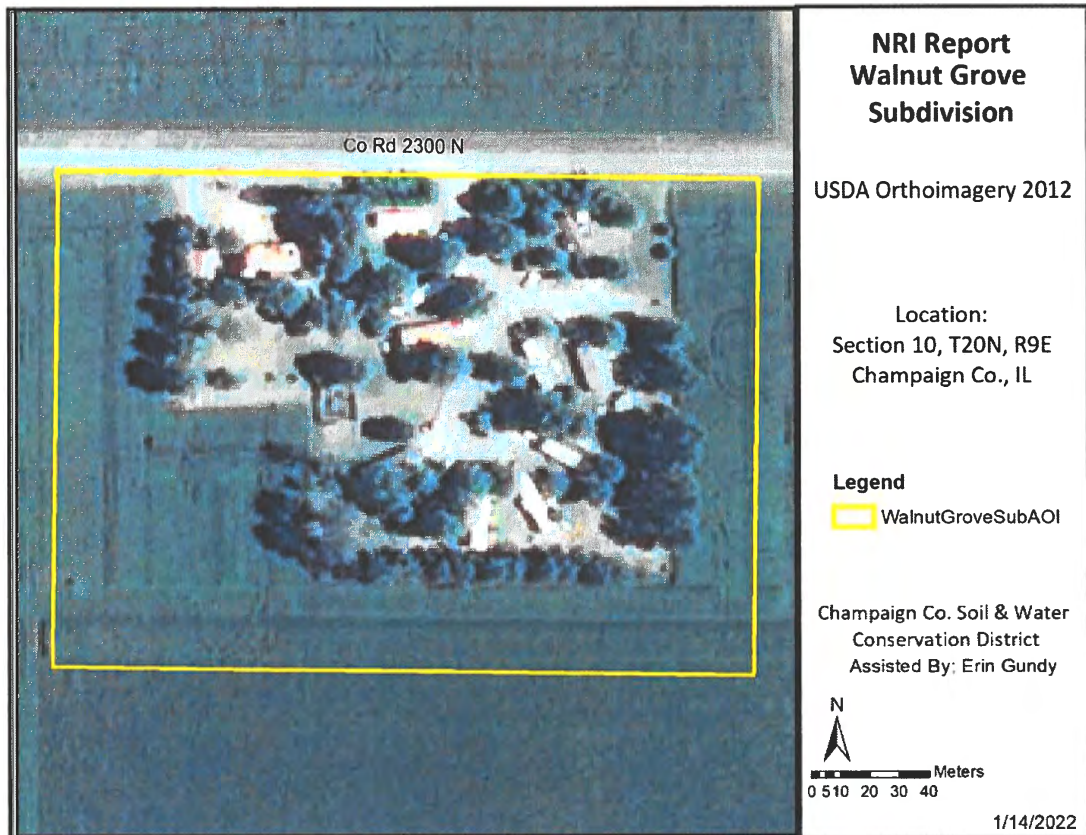
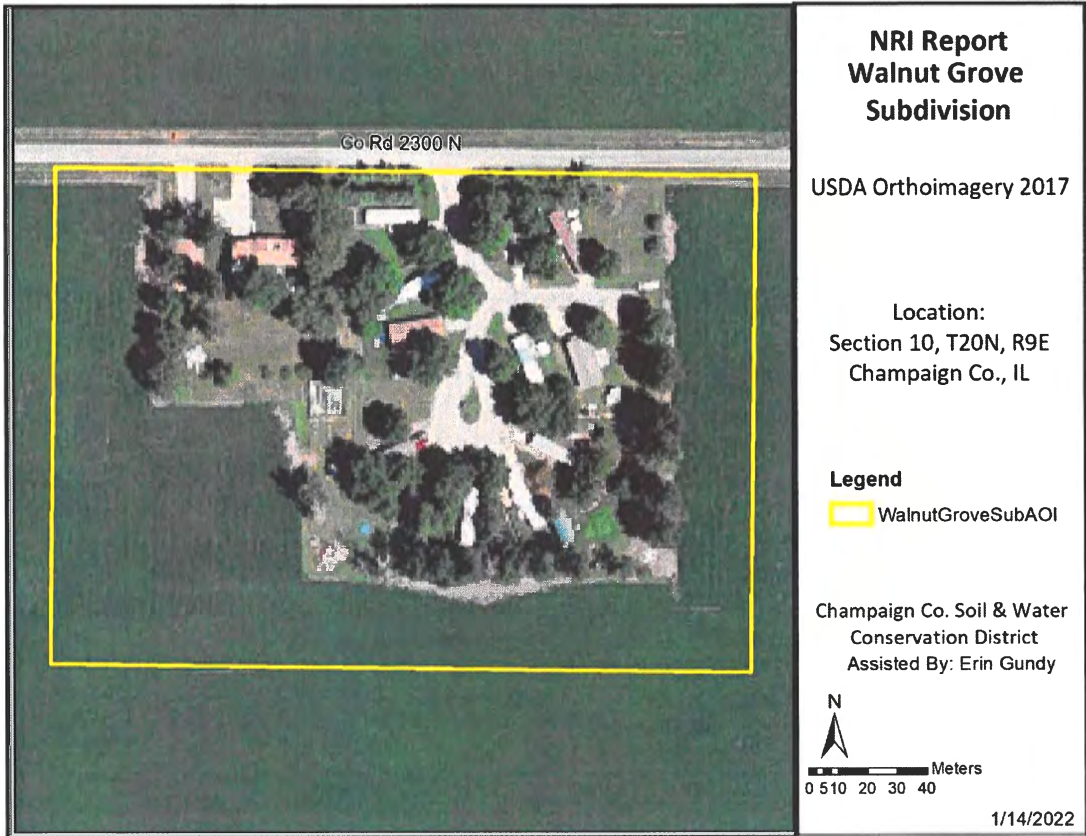
Disclaimer

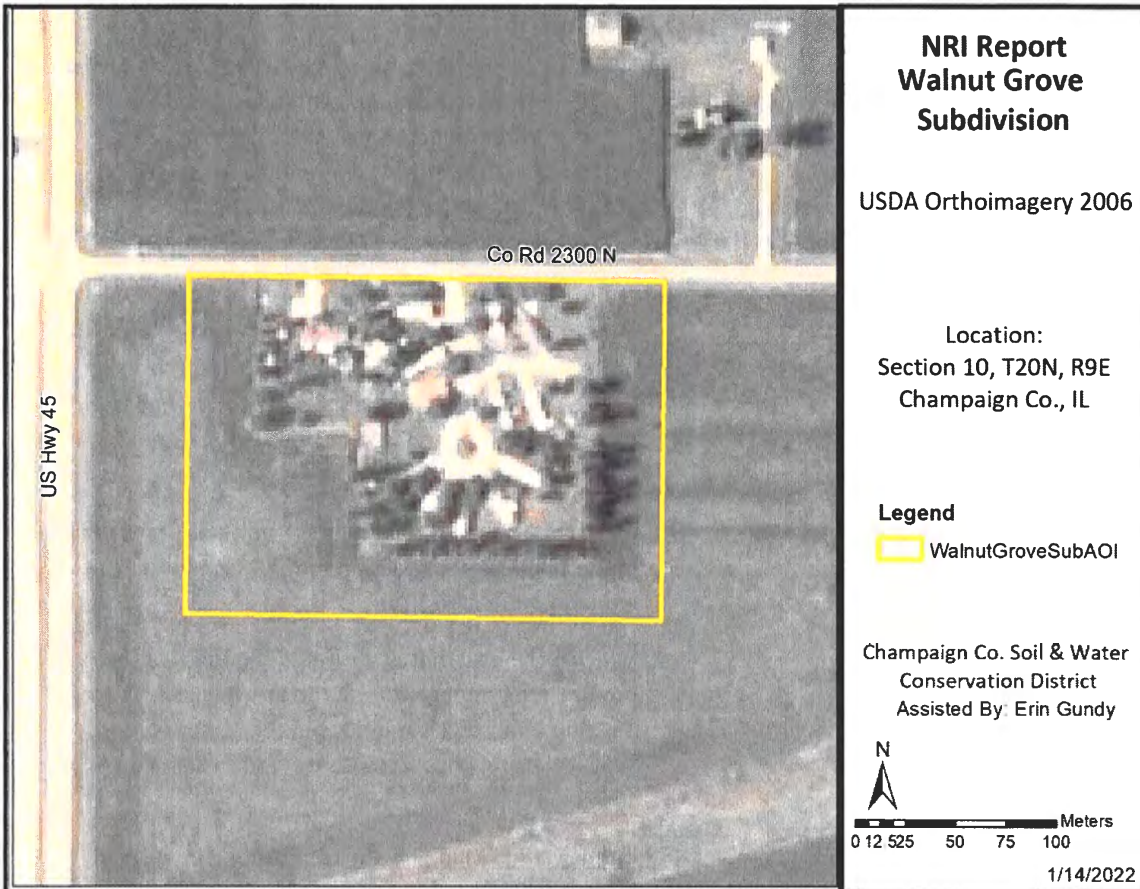
The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site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

Terms of Use

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

Historic Aerial Photos





Glossary and Acronyms

Agriculture – The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit; and truck or vegetables, including dairy, poultry, swine, sheep, beef cattle, pony and horse, fur, and fish and wildlife; farm buildings used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, or for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants, or seasonal or year around hired farm workers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Modern Soil Survey – a soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent is shown on a map. An accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soil information collected in a soil survey are useful in developing land use plans and alternatives.

Palustrine – name given to inland fresh water wetlands.

Permeability – values listed estimate the range of time it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture,

soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ – parcel in question

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

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

Productivity Indexes – express the estimated yields of the major grain crops in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state (Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn, Joy soil series). See Circular 1156 from the Illinois Cooperative Extension Service.

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

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

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

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

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

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

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

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

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

References

Field Office Technical Guide. USDA Natural Resources Conservation Service.

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

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

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

Wetlands Inventory Maps. Department of the Interior.

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

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

Attachment L: **Zoning Ordinance Section 6.2: Manufactured Home Parks**

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Attachment M: LRMP Goals, Objectives and Policies

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Attachment N: **LRMP Defined Terms**

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

035-AM-21, 036-S-21 & 041-V-22 Site Images



Entrance sign



Right to left: home sites 4 through 9

035-AM-21, 036-S-21 & 041-V-22 Site Images



From home site 6 facing north



Home sites 15 and 16

035-AM-21, 036-S-21 & 041-V-22 Site Images



From south of home sites 15 and 16 facing west to home site 14



Septic field between home sites 3 and 4

PRELIMINARY DRAFT

035-AM-21

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{September 15, 2022}***

Petitioners: **Jeffrey Jenkins, d.ba. Walnut Grove MHC**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the R-5 Manufactured Home Park Zoning District in order to operate the proposed Special Use with waivers in related Zoning Case 036-S-21.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2022**, the Zoning Board of Appeals of Champaign County finds that:

(Note: * indicates items of evidence that are identical to evidence in Cases 036-S-21 and 041-V-22)

- *1. Jeffrey Jenkins, 13426 Maverick, Marion, IL is the sole owner of Walnut Grove MHC.
- *2. The subject property is a 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities with zoning have protest rights in Map Amendment cases.
 - *B. The subject property is located within Somer Township, which does not have a Planning Commission.
- 4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Special use conforming.”**
- 5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“Use of land amicably.”**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The 9.68-acre subject property is in the AG-1 Agriculture zoning district and is in use as a non-conforming Manufactured Home Park.
 - *B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *C. There is one residence west of the manufactured home park.
- *7. Regarding the site plan and proposed operations of the subject property:
 - *A. The topographic survey created by Farnsworth Group, received August 9, 2022, indicates the following existing conditions and proposed improvements:
 - * (1) Existing buildings and structures include:
 - *a. 16 manufactured homes; and
 - *b. A septic system between home sites 3 and 4.
 - * (2) Proposed improvements include:
 - *a. Four additional sites on the east side of the subject property.

