



**CHAMPAIGN COUNTY BOARD
COMMITTEE OF THE WHOLE – ELUC/Highway/County
Facilities**

*County of Champaign, Urbana, Illinois
Tuesday, December 6, 2011 – 6:00 p.m.*

*Lyle Shields Meeting Room, Brookens Administrative Center
1776 E. Washington Street, Urbana, Illinois*

VIII. Environment & Land Use

- A. Annual Renewal of Recreation & Entertainment Licenses
1. Alto Vineyards Champaign, 4210 N. Duncan Rd., 2-8
Champaign – January 1, 2012 thru December 31, 2012
 2. Shirley’s Oasis, 2705 CR3000N, Penfield – January 1, 9-14
2012 thru December 31, 2012
 3. CC Pink House, Inc., 2698 CR1600N, Ogden – January 1, 15-20
2012 thru December 31, 2012
 4. The Stop, 3515 N. Cunningham Ave., Urbana – January 1, 21-28
2012 thru December 31, 2012
- B. Annual Renewal of Hotel/Motel License - Motel 6, 1906 N. 29
Cunningham Ave., Urbana – January 1, 2012 thru December
31, 2012
- C. Resolution Authorizing County Board Chair to Sign the 30-31
Reclamation Agreement Pursuant to the Terms of the Special
Use Permit Approved in Resolution No. 7966 (Case 696S-11
California Ridge Wind Farm)
- D. Zoning Case 689-AM-11 32-66
Request: Amend the Zoning Map to allow for one new
residential lot by adding the Rural Residential Overlay Zoning
District to land in the CR Conservation Recreation Zoning
District
- E. Zoning Case 690-AM-11 67-100
Request: Amend the Zoning Map to allow for one new
residential lot by adding the Rural Residential Overlay Zoning
District to land in the CR Conservation Recreation Zoning
District
- F. Direction to Zoning Administrator Regarding Proposed
Zoning Ordinance Text Amendment to Amend Certain Wind
Farm Standard Conditions – (to be distributed)

G. Monthly Report *(to be distributed)*

H. Other Business

I. Designation of Items to be Placed on Consent Agenda

IX. Adjournment



STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. 2012-ENT-02
Date(s) of Event(s) 2012 RENEWAL
Business Name: ALTO VINEYARD
License Fee: \$ 100.00
Filing Fee: \$ 4.00
TOTAL FEE: \$ 104.00
Checker's Signature: [Signature]

Filing Fees: Per Year (or fraction thereof): \$ 100.00
Per Single-day Event: \$ 10.00
Clerk's Filing Fee: \$ 4.00

Checks Must Be Made Payable To: Gordy Hulten, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A.
1. Name of Business: ALTO VINEYARDS CHAMPAIGN
 2. Location of Business for which application is made: NORTH OF Rte. 150 ON NORTH DUNCAN RD.
 3. Business address of Business for which application is made: 4210 N. DUNCAN RD, CHAMPAIGN, IL. 61822
 4. Zoning Classification of Property: B-2
 5. Date the Business covered by Ordinance No. 55 began at this location: 11-01
 6. Nature of Business normally conducted at this location: RETAIL WINE AND GIFT SALES
 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): SMALL BAND CONCERTS (MAY-SEPTEMBER)
 8. Term for which License is sought (specifically beginning & ending dates): 1-1-12 TO 12-31-12

(NOTE: All annual licenses expire on December 31st of each year)

9. Do you own the building or property for which this license is sought? YES
10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: _____
11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE
AND WILL BE RETURNED TO APPLICANT

- B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: RYAN C. DUBNICEK Date of Birth: _____
Place of Birth: CHAMPAIGN, IL. Social Security No.: _____
Residence Address: 410 W. ELLIS AVE. CHAMPAIGN, IL. 61820
Citizenship: YES If naturalized, place and date of naturalization: _____

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): _____
JAMES DUBNICEK
Date of Birth: _____ Place of Birth: CHICAGO, IL.
Social Security Number: _____ tizenship: YES
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years: _____
375 C. R. 2425 N.
MAHOMET, IL. 61833
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: _____
ACTS VINEYARDS CHAMPAIGN

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

- D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:
ACTS VINEYARDS LTD.
2. Date of Incorporation: 04-11-88 State wherein incorporated: ILLINOIS

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

N/A

Give first date qualified to do business in Illinois: 04-11-88

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

ROUTE #1 BOX 51
ALTO PASS, IL. 62905

5. Objects of Corporation, as set forth in charter:

RETAIL/WHOLESALE WINE SALES

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: PAUL RENZAGLIA Title: PRESIDENT

Date elected or appointed: _____ Social Security No.: _____

Date of Birth: _____ Place of Birth: MINNEAPOLIS, MIN.

Citizenship: YES

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years:

87 HARRIS LANE
ALTO PASS, IL. 62905

Business, occupation, or employment for four (4) years preceding date of application for this license:

ALTO VINEYARDS LTD.

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

N/A

Give first date qualified to do business in Illinois: 04-11-88

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

ROUTE #1 BOX 51
ALTO PASS, IL. 62905

5. Objects of Corporation, as set forth in charter: RETAIL/WHOLESALE WINE SALES

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: ADELLE RENZABLIA Title: SECRETARY
Date elected or appointed: _____ Social Security No.: _____
Date of Birth: 6 Place of Birth: LATONIA SASKATCHEWAN, CANADA
Citizenship: YES
If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years:

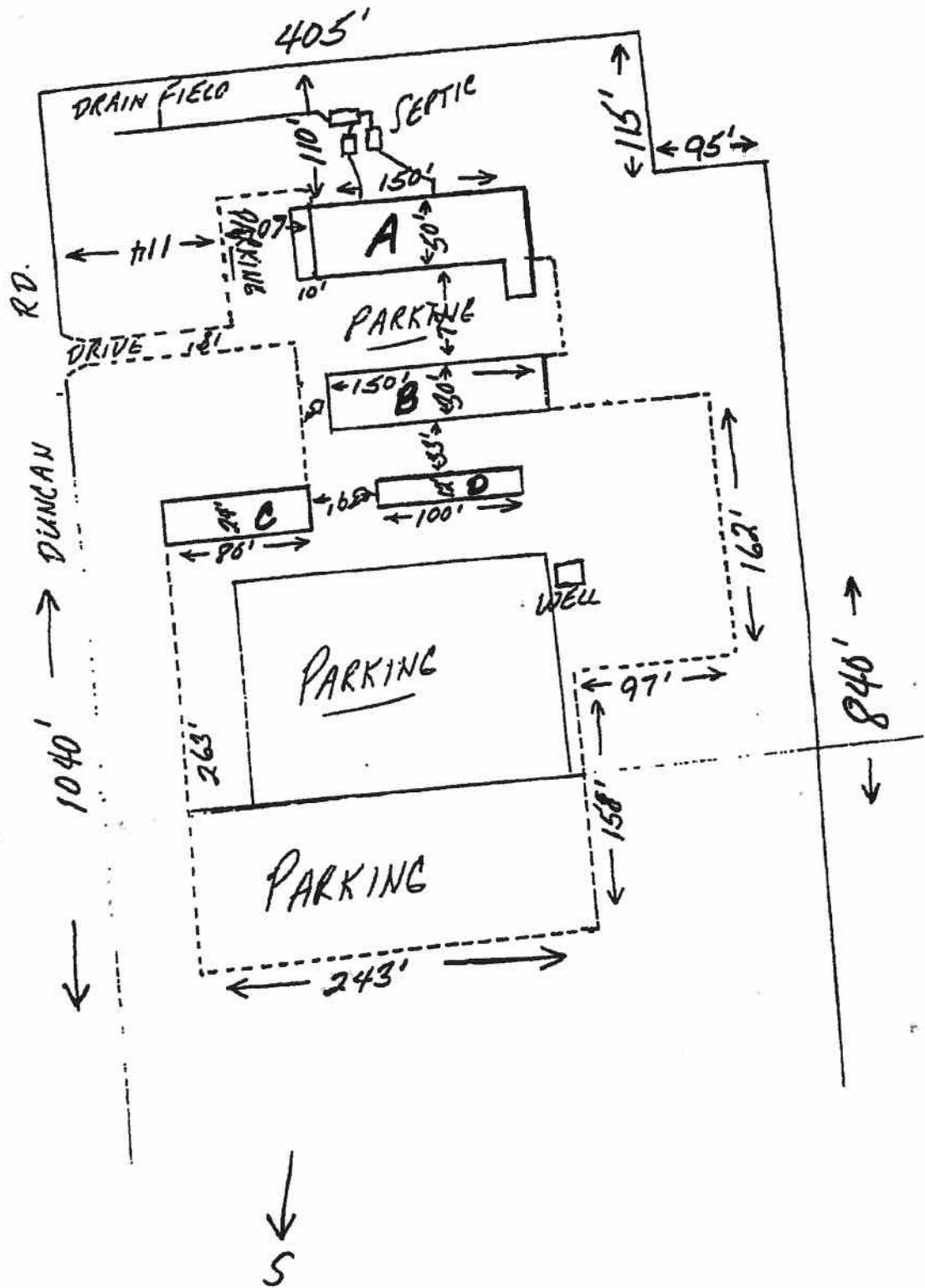
375 C.R. 2425 N.
WIAHOMET, IL. 61753

Business, occupation, or employment for four (4) years preceding date of application for this license:

UNIVERSITY of ILLINOIS — RETIRED

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

- A - RETAIL SHOP / STORAGE
- B - RETAIL SALES / STORAGE
- C - GAZEBO (STAGE)
- D - GREENHOUSE (NOT USED)



AFFIDAVIT

(Complete when applicant is an Individual or Partnership)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

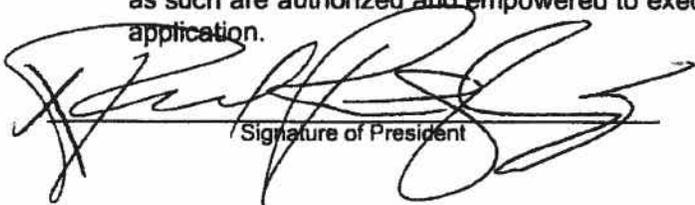
AFFIDAVIT

(Complete when applicant is a Corporation)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

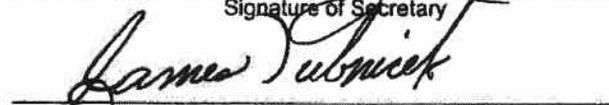
We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.



Signature of President

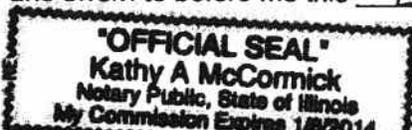


Signature of Secretary



Signature of Manager or Agent

Subscribed and sworn to before me this 27th day of October, 2011.





Notary Public

This ~~COMPLETED~~ application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIGN COUNTY CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, Illinois 61802. A \$4.00 Filing Fee should be included.



STATE OF ILLINOIS,
Champaign County
Recreation & Entertainment License
Check List and Approval Sheet

FOR ELUC USE ONLY

County Clerk's Office

1. Proper Application Date Received: 11/1/11
2. Fee Amount Received: \$ 104.00

Sheriff's Department

1. Police Record Approval: CEO Date: 11/3/11
2. Credit Check Disapproval: _____ Date: _____
- Remarks: _____ Signature: [Signature]

Planning & Zoning Department

1. Proper Zoning Approval: ✓ Date: 11/29/11
2. Restrictions or Violations Disapproval: _____ Date: _____
- Remarks: B-4 ZONING DISTRICT w/ CONDITIONS Signature: [Signature] ZONING ADMINISTRATOR

Environment & Land Use Committee

1. Application Complete Approval: _____ Date: _____
2. Requirements Met Disapproval: _____ Date: _____
- Signature: _____

Remarks and/or Conditions: _____



STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

FILED

NOV 21 2011

Gordy Hulten
CHAMPAIGN COUNTY CLERK

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. _____
Date(s) of Event(s) yearly
Business Name: Shirley's Oasis
License Fee: \$ 100.00
Filing Fee: \$ 4.00
TOTAL FEE: \$ 104.00
Checker's Signature: *Anna*

| | | |
|--------------|---------------------------------|-----------|
| Filing Fees: | Per Year (or fraction thereof): | \$ 100.00 |
| | Per Single-day Event: | \$ 10.00 |
| | Clerk's Filing Fee: | \$ 4.00 |

Checks Must Be Made Payable To: Gordy Hulten, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A.
1. Name of Business: Shirley's Oasis
 2. Location of Business for which application is made: 2705 CR 3000 N
penfield, IL 61862
 3. Business address of Business for which application is made: 2705 CR 3000 N
Penfield, IL 61862
 4. Zoning Classification of Property: 06-12-04-101-002 / 06-12-04-101-003
 5. Date the Business covered by Ordinance No. 55 began at this location: Jan 7, 2007
 6. Nature of Business normally conducted at this location: Restaurant / Bar / Food & Spirits
 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): pool tables, amusement machines, jukebox, bands, DJ, Karaoke
 8. Term for which License is sought (specifically beginning & ending dates): Jan. 1, 2012
thru Dec. 31, 2012
(NOTE: All annual licenses expire on December 31st of each year)
 9. Do you own the building or property for which this license is sought? No
 10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: Roxanna Rigdon 571 yespe
Street, Texarkana, TX 71854
 11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7. No plans for outdoor events but Site Plan attached to application

**INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE
AND WILL BE RETURNED TO APPLICANT**

Recreation & Entertainment License Application
Page Two

B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location: N/A

Name: _____ Date of Birth: _____
Place of Birth: _____ Social Security No.: _____
Residence Address: _____
Citizenship: _____ If naturalized, place and date of naturalization: _____

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): Shirley A. Labounty
Shirley A. Lamberter, Shirley D. Gallagher, Shirley L. Johnson, J. S. Sautter
Date of Birth: _____ Place of Birth: Mercy Hospital Urbana
Social Security Number: _____ :enship: U.S. Citizen
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years: 2006 E. Plumb St.
Gifford, IL 61847
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: I've been doing the same thing, working Shirley's Oasis - Business Owner/manager

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

N/A

D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered: _____
2. Date of Incorporation: _____ State wherein incorporated: _____

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: _____ Title: _____

Date elected or appointed: _____ Social Security No.: _____

Date of Birth: _____ Place of Birth: _____

Citizenship: _____

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: _____

Business, occupation, or employment for four (4) years preceding date of application for this license: _____

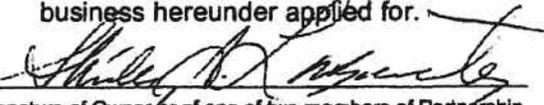
7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

AFFIDAVIT

(Complete when applicant is an Individual or Partnership)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.



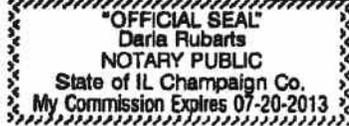
Signature of Owner or of one of two members of Partnership

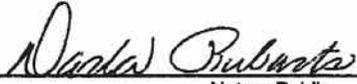
Signature of Owner or of one of two members of Partnership



Signature of Manager or Agent

Subscribed and sworn to before me this 21st day of November, 2011.





Notary Public

AFFIDAVIT

(Complete when applicant is a Corporation)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

Signature of President

Signature of Secretary

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

This **COMPLETED** application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIGN COUNTY CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, Illinois 61802. A \$4.00 Filing Fee should be included.



STATE OF ILLINOIS,
Champaign County
Recreation & Entertainment License
Check List and Approval Sheet

FOR ELUC USE ONLY

County Clerk's Office

1. Proper Application Date Received: 11/1/11
2. Fee Amount Received: \$ 104.00

Sheriff's Department

1. Police Record Approval: CEO Date: 11/3/11
2. Credit Check Disapproval: _____ Date: _____

Remarks: _____ Signature: [Signature]

Planning & Zoning Department

1. Proper Zoning Approval: ✓ Date: 11/29/11
2. Restrictions or Violations Disapproval: _____ Date: _____

Remarks: B-4 ZONING DISTRICT w/ CONDITIONS Signature: [Signature] ZONING ADMINISTRATOR

Environment & Land Use Committee

1. Application Complete Approval: _____ Date: _____
2. Requirements Met Disapproval: _____ Date: _____

Signature: _____

Remarks and/or Conditions: _____



STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

FILED
NOV 18 2011

Gordy Hulten
CHAMPAIGN COUNTY CLERK

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. _____
Date(s) of Event(s) YEARLY
Business Name: CC PINK HOUSE INC.
License Fee: \$ 100.00
Filing Fee: \$ 4.00
TOTAL FEE: \$ 104.00
Checker's Signature: [Signature]

| | | |
|--------------|---------------------------------|-----------|
| Filing Fees: | Per Year (or fraction thereof): | \$ 100.00 |
| | Per Single-day Event: | \$ 10.00 |
| | Clerk's Filing Fee: | \$ 4.00 |

Checks Must Be Made Payable To: Gordy Hulten, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A.
1. Name of Business: CC PINK HOUSE INC
 2. Location of Business for which application is made: _____
 3. Business address of Business for which application is made: 2698 CORD
1600 N OGDEN IL 61859
 4. Zoning Classification of Property: _____
 5. Date the Business covered by Ordinance No. 55 began at this location: _____
 6. Nature of Business normally conducted at this location: BAR + GRILL
 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): _____
 8. Term for which License is sought (specifically beginning & ending dates): _____

(NOTE: All annual licenses expire on December 31st of each year)

9. Do you own the building or property for which this license is sought? NO
10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: PINK LAND LLC
602 N COUNTRY FAIR DR CHAMPAIGN IL 61821
11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE AND WILL BE RETURNED TO APPLICANT

Recreation & Entertainment License Application
Page Two

- B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: _____ Date of Birth: _____
Place of Birth: _____ Social Security No.: _____
Residence Address: _____
Citizenship: _____ If naturalized, place and date of naturalization: _____

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): DORIS A CLER
(CARTER BLACKSTOCK)
Date of Birth: _____ Place of Birth: URBANA IL
Social Security Number: _____ Citizenship: YES
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years: 609 W. PEARL
THOMASBORD IL 61878
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: 2006-2008 HOBBICO
2008-2009 AFSE
2009-2010 - TUESDAY MORNING
2010 - PINK HOUSE

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

- D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:
CC PINK HOUSE INC
2. Date of Incorporation: 3-17-2010 State wherein incorporated: IL

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: 3-17-2010

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

2698 CO RD 1600 N
PO BOX 216 OGDEN IL 61878

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: DORIS CLER Title: PRESIDENT

Date elected or appointed: 3-17-10 Social Security No.: _____

Date of Birth: _____ Place of Birth: URBANA IL

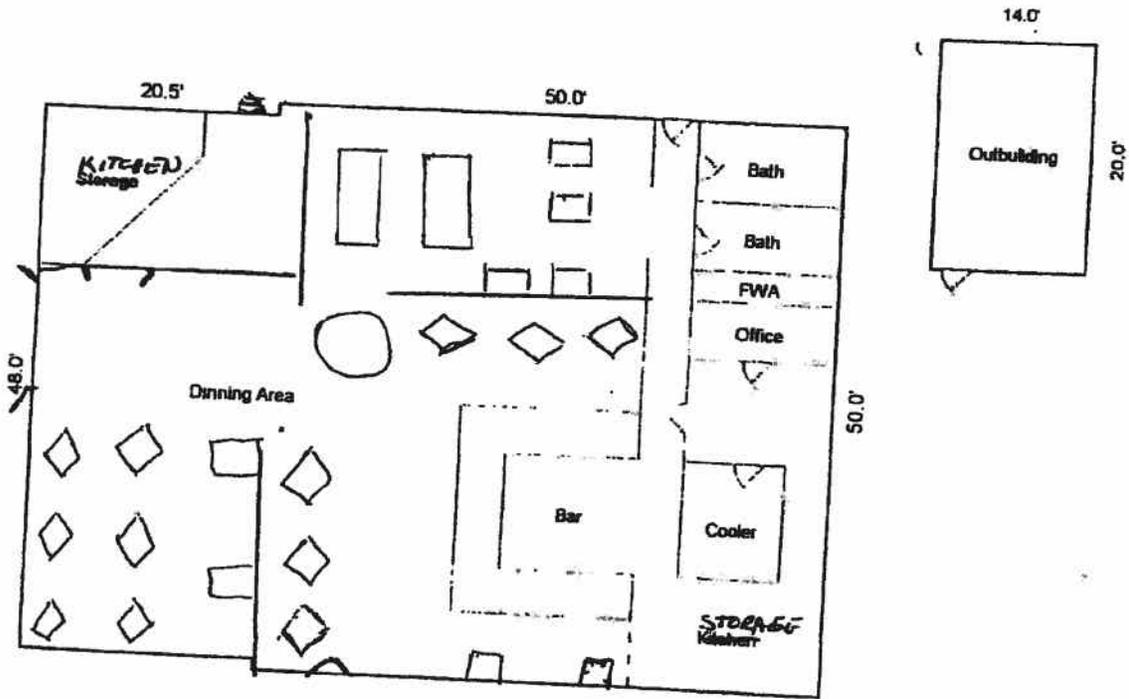
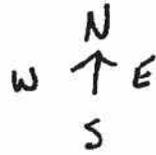
Citizenship: YES

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: _____

Business, occupation, or employment for four (4) years preceding date of application for this license: _____

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.