PRELIMINARY DRAFT**Case 035-AM-21****Page 3 of 22**

- *B. The following are previous Zoning Use Permits on the subject property:
- * (1) The following information was provided by the Illinois Department of Public Health:
 - *a. 12 home sites were constructed under an Illinois Department of Public Health permit issued February 3, 1972.
 - *b. Four homes were added to the site without permits (home sites 13 through 16).

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1 Agriculture Residence DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - * (2) The R-5, MANUFACTURED HOME Park DISTRICT is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.
 - B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 13 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the R-5 District:
 - a. There are 2 uses authorized by right in the AG-1 District that are also authorized by right in the R-5 District:
 - (a) Subdivisions totaling three lots or less; and
 - (b) Agriculture, including customary accessory uses.
 - b. The following 5 uses are authorized by right in the R-5 District and not at all in the AG-1 District:
 - (a) MANUFACTURED HOME in MANUFACTURED HOME PARK;
 - (b) Institution of an Educational, Philanthropic or Eleemosynary Nature; and
 - (c) Country club or golf course;
 - (d) Country Club Clubhouse; and
 - (e) Lodge or private club.
 - c. The following 6 uses are authorized by right in the R-5 District but require a Special Use Permit in the AG-1 District:
 - (a) SUBDIVISIONS totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (b) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
 - (c) Church, Temple or church related TEMPORARY USES on church PROPERTY;
 - (d) Municipal or GOVERNMENT building;

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- (e) Police station or fire station; and
 - (f) Library, museum, or gallery.
- (2) There are 46 types of uses authorized by Special Use Permit (SUP) in the AG-1 District, and 9 types of uses authorized by SUP in the R-5 District:
- a. The following 6 uses may be authorized by SUP in both the AG-1 District and the R-5 District:
 - (a) Residential Planned Unit Development;
 - (b) Artificial lake of 1 or more acres;
 - (c) Township Highway Maintenance Garage;
 - (d) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (e) Electrical substation; and
 - (f) Telephone exchange.
 - b. The following 36 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the R-5 District:
 - (a) HOTEL – No more than 15 LODGING UNITS;
 - (b) Major RURAL SPECIALTY BUSINESS;
 - (c) Mineral Extraction, Quarrying, topsoil removal and allied activities;
 - (d) Penal or correctional institution;
 - (e) Public park or recreational facility;
 - (f) Sewage disposal plant or lagoon;
 - (g) Private or commercial transmission and receiving towers (including antennas) over 100' in HEIGHT;
 - (h) Radio or Television Station;
 - (i) RESIDENTIAL AIRPORTS;
 - (j) RESTRICTED LANDING AREAS;
 - (k) HELIPORT-RESTRICTED LANDING AREAS;
 - (l) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - (m) Livestock Sales Facility and Stockyards;
 - (n) Slaughter Houses
 - (o) Grain Storage Elevator and Bins;
 - (p) ADULT USE CANNABIS CULTIVATION CENTER;
 - (q) ADULT USE CANNABIS CRAFT GROWER;
 - (r) Agronomic Research and Training Facility;
 - (s) Riding Stable;
 - (t) Commercial Fishing Lake;
 - (u) Cemetery or Crematory;
 - (v) Pet Cemetery;
 - (w) KENNEL;
 - (x) VETERINARY HOSPITAL;
 - (y) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
 - (z) Contractor's Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS);

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- (aa) Contractor's Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
 - (bb) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (cc) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (dd) SMALL SCALE METAL FABRICATING SHOP;
 - (ee) Gas Turbine Peaker;
 - (ff) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
 - (gg) WIND FARM;
 - (hh) PV SOLAR FARM;
 - (ii) Sawmills and Planing Mills, and related activities; and
 - (jj) Pre-Existing Industrial Uses (Existing prior to October 10, 1973).
- c. The following 3 uses may be authorized by SUP in the R-5 District and not at all in the AG-1 District:
- (a) MANUFACTURED HOME PARK;
 - (b) HOSPITAL; and
 - (c) Private Kindergarten or Day Care Facility.
- (3) Any proposed Special Use Permit can be evaluated on a case-by-case basis for compatibility with adjacent AG-1 uses.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states,

“Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

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REGARDING RELEVANT LRMP GOALS & POLICIES

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

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

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

11. LRMP Goal 2 is entitled "Governmental Coordination" and states:

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

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

12. LRMP Goal 3 is entitled "Prosperity" and states:
Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

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

- A. The three objectives are:
- (1) Objective 3.1 is entitled "Business Climate" and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
 - (2) Objective 3.2 is entitled "Efficient County Administration" and states: "Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals."
 - (3) Objective 3.3 is entitled "County Economic Development Policy" and states: "Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP."
- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the petitioner to improve the MANUFACTURED HOME PARK on the subject property with proper zoning and to continue to serve residents of Champaign County and therefore the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies are considered not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** the Goal 4 for the following reasons:

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

The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.1 because:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
- b. Approximately four of the 9.68 acres has been a manufactured home park since 1972, and the rest remained in agricultural production.
- c. With the proposed expansion of the manufactured home park to 20 sites, approximately 0.8 additional acres will be removed from production, leaving 4.88 acres in production.
- (2) Policy 4.1.6 states, “**Provided that the use, design, site and location are consistent with County policies regarding:**
- i. suitability of the site for the proposed use;**
 - ii. adequacy of infrastructure and public services for the proposed use;**
 - iii. minimizing conflict with agriculture;**
 - iv. minimizing the conversion of farmland; and**
 - v. minimizing the disturbance of natural areas, then,**
- a) **on best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
- b) **on best prime farmland, the County may authorize non-residential discretionary development; or**

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- c) **the County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 because:

- a. Existing residential plus proposed discretionary residential development will total less than 12 acres.
 - b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
 - c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
 - d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4.
 - e. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.
- (3) Policy 4.1.8 states, **“The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 because:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
- b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 158 out of 200 points.
- c. The total LESA Score of 258 for the subject property receives the lowest protection rating in LESA, which is “very high rating for protection.”
- d. Approximately four of the 9.68 acres has been a manufactured home park since 1972, and the rest remained in agricultural production.
- e. With the proposed expansion of the manufactured home park to 20 sites, approximately 0.8 additional acres will be removed from production, leaving 4.88 acres in production.

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

The proposed rezoning will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - b. MANUFACTURED HOME PARKS are appropriate uses in both urban and rural areas.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a. **is a type that does not negatively affect agricultural activities; or**
 - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

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

- a. The manufactured home park and the proposed expansion are sited on land that is not in row crop production and will not interfere with agricultural activities, nor is it likely to be negatively affected by agricultural activities.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

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

- a. The Petitioner understands that this is a rural area where agricultural activities take place and does not seek to inhibit agricultural activities.
- b. A copy of Champaign County Right to Farm Resolution No. 3425 is attached to this map amendment to document the current and future owners’ recognition of the Right to Farm.

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

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.4 for the following reason:

- a. The manufactured home park will not create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.

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

The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The land is best prime farmland and consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
- b. The manufactured home park area has not been in row crop production for decades. The proposed expansion area on the east side was in crop production as of the County’s 2020 aerial photo.
- c. Approximately 4 of the 9.68 acres remains in crop production currently.
- d. The proposed development of four additional home sites would not require any special construction methods or engineering and is therefore well-suited overall.

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

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

- a. The subject property is located approximately 1.9 road miles from the Thomasboro Fire Protection District Station. The District was notified of the case and no comments were received.

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

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The proposed rezoning will **HELP ACHIEVE** Policy 4.3.4 for the following reason:

a. No improvements to public infrastructure are required for the proposed development.

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

(1) The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

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

14. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5.

15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

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

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

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

The proposed rezoning will **HELP ACHIEVE** Objective 6.1 because of the following:

(1) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

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

*a. A private treatment system consisting of three septic tanks collects sewage from the MANUFACTURED HOME PARK.

*b. The petitioner is responsible for working with the Champaign County Health Department and the Illinois Department of Public Health regarding a compliant septic system. A special condition has been added to ensure compliance.

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16. LRMP Goal 7 is entitled “Transportation” and states as follows:

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **HELP ACHIEVE** Goal 7 for the following reasons:

A. Objective 7.1 states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning will **HELP ACHIEVE** Objective 7.1 because of the following:

(1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed rezoning will **HELP ACHIEVE** Policy 7.1.1 because:

- *a. The subject property is just east of US 45 North, approximately one mile south of the Village of Thomasboro.
 - *(a) CR 2300N in the vicinity of the subject property is a two-lane oil-and chip road that is approximately 22 feet wide.
- *b. The traffic generated by the proposed use will not significantly increase with the addition of four home sites.
 - *(a) Generally the Zoning Department assumes ten vehicle trips per day for a residence. The proposed four new home sites would thus increase traffic by about 40 trips per day.
- *c. Regarding the general traffic conditions at this location and the level of existing traffic and the likely increase from the proposed Special Use in related case 036-S-21:
 - *(a) 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). CR 2300N east of US 45 North did not have a count available, suggesting it is a road with minimal traffic volume.
 - *(b) Staff believes that CR 2300N operates within its design capacity, and that the proposed increase would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.

B. The proposed amendment will **NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

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

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

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Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

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

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

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

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

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

The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 10.

GENERALLY REGARDING THE LASALLE FACTORS

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

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

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Manufactured Home Park, Agriculture	AG-1 Agriculture (proposed rezoning to R-5)
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture, Residential	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

- B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) This area is primarily agricultural and residential in use; the subject property has been in use as a Manufactured Home Park since the 1970s.

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- (3) Regarding the value of nearby residential properties:
- a. It is unknown if the existing manufactured home park and proposed expansion would impact nearby property values.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff will promote the health, safety, morals, and general welfare of the public.** Regarding this factor:
- (1) There has been no evidence submitted regarding property values.
 - (2) Should the rezoning not be approved, the petitioner could still have 12 existing home sites, would have to remove 4 illegally placed homes, and could keep the remainder of the land in agricultural production.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The proposed rezoning will provide additional lower cost housing opportunities for the area.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** The subject property is suitable for the zoned purposes. The subject property has been a manufactured home park since 1972. It is not suitable in its current AG-1 zoning district and would be suitable in the proposed R-5 zoning district.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property continues to be in use as a Manufactured Home Park.
 - (2) The subject property and its surroundings have maintained the same uses for years.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) If the petitioners did not perceive a demand in the local market for this type of housing, they would not seek to expand the existing manufactured home park.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan, if approved with the required waivers in Special Use Permit Case 036-S-21, appears to be in compliance with those requirements.