AFFIDAVIT

(Complete when applicant is an **Individual or Partnership**)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

AFFIDAVIT

(Complete when applicant is a **Corporation**)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

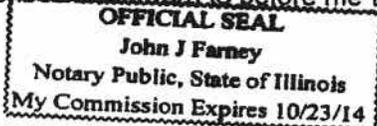
Oris Clew

Signature of President

Signature of Secretary

Signature of Manager or Agent

Subscribed and sworn to before me this 18th day of November, 2011.



John J. Farney

Notary Public

This COMPLETED application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIGN COUNTY CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, Illinois 61802. A \$4.00 Filing Fee should be included.



STATE OF ILLINOIS,
Champaign County
Recreation & Entertainment License
Check List and Approval Sheet

FOR ELUC USE ONLY

County Clerk's Office

1. Proper Application Date Received: 11/18/11
2. Fee Amount Received: \$104.00

Sheriff's Department

1. Police Record Approval: LED Date: 11/22/11
2. Credit Check Disapproval: _____ Date: _____

Remarks: _____ Signature: _____

Planning & Zoning Department

1. Proper Zoning Approval: ✓ Date: 11/29/11
2. Restrictions or Violations Disapproval: _____ Date: _____

Remarks: B-4 ZONING DISTRICT Signature: [Signature] ZONING ADMINISTRATOR

Environment & Land Use Committee

1. Application Complete Approval: _____ Date: _____
2. Requirements Met Disapproval: _____ Date: _____

Signature: _____

Remarks and/or Conditions: _____



STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. 2011-ENT-22
Date(s) of Event(s) Annual
Business Name: The Stop
License Fee: \$ 100.00
Filing Fee: \$ 4.00
TOTAL FEE: \$ 104.00
Checker's Signature: [Signature]

FILED

Filing Fee:
NOV 18 2011

Gordy Hulten
CHAMPAIGN COUNTY CLERK

Per Year (or fraction thereof): \$ 100.00
Per Single-day Event: \$ 10.00
Clerk's Filing Fee: \$ 4.00

Checks Must Be Made Payable To: Gordy Hulten, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A. 1. Name of Business: The Stop
- 2. Location of Business for which application is made: 3515 W. Cunningham
Urbana, IL 61802
- 3. Business address of Business for which application is made: same
- 4. Zoning Classification of Property: _____
- 5. Date the Business covered by Ordinance No. 55 began at this location: 6-24-10
- 6. Nature of Business normally conducted at this location: Bar & Grill
- 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): DJ, Bands & Juke Box
- 8. Term for which License is sought (specifically beginning & ending dates):
NOV. 18 2011 TO Dec 31 2012
(NOTE: All annual licenses expire on December 31st of each year)
- 9. Do you own the building or property for which this license is sought? NO
- 10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: HBT 217/602 N. Country
Fair Dr. Champaign, IL 61821
- 11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE AND WILL BE RETURNED TO APPLICANT

Recreation & Entertainment License Application
Page Two

- B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: _____ Date of Birth: _____
Place of Birth: _____ Social Security No.: _____
Residence Address: _____
Citizenship: _____ If naturalized, place and date of naturalization: _____

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): Stephen Lemke
Date of Birth: _____ Place of Birth: Champaign, IL 61822
Social Security Number: _____ Citizenship: US
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years:
318 Paul Ave Champaign, IL 61822
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: Self employed sound production
Bar owner.

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

- D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:
Ltm Enterprises of Arcola, INC.
2. Date of Incorporation: 6/7/2010 State wherein incorporated: IL

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

3515 N. Cunningham Ave Urbana, IL 61802

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Stephen Lemke Title: President

Date elected or appointed: 11/1/2011 Social Security No.: _____

Date of Birth: _____ Place of Birth: Champaign, IL

Citizenship: US

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: _____

318 Paul Ave Champaign, IL 61822

Business, occupation, or employment for four (4) years preceding date of application for this license: self

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

AFFIDAVIT
(Complete when applicant is an Individual or Partnership)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

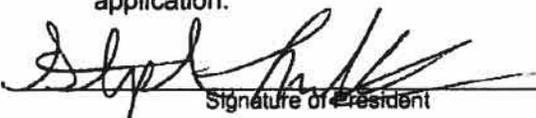
AFFIDAVIT

(Complete when applicant is a Corporation)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

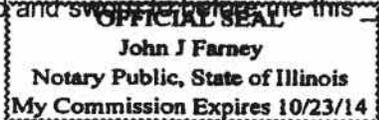


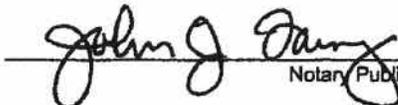
Signature of President

Signature of Secretary

Signature of Manager or Agent

Subscribed and sworn to before me this 12th day of November, 2011.

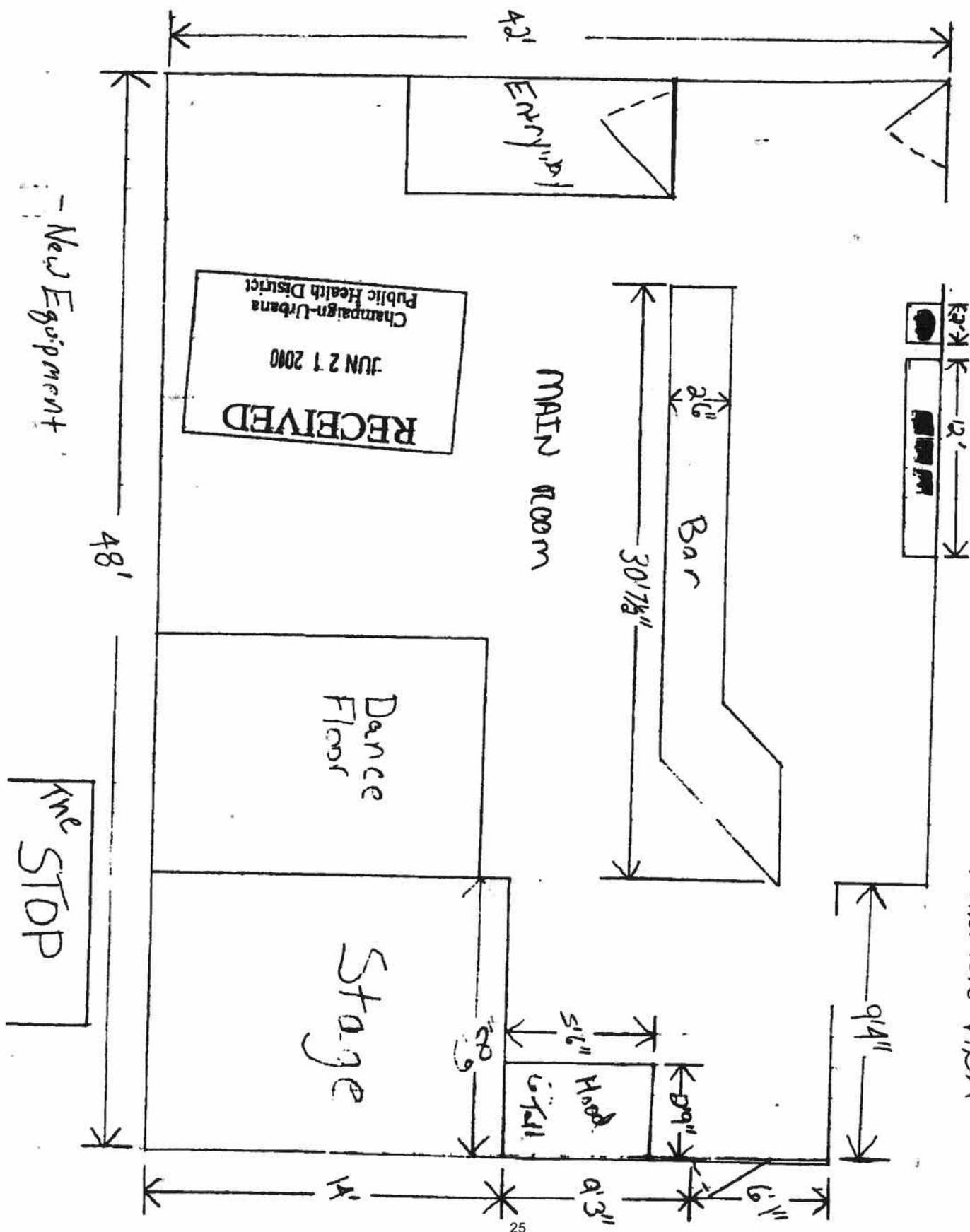




Notary Public

This COMPLETED application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIGN COUNTY CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, Illinois 61802. A \$4.00 Filing Fee should be included.

INTERIOR VIEW



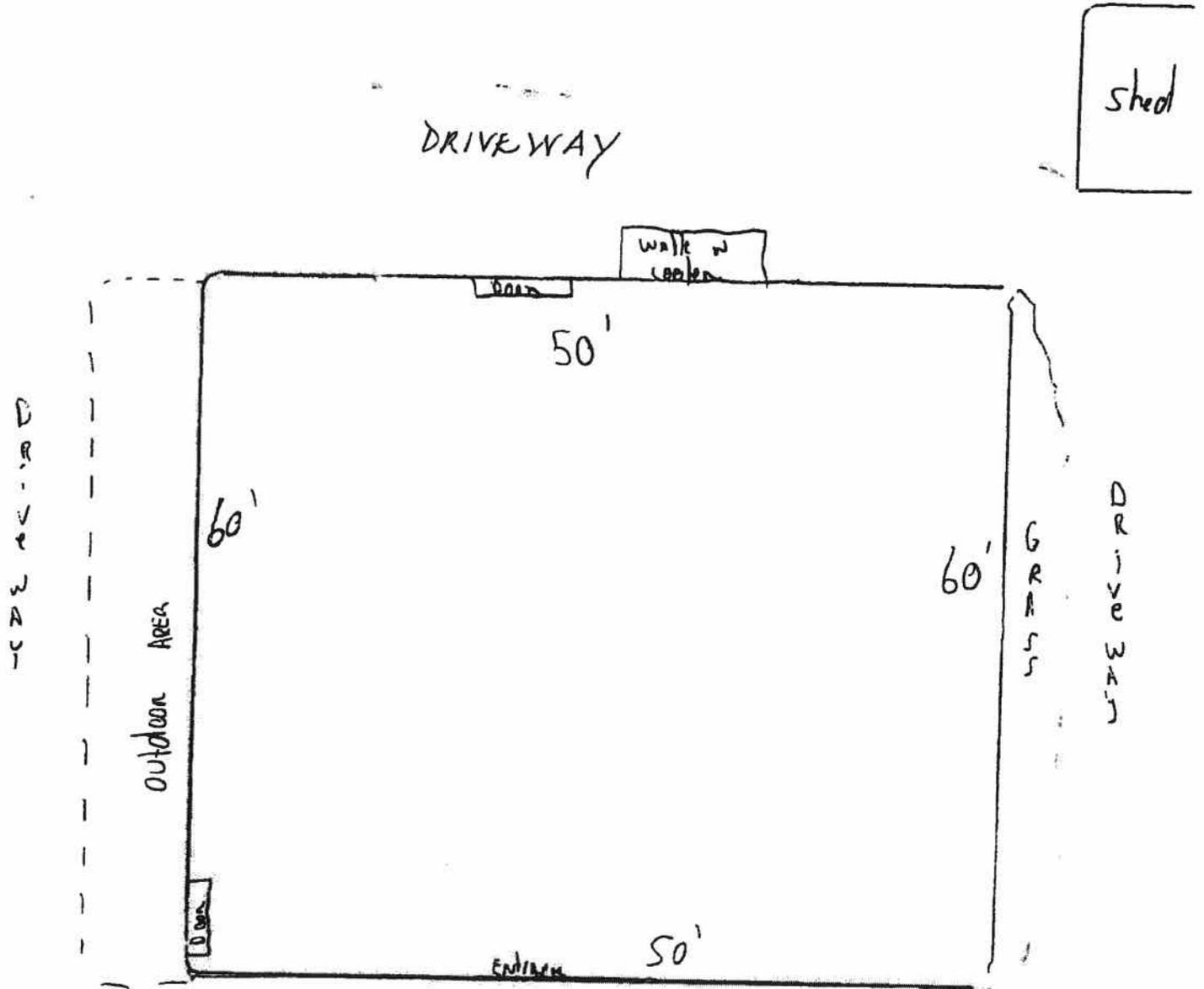
EXTERIOR VIEW
OF BUILDING & LOT

Lot APPROX -
390' X 165'

GRASS AREA

DRIVEWAY

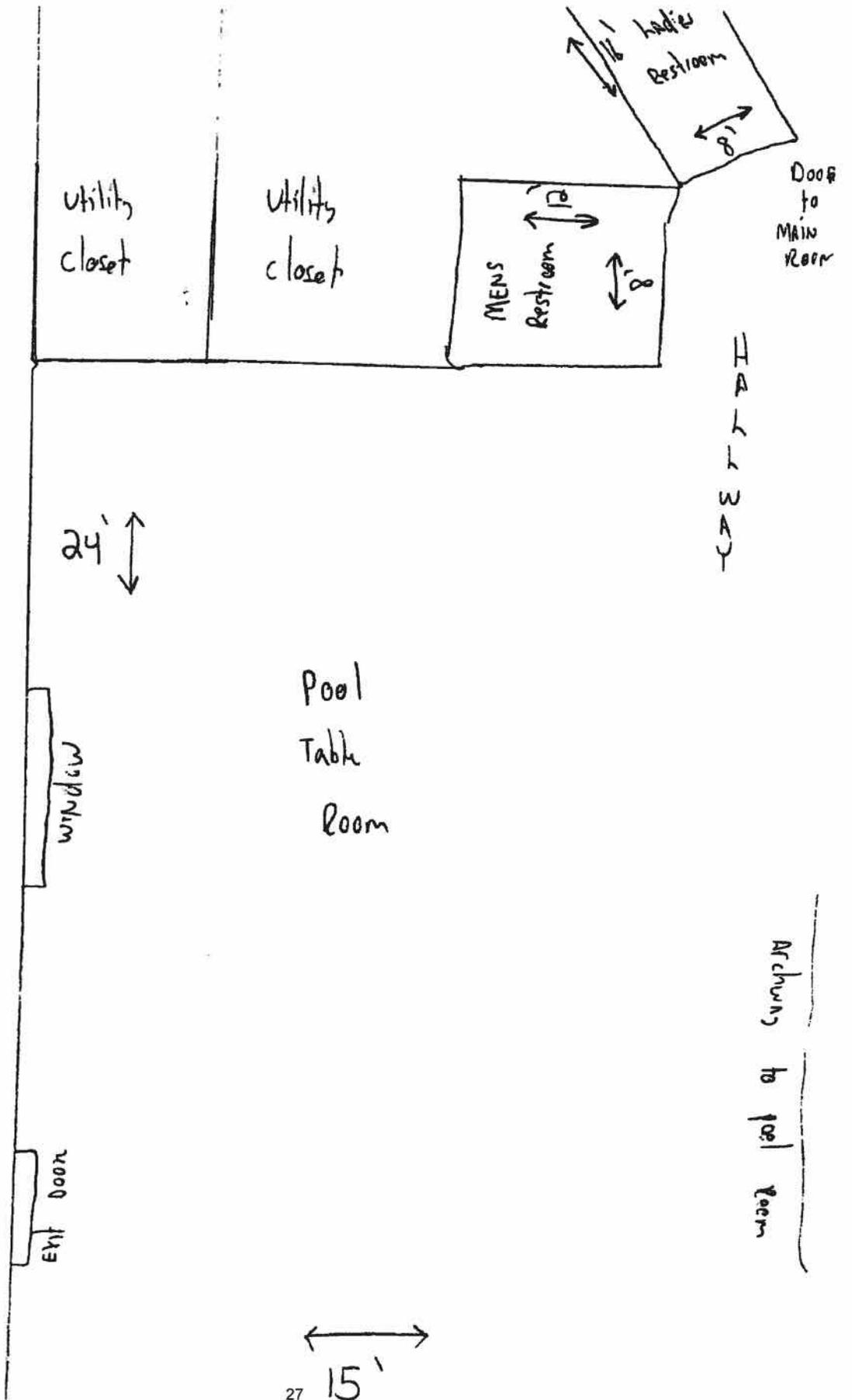
shed



PARKING

ENTRANCE

ENTRANCE





STATE OF ILLINOIS,
Champaign County
Recreation & Entertainment License
Check List and Approval Sheet

FOR ELUC USE ONLY

County Clerk's Office

1. Proper Application Date Received: 11-18-11
2. Fee Amount Received: 104.00

Sheriff's Department

1. Police Record Approval: [Signature] Date: 11/22/11
2. Credit Check Disapproval: _____ Date: _____

Remarks: _____ Signature: _____

Planning & Zoning Department

1. Proper Zoning Approval: ✓ Date: 11/22/11
2. Restrictions or Violations Disapproval: _____ Date: _____

Remarks: B-3 ZONING DISTRICT Signature: [Signature] ZONING ADMINISTRATOR

Environment & Land Use Committee

1. Application Complete Approval: _____ Date: _____
2. Requirements Met Disapproval: _____ Date: _____
- Signature: _____

Remarks and/or Conditions: _____



STATE OF ILLINOIS,
Champaign County
Application for Hotel/Motel License

FILED

NOV 09 2011

FOR OFFICE USE ONLY

License No.: 2012 H1
 Business Name: MOTEL 6
 License Fee: \$ 200.00
 Filing Fee: \$ 4.00
 TOTAL FEE: \$ _____
 Clerk: _____

Application for License under County Ordinance No. 5 Providing for the Licensing and Regulation of Public Lodging Facilities within the County.

The Filing Fee for a Hotel/Motel License is \$25.00 plus \$3.00 for each room available for occupancy. **In no case shall the total fee exceed \$200.00.** An additional \$4.00 Clerk's Fee should be added for the issuance of the license. All checks should be made payable to the Champaign County Clerk.

The undersigned individual, partnership, or corporation hereby makes application to the County Board of Champaign County, Illinois, for a license pursuant to County Board Ordinance No. 5, to operate and maintain a Hotel/Motel for the use of the general public outside of the limits of any City, Village, or incorporated Town, and in support of said application, makes the following statements under oath.

- Name of Business: MOTEL - 6
- Location of Place of Business for which application is made: MOTEL
- Number of rooms available: 94
- Name, age, and address of the applicant; and in case of a copartnership, the name, age, and address of all persons who share in the profits; and in case of a corporation, the name, age, and address of the directors of the corporation, are:

| NAME | AGE | ADDRESS |
|--------------------|-----------|---|
| <u>Vijay Patel</u> | <u>44</u> | <u>Urbana, 1906 N. Cunningham Ave, IL</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

- Is applicant a citizen of the United States of America? Yes No
 Place of birth: INDIA
 If naturalized, place and date of naturalization: _____
- The applicant intends to operate or maintain the above business at: MOTEL

AFFIDAVIT

VIJAY PATEL, being first duly sworn on his oath, deposes and states that he is the identical person whose name is signed to the above application, and that each and all of the statements made therein are true and correct.

[Signature]
Signature of Applicant

Signature of Applicant

Signed and sworn to before me this 9th day of November, 2011



[Signature]
Notary Public:

It is understood that a violation by the applicant of any of the laws of the State of Illinois or of the United States, or of any Resolution or Ordinance of the County Board of the County of Champaign, Illinois, in the conduct of the business aforesaid, shall be grounds for the revocation of any license issued hereunder.

Amount of License Fee Accompanying This Application: \$ _____

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

To: Champaign County Board Committee of the Whole
From: John Hall, Director & Zoning Administrator
Date: November 30, 2011
RE: Special Use Permit Approved in Resolution No. 7966 (Case 696-S-11 California Ridge Wind Farm)
Request: Authorize the County Board Chair to Sign the Reclamation Agreement for the California Ridge Wind Farm Pursuant to the Terms of the Special Use Permit Approved in Resolution No. 7966 (Case 696-S-11 California Ridge Wind Farm)

BACKGROUND

The County Board approved the California Ridge Wind Farm in Resolution No. 7966 on November 17, 2011. Resolution No. 7966 included a special condition of approval, Special Condition I, that identified the Reclamation Agreement for the wind farm as required by the Zoning Ordinance. The attached Resolution will authorize the County Board Chair to sign that Reclamation Agreement.

ATTACHMENT

A Draft Resolution

RESOLUTION NO. _____
RESOLUTION AUTHORIZING THE COUNTY BOARD CHAIR TO SIGN THE
RECLAMATION AGREEMENT FOR THE CALIFORNIA RIDGE WIND FARM

WHEREAS, the Champaign County Board approved a Special Use Permit for the California Ridge Wind Farm in Resolution No. 7966 on November 17, 2011; and

WHEREAS, a special condition of approval of the Special Use Permit for the California Ridge Wind Farm in Resolution No. 7966 requires a Reclamation Agreement and that Reclamation Agreement must be signed by the County Board Chair;

NOW, THEREFORE BE IT RESOLVED, That the County Board of Champaign County authorizes the County Board Chair to sign the Reclamation Agreement for the California Ridge Wind Farm.

PRESENTED, PASSED, APPROVED, AND RECORDED this 20th day of December, A.D. 2011.

C. Pius Weibel, Chair
Champaign County Board
Champaign, Illinois

ATTEST: _____

Gordy Hulten, Champaign County Clerk and
ex-Officio Clerk of the Champaign County Board

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**
From: **John Hall, Zoning Administrator**
Andy Kass, Associate Planner

Date: **December 6, 2011**

RE: **Zoning Case 689-AM-11**

Zoning Case 689-AM-11

Request The ZBA recommends approval of an amendment to the Zoning Map to allow for the use of 1 single family residential lot in the CR Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District

Petitioners Charles T. and Shelly Sollers

STATUS

The Zoning Board of Appeals voted to "RECOMMEND ENACTMENT WITH CONDITIONS" of this proposed Rural Residential Overlay (RRO) rezoning at their November 10, 2011 meeting. Relevant maps have been excerpted from the Documents of Record and are attached. The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact.

EXISTING BUILDING ON THE SUBJECT PROPERTY

There is an existing building on the property without a permit and no permit can be authorized on the subject property without the requested RRO rezoning. The existing building is a storage structure and non-agricultural storage structures cannot be authorized without there being a dwelling. Resolution of the required RRO rezoning will contribute to eventual resolution of all other necessary authorizations but approval of the required RRO rezoning by itself will not resolve the other necessary authorizations.

REQUIRED FINDINGS

With respect to map amendments requesting creation of a Rural Residential Overlay (RRO) Zoning District, Section 5.4.3 of the Zoning Ordinance requires the ZBA to make two specific findings before forwarding a recommendation to the County Board. The required findings are stated as follows in the Ordinance:

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

Policy 4.3.2 of the Land Resource Management Plan requires RROs proposed on "best prime farmland" that the land be "well suited". The proposed RRO is not on best prime farmland so the higher requirement does not apply. The required findings have been reproduced below with references to the relevant items in the Summary of Evidence.

Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. The proposed site **IS SUITED** for the development of 1 residence because:
 - A. Five existing homes are in the same general area. (*Item 4(A), Page 2)
 - B. The roads are adequate and convenient. (*Item 10, Pages 6-8)
 - C. The land is not considered Best Prime Farmland. (*Item 9(A), Page 5)
 - D. There is adequate well capacity for fresh water. (*Item 13, Page 10)
 - E. The soil is suitable for a wastewater system. (*Item 12, Page 9)

And despite:

The subject property is located in the flood area. (*Item 15, Pages 10-11)

* refers to items in Summary of Evidence

Required Finding 2. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. Development of the proposed site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
 - A. Because of the special condition imposed regarding the Right to Farm Resolution 3425. (*Item 26(B), Page 19)

And despite:

This being a residential use.

* refers to items in Summary of Evidence

SPECIAL CONDITIONS

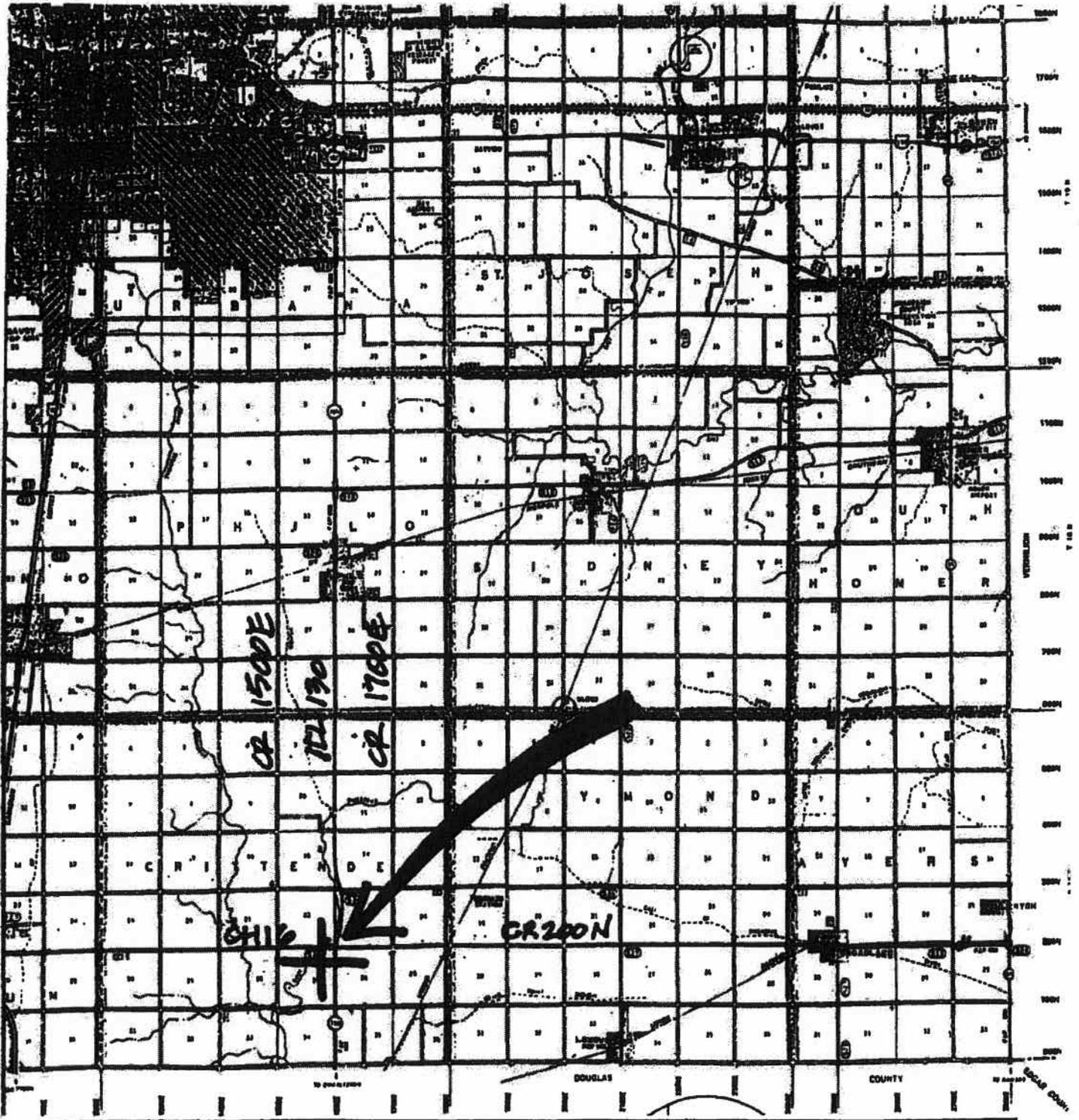
The following special conditions are recommended:

- A The petitioner shall apply for a driveway permit from the County Engineer and comply with the requirements of the County Engineer for any required driveway entrance.
- B The Zoning Administrator shall not approve a Zoning Use Permit without documentation of the County Engineer's approval of the proposed driveway entrance.
- C Construction related traffic shall not track mud onto the County Highway at any time.
- D The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of the constructed driveway entrance including any necessary as-built engineering drawings.
- E 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.

ATTACHMENTS (excerpted from Documents of Record)

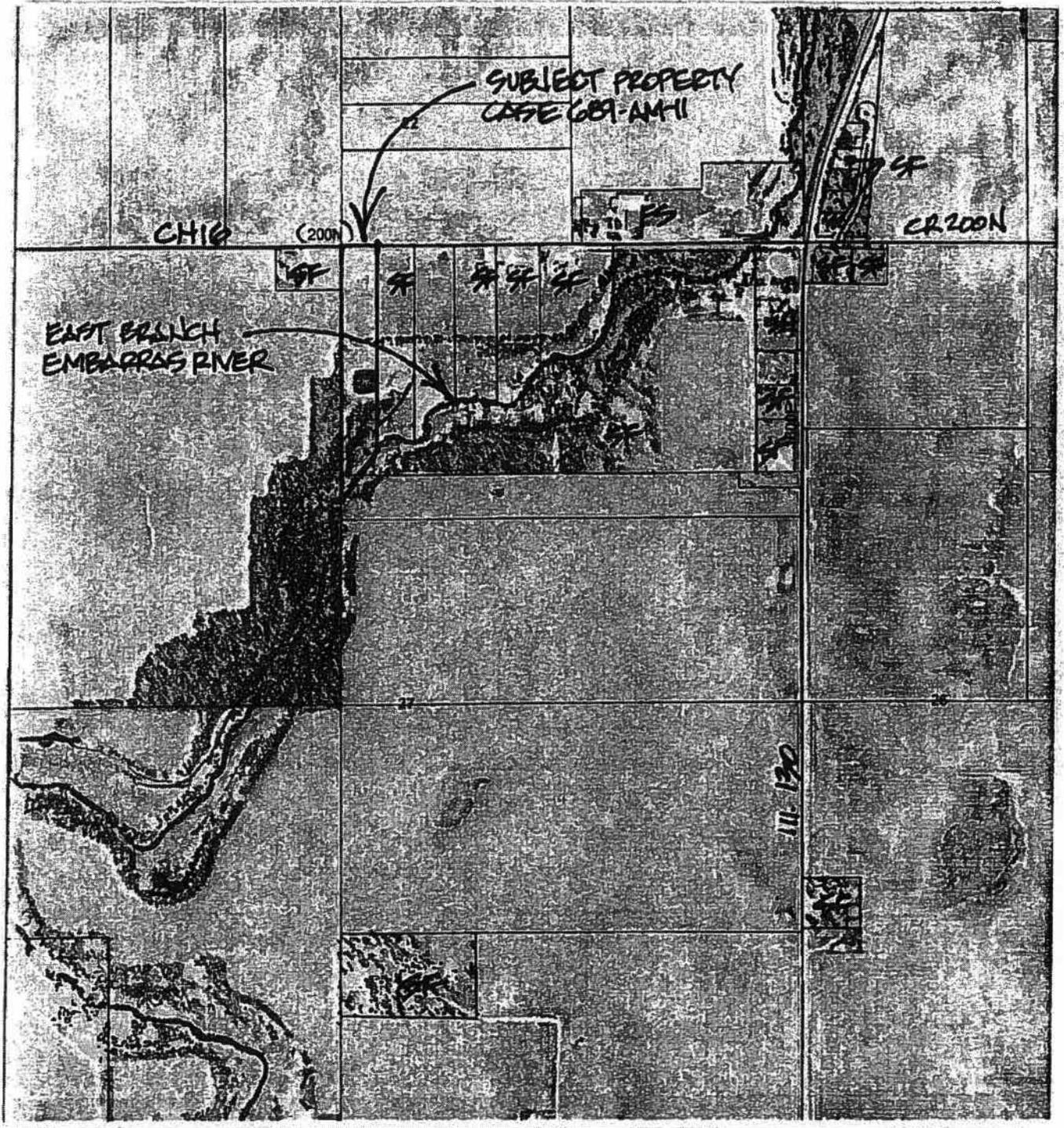
- A Case Maps (Location, Land Use, Zoning)
- B Excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984
- C Excerpt of Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois. Illinois State Water Survey. August 2002
- D Divisions of land in the Northeast Quarter of Section 27 of Crittenden Township by July 1, 2005
- E Plat of Survey received April 29, 2011
- F Topographic / Drainage Analysis Survey received April 29, 2011
- G Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on November 10, 2011 (attached separately)

Attachment A Location Map
Case 689-AM-11
JUNE 9, 2011

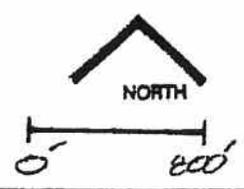
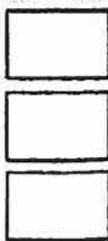


Champaign
County
Department of
PLANNING &
ZONING

Attachment A Land Use Map
 Case 689-AM-11
 JUNE 9, 2011



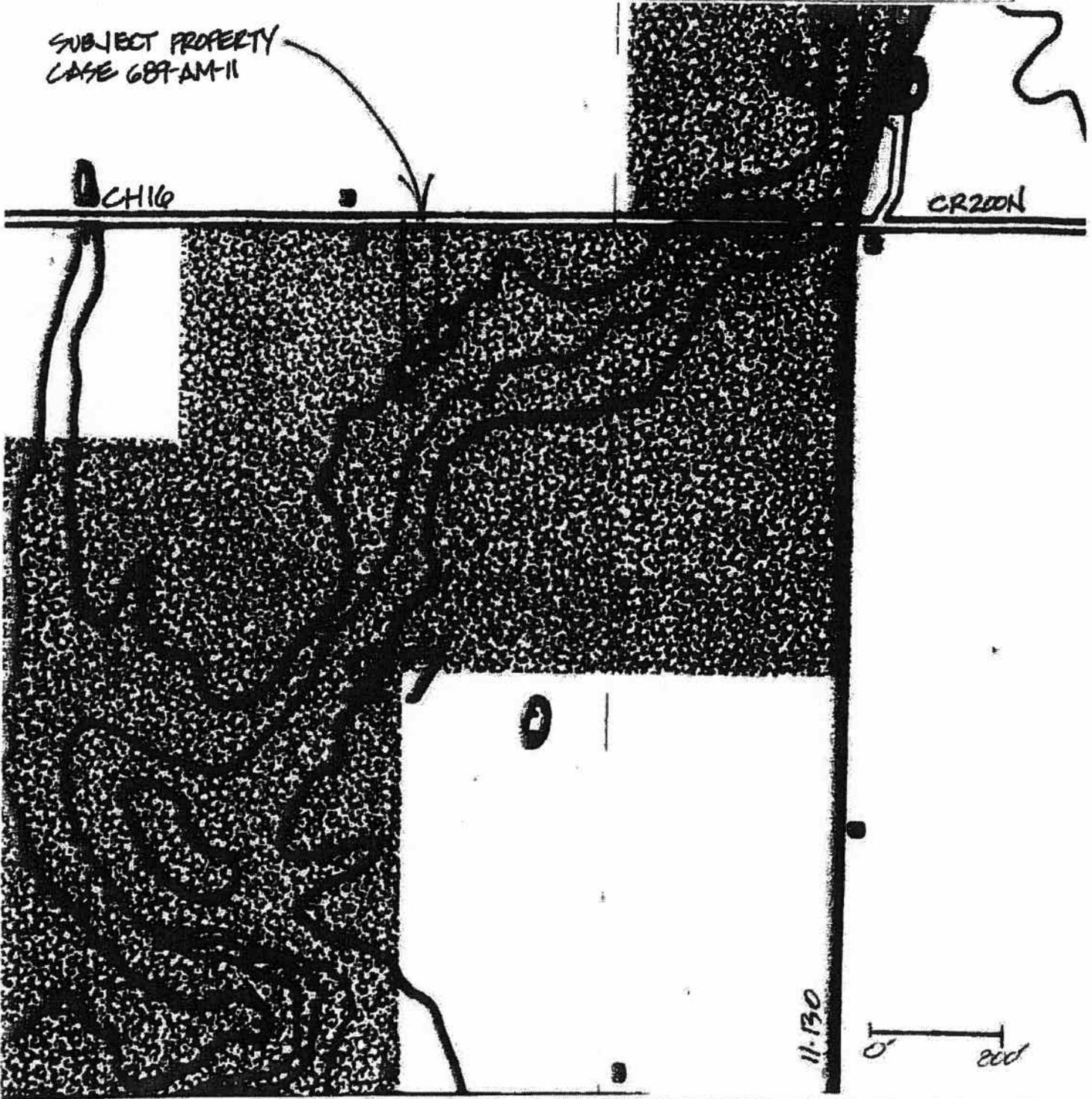
- SF **Single Family**
- FS **Farmstead**



Champaign
 County
 Department of
**PLANNING &
 ZONING**

Attachment A Zoning Map
 Case 689-AM-11
 JUNE 9, 2011

SUBJECT PROPERTY
 CASE 689-AM-11



| | | | | |
|-----------------------------------|-----------------------------------|--------------------------------|---------------------------------|----------------------------|
| AG-1 Agriculture | R-1 Single Family Residence | R-4 Multiple Family Res. | B-2 Neighborhood Business | B-5 Central Business |
| AG-2 Agriculture | R-2 Single Family Residence | R-5 Mobile Home Park | B-3 Highway Business | I-1 Light Industry |
| CR Conservation- Recreation | R-3 Two-family Residence | B-1 Rural Trade Center | B-4 General Business | I-2 Heavy Industry |