- *B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- * (1) Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
- * (2) In regards to the value of the subject property, it is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
- *a. The subject property has been a manufactured home park since 1972; if the rezoning is denied, the original 12 home sites can continue to be used but sites 13 through 20 will not be permitted.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
- (1) Probable traffic impacts are reviewed under Policy 7.1.1.
- (2) Staff believes that area roads would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.

- *D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The subject property is not in a Special Flood Hazard Area and is exempt from the *Storm Water Management and Erosion Control Ordinance*.

- *E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

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- F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits, contingent upon approval of the waivers in related Case 036-S-21.

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

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

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

The Petitioners seek to bring the existing manufactured home park into compliance by applying for the rezoning and a Special Use Permit. They also seek waivers in order to bring the property into full compliance.

- *I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The proposed Special Use in related Case 036-S-21 does not meet the definition of “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - (2) The subject property has been a manufactured home park since the 1970s.

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

The subject property does not contain any natural features.

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

- (1) The proposed Special Use in related Case 036-S-21 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The proposed development will not require investment in additional public utilities.

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

- (1) The proposed use will remove approximately 0.8 acre from agricultural production.
- (2) The proposed use will maintain the character of the existing area.

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

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Proposed Special Conditions of Approval:

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- B. **The Map Amendment is contingent upon approval of Case 036-S-21.**

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

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

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Applications for Map Amendment and Special Use Permit received December 20, 2021, with attachments:
 - A Illinois Department of Public Health License for 20 sites
 - B Boundary Survey by Round Table Design
 - C Illinois Department of Public Health license for Walnut Grove MHC
2. Topographic Survey by Farnsworth Group received August 9, 2022
3. Email from Andrew Frierdich, IDPH, received December 29, 2021, with attachment:
 - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
4. Email from Andrew Frierdich, IDPH, received December 30, 2021
5. Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
6. Fax from Cary Ware, Illinois Dept. of Public Health, received January 30, 2014, with attachments:
 - A Construction permit dated February 3, 1972 for 12 home sites
7. Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
8. Preliminary Memorandum dated September 7, 2022, with attachments:
 - A Legal advertisement
 - B Case Maps (Location, Land Use, Zoning)
 - C Topographic Survey by Farnsworth Group received August 9, 2022
 - D Boundary Survey by Round Table Design received December 20, 2021
 - E Annotated 2020 aerial photo of Walnut Grove MHC
 - F Annotated 2020 aerial photo: alternative option for sites 17-20 created by P&Z Staff on September 6, 2022
 - G Illinois Department of Public Health license for Walnut Grove MHC received December 20, 2021
 - H Email string from Andrew Frierdich, IDPH, received December 29 & 30, 2021, with attachment:
 - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
 - I Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
 - J Construction permit dated February 3, 1972 for 12 home sites
 - K Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
 - L Zoning Ordinance Section 6.2: Manufactured Home Parks (*available on ZBA meetings website*)
 - M LRMP Land Use Goals, Objectives, and Policies (*available on ZBA meetings website*)
 - N LRMP Appendix of Defined Terms (*available on ZBA meetings website*)
 - O Site photos taken August 10, 2022
 - P Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21
 - Q Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated September 15, 2022

PRELIMINARY DRAFT**Case 035-AM-21**
Page 19 of 22**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2022**, and the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 3 Prosperity:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
 - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
 - B. Regarding Goal 4 Agriculture:
 - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
 - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
 - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
 - (2) It will **NOT IMPEDE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
 - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
 - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(2)).
 - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(3)).

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- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
- a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
 - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
- (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C Regarding Goal 6 Public Health and Public Safety:
- (1) It will **HELP ACHIEVE** Objective 6.1 requiring that development in unincorporated areas of the County will not endanger public health or safety because of the following:
- a. Policy 6.1.2 requiring sufficient and safe wastewater disposal (see Item 15.A.(1)).
- D. Regarding Goal 7 Transportation:
- (1) The proposed amendment will **HELP ACHIEVE** Goal 7 Transportation because it will **HELP ACHIEVE** the following:
- a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation. (see Item 16.A.(1)).
- E. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 5 Urban Land Use
 - Goal 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
- F. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS CONSISTENT** with the *LaSalle* and *Sinclair* factors because of the following:
- A. It is impossible to establish property values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

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- B. There has been no evidence submitted regarding property values. This area is primarily agricultural and residential in use, and the subject property has been a manufactured home park since 1972.
 - C. The gain to the public of the proposed rezoning would be allow the petitioner to provide lower cost housing for the community.
 - D. The subject property is occupied and in use as a manufactured home park.
 - E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the special use as proposed by the Petitioner, which requires rezoning to R-5, **WILL** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
 - B. Establishing the R-5 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the R-5 District (Purpose 2.0 (i) see Item 21.G.).
 - C. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special conditions:
- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The special condition stated above is required to ensure the following:
Conformance with Policy 4.2.3 of the Land Resource Management Plan.
 - B. **The Map Amendment is contingent upon approval of Case 036-S-21.**

The special condition stated above is required to ensure the following:
That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.

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FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 035-AM-21** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

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

- B. **The Map Amendment is contingent upon approval of Case 036-S-21.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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036-S-21 & 041-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: ***{September 15, 2022}***

Petitioners: **Jeffrey Jenkins, d.b.a. Walnut Grove MHC**

Request: **CASE 036-S-21**

Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21 and including the following waivers of standard conditions (other waivers may be necessary):

Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 24 home sites in an existing manufactured home park.

Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.

Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.

Part D: Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area, per Section 6.2.2 D.

Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.

Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.

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Part G: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.

Part H: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c. for existing home site 3.

Part I: Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.

Part J: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for all existing and proposed home sites.

Part K: Authorize a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.

Part L: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing private accessways.

Part M: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width.

Part N: Authorize a waiver from Section 6.2.3 A., for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch.

Part O: Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.

CASE 041-V-22

Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

PRELIMINARY DRAFT

Cases 036-S-21 & 041-V-22

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 15, 2022**, the Zoning Board of Appeals of Champaign County finds that:

(Note: * indicates items of evidence that are identical to evidence in Case 035-AM-21)

- *1. Jeffrey Jenkins, 13426 Maverick, Marion, IL is the sole owner of Walnut Grove MHC.
- *2. The subject property is a 9.68-acre tract in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township and commonly known as Walnut Grove MHC with an address of 1513 CR 2300N, Urbana.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities with zoning have protest rights in Map Amendment cases.
 - *B. The subject property is located within Somer Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The 9.68-acre subject property is in the AG-1 Agriculture zoning district and is in use as a non-conforming Manufactured Home Park.
 - *B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - *C. There is one residence west of the manufactured home park.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the site plan and operations of the proposed Special Use:
 - *A. The topographic survey created by Farnsworth Group, received August 9, 2022, indicates the following existing conditions and proposed improvements:
 - * (1) Existing buildings and structures include:
 - *a. 16 manufactured homes (12 legal, 4 illegal); and
 - *b. A septic system between home sites 3 and 4.
 - * (2) Proposed improvements include:
 - *a. Four additional sites on the east side of the subject property.
 - *B. The following are previous Zoning Use Permits on the subject property:
 - * (1) The following information was provided by the Illinois Department of Public Health:
 - *a. 12 home sites were constructed under an Illinois Department of Public Health permit issued February 3, 1972.

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*b. Four homes were added to the site without permits (home sites 13 through 16).

C. Regarding operations:

- (1) On December 20, 2021, P&Z Staff received a copy of an Illinois Department of Public Health license for 20 spaces for Walnut Grove MHC. This was only a license and not a construction permit.
- (2) In a cease-and-desist letter received December 29, 2021, the Illinois Department of Public Health stated that the petitioner does not have a construction permit from them to construct the 8 additional home sites (sites 13 through 20). The petitioner was required to submit an application and site plan to IDPH in order to get the appropriate permits.
- (3) In an email received December 30, 2021, IDPH manager Andrew Friedrich clarified that the license issued on December 20, 2021 should have read 12 sites, not 20 sites, and that construction on sites 13 through 20 must stop until the petitioner has a proper IDPH construction permit.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Manufactured Home Park in the R-5 Manufactured Home Park Zoning DISTRICT in the *Zoning Ordinance*:

A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) "AREA, LOT" is the total area within the LOT LINES.
- (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) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (4) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.

- (5) “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.
- (6) “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.
- (7) “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.
- (8) “LOT LINES” are the lines bounding a LOT.
- (9) “MANUFACTURED HOME” is a factory assembled DWELLING UNIT designed and constructed to be transported in one or more parts by truck or by towing on wheels temporarily or permanently attached to its frame. This definition shall include mobile homes and modular homes or housing units and shall exclude MOTOR VEHICLES and TRAVEL TRAILERS.
- (10) “MANUFACTURED HOME PARK” is a designated contiguous parcel of land planned and improved for the placement of five or more MANUFACTURED HOMES.
- (11) “MANUFACTURED HOME PARK SERVICE BUILDING” is a permanent STRUCTURE housing laundry, recreation, office, sanitation or other community facilities as required in MANUFACTURED HOME PARKS for use by MANUFACTURED HOME PARK occupants.
- (12) “MANUFACTURED HOME SITE” is a designated parcel of land in a MANUFACTURED HOME PARK intended for the placement of an individual MANUFACTURED HOME, for the exclusive use of its occupants.
- (13) “MANUFACTURED HOME STAND” is that part of an individual MANUFACTURED HOME SITE which has been constructed for the placement of a MANUFACTURED HOME.
- (14) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.

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- (15) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (16) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (17) “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.
- (18) SIDEWALK: That paved portion of the RIGHT-OF-WAY designed and intended for the movement of and use of pedestrian traffic.
- (19) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (20) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (21) “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.
- (22) “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.
- (23) “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.
- (24) 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.

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- (25) “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.
- (26) “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.
- (27) “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.
- (28) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- C. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- D. Current Zoning Ordinance regulations for Section 6.2: Manufactured Home Parks are provided as an attachment to this Summary of Evidence.

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- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

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- a. Special conditions and circumstances 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.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- 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. Regarding the proposed variance: the requirement for a maximum of 3 acres on Best Prime Farmland is established in Section 5.3, Footnote 13.

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 Petitioners testified on the application, **“To function our community properly and legally with the Champaign County jurisdiction.”**
 - B. The manufactured home park has been at this site since the 1970s.

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 Petitioners have testified on the application, **“I have been a landlord for over 45 years. I have an impeccable record of maintenance and management. My intent is true and I promise I will make Champaign County proud.”**
 - B. Regarding surface drainage:
 - (1) The subject property generally drains south toward the Saline Branch Drainage Ditch.
 - C. Regarding traffic in the subject property area:
 - * (1) The subject property is just east of US 45 North, approximately one mile south of the Village of Thomasboro.

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- * (2) CR 2300N in the vicinity of the subject property is a two-lane oil-and chip road that is approximately 22 feet wide.
- * (3) The traffic generated by the proposed use will not significantly increase with the addition of four home sites.
 - * a. Generally the Zoning Department assumes ten vehicle trips per day for a residence. The proposed four new home sites would thus increase traffic by about 40 trips per day.
 - * b. Regarding the general traffic conditions at this location and the level of existing traffic and the likely increase from the proposed Special Use in related case 036-S-21:
 - * (a) 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). CR 2300N east of US 45 North did not have a count available, suggesting it is a road with minimal traffic volume.
 - * (b) Staff believes that CR 2300N operates within its design capacity, and that the proposed increase would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.
- D. Regarding fire protection on the subject property, the subject property is located approximately 1.9 road miles from the Thomasboro Fire Protection District Station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.
- E. Regarding special flood hazard areas, no part of the subject property is within a flood hazard area.
- F. The soil on the subject property is considered best prime farmland. Soil consists of 152A Drummer silty clay loam, and 149A Brenton silt loam, and has an average LE Score of 100.
 - a. Approximately four of the 9.68 acres has been a manufactured home park since 1972, and the rest remained in agricultural production.
 - b. With the proposed expansion of the manufactured home park to 20 sites, approximately 0.8 additional acres will be removed from production, leaving 4.88 acres in production.
- G. Regarding outdoor lighting on the subject property:
 - (1) No outdoor lighting was proposed on the Site Plan received August 9, 2022. A special condition has been added to ensure that any future outdoor lighting complies with Section 6.1.2 of the *Zoning Ordinance*.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) Please refer to the petitioner's email dated January 24, 2022 for an explanation of the system's operation and capacity.

- (2) A special condition has been added that there is a sufficient septic system on site for up to 20 sites per the Champaign County Health Department.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: **“The sewer and water system was built beyond typical codes. The sewage treatment plant is way oversized and water system is built with schedule 80 6” pipe all virtually forever. The homes then are simply installed and anchored above.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Expansion of Manufactured Home Parks is allowed in the R-5 Manufactured Home Park Zoning District with a Special Use Permit.
 - (2) Section 6.2.1 states that it shall be unlawful to construct, alter, or expand any manufactured home park unless a valid permit is issued by the Zoning Administrator for the specific construction, alteration, or expansion proposed. It also states that all applications for permits should include the following:
 - (a) **Name and address of the applicant.**
 - (b) **Location and legal description of the proposed manufactured home park.**
 - (c) **Plans and specifications of the proposed manufactured home park development including but not limited to the following:**
 - i. **A map indicating the area and dimensions of the tract of land;**
 - ii. **The number, location, and size of all manufactured home sites;**
 - iii. **The location of all water, storm sewer, and sanitary sewer lines, water supply, and refuse and sewage disposal facilities;**
 - iv. **All buildings existing or to be constructed within the manufactured home park; and**
 - v. **The location of internal lighting and electrical systems.**
- a. Waiver Part B for Section 6.2.1.C.2. is necessary because the size of all manufactured home sites was not provided on the Site Plan received August 9, 2022.

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- (3) Paragraph 6.2.2.A. provides General Provisions for locating MANUFACTURED HOME PARKS on suitable sites, as follows:
- a. No MANUFACTURED HOME PARK shall be located in an area where the conditions of soil, groundwater level, drainage or topography may cause hazard to the property, health, or safety of the occupants.
 - (a) A waiver from Section 6.2.2.A.1. is not required because there are no known hazards to the occupants.
 - b. No MANUFACTURED HOME PARK shall be located such that it is exposed to objectionable smoke, dust, noise, odors, vibrations or other adverse influences.
 - (a) A waiver from 6.2.2.A.2. is not required because there is no evidence that any smoke, dust, noise, odors, vibrations, or other adverse influences exist at objectionable levels on the subject property.
 - c. ACCESS to a MANUFACTURED HOME PARK shall be provided in such a manner to facilitate ACCESS by emergency vehicles, and should be designed to provide efficient and safe traffic circulation in the vicinity.
 - (a) A waiver from Section 6.2.2.A.3. does not appear to be necessary because there is sufficient width for emergency vehicles to access the site.
 - d. No part of any MANUFACTURED HOME PARK shall be used for non-residential purposes except ACCESSORY USES that are required to directly serve MANUFACTURED HOME PARK residents and for management and maintenance of the MANUFACTURED HOME PARK.
 - (a) A waiver from Section 6.2.2.A.4. is not required because there are no known non-residential uses on the subject property.
- (4) Paragraph 6.2.2.B. regulates the Size and Density of MANUFACTURED HOME PARKS, as follows:
- a. No MANUFACTURED HOME PARK shall contain an area of less than five acres, nor less than 40 MANUFACTURED HOME SITES provided.
 - b. MANUFACTURED HOME PARKS which predate the adoption of zoning may continue to operate.
 - c. Any alterations or expansions of existing MANUFACTURED HOME PARKS must conform to the *Zoning Ordinance*; after the alteration or expansion the MANUFACTURED HOME PARK must be at least three acres in area or provide at least 24 MANUFACTURED HOME SITES; and must not include more than eight MANUFACTURED HOME SITES per gross acre.
 - (a) Waiver Part A is necessary because there are 20 home sites rather than the minimum required 24 sites.

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- (5) Paragraph 6.2.2.C. provides Required Setbacks and Screening for MANUFACTURED HOME PARK exterior boundaries, as follows:
- a. Setback from Township Road or MINOR STREETS - 25 feet: the subject property complies with this required setback.
 - b. The Manufactured Home Park must have minimum SIDE and REAR YARDS of 15 feet: the manufactured home park complies with the required yards.
 - c. All MANUFACTURED HOME PARKS shall be provided with visual screening such as fences or SCREEN PLANTING along all boundary lines abutting existing residential, commercial, or industrial development. Such fences or SCREEN PLANTING shall be of sufficient height and density to adequately filter from view the MANUFACTURED HOMES, ACCESSORY STRUCTURES, and other USES in the MANUFACTURED HOME PARK.
 - (a) A waiver from Section 6.2.2.C.3. is necessary because there is no screening for the residence to the west.
- (6) Paragraph 6.2.2.D. provides for required recreation space of not less than eight percent of the gross site area of the MANUFACTURED HOME PARK. Such facilities shall be centrally located on the site and readily accessible to all MANUFACTURED HOME occupants. Recreation areas may include park space, play lots, swimming pools, and community buildings (exclusive of laundry and administrative offices). Recreation areas may be de-centralized provided that no single parcel of outdoor recreation space contains less than 6,000 square feet nor has a minimum average width of less than thirty feet.
- a. Waiver Part D (Section 6.2.2.D.) is necessary because there is no identified recreation area in the manufactured home park, although there is a significant amount of land that could be used for recreation space.
- (7) Paragraph 6.2.2.E. provides MANUFACTURED HOME SITE REQUIREMENTS, as follows:
- a. The limits of each MANUFACTURED HOME SITE shall be designated in accordance with the approved plan required by Section 6.2.1.C of the *Zoning Ordinance*.
 - (a) Waiver Part E from Section 6.2.2.E.1. is necessary because the limits of each manufactured home sites were not designated on the Site Plan received August 9, 2022.
 - b. Every MANUFACTURED HOME shall maintain a 15-foot minimum yard from the boundary abutting a PRIVATE ACCESSWAY or road.
 - (a) Waiver Part F (Section 6.2.2.E.2.a). is necessary because proposed sites 15 through 20 have 11 feet of space between the front of the manufactured home and the private accessway.
 - c. Every MANUFACTURED HOME shall maintain a 20 foot minimum yard from the boundary facing the entrance of the MANUFACTURED HOME.

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- (a) Waiver Part G (Section 6.2.2.E.2.b.) is necessary for existing home site 2 due to the following:
 - i. P&Z Staff calculated that home site 2 provides 15 feet of yard between the entrance side of the manufactured home and the home site boundary.
 - ii. Home sites 1 through 12 are non-conforming; they existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
- d. Every MANUFACTURED HOME shall maintain a 10-foot minimum yard from any boundary not specified above.
 - (a) Waiver Part H (Section 6.2.2.E.2.c.) is necessary for existing home site 3 because of the following:
 - i. P&Z Staff calculated that home site 3 provides a 9 foot side yard.
 - ii. Home sites 1 through 12 are non-conforming; they existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
- e. No MANUFACTURED HOME SITE shall consist of an area less than 3,200 square feet.
 - (a) All home sites exceed this criterion.
- f. A MANUFACTURED HOME STAND or pad shall be provided on each MANUFACTURED HOME SITE of sufficient size to accommodate the MANUFACTURED HOME to be located thereon. MANUFACTURED HOME STANDS shall be concrete slabs, or runways, constructed so as not to shift or settle unevenly under the weight of a MANUFACTURED HOME or other forces due to frost, vibration, wind or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of 4,800 pounds each. Four ground anchor connections shall be provided for each MANUFACTURED HOME of less than 51 feet in length and six ground anchor connections shall be provided for MANUFACTURED HOMES exceeding 50 feet in length.
 - (a) Waiver Part I is necessary for all home sites because they do not have a concrete slab or runway under the homes.
 - (b) It is unknown if the anchoring systems are compliant.
- g. Each MANUFACTURED HOME SITE shall be provided with an outdoor living space to supplement the interior living space of the MANUFACTURED HOME. This outdoor living space must be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a single useable surface. The area of the outdoor living space shall be a minimum of 160 square feet with a minimum dimension of eight feet.

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- (a) Waiver Part J (Section 6.2.2.E.5.) is necessary because none of the existing home sites have an outdoor paved living space of at least 160 square feet.
 - (b) Home sites 1 through 12 are non-conforming; they existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
- h. The space between the MANUFACTURED HOME STAND and the floor of the MANUFACTURE HOME shall be enclosed with non-combustible skirting. The area thereby enclosed may be used for storage of ordinary household objects and material.

No waiver of Section 6.2.2.E.6. is necessary because all existing homes are in compliance and proposed homes will be enclosed with non-combustible skirting.

- i. A minimum of two improved off-street PARKING SPACES shall be provided for each MANUFACTURED HOME SITE. One of these PARKING SPACES may be provided off the MANUFACTURED HOME SITE provided such PARKING SPACE is not located more than 200 feet from the MANUFACTURED HOME SITE served.
 - (a) No waiver is necessary because each home has a gravel area with enough room for two parking spaces.
- (8) Paragraph 6.2.2.F provides STREET Requirements, as follows:
- a. All MANUFACTURED HOME PARKS shall be provided with adequate, safe, and convenient vehicular ACCESS from abutting public STREETS.
 - b. Public STREET dedications within or abutting MANUFACTURED HOME PARKS shall be made in accordance with the subdivision regulations. No MANUFACTURED HOME SITE shall have direct ACCESS onto a dedicated public STREET.

A waiver of Section 6.2.2.F.2. is not necessary because there are no home sites with direct access onto a public street.

- c. Entrance drives into MANUFACTURED HOME PARKS shall have direct ACCESS to a public STREET and shall be designed to have free traffic flow onto such public STREETS, and no parking or MANUFACTURED HOME SITE ACCESS driveway shall be permitted off an entrance drive for a distance of 50 feet from a public RIGHT-OF-WAY.