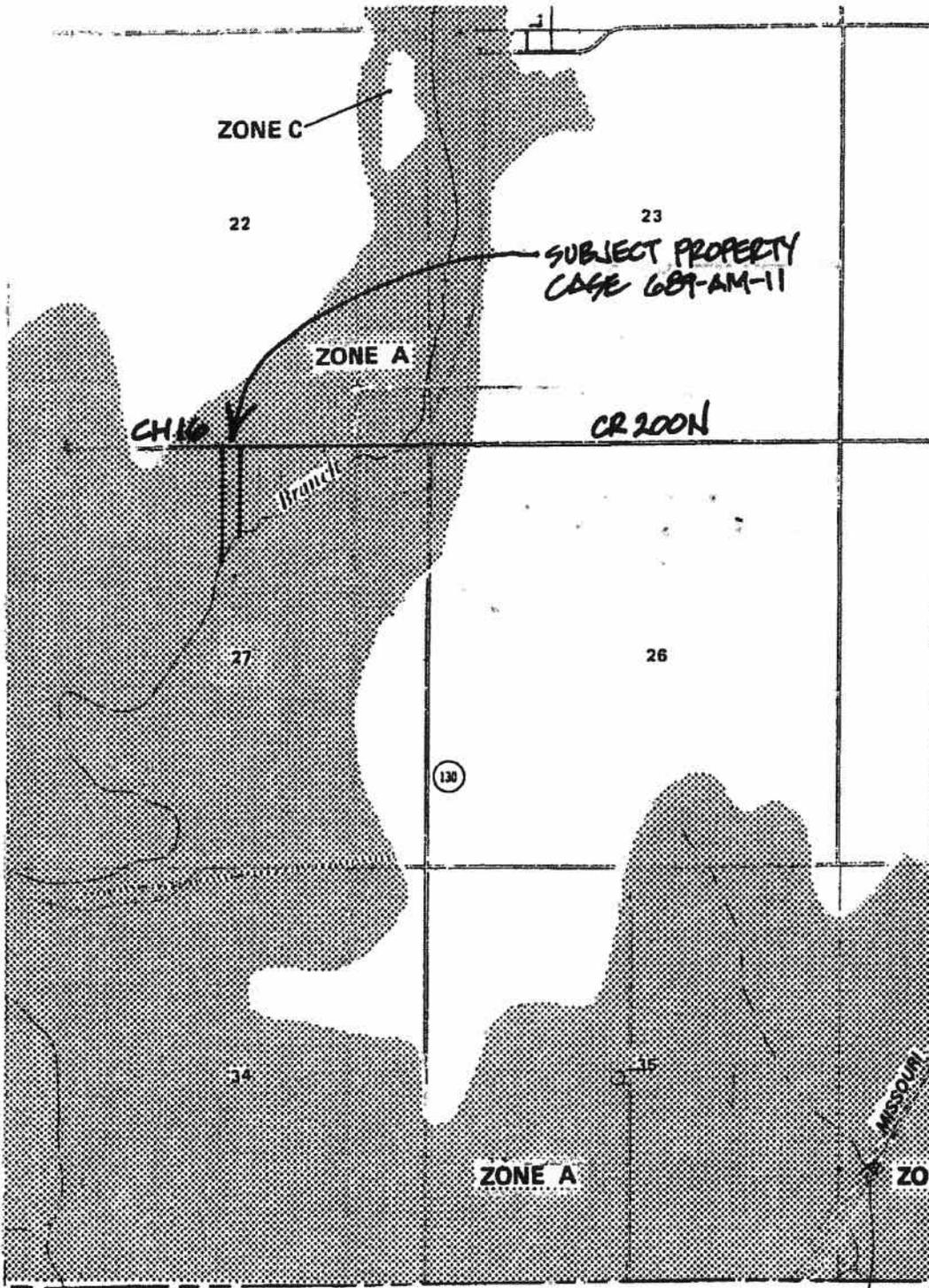
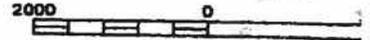


Clatsop
 County
 Department of
**PLANNING &
 ZONING**

Contact your insurance agent, or call the National Flood Insurance Administration, at (800) 638-6620.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE

FIRM
FLOOD INSURANCE

COUNTY OF
CHAMPAIGN
ILLINOIS
(UNINCORPORATED)

PANEL 275 OF 300

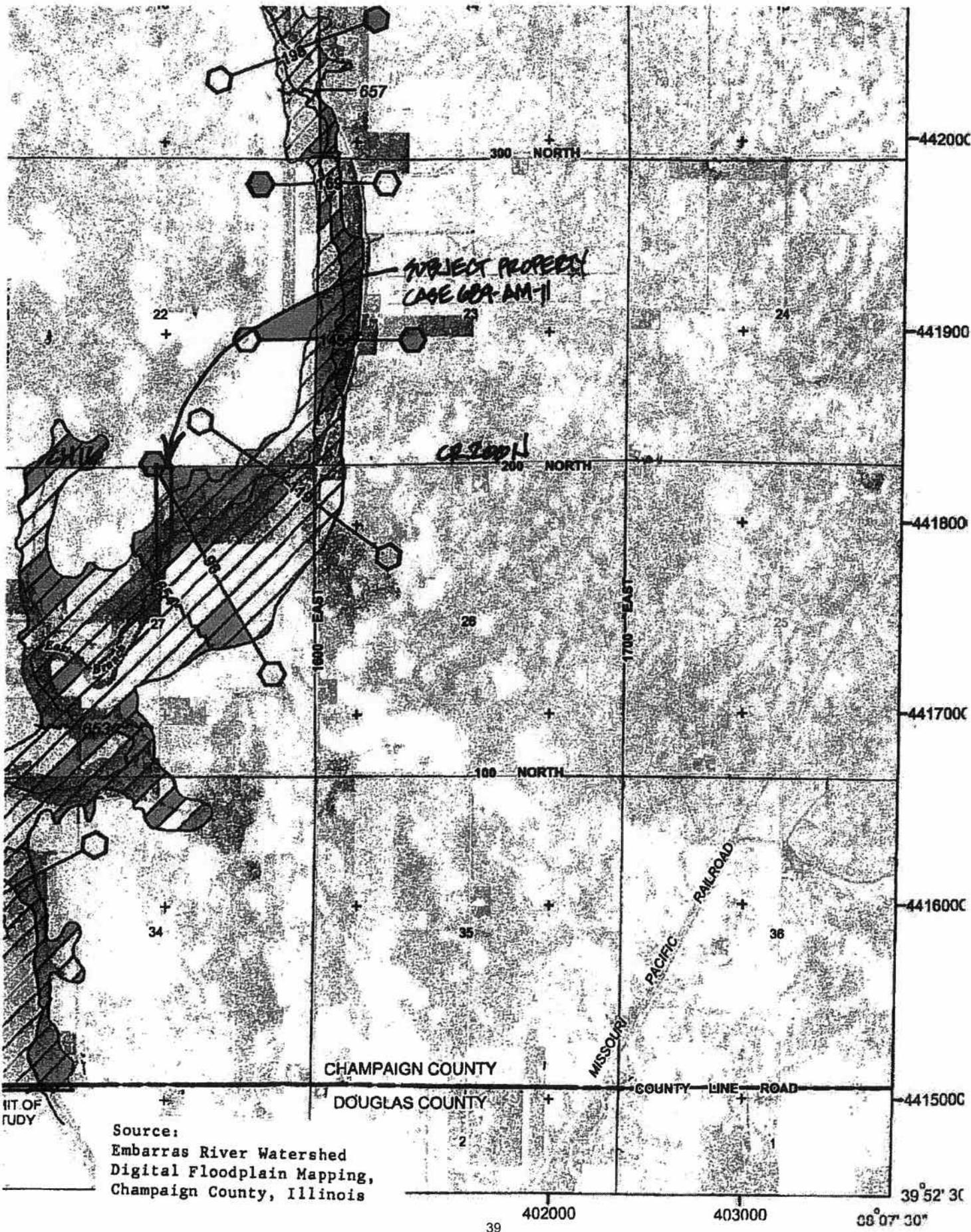
Champaign County
Planning & Zoning
1776 E. Washington
Urbana, Illinois 61801

COMMUNITY-PAN
170

EFFECTIVE
MARCH 1993

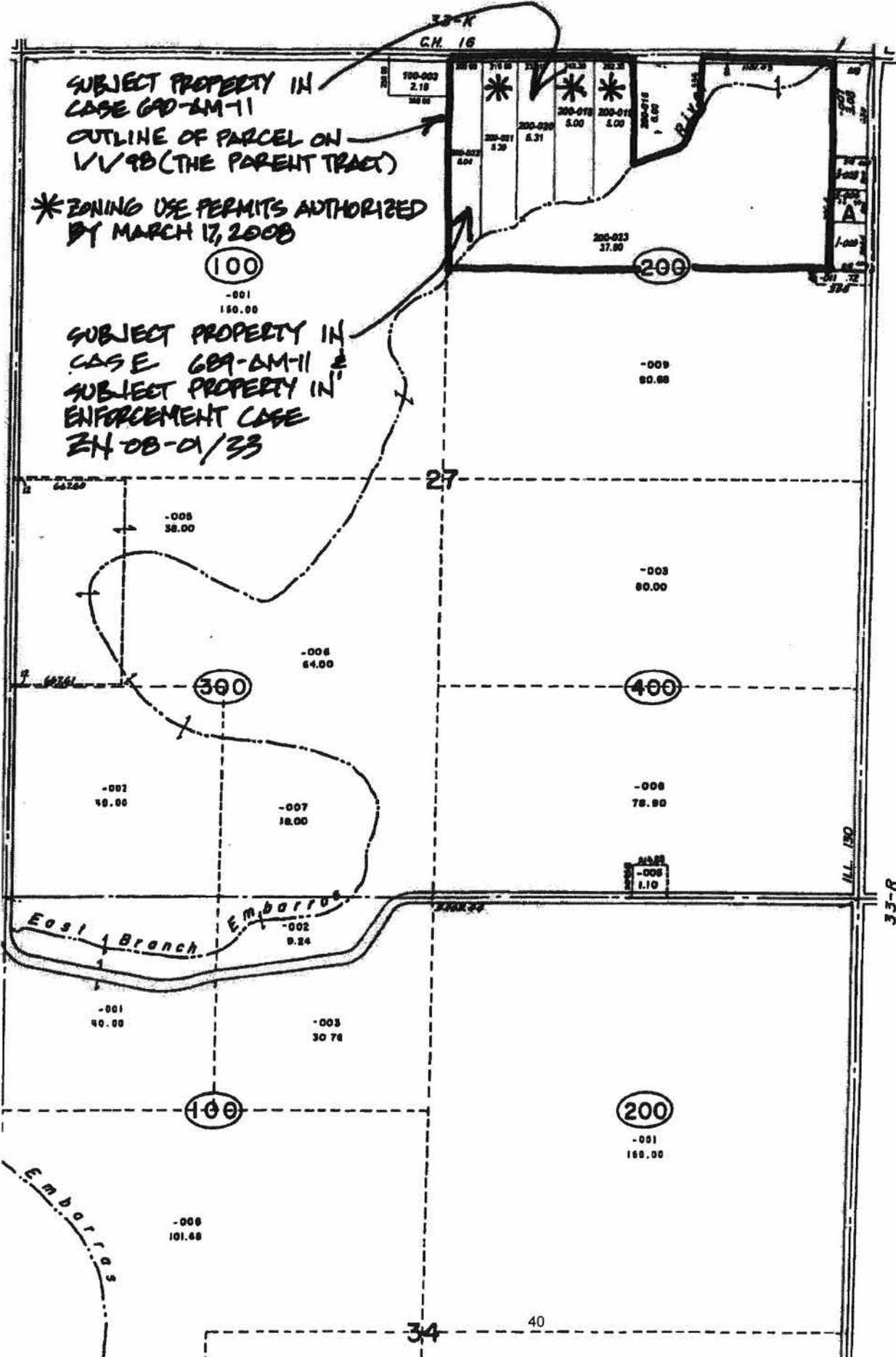


Federal Emergency Management Agency



Source:
 Embarras River Watershed
 Digital Floodplain Mapping,
 Champaign County, Illinois

"R"
E. E. ROGERS SUB.



SUBJECT PROPERTY IN
CASE GAD-AM-11
OUTLINE OF PARCEL ON
VV 98 (THE PARENT TRACT)

* ZONING USE PERMITS AUTHORIZED
BY MARCH 17, 2008

100

-001
160.00

SUBJECT PROPERTY IN
CASE E G89-AM-11 &
SUBJECT PROPERTY IN
ENFORCEMENT CASE
ZH 08-01/33

200

-008
60.00

27

-005
38.00

-008
60.00

300

-006
64.00

400

-007
18.00

-007
18.00

-008
78.80

East Branch Embarras

-002
9.24

-006
1.10

-001
40.00

-003
30.78

100

200

-006
101.68

-001
169.00

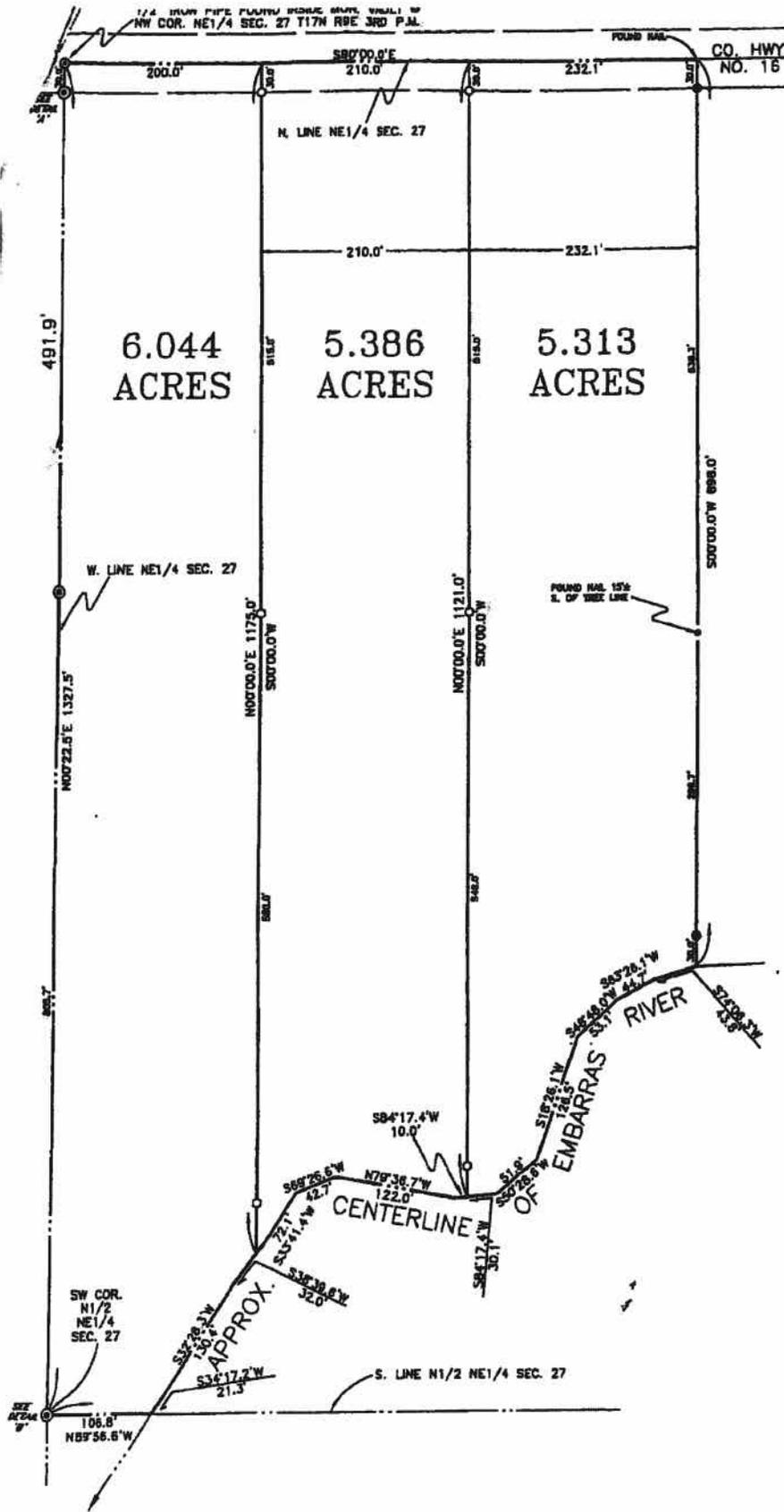
Embarras

34

40

33-R

1/4 IRON PIPE FOUND IRONIC MARK, VALUE 1/4 NW COR. NE1/4 SEC. 27 T17N R9E 3RD P.M.



RECEIVED

APR 29 2011

CHAMPAIGN CO. P & Z DEPARTMENT

- ⊙ 1/2" IRON ROD FOUND, PLASTIC CAP STAMPED, D. MEYER LS 3388
- 1/2" IRON ROD FOUND, PLASTIC CAP STAMPED
- 1/2" IRON ROD SET W/ PLASTIC CAP STAMPED
- FORESHORTENED LINE

I hereby certify that this plat represents the true and correct boundaries of the above described tracts of land.

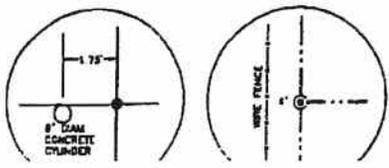
6.044 ACRE TRACT
Beginning at the Northwest or Northeast Quarter of Section 27, Township 17 North of the Base Line, Range 9 East Principal Meridian a distance of 200.0 feet on the N said Northeast Quarter; thence 1176.0 feet; thence S89°56.5'W 106.5 feet; thence S34°17.4'W 21.3 feet along the centerline of the Embarras River; thence S34°17.4'W 21.3 feet along said centerline; thence S89°56.5'W 106.5 feet on the South Line of the North Half of east Quarter; and thence N00°00.0'W 1176.0 feet on the West Line of said Quarter to the point of beginning, enclosing 6.044 acres, situated in Champaign County, Illinois.

5.386 ACRE TRACT
Beginning on the North Line of east Quarter of Section 27, Township 17 North of the Base Line, Range 9 East Principal Meridian a distance east of the Northwest Corner of east Quarter; thence South 90 minutes East (S90°00.0'E) 210.0 feet; thence S00°00.0'W 10.0 feet along line of the Embarras River; thence 122.0 feet along said centerline; thence S89°56.5'W 106.5 feet along said centerline; thence S34°17.4'W 21.3 feet along said centerline; thence N00°00.0'E 1176.0 feet to beginning, encompassing 5.386 acres in Champaign County, Illinois.

5.313 ACRE TRACT
Beginning on the North Line of east Quarter of Section 27, Township 17 North of the Base Line, Range 9 East Principal Meridian a distance east of the Northwest Corner of east Quarter; thence South 90 minutes East (S90°00.0'E) 232.1 feet; thence S00°00.0'W 10.0 feet along line of the Embarras River; thence 44.7 feet along said centerline; thence S89°56.5'W 106.5 feet along said centerline; thence S34°17.4'W 21.3 feet along said centerline; thence N00°00.0'E 1176.0 feet to the point of beginning, enclosing 5.313 acres, situated in Champaign County, Illinois.