A waiver of Section 6.2.2.F.3. is not necessary because there are no existing or proposed home site driveways within 50 feet of a public right-of-way.

- d. The internal PRIVATE ACCESSWAY system serving MANUFACTURED HOME SITES shall provide convenient circulation by means of minor

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PRIVATE ACCESSWAYS and properly located COLLECTOR PRIVATE ACCESSWAYS. Cul-de-sac PRIVATE ACCESSWAYS shall be limited to a length of 300 feet.

A waiver of Section 6.2.2.F.4. is not necessary because the cul-de-sac is less than 300 feet long.

- e. Minimum pavement widths for PRIVATE ACCESSWAYS shall be as follows (all areas exclusive of parking areas):
 - i. 30 feet for COLLECTOR STREETS;
 - ii. 24 feet for MINOR STREETS;
 - iii. 24 feet for Cul-de-sac STREETS; and
 - iv. 80 feet for Cul-de-sac Turnarounds
 - (a) Waiver Part K is necessary because the existing gravel drive is only 19 feet wide in lieu of the minimum required 24 feet wide, and the secondary entrance is 20 feet wide in lieu of 24 feet wide.
 - (b) The primary road in the Manufactured Home Park is non-conforming; it existed prior to the adoption of the Zoning Ordinance on October 10, 1973.

- f. With respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, the provisions of the subdivision ordinance shall apply to PRIVATE ACCESSWAYS.
 - (a) Waiver Part L is necessary because the secondary entrance is a gravel lane.
 - (b) The primary road in the Manufactured Home Park is non-conforming; it existed prior to the adoption of the Subdivision Ordinance on May 17, 1977.

- g. PARKING SPACES perpendicular to PRIVATE ACCESSWAYS shall not be located within the required pavement width. Parallel parking on one side of a MINOR STREET is permitted provided the required 24 feet of pavement remains unobstructed for travel.

A waiver of Section 6.2.2.F.7. is not necessary because there is a special condition proposed to prohibit parallel parking and require signage to that effect throughout the park.

- (9) Paragraph 6.2.2.G. provides requirements for STREET Lighting, as follows:
 - a. STREET lights shall be designed to produce a minimum of 0.1 footcandle throughout the STREET system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of STREETS abutting service buildings and recreation areas shall be illuminated with a minimum of 0.3 footcandle.

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- (a) No waiver of 6.2.2.G.1. is necessary because there is one streetlight in the center of the cul-de-sac.
 - b. All gas or electric service to the STREET lighting system shall be located underground.
 - (a) No waiver is necessary because electrical service to street lighting is underground.
- (10) Paragraph 6.2.2.H. provides requirements for Pedestrian Walkways, as follows:
- a. Individual walks to each MANUFACTURED HOME STAND from paved STREETS or parking areas are required and shall be a minimum of two feet in width.

Waiver Part M from Section 6.2.2.H.1. is necessary because onsite review by staff indicates that each MANUFACTURED HOME SITE does not have a walkway that is two feet in width.
 - b. Common walks are required at locations where heavy pedestrian traffic is likely to occur such as at entrances, service facilities and recreation areas. Common walks should be located through interior areas removed from STREETS wherever possible.

No waiver of Section 6.2.2.H.2. is necessary because there are no high-traffic areas in the MANUFACTURED HOME PARK.
 - c. Individual and common walks shall be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a uniform surface. Individual walks shall not be less than two feet in width. Common walks shall not be less than three and one-half feet in width.

Waiver Part M from Section 6.2.2.H.1. is necessary because onsite review by staff indicates that each MANUFACTURED HOME SITE does not have a paved walkway that is two feet in width.
 - d. No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.

Waiver Part M from Section 6.2.2.H.1. is necessary because onsite review by staff indicates that each MANUFACTURED HOME SITE does not have a walkway.
- (11) Paragraph 6.2.3.A. provides minimum requirements for a MHP's Water Supply and Distribution System, as follows:
- a. Where a public supply of water is reasonably available, connection shall be made thereto and its supply used exclusively.

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A waiver from Section 6.2.3.A.1. is not necessary because there is no public water supply available.

- b. Where a public supply of water is not reasonably available, a private water supply system shall be developed to furnish a minimum of 150 gallons per day per MANUFACTURED HOME at a minimum pressure of 20 pounds per square inch.
 - (a) The water supply system is non-conforming; it was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - c. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.
 - (a) A waiver from Section 6.2.3.A.3. does not appear to be necessary because the existing park was permitted and approved by the Illinois Department of Public Health.
 - (b) The proposed expansion will need the same approval; a special condition has been added to ensure compliance.
- (12) Paragraph 6.2.3.B. provides minimum requirements for a MHP's Sewage Systems, as follows:
- a. Where a public system of sewage collection and treatment is reasonably available, all sewage and water carried waste shall be disposed of into such public system.
 - (a) A waiver from Section 6.2.3.B.1. is not necessary because there is no public system of sewage collection available.
 - b. Where public sewage treatment facilities are not reasonably available, a private treatment system shall be designed to collect and treat a minimum of 225 gallons per day per MANUFACTURED HOME SITE.
 - *(a) A private treatment system consisting of three septic tanks collects sewage from the MANUFACTURED HOME PARK.
 - *(b) The petitioner is responsible for working with the Champaign County Health Department and the Illinois Department of Public Health regarding a compliant septic system. A special condition has been added to ensure compliance.
 - c. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.
- A waiver from Section 6.2.3.A.3. does not appear to be necessary because the existing park was permitted and approved by the Illinois Department of Public Health, and the proposed expansion will have to receive the same approval.

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(13) Paragraph 6.2.3.C. provides minimum requirements for a MHP's Solid Waste Disposal, as follows:

- a. All refuse shall be stored in watertight containers located on each MANUFACTURED HOME SITE or within 150 feet thereof.

A waiver from Section 6.2.3.C.1. does not appear to be necessary because there are two centrally located dumpsters in the MANUFACTURED HOME PARK.

- b. Refuse shall be collected regularly and transported to a disposal site in compliance with State Law. Incineration of any refuse or vegetation within a MANUFACTURED HOME PARK is prohibited.

A waiver from Section 6.2.3.C.2. does not appear to be necessary because site visits by staff found dumpsters from a local garbage collection service with no garbage or debris present.

- c. All other applicable minimum requirements of the Illinois State Department of Public Health must be met.

A waiver from Section 6.2.3.A.3. does not appear to be necessary because the existing park was permitted and approved by the Illinois Department of Public Health, and the proposed expansion will need the same approval.

(14) Paragraph 6.2.3.D. provides minimum requirements for a MHP's Electrical Distribution System, as follows:

- a. Electrical installations in MANUFACTURED HOME PARKS shall conform to the National Electric Code, latest edition.

- (a) Waiver Part N is necessary because it is not clear if the electrical distribution system complies with the National Electric Code.

- (b) The existing manufactured home park is non-conforming; it existed prior to the adoption of the Zoning Ordinance on October 10, 1973.

- b. The electrical distribution system in all MANUFACTURED HOME PARKS shall be underground.

A waiver from Section 6.2.3.D.2. does not appear to be necessary because inspection by P&Z Staff found no above ground power lines.

- c. MANUFACTURED HOME SITE feeder circuits shall be rated for a capacity of not less than 100 amperes of 120/240 volts. Additional secondary receptacles of not less than 50 amperes each may be provided at MANUFACTURED HOME SITES.

Waiver Part N is necessary because it is not clear if the electrical distribution system complies this requirement.

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- d. The total load for a MANUFACTURED HOME PARK shall be calculated on the basis of 16,000 watts per MANUFACTURED HOME SITE. The minimum allowable demand factors which may be used in the calculating load on feeders and service are as determined by the table in Subparagraph 6.2.3.D(4) of the *Zoning Ordinance*.

Waiver Part N is necessary because it is not clear if the electrical distribution system complies this requirement.

- (15) Paragraph 6.2.3.E. provides minimum requirements for a MHP's Telephone Services and Television Systems, as follows:
- a. All telephone service to MANUFACTURED HOMES shall be underground.

A waiver from Section 6.2.3.E.1. does not appear to be necessary because inspection by P&Z Staff found no above ground wiring.

- b. Distribution of master television antenna service to MANUFACTURED HOME SITES shall be underground.

A waiver from Section 6.2.3.E.1. does not appear to be necessary because inspection by P&Z Staff found no above ground wiring.

- (16) Paragraph 6.2.3.F. provides minimum requirements for a MHP's Fire Protection, as follows:

- a. MANUFACTURED HOME PARKS shall be kept free of all litter, rubbish or other accumulated flammable materials.

A waiver from Section 6.2.3.F.1. does not appear to be necessary because staff has visited the subject property and did not note any problems with litter, rubbish, or other accumulated flammable materials.

- b. If the MANUFACTURED HOME PARK is served by a public water system, approved fire hydrants shall be located throughout the MANUFACTURED HOME PARK and shall be located not more than 500 feet from any MANUFACTURED HOME. The hydrants shall deliver a minimum of 75 gallons of water per minute at a pressure of 20 pounds per square inch at the highest elevation point of the MANUFACTURED HOME PARK.

A waiver of Section 6.2.3.F.2. does not appear to be necessary because of the following:

- (a) The MANUFACTURED HOME PARK is not served by a public water system.
- c. Fire extinguishers shall be provided in accordance with the Illinois State Department of Public Health requirements.

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- (17) Subsection 6.2.4 states that all manufactured home parks shall provide the following community facilities:
- a. A Management Office
 - b. Management Storage Facilities
 - c. Other facilities as may be required by Section 158, *Et. seq.*, Chapter 111 1/2, *Illinois Revised Statutes*.
- (a) No waiver is necessary because the existing manufactured home park Management Office is located on home site 14.
 - (b) The existing manufactured home park is non-conforming; it existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - (c) There is no regulation in the *Illinois Mobile Home Park Act (210 ILCS 115)* or in the Illinois Department of Public Health Manufactured Home Community Code stating that the park office must be located on-site.
- (18) Other than as indicated in waiver Part F, each site in the proposed expansion will comply with all setback, yard, and other requirements as established in Section 6.2.2.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*: The MANUFACTURED HOME PARK is exempt from the SWMEC Ordinance because less than an acre of land will be disturbed for the proposed expansion.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the *Subdivision Regulations*, the subject property is located in the Champaign County subdivision jurisdiction and the subject property conforms to Champaign County subdivision regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the R-5 Manufactured Home Park Zoning District:
- (1) Manufactured homes in Manufactured Home Parks are acceptable and permitted uses in the R-5 District.
 - (2) The visual character of the subject property will not change.
 - (3) The proposed expansion is unlikely to create any significant traffic impacts, but no Traffic Impact Assessment has been made.
- G. Regarding the *Illinois Mobile Home Park Act (210 ILCS 115)*:
- (1) In many cases, the Champaign County Zoning Ordinance is more stringent than the *Illinois Mobile Home Park Act*, and the more stringent code takes precedence.