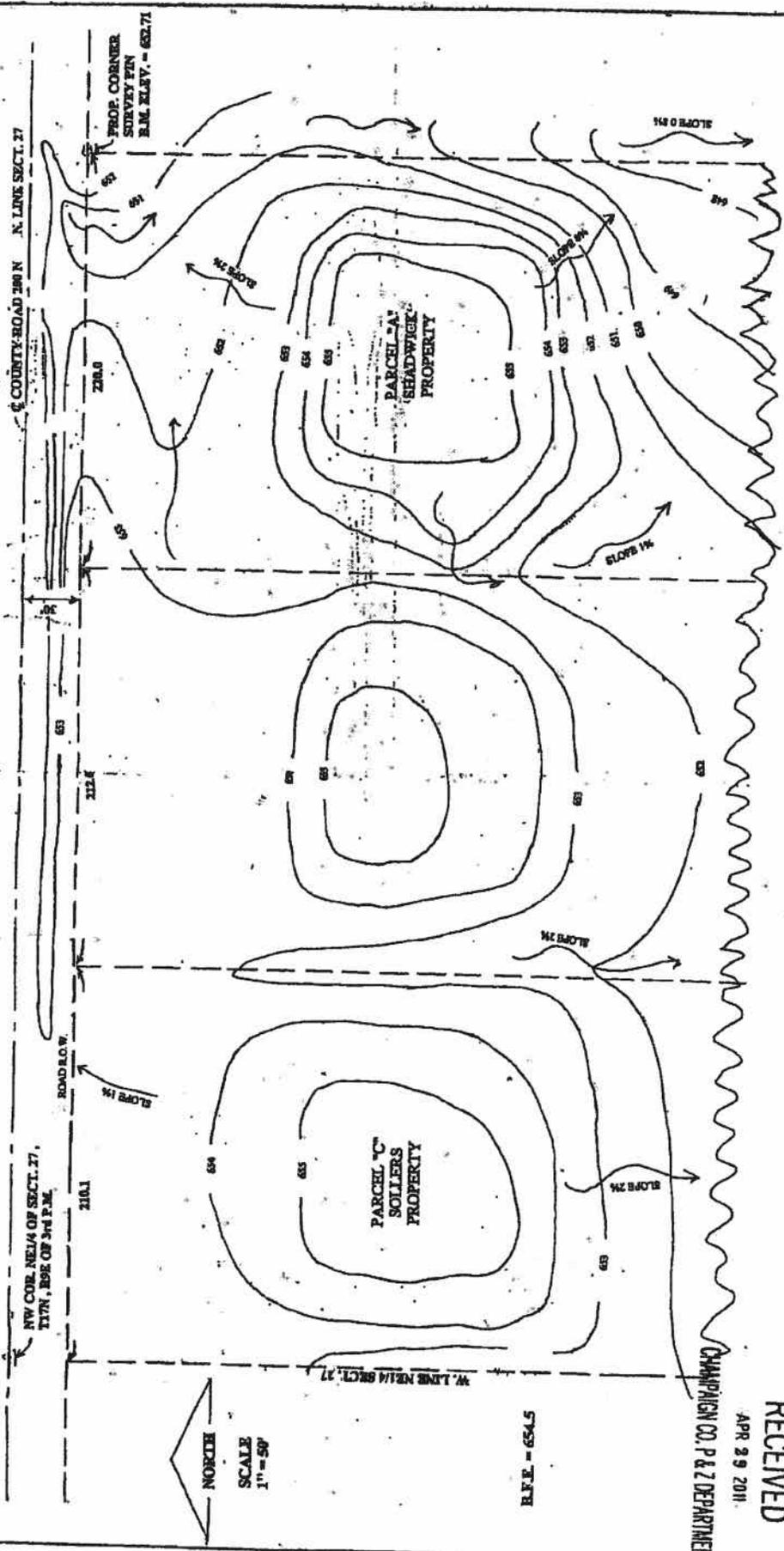
To the best of my knowledge and best personal service conforms to the current Standards of Practice applicable to surveyors.

Robert A. Moore
Robert A. Moore
Illinois Land Surveyor No. 2818
License expires 11/30/2004



MOORE SURVEY
PAXTON, ILLINOIS

TOPOGRAPHIC / DRAINAGE ANALYSIS SURVEY FOR
 PARCEL "A" (SHADWICK) AND PARCEL "C" (SOLLERS)
 LOCATED IN NW1/4, NE1/4, SECT. 27, T17N, R9E, 3rd PM
 CRITTENDEN TOWNSHIP, CHAMPAIGN CO., ILLINOIS



SURVEYED AND PLATTED BY
 WAYNE WARD ENGINEERING
 971 N. COUNTY ROAD 1500 E.
 CAMARGO, ILLINOIS 61919

MARCH 18, 2011
 DATE

F. Wayne Ward
 F. WAYNE WARD
 P.E. NO. 027405

RECEIVED
 APR 29 2011

AS APPROVED

689-AM-11

SUMMARY OF EVIDENCE,

FINDING OF FACT,

AND

FINAL DETERMINATION

of

Champaign County Zoning Board of Appeals

Final Determination: RECOMMEND ENACTMENT WITH CONDITIONS

Date: November 10, 2011

Petitioners: Charles T. and Shelly Sollers

Request: Amend the Zoning Map to allow for the use of 1 single family residential lot in the CR Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 16, 2011, August 11, 2011, and November 10, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Charles T. and Shelly Sollers own the subject property.
2. The subject property is an approximately an approximately 6 acre tract of land that is located in the West Half of the North Half of the Northeast Quarter of Section 27 of Crittenden Township and that is located approximately one-half mile west of the intersection of County Highway 16 and Illinois Route 130 and located on the south side of County Highway 16 (CR200N).
- *3. The subject property is not located within the one-and-a-half-mile extraterritorial jurisdiction of a municipality with zoning.
- *4. Regarding petitioner's comments on the petition:
 - *A. When asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner stated the following:
Zoning should be amended to RRO because the nature of the neighborhood has changed as there are at least 5 single family residences in the Northeast Quarter of Section 27 on comparable in size and characteristic parcels.
 - *B. When asked on the petition what other circumstances justify the rezoning the petitioner stated the following:
There are adequate and convenient roads providing access to the property (RTE 130 and County Road 1600E) and access is with good visibility. Emergency services are available as the Villa Grove Fire Department is conveniently located 3.1 miles away. Two new homes would not have negative effect on nearby farming and the soil is not best prime farmland overall (the LESA Score of the land is much lower than the county average of 92 and no amount that was previously used for agriculture will be rezoned to RRO).
 - *C. Additional comments made by the petitioner on the petition are the following:
The wells in the area are capable of supplying adequate groundwater for normal household use. Drainage flows towards and through the natural waterway. The water does not flow onto any adjoining property, and any sump pump discharge will be diverted by the natural waterway. The site of the potential residence is above the BFE line. The parcel is not close to any man-made hazard and is relatively close to urbanized area (within 16 miles of Urbana). Finally, there are no concerns about wetlands, protected natural resources or habitat in this vicinity.
5. Land use and zoning on the subject property and in the immediate vicinity are as follows:
 - *A. Land to the north is zoned AG-1 Agriculture and is farmland.

*= same as related Case 690-AM-11

- B. Land to the East is zoned CR Conservation Recreation and is single family residential.
- *C. Land to the South is zoned CR Conservation Recreation and is single family residential and agriculture and is proposed for a Heliport and Restricted Landing Area in Case 688-S-11.
- D. Land to the West is zoned CR Conservation Recreation and is single family residential and agricultural.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

- 6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
 - (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
 - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
 - C. Paragraph 5.4.3 C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on drainage both upstream and downstream;
 - (3) The suitability of the site for onsite wastewater systems;
 - (4) The availability of water supply to the site;
 - (5) The availability of emergency services to the site;
 - (6) The flood hazard status of the site;
 - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
 - (8) The presence of nearby natural or man-made hazards;
 - (9) Effects on nearby farmland and farm operations;
 - (10) Effects of nearby farm operations on the proposed residential development;

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- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;
- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site;

GENERALLY REGARDING THE MAXIMUM ALTERNATIVE DEVELOPMENT WITHOUT AN RRO

7. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
 - *A. As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO District for subdivisions of any tract that existed on January 1, 1998, into more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
 - *B. The subject property was divided out of an approximately 65.54 parcel (the parent tract) of land in the Northeast Quarter of Section 27 of Crittenden Township indicated in the January 1, 1998, Champaign County Supervisor of Assessments Official Tax Map (see attachment).
 - *C. By July 1, 2005, that 65.54 acre parcel had been divided into a total of six different tax parcels each of which was less than 35 acres in area and one parcel that was larger than 35 acres (see attachment B). The last three lots less than 35 acres in area had been created in a Plat of Survey dated 5/18/04 that was recorded on July 1, 2005 (see attached). The attachment also illustrates that by March 7, 2008, zoning use permits had been authorized on three of the new small (less than 35 acre) lots, as follows:
 - (1) Zoning Use Permit 65-01-01 for a new dwelling was authorized on March 6, 2001.
 - (2) Zoning Use Permit 85-03-01 for a new dwelling was authorized on March 13, 2003.
 - (3) Zoning Use Permit 361-07-01FP (floodplain development permit) was authorized on March 17, 2008. The application for this Zoning Use Permit was received on December 27, 2007.
 - *D. On December 26, 2007, a Community Acknowledgement of Fill Form was submitted for the subject property in related Case 690-AM-11 by the owners at that time, Justin and Spring Harrison of Villa Grove. In a letter dated April 24, 2008, the Zoning Administrator informed the Harrisons that the subject property was unbuildable without a County Board approval of a Rural Residential Overlay (RRO) zoning map amendment. The letter also stated that the third lot created in the Plat of Survey was also not buildable without the RRO amendment and there was an enforcement action against the owner of that lot for unauthorized construction. The letter also explained that Phillip Jones, from whom the property had been purchased, had been informed of the Zoning Ordinance limit on the number of lots that could be created and what it meant for the division of the property long before the Plat of Survey was ever prepared.

*= same as related Case 690-AM-11

- E. The subject property is the subject of enforcement case ZN-08-01/33 for unauthorized construction. There is an existing building on the property without a permit and no permit can be authorized on the subject property without the requested RRO rezoning. The existing building is also apparently not a dwelling and is only a storage structure and non-agricultural storage structures cannot be authorized without there being a dwelling. Resolution of the required RRO rezoning will lead to eventual resolution of all other necessary authorizations.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 8. The plan that was received on April 29, 2011, in fulfillment of the Schematic Plan requirement indicates the following:
 - A. There is one proposed buildable lot that is approximately 6 acres in area.
 - B. The RRO District is necessary for the proposed lot.
 - C. The subject property has access to County Highway 16 (CR200N) and is located approximately 2,000 feet west of the intersection with Illinois Route 130.
 - D. The proposed lot meets or exceeds all of the minimum lot standards in the *Zoning Ordinance*.
 - E. The subject property is in different ownership than the property in related case 689-AM-11 but the impacts of each case should be considered together since both lots require rezoning.
 - F. Although not indicated on the Plat of Survey, an unauthorized building has been constructed on the subject property and a pond has been constructed. The subject property is the subject of enforcement case ZN-08-01/33. Because of the extent of the floodplain both the building and the pond are located in the floodplain but were constructed without zoning use permits and thus without a floodplain development permit. The pond appears to be less than one acre in area and if so a special use permit is not required and it appears to have been completely excavated and is probably compliant with the Special Flood Hazard Areas Ordinance. The building is apparently not a "dwelling" and is a storage building which means the property has no principal use. Non-agricultural storage buildings are not authorized without a principal use. Approval of the RRO request will not resolve all of the violations on the property but is a necessary first step. Resolution of the remaining violations will be the responsibility of the owners.

GENERALLY REGARDING THE SOILS ON THE PROPERTY

- 9. A Section 22 Natural Resource Report was prepared for the subject property by the Champaign County Soil and Water Conservation District on February 8, 2008, and supplemental information was provided on April 29, 2011. The types of soils and other site characteristics are as follows:
 - A. The area covered by the Natural Resource Report prepared on February 8, 2008, appears to cover more area than the actual proposed lot, which might make some difference in the LE score and relative extents of the soil types on the subject property. Supplemental information provided on April 29, 2011, indicates that the subject property is not best prime farmland overall.

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- B. Regarding the soils on the subject property, their extents, and their relative values are as follows:
- (1) Approximately 2.97 acres (about 50%) of the subject property is soil map unit 242A Kendall silt loam, 0 to 2% slopes. Kendall soil generally covers the the northern half of the property.
 - (2) Approximately 1.8 acres (about 30%) of the subject property is soil map unit is soil map unit 3107A Sawmill silty clay loam (formerly 402 Colo silty clay loam), 0 to 2% slopes. Sawmill soil is a floodplain soil that covers the southern 30% of the property nearest the river.
 - (3) The rest of the subject property (1.4 acres or about 20%) consists of map unit 570C2 Martinsville silt loam, 5% to 10% slopes, eroded. Martinsville soil is midway between the Kendall and the bottomland Sawmill soil and probably indicates a stream terrace.
- C. The subject property is not Best Prime Farmland under Section 5.3 of the Champaign County Zoning Ordinance, as follows:
- (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies – Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the *Champaign County, Illinois Land Evaluation and Site Assessment System*.
 - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates the overall Land Evaluation factor for the soils in the original Plat of Survey is 76 and based on the soil areas for the subject property indicated in the Phillip Jones Tract Soils Information including soil information for Sollers and Shadwick tracts, the overall Land Evaluation for the subject property is also 76.
- D. Site specific concerns stated in the Section 22 report are the following:
- (1) The Kendall soil is subject to severe wetness (although less than Drummer).
 - (2) Extra care should be taken to minimize soil erosion and sedimentation into the East Branch of the Embarras River on the south edge of the property.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

10. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
- A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.

*= same as related Case 690-AM-11

- B. The Staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
- C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the single residence in the requested RRO District is estimated to account for an increase of approximately 10 ADT in total, which is a 100% increase over the non-RRO alternative. The subject property and the property in related case 689-AM-11 should be considered together and both properties together are an increase of approximately 20ADT.
- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
- (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- F. The subject property is located on County Highway 16. The width of the pavement is approximately 22 feet. A special condition has been proposed to ensure that the driveway entrance is approved by the County Engineer.
- G. 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 Annual Average Daily Traffic (AADT). As indicated in a print out of IDOT traffic data included with the 8/4/11 Supplemental Memorandum, the most recent AADT data in the vicinity of the subject property is 750 AADT along CH16 (CR200N) where it passes the subject property.

- H. The relevant geometric standards for visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to “minimum stopping sight distance”. Design speed determines what the recommended distance is. There appear to be no visibility concerns related to the placement of the new street.
- I. Overall, the subject property and proposed RRO are comparable to “nearly ideal” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because the subject property is located approximately 2,000 feet west of IL 130 and appears to have adequate capacity.

GENERALLY REGARDING DRAINAGE

- 11. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
 - A. The Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011, was an attachment to the Preliminary Memorandum and describes the topography of the subject property as follows:
 - (1) The subject property is Parcel “C” and the property in related Case 690-AM-11 is Parcel “A”.
 - (2) The northern half of the subject property varies in elevation from 655 feet to 653 feet mean sea level.
 - (3) The subject property has a mounded area approximately 100 feet square located 120 feet south of the north property line (ROW of CH16) at elevation 655 feet. The rest of the property has ground slope between 1% and 2% or steeper near the East Branch of the Embarras River.
 - (4) The engineer has no knowledge of any specific proposals for onsite wastewater treatment and disposal systems and so there are no recommendations.
 - (5) Any sump pump discharge could be diverted to the natural waterway and the quantity of discharge water will not impact the capacity or condition of the natural waterway.
 - B. Staff evidence relevant to the drainage conditions on the subject property is as follows:
 - (1) The topographic contours do not indicate any areas of significant storm water ponding on the subject property.
 - (2) The Champaign County Zoning Ordinance does not contain a minimum required ground slope but 1% is normally considered a minimum desirable ground slope for residential development.

*= same as related Case 690-AM-11

- C. Overall, the proposed RRO District is comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
- (1) The subject property has ground slope exceeding 2% in general.
 - (2) The subject property does not drain over any adjacent property except for a portion of the natural drainageway that is on the adjacent property.

GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

12. Regarding the suitability of the site for onsite wastewater systems:

- A. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the relevant soil types on the subject property were included with the Supplemental Memorandum dated August 4, 2011, and can be summarized as follows:
- (1) Kendall silt loam, 0 to 3 percent slopes (map unit 242A) soil covers about 50% of the property and is rated as having “medium” suitability for subsurface soil absorption wastewater systems (septic tank leach fields) with a soil potential index of 83 and requires corrective measures generally of subsurface drainage or fill and a curtain drain. Kendall soil is generally in the northern half of the property where a home would most likely be constructed.
 - (2) Martinsville silt loam, 5% to 10% slopes, eroded covers about 20% of the property and has “high” suitability for septic tank leach fields with a soil potential index of 95 but may require a serial distribution to accommodate the slope.
 - (3) Sawmill silty clay loam, 0-2% slopes, (map unit 3107A; formerly Colo silty clay loam) has “very low” suitability for septic tank leach fields with a soil potential index of 3. Sawmill has severe wetness problems due to a water table high enough to cause flooding (1 foot above to 2 feet deep) and moderate permeability. The typical corrective measure is subsurface drainage to lower groundwater levels. Sawmill soil makes up about 50% (2.63 acres) of the subject property.
- B. The subject property is comparable to “much better than typical” conditions for Champaign County because 50% of the soils on the subject property have “medium” suitability and 20% of the soils have “high” suitability, as compared to the approximately 51% of the entire County that has a Low Potential.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

13. Regarding the availability of water supply to the site;
 - A. The Staff report *Locational Considerations and Issues for Rural Residential Development in Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County.
 - B. The subject property is located in an area with known limited groundwater availability.
 - C. In a letter dated January 24, 2008, that was included with the Supplemental Memorandum dated August 4, 2011, Ken Hlinka, Associate Hydrologist with the Illinois State Water Survey Center for Groundwater Science stated the chances are fair to good for developing the necessary water supply at the subject property.
 - D. The subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the availability of water supply.

GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE

14. Regarding the availability of emergency services to the site:
 - A. The subject property is under contract with the Villa Grove Fire Protection Department and is located approximately 3.1 road miles from the Villa Grove station. The approximate travel time is less than 10 minutes. The Fire District Chief has been notified of this request for rezoning.
 - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the availability of emergency services because the site is under contract with and located approximately 3.1 road miles from the Villa Grove fire station.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

15. Regarding the flood hazard status of the site:
 - A. An excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984, was included with the Preliminary Memorandum and indicates the entire subject property is within the mapped 100-year floodplain.
 - B. An excerpt from the *Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois* by the Illinois State Water Survey (August 2002) was also included with the Preliminary Memorandum and indicates that the entire subject property is located within the 100-year floodplain and based on interpolation the base flood elevation is approximately 654.5 feet mean sea level at the subject property.

*= same as related Case 690-AM-11

- C. The Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011, was an attachment to the Preliminary Memorandum and indicates there is a mounded area approximately 100 feet square located 120 feet south of the north property line at elevation 655 feet and one-half foot above the base flood elevation.
 - D. The Champaign County *Special Flood Hazard Areas Ordinance* allows construction in the 100-year floodplain regardless of depth below the base flood elevation provided that proper measures are taken to minimize damage from flooding. However, the greater the depth below the base flood elevation the more expensive are the minimum requirements to minimize damage from flooding.
 - E. Overall, the proposed RRO District is comparable to “worst or nearly worst” conditions for Champaign County in terms of flood hazard status because the entire subject property is in the mapped floodplain however there is pad of elevated ground that will make it easier to construct a home and partially mitigate this condition.
16. Regarding the presence of nearby natural or man-made hazards, there are no known hazards other than the floodplain in the vicinity and the location on a County Highway and proximity to a state highway should minimize the problems with weather related conditions. Overall, the subject property and proposed RRO are comparable to “nearly ideal” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF NEARBY FARM OPERATIONS ON THE DEVELOPMENT

17. Regarding the likely effects of nearby farm operations on the proposed development:
- A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
 - (1) Row crop production agriculture occupies a portion of the land area within the immediate vicinity of the proposed RRO District, but occurs on only one side of the proposed RRO and that is to the north and separated from the subject property by the right of way of CH16.
 - (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
 - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development because most of the buildable area on the subject property is bordered on only one side by row crop agriculture.

GENERALLY REGARDING THE (LESA) SCORE

18. Regarding the LESA score of the proposed RRO District:
- A. The Champaign County, Illinois LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
 - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
 - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
 - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
 - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.
 - (5) For comparison purposes, development on prime farmland soils but in close proximity to built up areas and urban services typically has scores between 180 and 200.
 - B. The LESA worksheets are an attachment to the Supplemental Memorandum dated August 4, 2011. The component and total scores are as follows:
 - (1) The Land Evaluation component rating for the proposed RRO District is 76.
 - (2) The Site Assessment component rating for the proposed RRO District is 132.
 - (3) The total LESA score is 208 and indicates a High rating for protection of agriculture.
 - C. Overall, the subject property and proposed RRO are comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the LESA score because there is no best prime farmland and the total score of 208 indicates a High rating for protection of agriculture.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

19. The subject property is not best prime farmland overall.

GENERALLY REGARDING THE EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS

20. Regarding the effects on wetlands, endangered species, and natural areas:
- A. An application to the Illinois Department of Natural Resources (IDNR) for endangered species consultation and a report was received from IDNR on March 1, 2011, and included with the Supplemental Memorandum dated August 4, 2011, that indicated that it is unlikely that the proposed action would have adverse effects on any protected resource that may be in the vicinity of the subject property.

*= same as related Case 690-AM-11

- B. Regarding the effects on archaeological resources, a letter reply from the Illinois Historic Preservation Agency was dated April 2, 2011, and included with the Supplemental Memorandum dated August 4, 2011, and indicated that a Phase I archaeological survey will be required on the subject property because it is located within a “high probability” area.
- C. Overall, the subject property and proposed RRO are comparable to “More or less typical” conditions for Champaign County in terms of effects on wetlands, archaeological sites, and natural areas because much of Champaign County is located within a “high probability” area for archaeological resources.

GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

- 21. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
 - A. “Ideal or Nearly Ideal” conditions for 2 factors (adequacy of roads and manmade hazards)
 - B. “Much Better Than Typical” conditions for 5 factors (septic suitability, availability of emergency services, effects of nearby farms, LESA score, and effects on drainage)
 - C. “More or Less Typical” conditions for 2 factors (availability of groundwater and effects on wetlands, endangered species, and natural areas)
 - D. “Worst or Nearly Worst” conditions for flood hazard status however there is pad of elevated ground that will make it easier to construct a home and partially mitigate this condition.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF THE DEVELOPMENT ON NEARBY FARM OPERATIONS

- 22. Regarding the likely effects of the proposed development on nearby farm operations:
 - A. The surrounding land use on only one side of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
 - (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.

The single-family dwellings that will result from the proposed RRO and the RRO in Case 690-AM-11 will generate 200% more traffic than the non-RRO alternative that is no additional dwellings.
 - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.

The single-family dwellings that will result from the proposed RRO will probably is only adjacent to farmland that is across the County Highway so there may be little or no trespassing.

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- (3) Blowing litter into the adjacent crops making agricultural operations more difficult.

The single-family dwelling that will result from the proposed RRO is located downwind from the farmland to the north and there may be some increase in blowing litter.

- (4) Discharge of “dry weather flows” of stormwater or ground water (such as from a sump pump) that may make agricultural operations more difficult.

Because the subject property is adjacent to a natural drainage ditch, there should be no problems with dry weather flows, which means there would be no difference between the proposed RRO and the non-RRO alternative.

- (5) Trees planted close to the property lines on the subject property will not be a problem on any adjacent farmland or interfere with farming operations.

Therefore, there will be no difference between the proposed RRO on the subject property and the non-RRO alternative.

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

- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.
- (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.
- (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 or more animal units) can be located in relation to non-farm residences and public assembly uses (churches, for example). The separation distances between larger livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility and the number of non-farm residences in the vicinity. The *Illinois Livestock Management Facilities Act* was adopted on May 21, 1996, and facilities in existence on the date of adoption are exempt from the requirements of that act so long as the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility.

GENERALLY REGARDING CONFORMANCE WITH THE LAND RESOURCE MANAGEMENT PLAN

23. 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 rezoning land under 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.

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."

D. LRMP Objective 1.1 is entitled "Guidance on Land Resource Management Decisions", and states, "Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions."

E. Goal 1 of the LRMP is relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions (see Item 6.D. above), but is otherwise not relevant to the proposed rezoning. The Goals for Governmental Coordination (Goal 2), Prosperity (Goal 3), and Cultural Amenities (Goal 10) and their subsidiary Objectives and Policies also do not appear to be relevant to the proposed rezoning.

REGARDING LRMP GOAL 4 AGRICULTURE

24. LRMP Goal 4 is entitled "Agriculture" and is relevant to the proposed rezoning because the proposed rezoning includes land currently zoned CR and proposed to be zoned RRO. Goal 4 states, "Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base."

AS APPROVED

The proposed rezoning **ACHIEVES** Goal 4 because of the following:

- A. Goal 4 includes nine subsidiary Objectives. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9 do not appear to be relevant to the proposed rezoning.
- B. Objective 4.1 is entitled "Agricultural Land Fragmentation and Conservation" and states, "Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland."

The proposed rezoning **ACHIEVES** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) 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."

Policy 4.1.1 DOES NOT APPEAR TO BE RELEVANT to any specific Rural Residential Overlay map amendment.

- (3) Policy 4.1.6 is as follows:

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

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

*= same as related Case 690-AM-11

The proposed rezoning **CONFORMS** to Policy 4.1.6 because of the following:

- (a) The Section 22 Natural Resources Report from CCSWCD for Justin Harrison received February 19, 2008, indicates that the subject property is not best prime farmland overall and the limit on best prime farmland does not apply.
- (2) Policy 4.1.8 states that the County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.

The proposed rezoning **CONFORMS** to Policy 4.1.8 because the LESA rating for the subject property is 208 which is a High Rating for Protection which is much better (lower) than a typical LESA rating for Champaign County.

- C. 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 **ACHIEVES** Objective 4.2 because of the following:

- (1) Policy 4.2.2 states the following:

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

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

The proposed rezoning **CONFORMS** to Policy 4.2.2 because of the following:

- (a) The proposed use will not interfere with agricultural activities or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.
- (b) The proposed use will have minimal exposure to any negative effect cause by agricultural activities.
- (2) Policy 4.2.3 states, "The County will require that proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land."

The proposed rezoning **CONFORMS** to Policy 4.2.3 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

- (3) Policy 4.2.4 states, "To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary

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review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

The proposed rezoning **CONFORMS** to Policy 4.2.4 because of the following:

- (a) No buffering is necessary on the north side of the subject property because the right of way of County Highway 16 is situated between the subject property and the farmland to the north.

- D. 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 **DOES** achieve Objective 4.3 because of the following:

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

The proposed rezoning **CONFORMS** to Policy 4.3.1 because of the following:

- (a) The subject property is **SUITED** for residential development.
 - (b) The soils on the subject property are suitable for a wastewater system
 - (c) The location of the proposed house has been filled in order to be higher than Base Flood Elevation.
 - (d) There is existing and good access to a County Highway
 - (e) There will be little to no impact on agricultural operations in the area.
- (2) Policy 4.3.2 does not apply because the soils are not best prime farmland overall.
 - *(3) 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 **CONFORMS** to Policy 4.3.3 because of the following:

- (a) Existing public services are adequate and should not create an undue public expense.
- *(4) Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is

*= same as related Case 690-AM-11

adequate to support the proposed development effectively and safely without undue public expense.”

The proposed rezoning **CONFORMS** to Policy 4.3.4 because of the following:

- (a) The road fronting the property is adequate to serve the needs of the proposed use. The amount of traffic generated from the proposed use is minimal.

REGARDING COMPLIANCE WITH STORMWATER POLLUTION REQUIREMENTS DURING CONSTRUCTION

- 25. The petitioner must file a Notice of Intent with the Illinois Environmental Protection Agency and prepare and maintain onsite a Stormwater Pollution Prevention Plan (SWPPP) that conforms to the National Pollutant Discharge Elimination System (NPDES) requirements for construction sites, during any construction or regarding that disturbs an acre or more of land.
- 26. Regarding proposed special conditions of approval:
 - A. The subject property fronts County Highway 16 and any driveway entrance must meet the County Engineer’s requirements. The following conditions should ensure timely review by the County Engineer:
 - (1) **The petitioner shall apply for a driveway permit from the County Engineer and comply with the requirements of the County Engineer for any required driveway driveway entrance.**
 - (2) **The Zoning Administrator shall not approve a Zoning Use Permit without documentation of the County Engineer’s approval of the proposed driveway entrance.**
 - (3) **Construction related traffic shall not track mud onto the County Highway at any time.**
 - (4) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer’s approval of the constructed driveway entrance including any necessary as-built engineering drawings.**

To ensure that:

Any driveway entrance complies with the County Engineer’s requirements.

- B. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

27. Regarding enforcement case ZN-08-01/33, there is an existing building on the property without a permit and no permit can be authorized on the subject property without the requested RRO rezoning. The existing building is also apparently not a dwelling and is only a storage structure and non-agricultural storage structures cannot be authorized without there being a dwelling. Resolution of the required RRO rezoning will contribute to eventual resolution of all other necessary authorizations but **approval of the required RRO rezoning by itself will not resolve the other necessary authorizations.**

*= same as related Case 690-AM-11

DOCUMENTS OF RECORD

1. Application received April 29, 2011, with attachments:
 - A Excerpt of Plat of Survey by Moore Surveying and Mapping received April 29, 2011
 - B Copy of Topographic Survey by Wayne Ward Engineering received April 29, 2011
 - C Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011
 - D Federal Emergency Management Agency (FEMA) National Flood Insurance Program Elevation Certificate for PARCEL "C"
 - E Commitment for Title Insurance with effective date of February 9, 2011, received on April 29, 2011
 - F Phillip Jones Tract Soils Information including soil information for Sollers and Shadwick tracts and Soil Potential ratings for septic systems
 - G Illinois Department of Natural Resources EcoCAT Agency Response dated March 1, 2011
 - H Letter dated April 2, 2011, from Anne Haaker, Deputy State Historic Preservation Officer
 - I Written Surface Drainage Analysis of Parcel 'A' (Shadwick Property) and Parcel 'B' (Sollers Property) dated March 10, 2011, by Wayne Ward Engineering
 - J Letter dated February 22, 2011, from Ken Hlinka, Associate Hydrologist with the Illinois State Water Survey Center for Groundwater Science, regarding the likelihood of successfully finishing an onsite water well sufficient to serve the proposed lot

2. Preliminary Memorandum dated August 5, 2011, with Attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Excerpt of Sheet 33-Q from the January 1, 1998, Champaign County Supervisor of Assessments Official Tax Map showing Section 27 of Crittenden Township
 - C Divisions of land in the Northeast Quarter of Section 27 of Crittenden Township by July 1, 2005
 - D Plat of Survey recorded on July 1, 2005
 - E Petitioner Submittals
 - F Commitment for Title Insurance with effective date of February 9, 2011, received on April 29, 2011
 - G Excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984
 - H Excerpt of Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois. Illinois State Water Survey. August 2002.
 - I Plat of Survey received April 29, 2011
 - J Section 22 Natural Resources Report from CCSWCD for Justin Harrison received Feb. 19, 2008
 - K Phillip Jones Tract Soils Information including soil information for Sollers and Shadwick tracts and Soil Potential ratings for septic systems
 - L Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011
 - M Topographic Survey received April 29, 2011
 - N Topographic / Drainage Analysis Survey received April 29, 2011
 - O Average Annual Daily Traffic
 - P Excerpted worksheets from *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*
 - Q Illinois Department of Natural Resources EcoCAT Agency Response dated March 1, 2011

AS APPROVED

- R Letter dated April 2, 2011, from Anne Haaker, Deputy State Historic Preservation Officer
 - S Letter dated February 22, 2011, from Ken Hlinka, Associate Hydrologist with the Illinois State Water Survey Center for Groundwater Science, regarding the likelihood of successfully finishing an onsite water well sufficient to serve the proposed lot (included separately)
 - T Champaign County Land Evaluation and Site Assessment worksheet for the subject property
 - U Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County (included separately)
 - V RRO Table 2. Comparing The Proposed Site Condition To Common Champaign County Conditions
 - W RRO Table 3. Summary Of Site Comparison For Factors Relevant To Development Suitability
 - X RRO Table 4. Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - Y Preliminary Draft Summary of Evidence and Finding of Fact (included separately)
3. Supplemental Memorandum dated November 10, 2011, with attachments:
- A Revised Draft Summary of Evidence and Finding of Fact (included separately)
 - B Draft minutes from August 11, 2011 hearing (included separately)
4. Item 13 handout at November 10, 2011 public hearing.
5. Champaign County Right to Farm Resolution No. 3425

*= same as related Case 690-AM-11

FINDING OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **June 16, 2011, August 11, 2011, and November 10, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site **IS SUITED** for the development of 1 residence because:
 - A. Five existing homes are in the same general area.
 - B. The roads are adequate and convenient.
 - C. The land is not considered best prime farmland.
 - D. There is adequate well capacity for fresh water.
 - E. The soil is suitable for a wastewater system.

and despite:

The subject property is located in the flood area.

2. Development of the Proposed Site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:

Because of the special condition imposed regarding the Right to Farm Resolution 3425

and despite:

This being a residential use.

3. The proposed Zoning Ordinance map amendment will help achieve the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goals:
4. The proposed map amendment **WILL** correct an error in the present Ordinance due to: The proposed site will have good access to a County Highway, there will be little to no impact on agriculture, the land is not best prime farmland, there are good soils for septic systems on the site, despite the proposed site being completely within the floodplain.

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 Map Amendment requested in Case 689-AM-11 should **BE ENACTED** by the County Board **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

1. The petitioner shall apply for a driveway permit from the County Engineer and comply with the requirements of the County Engineer for any required driveway entrance.
2. The Zoning Administrator shall not approve a Zoning Use Permit without documentation of the County Engineer's approval of the proposed driveway entrance.
3. Construction related traffic shall not track mud onto the County Highway at any time.
4. The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of the constructed driveway entrance including any necessary as-built engineering drawings.
5. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

*= same as related Case 690-AM-11

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**
From: **John Hall, Zoning Administrator**
Andy Kass, Associate Planner

Date: **December 6, 2011**

RE: **Zoning Case 690-AM-11**

Zoning Case 690-AM-11

Request The ZBA recommends approval of an amendment to the Zoning Map to allow for the use of 1 single family residential lot in the CR Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District

Petitioners Benjamin R. and Jennifer A. Shadwick

STATUS

The Zoning Board of Appeals voted to "RECOMMEND ENACTMENT WITH CONDITIONS" of this proposed Rural Residential Overlay (RRO) rezoning at their November 10, 2011 meeting. Relevant maps have been excerpted from the Documents of Record and are attached. The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact.

REQUIRED FINDINGS

With respect to map amendments requesting creation of a Rural Residential Overlay (RRO) Zoning District, Section 5.4.3 of the Zoning Ordinance requires the ZBA to make two specific findings before forwarding a recommendation to the County Board. The required findings are stated as follows in the Ordinance:

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

Policy 4.3.2 of the Land Resource Management Plan requires RROs proposed on "best prime farmland" that the land be "well suited". The proposed RRO is not on best prime farmland so the higher requirement does not apply. The required findings have been reproduced below with references to the relevant items in the Summary of Evidence.

Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. The proposed site **IS SUITED** for the development of 1 residence because:
 - A. **Five existing homes are in the same general area. (*Item 4(A), Page 2)**
 - B. **The roads are adequate and convenient. (*Item 10, Pages 6-7)**
 - C. **The land is not considered Best Prime Farmland. (*Item 9(A), Page 5)**
 - D. **There is adequate well capacity for fresh water. (*Item 13, Pages 9-10)**
 - E. **The soil is suitable for a wastewater system. (*Item 12, Page 9)**

And despite:

The subject property is located in the flood area. (*Item 15, Page 10-11)

* refers to items in Summary of Evidence

Required Finding 2. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. Development of the proposed site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
 - A. **Because of the special condition imposed regarding the Right to Farm Resolution 3425. (*Item 26(B), Page 19)**

And despite:

This being a residential use.

* refers to items in Summary of Evidence

SPECIAL CONDITIONS

The following special conditions are recommended:

- A The petitioner shall apply for a driveway permit from the County Engineer and comply with the requirements of the County Engineer for any required driveway entrance.
- B The Zoning Administrator shall not approve a Zoning Use Permit without documentation of the County Engineer's approval of the proposed driveway entrance.
- C Construction related traffic shall not track mud onto the County Highway at any time.
- D The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of the constructed driveway entrance including any necessary as-built engineering drawings.
- E 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.