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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 is in harmony with the general intent and purpose of the Ordinance:
- A. Subsection 5.1.8 of the *Zoning Ordinance* states the general intent of the R-5 Manufactured Home Park and states as follows (capitalized words are defined in the Ordinance):
- (1) The R-5, MANUFACTURED HOME Park DISTRICT is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.
 - (2) The types of uses authorized in the R-5 District are in fact the types of uses that have been determined to be acceptable in the R-5 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- B. 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, if approved with the required waivers, appears to be in compliance with those requirements.
 - * (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. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
 - * b. In regards to the value of the subject property, it is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
 - * (a) The subject property has been a manufactured home park since 1972; if the rezoning is denied, the original 12 home sites can continue to be used but sites 13 through 20 will not be permitted.
 - * (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. Probable traffic impacts are reviewed under Policy 7.1.1.

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- *b. Staff believes that area roads would still function at an acceptable level, although no formal Traffic Impact Analysis has been done.
- * (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.

The subject property is not in a Special Flood Hazard Area and is exempt from the *Storm Water Management and Erosion Control Ordinance*.

- * (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - *a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - *b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- * (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- * (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.

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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.

The Petitioners seek to bring the existing manufactured home park into compliance by applying for the rezoning and a Special Use Permit. They also seek waivers in order to bring the property into full compliance.

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

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

- * b. The subject property has been a manufactured home park since the 1970s.

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

The subject property does not contain any natural features.

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

- * a. The proposed Special Use in related Case 036-S-21 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- * b. The proposed development will not require investment in additional public utilities.

- * (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.

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*a. The proposed use will remove approximately 0.8 acre from agricultural production.

*b. The proposed use will maintain the character of the existing area.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

A. The Petitioner has testified on the application: **“The community subsurface would cost 2 million today. However the initial 12 homes of the community could not pay for itself. Adding more homes will allow maintaining the property adequately.”**

B. The existing use on the property is a non-conforming use.

RELATED TO THE WAIVERS, 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. Regarding Part A of the proposed waivers, for not having 24 or more home sites:

(1) The petitioner only proposes a total of 20 sites.

B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites:

(1) No site plan showing the size of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.

(2) Staff created approximate site boundaries in order to estimate yards and setbacks.

C. Regarding Part C of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development:

(1) The existing home sites where screening would be required were developed prior to adoption of the *Zoning Ordinance* on October 10, 1973.

D. Regarding Part D of the proposed waivers, for having less than 8% gross site area in recreation space:

(1) The MANUFACTURED HOME PARK was developed prior to adoption of the *Zoning Ordinance* on October 10, 1973.

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- (2) The petitioner has plans for 0.93 acre for recreational space, but it has not yet been established.
- E. Regarding Part E of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site:
- (1) No site plan showing the limits of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.
- (2) Staff created approximate home site limits in order to estimate yards and setbacks.
- F. Regarding Part F of the proposed waivers, for a minimum setback (yard) of at least 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways:
- (1) In order to have sufficient rear yards and room for the adjacent secondary access, the measurement between the front of the home and the secondary access is short by four feet.
- G. Regarding Part G of the proposed waivers, for a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary:
- (1) Homes placed prior to 1973 were only required to have “open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home”, per the *Illinois Mobile Home Park Act* (210 ILCS 115/9.3).
- H. Regarding Part H of the proposed waivers, for a minimum setback (side yard) of 9 feet in lieu of the minimum required 10 feet:
- (1) Homes placed prior to 1973 were only required to have “open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home”, per the *Illinois Mobile Home Park Act* (210 ILCS 115/9.3).
- (2) Regarding side yard requirements, in the December 10, 2015, approved minutes for Case 818-S-15 for the Woods Edge MHP adjacent to Loral Park, Mr. Hall stated, “testimony is that they (Illinois Department of Public Health) have required no more than 5 feet, with 10 feet between buildings from day one. He added that we have had testimony that in our own Zoning Ordinance, in this same area, we would require no more than 5 feet separation if these were private homes in the R-3 District, and those homes would not meet any standard. He stated that these homes (the manufactured homes) are absolutely built to a standard and inspected.”
- a. A special condition was added to Case 818-S-15 that stated, “There shall be a minimum separation distance of 10 feet between residential buildings. The special condition stated above is required to ensure compliance with IDPH standards.”
- b. Per Case 818-S-15 Findings of Fact approved on December 10, 2015, the ZBA approved the waiver for side yards because it is in compliance with IDPH regulations and it is comparable to the standards that apply in the R-3 and R-4 zoning districts.

- I. Regarding Part I of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors:
 - (1) Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - (2) The petitioner was not aware of this requirement.

- J. Regarding Part J of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet:
 - (1) There was no mention of required paved outdoor space in the *Illinois Mobile Home Park Act (210 ILCS 115)*.
 - (2) The petitioner was not aware of this requirement.

- K. Regarding Part K of the proposed waivers, for a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets:
 - (1) The primary road in the Manufactured Home Park was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - (2) There was no mention of required street width in the *Illinois Mobile Home Park Act (210 ILCS 115)*.

- L. Regarding Part L of the proposed waivers, that the provisions of the Subdivision Ordinance shall apply to existing private accessways:
 - (1) Streets in the Manufactured Home Park were constructed prior to adoption of the Subdivision Ordinance on May 17, 1977 with the exception of the east entrance to sites 15 through 20.
 - (2) The petitioner was not aware of this requirement.

- M. Regarding Part M of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width:
 - (1) Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - (2) The petitioner was not aware of this requirement.

- N. Regarding Part N of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch:
 - (1) The MANUFACTURED HOME PARK has a private water system; the waiver is needed because there is insufficient information on the quantity and pressure of the water for the homes.

- O. Regarding Part O of the proposed waivers, for the electrical system to comply with the latest edition of the National Electric Code:

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- (1) The electrical system was developed prior to adoption of the Zoning Ordinance on October 10, 1973.
- (2) The petitioner was not aware of this requirement.

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

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. Without Part A of the proposed waivers, for having 20 home sites in lieu of the minimum required 24 home sites in a manufactured home park: the petitioner would have to invest in additional sites that might not be financially feasible.
 - B. Without Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites: the petitioner would have to invest in a surveyor to add the size of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.
 - C. Without Part C of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development: the petitioner would have to invest in screening on the west side of home sites 1, 2 and 3.
 - D. Without Part D of the proposed waivers, for a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area: the petitioner would have to develop the recreation space immediately when part of the proposed recreation area is in crop production.
 - E. Without Part E of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site: the petitioner would have to invest in a surveyor to add the limits of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.
 - F. Without Part F of the proposed waivers, for a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways: the petitioner would have to move two existing homes, and it would decrease the available rear yard for home sites 15 through 20.
 - G. Without Part G of the proposed waivers, a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary for home site 2: the petitioner would have to move existing home 3 to the south, which is in the septic system area.
 - H. Without Part H of the proposed waivers, a minimum side yard of 9 feet in lieu of 10 feet for home site 3: the petitioner would have to move existing home 3 to the south, which is in the septic system area.

- I. Without Part I of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors: the petitioner would have to move 16 homes to install the runways.
- J. Without Part J of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet: the petitioner would have to invest in pouring concrete for all homes.
- K. Without Part K of the proposed waivers, a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets: the petitioner would have to invest in more gravel for the entire street system, which would reduce required front yards of most homes.
- L. Without Part L of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply: the petitioner would have to invest in the design and pavement for a new street system.
- M. Without Part M of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width: the petitioner would have to invest in paving a sidewalk for each home.
- N. Without Part N of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch: the petitioner would have to invest in a study to determine water quantity and pressure for the homes.
- O. Without Part O of the proposed waivers, for an electrical system that does not comply with the latest edition of the National Electric Code: the petitioner would have to either prove that the electrical system meets the NEC or invest in rewiring the MANUFACTURED HOME PARK.

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

- 14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.
 - B. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.
 - C. Home sites 17 through 20 are not yet developed.
 - D. Regarding waiver Part D, the petitioner has plans for 0.93 acre for recreational space, but it has not yet been established.

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

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding Part A of the proposed waivers, for not having 24 or more home sites: the requested waiver (variance) is 83% of the minimum required, for a waiver of 17%.
 - B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
 - C. Regarding Part C of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
 - D. Regarding Part D of the proposed waivers, for having less than 8% gross site area in recreation space: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
 - E. Regarding Part E of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
 - F. Regarding Part F of the proposed waivers, for a minimum setback (yard) of at least 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways: the requested waiver (variance) is 73% of the minimum required, for a waiver of 27%.
 - G. Regarding Part G of the proposed waivers, for a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary: the requested waiver (variance) is 75% of the minimum required, for a waiver of 25%.
 - H. Regarding Part H of the proposed waivers, for a minimum setback (side yard) of 9 feet in lieu of the minimum required 10 feet: the requested waiver (variance) is 90% of the minimum required, for a waiver of 10%.
 - I. Regarding Part I of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
 - J. Regarding Part J of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.

- K. Regarding Part K of the proposed waivers, for a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets: the requested waiver (variance) is 79% of the minimum required, for a waiver of 21%.
- L. Regarding Part L of the proposed waivers, that the provisions of the Subdivision Ordinance shall apply to existing private accessways: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- M. Regarding Part M of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- N. Regarding Part N of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- O. Regarding Part O of the proposed waivers, for the electrical system to comply with the latest edition of the National Electric Code: the requested waiver (variance) is 0% of the minimum required, for a waiver of 100%.
- P. Regarding minimum site plan requirements, the Zoning Ordinance reflects the requirements of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.
- Q. Regarding minimum setback and yard requirements, the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably, the setback from street centerline and front yard minimum is intended to ensure the following:
- (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - (3) Parking, where applicable.
 - (4) The proposed expansion will not impact setbacks and yards.
- R. Regarding minimum street requirements referencing the *Champaign County Subdivision Ordinance*, the Zoning Ordinance does not clearly state the considerations that underlie pavement and other street specifications. Presumably, the street requirements are intended to ensure the following:
- (1) Conformance to state road specifications.
 - (2) Safe infrastructure for all users.
 - (3) Accessibility for persons with disabilities.

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- (4) Access for emergency vehicles.
 - (5) Adequate stormwater drainage.
 - (6) Logical and adequate connectivity to existing public streets.
- S. Regarding minimum electrical system requirements, the Zoning Ordinance does not clearly state the considerations that underlie the electrical system. Presumably, the requirements are intended to ensure the following:
- (1) Conformance to National Electric Code.
 - (2) Consideration of life safety.

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

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

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

17. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“First of all we are enclosed right now in 8’ high corn. Plus our footprint on the environment is 0. Our sewage treatment is too large...no discharge.”**
 - B. The 4.68-acre lot was an illegally created lot and needs to be at least 5 acres to be legal.
 - C. Should the 9.68-acre subject property receive approval for the rezoning in Case 035-AM-21, the 3-acre maximum does not apply in the R-5 Manufactured Home Park Zoning District.

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

18. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

- A. The Petitioner has testified on the application, **“No difficulties whatsoever!”**
- B. Without the proposed variance, the petitioners would have to complete a Plat of Subdivision approval process to reduce the size of the lots to no more than 3 acres.