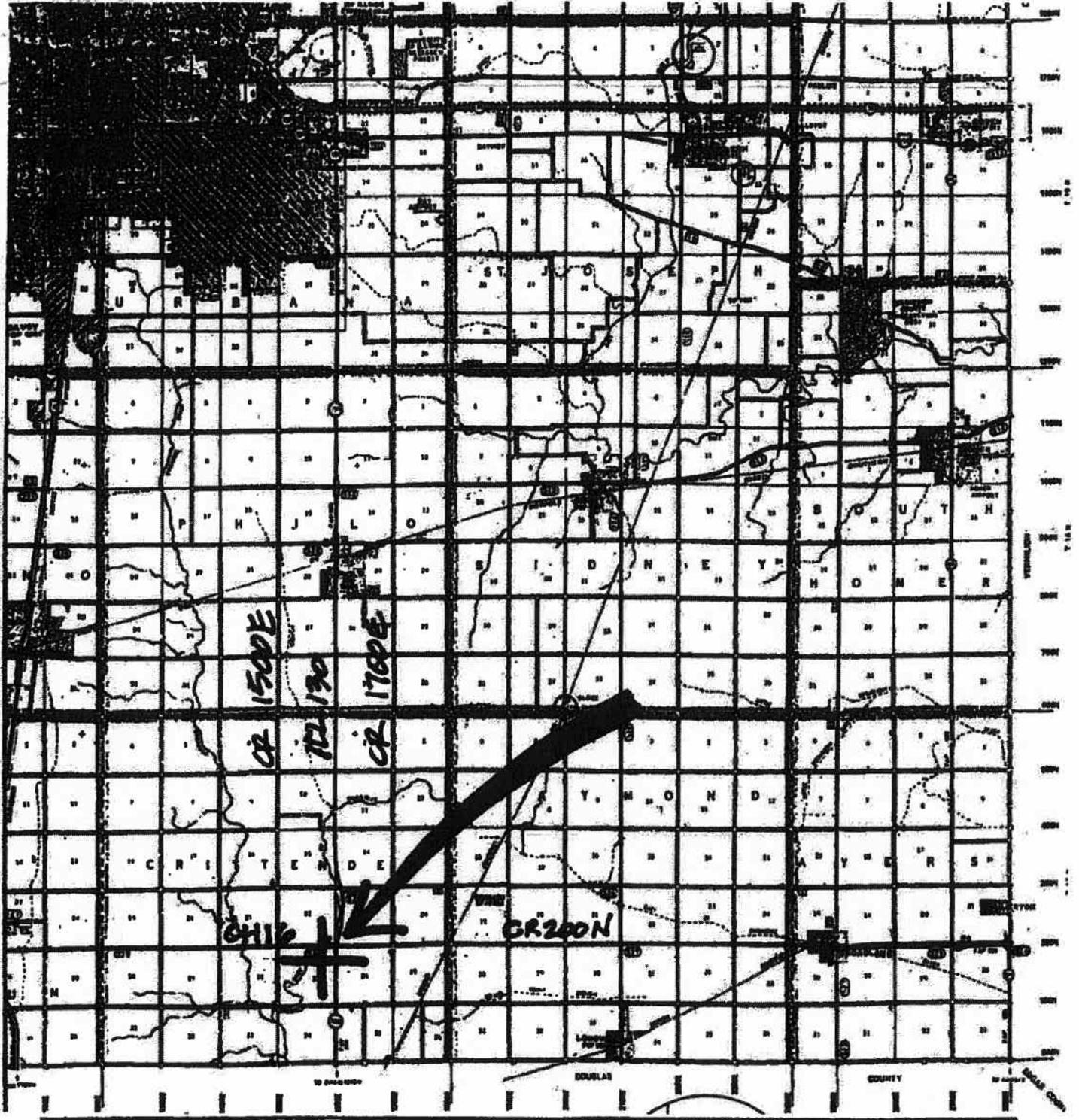
ATTACHMENTS (excerpted from Documents of Record)

- A Case Maps (Location, Land Use, Zoning)
- B Excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984
- C Excerpt of Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois. Illinois State Water Survey. August 2002
- D Divisions of land in the Northeast Quarter of Section 27 of Crittenden Township by July 1, 2005
- E Plat of Survey received April 29, 2011
- F Topographic / Drainage Analysis Survey received April 29, 2011
- G Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on November 10, 2011 (attached separately)

Attachment A Location Map

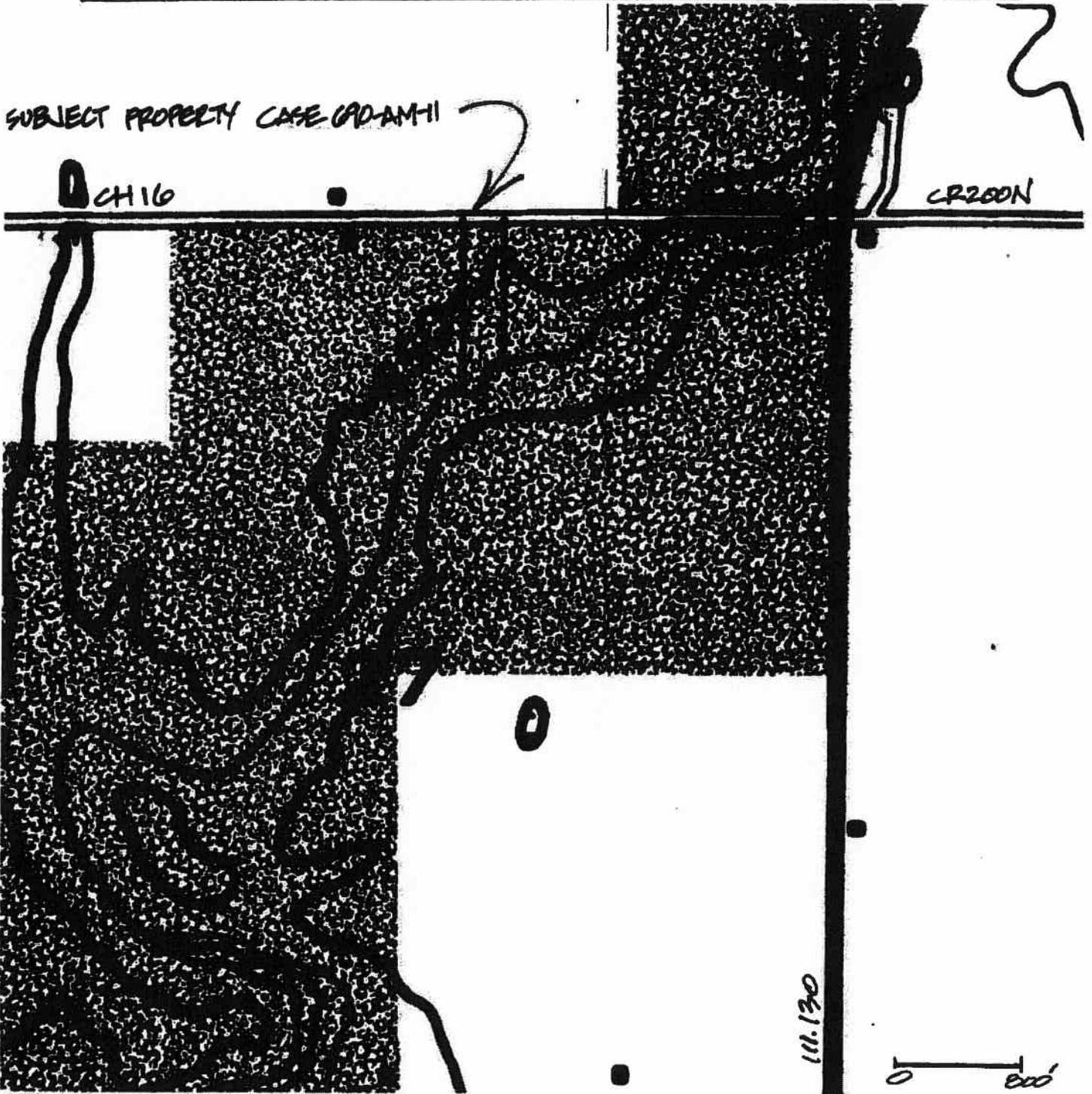
Case 690-AM-11

JUNE 9, 2011



Chicago
City
Department of
PLANNING &
ZONING

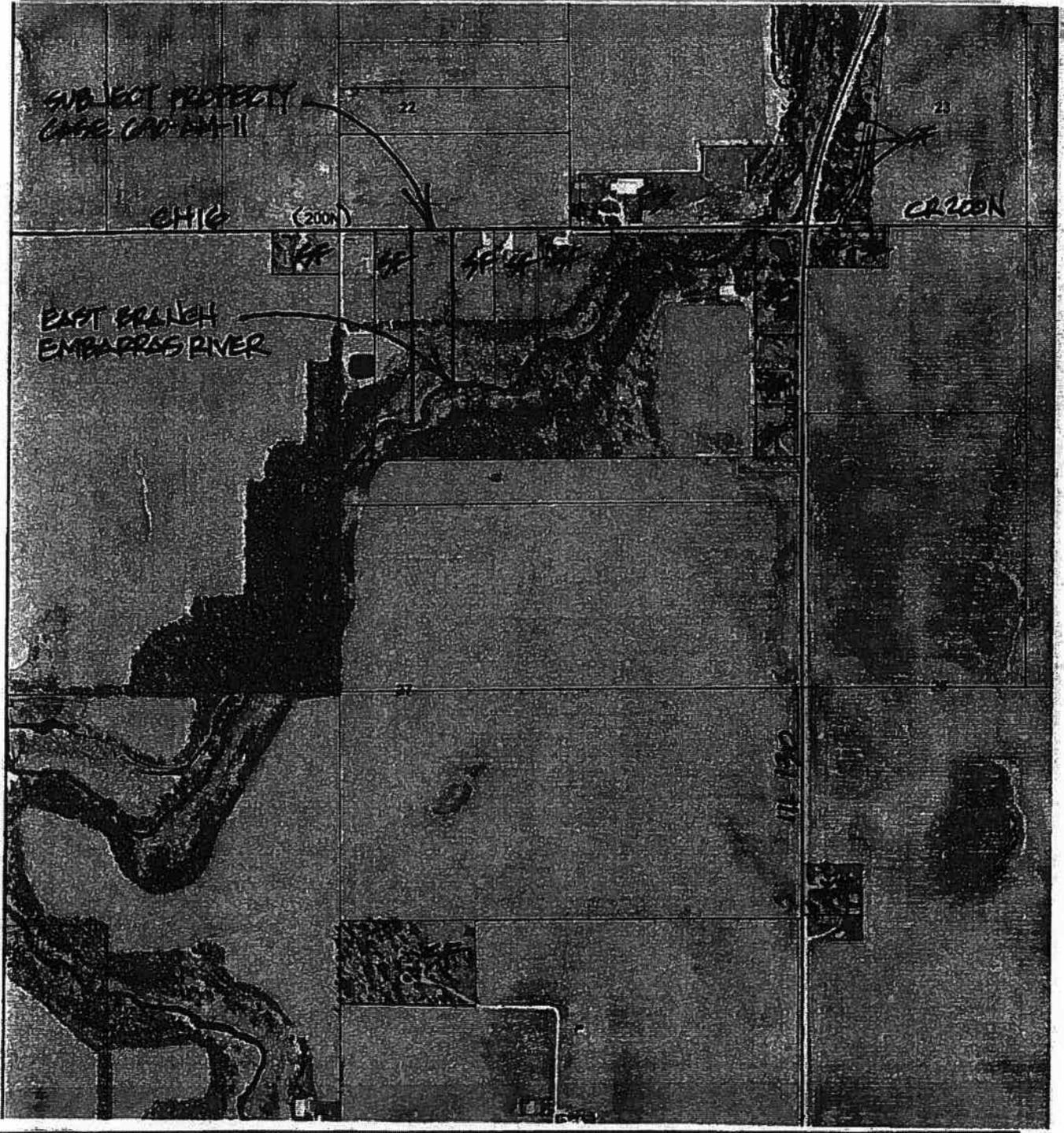
Attachment A Zoning Map
 Case 690-AM-11
 JUNE 9, 2011



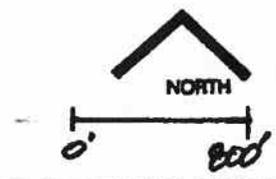
| | | | | |
|-------------------------------|--------------------------------|-----------------------------|------------------------------|-------------------------|
| AG-1 Agriculture | R-1 Single Family Residence | R-4 Multiple Family Res. | B-2 Neighborhood Business | B-3 Central Business |
| AG-2 Agriculture | R-2 Single Family Residence | R-5 Mobile Home Park | B-3 Highway Business | I-1 Light Industry |
| CR Conservation-Recreation | R-3 Two-family Residence | B-1 Rural Trade Center | B-4 General Business | I-2 Heavy Industry |

NORTH
 0 200'
 Champaign County
 Department of
 Planning &
 Zoning

Attachment A Land Use Map
 Case 690-AM-11
 JUNE 9, 2011



| | | |
|-----------|----------------------|---|
| SF | Single Family | □ |
| FS | Farmstead | □ |

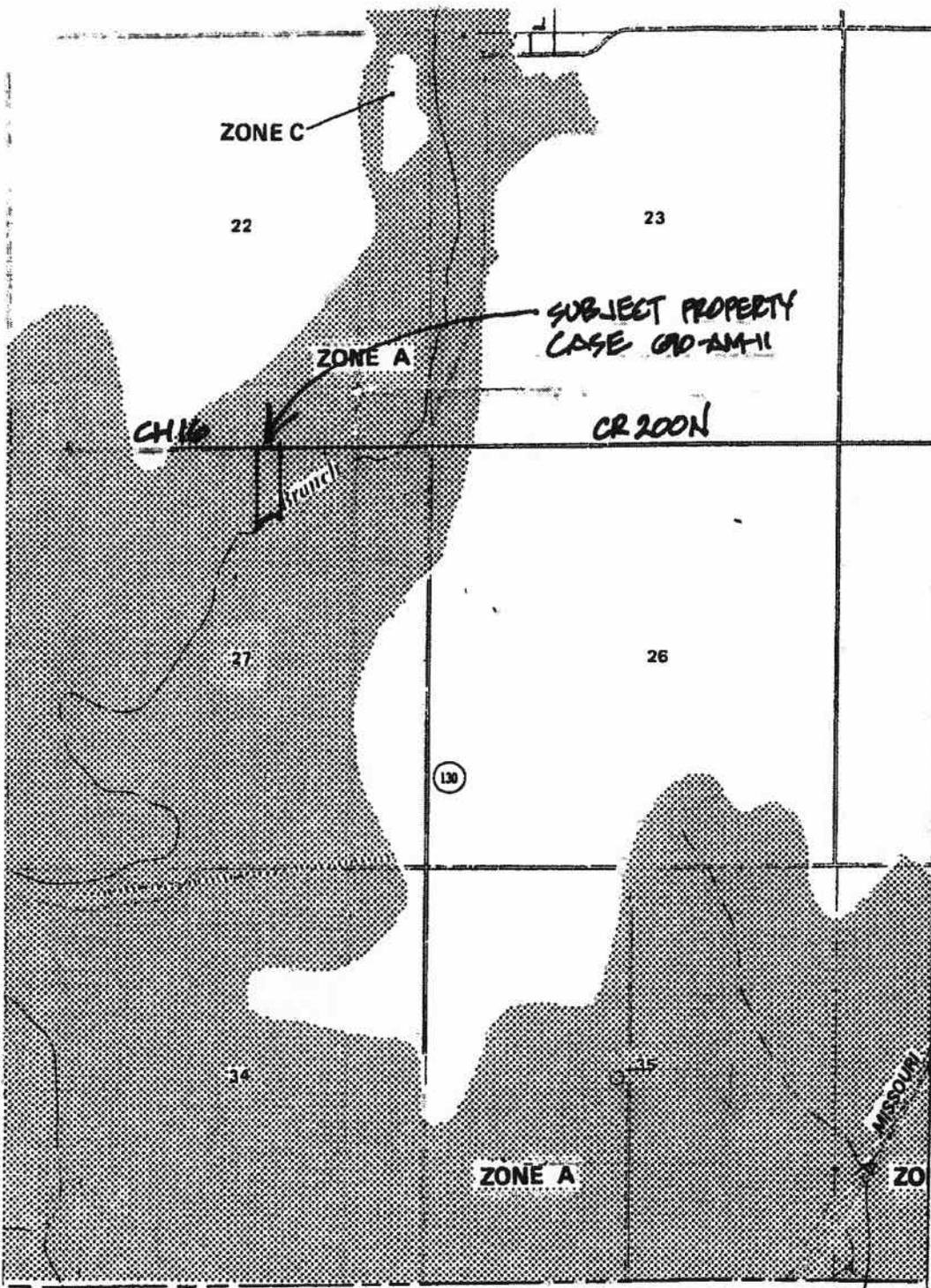
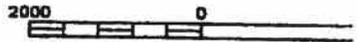


Champaign
 County
 Department of
**PLANNING &
 ZONING**

Contact your Insurance agent, or call the National Flood Insurance Program, at (800) 638-6620.



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE

COUNTY OF
CHAMPAIGN
ILLINOIS
(UNINCORPORATED)

PANEL 275 OF 300

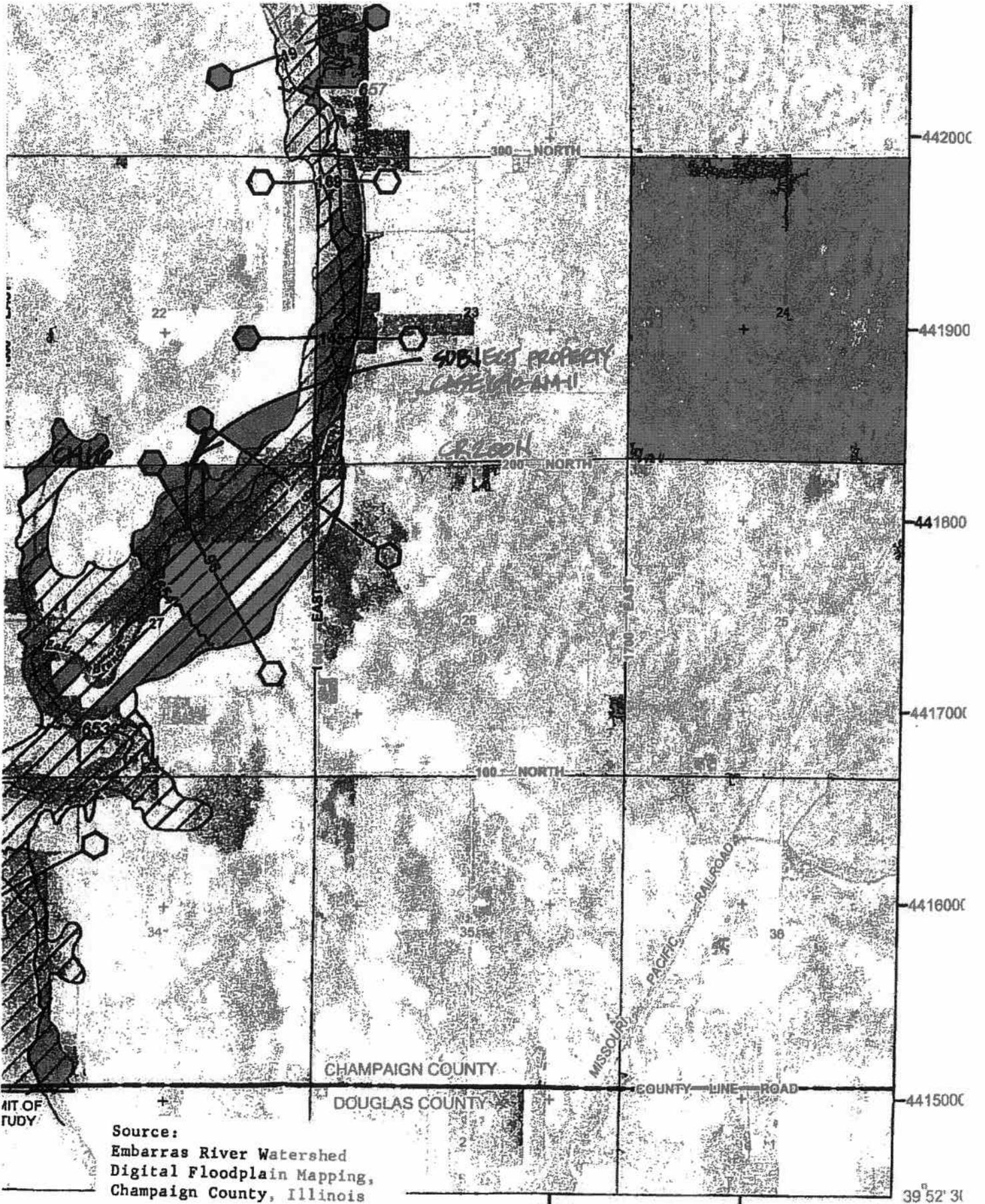
Champaign County
Planning & Zoning
1776 E. Washington
Urbana, Illinois 61801

COMMUNITY-PAN
170

EFFEC
MARI



Federal Emergency Management Agency



SUBJECT PROPERTY
CASE NO. AM-11

CR 200H

Source:
Embarras River Watershed
Digital Floodplain Mapping,
Champaign County, Illinois