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

- 19. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“No. Simply the community must fund itself to improve itself.”**
 - B. The petitioner was unaware of the 3-acre limit on Best Prime Farmland.

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

- 20. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **“Expansion of the community will improve the community, simple as that.”**
 - B. The 9.68-acre lot provides adequate light and air for the residences.
 - C. Regarding the proposed variance for a lot size of 9.68 acres in lieu of the maximum allowed 3 acres on Best Prime Farmland: the requested variance is 323% of the minimum required, for a variance of 223%.
 - D. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773 approved December 20, 2005.
 - E. The requested variance is not prohibited by the *Zoning Ordinance*.

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

- 21. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **“On the contrary, as the community grows and improves, so will the respect and pride.”**
 - B. The Somer Township Road Commissioner has been notified of this variance and no comments have been received.
 - C. The Thomasboro Fire Protection District has been notified of this variance and no comments have been received.

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- D. No comments have been received for the proposed variance.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

22. Generally regarding any other circumstances that justify the Variance:
A. The Petitioner has testified on the application: **“As stated, we are in the middle of nowhere. 0 impact. Just simply hope to become self sufficient.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

23. Regarding proposed special conditions of approval for Special Use Permit Case 036-S-21:
A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- B. **No parking signs shall be posted along all streets in the manufactured home park.**

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

That there is always adequate emergency vehicle access.

- C. **Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**

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

To clarify the permits that are required to ensure conformance with the Zoning Ordinance.

- D. **Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing building and proposed addition is a requirement for approval of the Zoning Use Permit.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

- E. **The manufactured home park shall be compliant at all times with the requirement for licensing from the Illinois Department of Public Health and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21.**

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

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To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.

- F. **Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the *Illinois Department of Public Health Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**

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

That the manufactured home park conforms to State of Illinois requirements.

- G. **The east road in the manufactured home park shall be widened to 24 feet wide and shall connect to the existing interior road between home sites 16 and 17.**

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

To provide efficient and safe traffic circulation.

- H. **Homes on sites 17 through 20 shall meet the following requirements:**

- (1) **Homes shall be no larger than 16 feet by 68 feet.**
- (2) **Homes shall be 15 feet from the eastern interior road.**
- (3) **Homes shall be set on concrete pads.**

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

That new home sites meet the requirements of the Zoning Ordinance.

- I. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.**

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

That all home sites meet the requirements of the Zoning Ordinance.

- J. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area and also along the entire length of the new private accessway to the recreation area.**

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

That the required recreation area meets the requirements of the Zoning Ordinance.

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DOCUMENTS OF RECORD

1. Applications for Map Amendment and Special Use Permit received December 20, 2021, with attachments:
 - A Illinois Department of Public Health License for 20 sites
 - B Boundary Survey by Round Table Design
 - C Illinois Department of Public Health license for Walnut Grove MHC
2. Topographic Survey by Farnsworth Group received August 9, 2022
3. Email from Andrew Frierdich, IDPH, received December 29, 2021, with attachment:
 - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
4. Email from Andrew Frierdich, IDPH, received December 30, 2021
5. Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
6. Fax from Cary Ware, Illinois Dept. of Public Health, received January 30, 2014, with attachments:
 - A Construction permit dated February 3, 1972 for 12 home sites
7. Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
8. Preliminary Memorandum dated September 7, 2022, with attachments:
 - A Legal advertisement
 - B Case Maps (Location, Land Use, Zoning)
 - C Topographic Survey by Farnsworth Group received August 9, 2022
 - D Boundary Survey by Round Table Design received December 20, 2021
 - E Annotated 2020 aerial photo of Walnut Grove MHC
 - F Annotated 2020 aerial photo: alternative option for sites 17-20 created by P&Z Staff on September 6, 2022
 - G Illinois Department of Public Health license for Walnut Grove MHC received December 20, 2021
 - H Email string from Andrew Frierdich, IDPH, received December 29 & 30, 2021, with attachment:
 - Cease-and-desist letter from the Illinois Department of Public Health received December 29, 2021
 - I Email from Jeffrey Jenkins received January 24, 2022 regarding septic system
 - J Construction permit dated February 3, 1972 for 12 home sites
 - K Natural Resource Information Report by Champaign County Soil & Water Conservation District received January 21, 2022
 - L Zoning Ordinance Section 6.2: Manufactured Home Parks (*available on ZBA meetings website*)
 - M LRMP Land Use Goals, Objectives, and Policies (*available on ZBA meetings website*)
 - N LRMP Appendix of Defined Terms (*available on ZBA meetings website*)
 - O Site photos taken August 10, 2022
 - P Summary of Evidence, Finding of Fact, and Final Determination for Case 035-AM-21
 - Q Summary of Evidence, Finding of Fact, and Final Determination for Cases 036-S-21 and 041-V-22 dated September 15, 2022

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **036-S-21 and 041-V-22** held on **September 15, 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 manufactured home park has been at this site since the 1970s.*
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 traffic generated by the proposed use will not significantly increase with the addition of four home sites.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because: *the subject property is located approximately 1.9 road miles from the Thomasboro Fire Protection District station, and no comments have been received from the Fire Protection District.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because: the manufactured home park has existed for many years at this site.
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because: *the subject property is not in a floodplain and its expansion is exempt from the SWMEC Ordinance.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because: *relevant jurisdictions have been notified of this case, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*: *there are two parking spaces provided for each home.*
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*:
 - 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.*
 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*:
 - a. *No additional public services are required for the existing manufactured home park and its proposed expansion.*

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- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*:
- a. *No new infrastructure is required for the existing manufactured home park and its proposed expansion.*

**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. ***SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:***
Per Section 7.15 of the Champaign County ZBA Bylaws, “**waivers may be approved individually or en masse by the affirmative vote of a majority of those members voting on the issue, and shall be incorporated into the Findings of Fact with the reason for granting each waiver described.**”
- A. Regarding Part A of the proposed waivers, for not having 24 or more home sites:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because: ***relevant jurisdictions have been notified of the case, and no comments have been received.***

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- (2) 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: ***the petitioner only proposes a total of 20 sites.***
 - (3) 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: ***the petitioner would have to invest in additional sites that might not be financially feasible.***
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***
 - b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***
 - c. ***Home sites 17 through 20 are not yet developed.***
 - (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because: ***the petitioner's financial feasibility is for 20 home sites.***
- B. Regarding Part B of the proposed waivers, for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because: ***relevant jurisdictions have been notified of the case, and no comments have been received.***
 - (2) 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:
 - a. ***No site plan showing the size of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.***
 - b. ***Staff created approximate site boundaries in order to estimate yards and setbacks.***
 - (3) 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:

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- a. Without Part B of the proposed waivers, the petitioner would have to invest in a surveyor to add the size of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
- b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
- c. Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION}** **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because: ***P&Z Staff provided the approximate home site limits.***
- C. Regarding Part C of the proposed waivers, for not providing screening along all boundary lines abutting existing residential development:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. Relevant jurisdictions have been notified of the case, and no comments have been received.*
- b. No complaints have been received from the adjacent residents.*
- (2) 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:
- a. The existing home sites where screening would be required were developed prior to adoption of the Zoning Ordinance on October 10, 1973.*
- (3) 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 Part C of the proposed waivers, the petitioner would have to invest in screening on the west side of home sites 1, 2 and 3.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*

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- b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***
- c. ***Home sites 17 through 20 are not yet developed.***
- (5) The requested waiver ***{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
- D. Regarding Part D of the proposed waivers, for having less than 8% gross site area in recreation space:
- (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. ***Relevant jurisdictions have been notified of the case, and no comments have been received.***
- (2) 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:
- a. ***The MANUFACTURED HOME PARK was developed prior to adoption of the Zoning Ordinance on October 10, 1973.***
- (3) 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. ***The petitioner would have to develop the recreation space immediately when part of the proposed recreation area is in crop production.***
- (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
- a. ***The petitioner has plans for 0.93 acre for recreational space, but it has not yet been established.***
- (5) The requested waiver ***{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because: there is sufficient space on the subject property for a recreational area.
- E. Regarding Part E of the proposed waivers, for a Site Plan that does not include the limits of each Manufactured Home Site:
- (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. ***Relevant jurisdictions have been notified of the case, and no comments have been received.***

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- (2) 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:
- a. ***No site plan showing the limits of the existing home sites has been found through staff research or inquiries to other agencies such as Public Health.***
 - b. ***Staff created approximate home site limits in order to estimate yards and setbacks.***
- (3) 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 Part E of the proposed waivers, the petitioner would have to invest in a surveyor to add the limits of all home sites when P&Z Staff have made such calculations for the purposes of determining necessary waivers.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***
 - b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***
 - c. ***Home sites 17 through 20 are not yet developed.***
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure.
- F. Regarding Part F of the proposed waivers, for a minimum setback (yard) of at least 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. ***Relevant jurisdictions have been notified of the case, and no comments have been received.***
 - (2) 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:

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- a. In order to have sufficient rear yards and room for the adjacent secondary access, the measurement between the front of the home and the secondary access is short by four feet.*
- (3) 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 Part F of the proposed waivers, the petitioner would have to move two existing homes and it would decrease the available rear yard for home sites 15 through 20.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
- b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
- c. Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure.
- G. Regarding Part G of the proposed waivers, for a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary for home site 2:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (2) 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:
- a. Homes placed prior to 1973 were only required to have "open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home", per the Illinois Mobile Home Park Act (210 ILCS 115/9.3).*
- (3) 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:

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- a. *Without Part G of the proposed waivers, the petitioner would have to move existing home 3 to the south, which is in the septic system area.*
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
- b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
- c. *Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure.
- H. Regarding Part H of the proposed waivers, for a minimum side yard of 9 feet in lieu of 10 feet for home site 3:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. *Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (2) 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:
- a. *Homes placed prior to 1973 were only required to have "open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home," per the Illinois Mobile Home Park Act (210 ILCS 115/9.3).*
- b. *Regarding side yard requirements, in the December 10, 2015, approved minutes for Case 818-S-15 for the Woods Edge MHP adjacent to Loral Park, Mr. Hall stated, "testimony is that they (Illinois Department of Public Health) have required no more than 5 feet, with 10 feet between buildings from day one. He added that we have had testimony that in our own Zoning Ordinance, in this same area, we would require no more than 5 feet separation if these were private homes in the R-3 District, and those homes would not meet any standard. He stated that these homes (the manufactured homes) are absolutely built to a standard and inspected."*

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- (3) 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. ***the petitioner would have to move existing home 3 to the south, which is in the septic system area.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***
 - b. ***Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.***
 - c. ***Home sites 17 through 20 are not yet developed.***
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure.
- I. Regarding Part I of the proposed waivers, for not having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. ***Relevant jurisdictions have been notified of the case, and no comments have been received.***
- (2) 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:
- a. ***Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.***
 - b. ***The petitioner was not aware of this requirement.***
- (3) 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 Part I of the proposed waivers, the petitioner would have to move 16 homes to install the runways.***
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. ***Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.***

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- b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
- c. Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- J. Regarding Part J of the proposed waivers, for no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (2) 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:
- a. There was no mention of required paved outdoor space in the Illinois Mobile Home Park Act (210 ILCS 115).*
- b. The petitioner was not aware of this requirement.*
- (3) 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 Part J of the proposed waivers, the petitioner would have to invest in pouring concrete for all homes.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
- b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
- c. Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:

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- K. Regarding Part K of the proposed waivers, for a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. *Relevant jurisdictions have been notified of the case, and no comments have been received.*
 - (2) 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:
 - a. *The primary road in the Manufactured Home Park was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.*
 - b. *There was no mention of required street width in the Illinois Mobile Home Park Act (210 ILCS 115).*
 - (3) 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 Part K of the proposed waivers, a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets: the petitioner would have to invest in more gravel for the entire street system, which would reduce required front yards of most homes.*
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
 - b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
 - c. *Home sites 17 through 20 are not yet developed.*
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure.
- L. Regarding Part L of the proposed waivers, with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, for which the provisions of the Subdivision Ordinance shall apply:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:

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- a. Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (2) 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:
- a. Streets in the Manufactured Home Park were constructed prior to adoption of the Subdivision Ordinance on May 17, 1977 with the exception of the east entrance to sites 15 through 20.*
- b. The petitioner was not aware of this requirement.*
- (3) 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 Part L of the proposed waivers, the petitioner would have to invest in the design and pavement for a new street system.*
- (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
- a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
- b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
- c. Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
- M. Regarding Part M of the proposed waivers, for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (2) 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:
- a. Sites 1 through 12 of the MANUFACTURED HOME PARK were developed prior to adoption of the Zoning Ordinance on October 10, 1973.*

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- b. The petitioner was not aware of this requirement.*
- (3) 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 Part M of the proposed waivers, the petitioner would have to invest in paving a sidewalk for each home.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
- b. Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
- c. Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- N. Regarding Part N of the proposed waivers, for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
- a. Relevant jurisdictions have been notified of the case, and no comments have been received.*
- (2) 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:
- a. The MANUFACTURED HOME PARK has a private water system; the waiver is needed because there is insufficient information on the quantity and pressure of the water for the homes.*
- (3) 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 Part N of the proposed waivers, the petitioner would have to invest in a study to determine water quantity and pressure for the homes.*
- (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:

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- a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
 - b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
 - c. *Home sites 17 through 20 are not yet developed.*
- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- O. Regarding Part O of the proposed waivers, for an electrical system that does not comply with the latest edition of the National Electric Code:
- (1) The waiver **{IS/ IS NOT}** in accordance with the general purpose and intent of the Zoning Ordinance and **{WILL/ WILL NOT}** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. *Relevant jurisdictions have been notified of the case, and no comments have been received.*
 - (2) 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:
 - a. *The electrical system was developed prior to adoption of the Zoning Ordinance on October 10, 1973.*
 - b. *The petitioner was not aware of this requirement.*
 - (3) 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 Part N of the proposed waivers, for an electrical system that does not comply with the latest edition of the National Electric Code: the petitioner would have to either prove that the electrical system meets the NEC or invest in rewiring the MANUFACTURED HOME PARK.*
 - (4) The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. *Home sites 1 through 14 were developed prior to the petitioner's purchase of the property.*
 - b. *Homes on sites 15 and 16 were placed by the petitioner prior to his knowledge of the County's requirements for MANUFACTURED HOME PARKS.*
 - c. *Home sites 17 through 20 are not yet developed.*

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- (5) The requested waiver **{*SUBJECT TO THE PROPOSED SPECIAL CONDITION*} {*IS / IS NOT*}** the minimum variation that will make possible the reasonable use of the land/structure because:
7. 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:
 - a. ***The 4.68-acre lot was an illegally created lot and needs to be at least 5 acres to be legal.***
 - b. ***Should the 9.68-acre subject property receive approval for the rezoning in Case 035-AM-21, the 3-acre maximum does not apply in the R-5 Manufactured Home Park Zoning District.***
 - 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 proposed variance, the petitioners would have to complete a Plat of Subdivision approval process to reduce the size of the lots to no more than 3 acres.***
 - c. The special conditions, circumstances, hardships, or practical difficulties **{*DO / DO NOT*}** result from actions of the applicant because:
 - a. ***The petitioner was unaware of the 3-acre limit on Best Prime Farmland.***
 - d. The requested variance **~~{*SUBJECT TO THE PROPOSED CONDITION*}~~ {*IS / IS NOT*}** in harmony with the general purpose and intent of the Ordinance because:
 - a. ***The 9.68-acre lot provides adequate light and air for the residences.***
 - 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. ***Notice of the proposed variance was sent to relevant jurisdictions, and no comments have been received.***
 - f. The requested variance **~~{*SUBJECT TO THE PROPOSED CONDITION*}~~ {*IS / IS NOT*}** the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

The following are proposed special conditions for Special Use Permit Case 036-S-21:

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

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- B. No parking signs shall be posted along all streets in the manufactured home park.**

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

That there is always adequate emergency vehicle access.

- C. Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**

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

To clarify the permits that are required to ensure conformance with the Zoning Ordinance.

- D. Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing building and proposed addition is a requirement for approval of the Zoning Use Permit.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

- E. The manufactured home park shall be compliant at all times with the requirement for licensing from the Illinois Department of Public Health and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21.**

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

To ensure compliance with IDPH regulations and licensing that provide a greater assurance of public health and safety and ensure that County regulations and IDPH regulations are coordinated in a reasonable manner.

- F. Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the *Illinois Department of Public Health Manufactured Home Community Code (77 Ill. Adm. Code 860)*.**

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

That the manufactured home park conforms to State of Illinois requirements.

- G. The east road in the manufactured home park shall be widened to 24 feet wide and shall connect to the existing interior road between home sites 16 and 17.**

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

To provide efficient and safe traffic circulation.

H. **Homes on sites 17 through 20 shall meet the following requirements:**

- (1) **Homes shall be no larger than 16 feet by 68 feet.**
- (2) **Homes shall be 15 feet from the eastern interior road.**
- (3) **Homes shall be set on concrete pads.**

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

That new home sites meet the requirements of the Zoning Ordinance.

I. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.**

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

That all home sites meet the requirements of the Zoning Ordinance.

J. **Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area and also along the entire length of the new private accessway to the recreation area.**

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

That the required recreation area meets the requirements of the Zoning Ordinance.

There are no proposed special conditions for Variance Case 041-V-22.

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FINAL DETERMINATION FOR CASE 036-S-21

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 **036-S-21** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Jeffrey Jenkins, d.b.a. Walnut Grove MHC**, to authorize the following as a Special Use:

Authorize the expansion and use of an existing nonconforming manufactured home park with 12 existing plus 8 proposed manufactured home sites in the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the subject property in related case 035-AM-21.

{ SUBJECT TO THE FOLLOWING WAIVERS: }

Part A: Authorize a waiver from Section 6.2.2. B. for having 20 home sites in lieu of the minimum required 24 home sites in a manufactured home park.

Part B: Authorize a waiver from Section 6.2.1 C.2., for a Site Plan that does not include the number, location, and size of all Manufactured Home Sites.

Part C: Authorize a waiver from Section 6.2.2 C.3. for not providing screening along all boundary lines abutting existing residential development.

Part D: Authorize a Manufactured Home Park with recreation space totaling less than the minimum required 8 percent of gross site area, per Section 6.2.2 D.

Part E: Authorize a waiver from Section 6.2.2 E.1., for a Site Plan that does not include the limits of each Manufactured Home Site.

Part F: Authorize a minimum setback (yard) of 11 feet in lieu of 15 feet between the manufactured home and the manufactured home site boundary adjacent to private accessways, per Section 6.2.2 E.2.a. for proposed home sites 15 through 20.

Part G: Authorize a minimum setback (yard) of 15 feet in lieu of 20 feet between the entrance side of the manufactured home and the manufactured home site boundary, per Section 6.2.2 E.2.b., for existing home site 2.

Part H: Authorize a minimum side yard of 9 feet in lieu of 10 feet, per Section 6.2.2 E.2.c. for existing home site 3.

Part I: Authorize a waiver from having a manufactured home stand or pad on each home site made of concrete slabs or runways with ground anchors, per Section 6.2.2 E.4.

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Part J: Authorize no outdoor paved living space in lieu of an outdoor living space of at least 160 square feet with a minimum dimension of 8 feet, per Section 6.2.2 E.5. for all existing and proposed home sites.

Part K: Authorize a minimum pavement width of 19 feet for existing private accessways in lieu of the minimum required 24 feet for minor streets, per Section 6.2.2 F.5.

Part L: Authorize a waiver from Section 6.2.2 F.6., with respect to paving materials, curbs and gutters, grading, intersections, offsets, and radii of curvature, that the provisions of the Subdivision Ordinance shall apply to existing private accessways.

Part M: Authorize a waiver from Section 6.2.2 H.1., for not having individual walks to each manufactured home stand that are paved and a minimum of two feet in width.

Part N: Authorize a waiver from Section 6.2.3 A., for having a private water system that can furnish a minimum of 150 gallons per day per manufactured home at a minimum pressure of 20 pounds per square inch.

Part O: Authorize a waiver for the electrical system to comply with the latest edition of the National Electric Code, per Section 6.2.3 D.1.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- B. No parking signs shall be posted along all streets in the manufactured home park.**
- C. Each new home on proposed sites 15 through 20 shall be established pursuant to a Zoning Use Permit that may include all homes on one combined permit or individual homes on individual permits at a fee of \$33 per each site plus a Zoning Compliance Certificate fee of \$33 per each site.**
- D. Certification from the County Health Department or the Illinois Department of Public Health that the septic system on the subject property has sufficient capacity for the existing building and proposed addition is a requirement for approval of the Zoning Use Permit.**
- E. The manufactured home park shall be compliant at all times with the requirement for licensing from the Illinois Department of Public Health and relevant government entity. A copy of the license for 20 home sites shall be submitted to the P&Z Department within one year of approval of Zoning Case 036-S-21.**
- F. Within two years, the petitioner shall develop the recreation area in accordance with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and the**

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Illinois Department of Public Health *Manufactured Home Community Code (77 Ill. Adm. Code 860)*.

- G. The east road in the manufactured home park shall be widened to 24 feet wide and shall connect to the existing interior road between home sites 16 and 17.**
- H. Homes on sites 17 through 20 shall meet the following requirements:**
 - (1) Homes shall be no larger than 16 feet by 68 feet.**
 - (2) Homes shall be 15 feet from the eastern interior road.**
 - (3) Homes shall be set on concrete pads.**
- I. Within one year of the approval of Case 036-S-21, the petitioner shall construct a monolithically paved outdoor area of a minimum 160 square feet in area with a minimum dimension of 8 feet and a two-foot wide monolithically paved sidewalk to the entrance of each home.**
- J. Within one year of the approval of Case 036-S-21, the petitioner shall construct a three-foot wide monolithically paved sidewalk from the existing cul-de-sac to the recreation area and also along the entire length of the new private accessway to the recreation area.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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FINAL DETERMINATION FOR CASE 041-V-22

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

The Variance requested in Case **041-V-22** is hereby *{GRANTED/GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Jeffrey Jenkins, d.b.a. Walnut Grove MHC**, to authorize the following variance:

Authorize a variance for a 9.68-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date