PART OF
STUDY

300 NORTH

200 NORTH

100 NORTH

100 EAST

1700 EAST

CHAMPAIGN COUNTY

DOUGLAS COUNTY

MISSOURI PACIFIC RAILROAD

COUNTY LINE ROAD

22

24

27

25

25

34

35

36

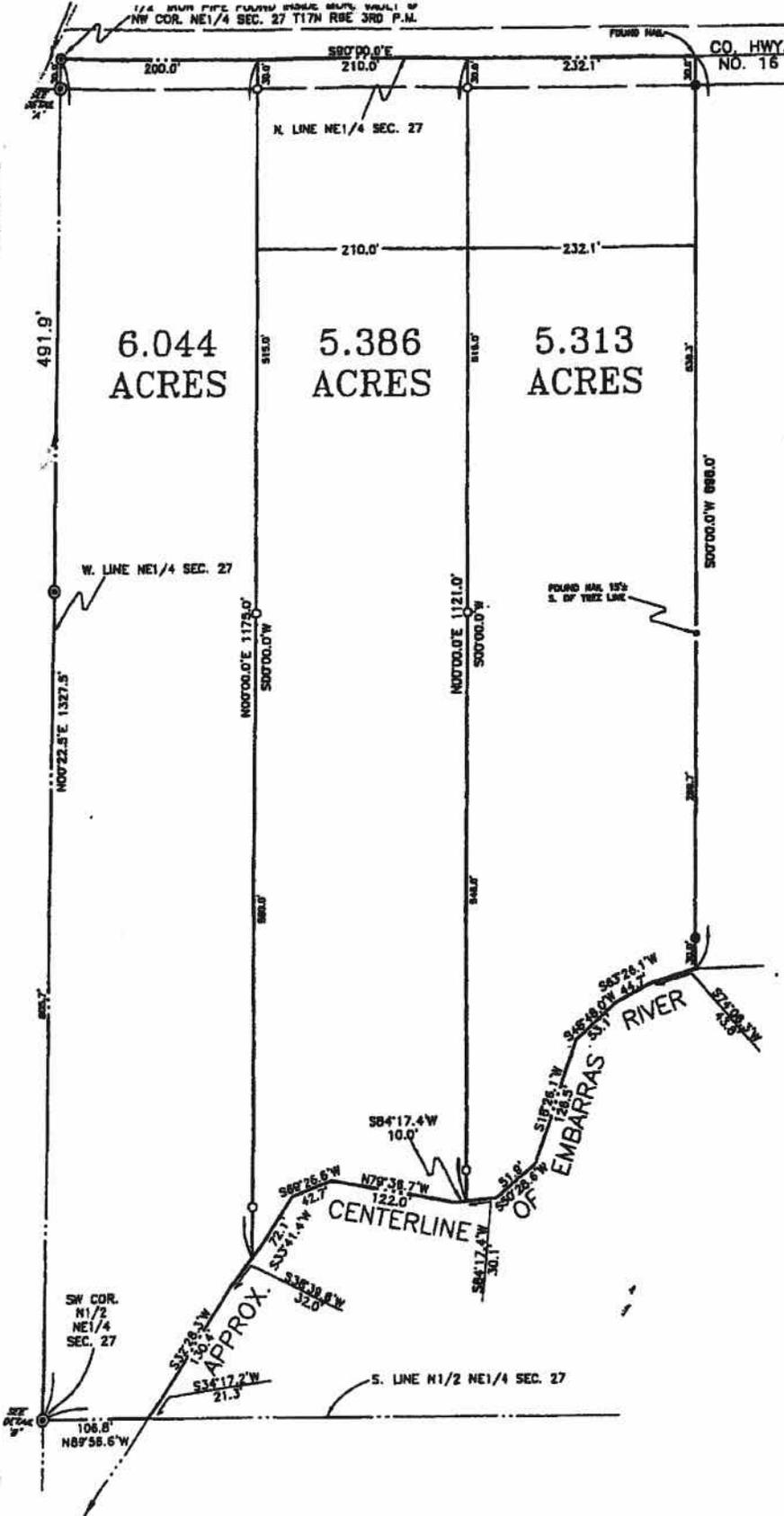
2

39

657

653

1/4 INCH FIRE POLYMER BOND MAP, SCALE 1" = 400' NW COR. NE1/4 SEC. 27 T17N R9E 3RD P.M.



RECEIVED

APR 28 2011

CHAMPAIGN CO. P & Z DEPARTMENT

- ⊙ 1/2" IRON ROD FOUND, PLASTIC CAP STAMPED, D. MEYER ILS 3398
 - 1/2" IRON ROD FOUND, PLASTIC CAP STAMPED
 - 1/2" IRON ROD SET W/ PLASTIC CAP STAMPED
- WW — FORESHORTENED LINE

I hereby certify that this plat represents made by me of three tracts of land

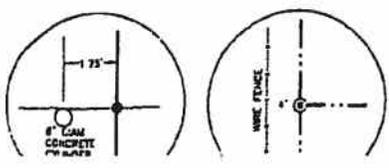
6.044 ACRE TRACT
 Beginning at the Northwest or Northeast Quarter of Section 27 North of the Base Line, Range 9 East Third Principal Meridian; thence 90 degrees 00.0 minutes East; distance of 200.0 feet on the N said Northeast Quarter; thence 1175.0 feet; thence S38°28.5'W 32 the centerline of the Embarras River; thence S32°28.3'W 130.4 feet along said centerline; thence S34°17.4'W 21.3 feet along said centerline; thence N88°56.6'W 106.8 feet on the North Line of the North Half of east Quarter; and thence N00°00'00" feet on the West Line of said Quarter to the point of beginning a 6.044 acres, situated in Champaign County, Illinois.

5.386 ACRE TRACT
 Beginning on the North Line of east Quarter of Section 27, Town 9 North of the Base Line, Range 9 East Third Principal Meridian a distance east of the Northwest Corner of east Quarter; thence South 90 minutes East (S90°00.0'E) 210.0 North Line; thence S00°00.0'W thence S84°17.4'W 10.0 feet along line of the Embarras River; thence 122.0 feet along said centerline; thence S33°41.4'W 72.1 feet along said centerline; thence N00°00.0'E 1175.0 feet to beginning, encompassing 5.386 acres in Champaign County, Illinois.

5.313 ACRE TRACT
 Beginning on the North Line of east Quarter of Section 27, Town 9 North of the Base Line, Range 9 East Third Principal Meridian a distance east of the Northwest Corner of east Quarter; thence South 90 minutes East (S90°00.0'E) 232.1 North Line; thence S00°00.0'W thence S74°08.3'W 43.6 feet along line of the Embarras River; thence 44.7 feet along said centerline; thence S18°28.1'W 126.5 feet along said centerline; thence S50°28.6'W 51.9 feet along line; thence S84°17.4'W 30.1 feet centerline; and thence N00°00.0' to the point of beginning; enclosing 5.313 acres, situated in Champaign County, Illinois.

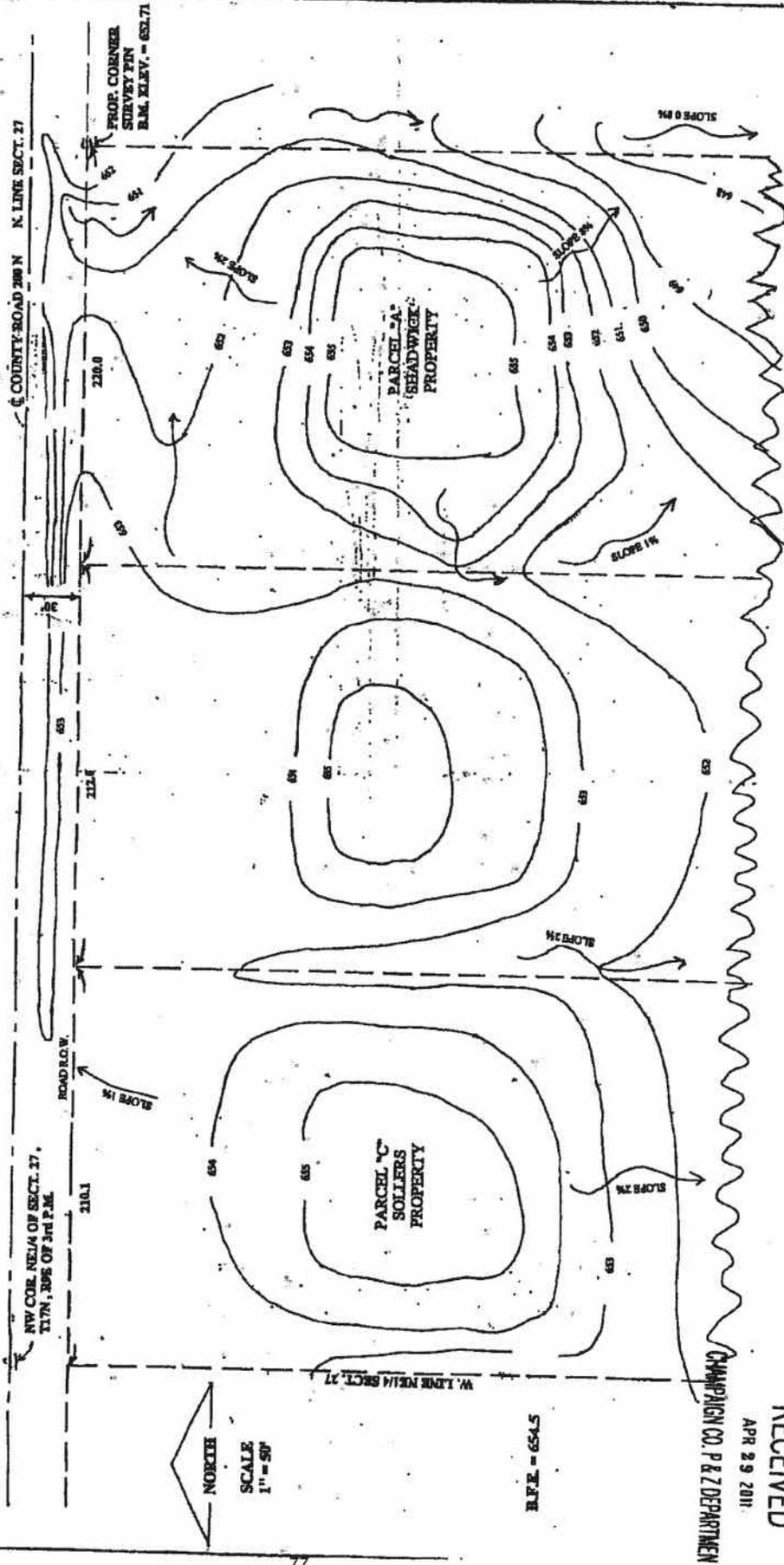
To the best of my knowledge and best professional service conforms to the current minimum Standards of Practice applied in Illinois.

Robert A. Moore
 Robert A. Moore
 Illinois Land Surveyor No. 2818
 License expires 11/30/2004



MOORE SURVEY

TOPOGRAPHIC / DRAINAGE ANALYSIS SURVEY FOR
 PARCEL "A" (SHADWICK) AND PARCEL "C" (SOLLERS)
 LOCATED IN NW 1/4, NE 1/4, SECT. 27, T17N, R9E, 3rd PM
 CRITTENDEN TOWNSHIP, CHAMPAIGN CO., ILLINOIS



SURVEYED AND PLOTTED BY
 WAYNE WARD ENGINEERING
 971 N. COUNTY ROAD 1500 E.
 CAMARGO, ILLINOIS 61919

MARCH 10, 2011
 DATE

Wayne Ward
 F. WAYNE WARD P.E. NO. 077405

RECEIVED
 APR 29 2011

CHAMPAIGN CO. P.E. DEPARTMENT

57459 - T.F.R.

NORTH
 SCALE
 1" = 50'

NW COR. NE 1/4 OF SECT. 27,
 T17N, R9E OF 3rd P.M.

N. LINE SECT. 27

COUNTY ROAD 288 N

ROAD R.O.W.

210.1

653

212.4

220.0

652

SLOPE 1%

SLOPE 1%

654

653

653

655

654

654

654

653

653

655

654

654

655

654

654

655

654

654

SLOPE 1%

SLOPE 1%

SLOPE 2%

SLOPE 2%

SLOPE 0.8%

W. LINE NE 1/4 SECT. 27

W. LINE NE 1/4 SECT. 27

PARCEL "A"
 SHADWICK
 PROPERTY

PARCEL "C"
 SOLLERS
 PROPERTY

AS APPROVED
690-AM-11
SUMMARY OF EVIDENCE,
FINDING OF FACT,
AND
FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals

Final Determination: RECOMMEND ENACTMENT WITH CONDITIONS

Date: November 10, 2011

Petitioners: Benjamin R. and Jennifer A. Shadwick

Request: Amend the Zoning Map to allow for the use of 1 single family residential lot in the CR Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 16, 2011, August 11, 2011, and November 10, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Benjamin R. and Jennifer A. Shadwick own the subject property.
2. The subject property is an approximately 5.3 acre tract of land that is located in the West Half of the North Half of the Northeast Quarter of Section 27 of Crittenden Township and that is located approximately 2,000 feet west of the intersection of County Highway 16 and Illinois Route 130 and located on the south side of County Highway 16 (CR200N).
- *3. The subject property is not located within the one-and-a-half-mile extraterritorial jurisdiction of a municipality with zoning.
- *4. Regarding petitioner's comments on the petition:
 - *A. When asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner stated the following:
Zoning should be amended to RRO because the nature of the neighborhood has changed as there are at least 5 single family residences in the Northeast Quarter of Section 27 on comparable in size and characteristic parcels.
 - *B. When asked on the petition what other circumstances justify the rezoning the petitioner stated the following:
There are adequate and convenient roads providing access to the property (RTE 130 and County Road 1600E) and access is with good visibility. Emergency services are available as the Villa Grove Fire Department is conveniently located 3.1 miles away. Two new homes would not have negative effect on nearby farming and the soil is not best prime farmland overall (the LESA Score of the land is much lower than the county average of 92 and no amount that was previously used for agriculture will be rezoned to RRO).
 - *C. Additional comments made by the petitioner on the petition are the following:
The wells in the area are capable of supplying adequate groundwater for normal household use. Drainage flows towards and through the natural waterway. The water does not flow onto any adjoining property, and any sump pump discharge will be diverted by the natural waterway. The site of the potential residence is above the BFE line. The parcel is not close to any man-made hazard and is relatively close to urbanized area (within 16 miles of Urbana). Finally, there are no concerns about wetlands, protected natural resources or habitat in this vicinity.
5. Land use and zoning on the subject property and in the immediate vicinity are as follows:
 - *A. Land to the north is zoned AG-1 Agriculture and is farmland.

*= same as related Case 689-AM-11

- B. Land to the East and West is zoned CR Conservation Recreation and is single family residential.
- *C. Land to the South is zoned CR Conservation Recreation and is single family residential and agriculture and is proposed for a Heliport and Restricted Landing Area in Case 688-S-11.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

- 6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
 - (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
 - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
 - C. Paragraph 5.4.3 C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on drainage both upstream and downstream;
 - (3) The suitability of the site for onsite wastewater systems;
 - (4) The availability of water supply to the site;
 - (5) The availability of emergency services to the site;
 - (6) The flood hazard status of the site;
 - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
 - (8) The presence of nearby natural or man-made hazards;
 - (9) Effects on nearby farmland and farm operations;
 - (10) Effects of nearby farm operations on the proposed residential development;
 - (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;

- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site;

GENERALLY REGARDING THE MAXIMUM ALTERNATIVE DEVELOPMENT WITHOUT AN RRO

7. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
- *A. As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO District for subdivisions of any tract that existed on January 1, 1998, into more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
 - *B. The subject property was divided out of an approximately 65.54 parcel (the parent tract) of land in the Northeast Quarter of Section 27 of Crittenden Township indicated in the January 1, 1998, Champaign County Supervisor of Assessments Official Tax Map (see attachment).
 - *C. By July 1, 2005, that 65.54 acre parcel had been divided into a total of six different tax parcels each of which was less than 35 acres in area and one parcel that was larger than 35 acres (see attachment B). The last three lots less than 35 acres in area had been created in a Plat of Survey dated 5/18/04 that was recorded on July 1, 2005 (see attached). The attachment also illustrates that by March 7, 2008, zoning use permits had been authorized on three of the new small (less than 35 acre) lots, as follows:
 - (1) Zoning Use Permit 65-01-01 for a new dwelling was authorized on March 6, 2001.
 - (2) Zoning Use Permit 85-03-01 for a new dwelling was authorized on March 13, 2003.
 - (3) Zoning Use Permit 361-07-01FP (floodplain development permit) was authorized on March 17, 2008. The application for this Zoning Use Permit was received on December 27, 2007.
 - *D. On December 26, 2007, a Community Acknowledgement of Fill Form was submitted for the subject property by the owners at that time, Justin and Spring Harrison of Villa Grove. In a letter dated April 24, 2008, the Zoning Administrator informed the Harrisons that the subject property was unbuildable without a County Board approval of a Rural Residential Overlay (RRO) zoning map amendment. The letter also stated that the third lot created in the Plat of Survey was also not buildable without the RRO amendment and there was an enforcement action against the owner of that lot for unauthorized construction. The letter also explained that Phillip Jones, from whom the property had been purchased, had been informed of the Zoning Ordinance limit on the number of lots that could be created and what it meant for the division of the property long before the Plat of Survey was ever prepared.
 - *E. There can be no dwelling constructed on the subject property without the requested RRO rezoning.

*= same as related Case 689-AM-11

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

8. The plan that was received on April 29, 2011, in fulfillment of the Schematic Plan requirement indicates the following:
 - A. There is one proposed buildable lot that is 5.3 acres in area.
 - B. The RRO District is necessary for the proposed lot.
 - C. The subject property has access to County Highway 16 (CR200N) and is located approximately 2,000 feet west of the intersection with Illinois Route 130.
 - D. The proposed lot meets or exceeds all of the minimum lot standards in the *Zoning Ordinance*.
 - E. The subject property is in different ownership than the property in related case 689-AM-11 but the impacts of each case should be considered together since both lots require rezoning.

GENERALLY REGARDING THE SOILS ON THE PROPERTY

9. A Section 22 Natural Resource Report was prepared for the subject property by the Champaign County Soil and Water Conservation District on February 8, 2008, and supplemental information was provided on April 29, 2011. The types of soils and other site characteristics are as follows:
 - A. The area covered by the Natural Resource Report prepared on February 8, 2008, appears to cover more area than the actual proposed lot, which might make some difference in the LE score and relative extents of the soil types on the subject property. Supplemental information provided on April 29, 2011, indicates that the subject property is not best prime farmland overall.
 - B. Regarding the soils on the subject property, their extents, and their relative values are as follows:
 - (1) Approximately 2.63 acres (about 50%) of the subject property is soil map unit 3107A Sawmill silty clay loam (formerly 402 Colo silty clay loam), 0 to 2% slopes. Sawmill soil generally covers the southern half of the property nearest the river.
 - (2) Approximately 1.64 acres (about 31%) of the subject property is soil map unit 134B Camden silt loam, 2% to 5% slopes. Camden soil is generally in the northern half of the property.
 - (3) Approximately .83 acres (about 16%) of the subject property is soil map unit 152A Drummer silty clay loam, 0 to 2% slopes. Drummer soil is in the northeastern part of the subject property.
 - (4) The rest of the subject property consists of very small areas of Kendall and Martinsville soils.
 - C. The subject property is not Best Prime Farmland under Section 5.3 of the Champaign County Zoning Ordinance, as follows:

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- (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies – Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the *Champaign County, Illinois Land Evaluation and Site Assessment System*.
 - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates the overall Land Evaluation factor for the soils in the original Plat of Survey is 76 and based on the soil areas for the subject property indicated in the Phillip Jones Tract Soils Information including soil information for Sollers and Shadwick tracts, the overall Land Evaluation for the subject property is 78.
- D. Site specific concerns stated in the Section 22 report are the following:
- (1) The Drummer soil is subject to severe wetness.
 - (2) The Drummer soil is also the general location of a surface drainageway that carries the flow from a culvert under County Highway 16. This surface drainageway must be kept open.
 - (3) Extra care should be taken to minimize soil erosion and sedimentation into the East Branch of the Embarras River on the south edge of the property.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

10. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
 - A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.
 - B. The Staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
 - C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the single residence in the requested RRO District is estimated to account for an increase of approximately 10 ADT in total, which is a 100% increase over the non-RRO alternative. The subject property and the property in related case 689-AM-11 should be considered together and both properties together are an increase of approximately 20ADT.

*= same as related Case 689-AM-11

- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
- (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- F. The subject property is located on County Highway 16. The width of the pavement is approximately 22 feet. A special condition has been proposed to ensure that the driveway entrance is approved by the County Engineer.
- G. 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 Annual Average Daily Traffic (AADT). As indicated in a print out of IDOT traffic data included with the 8/4/11 Supplemental Memorandum, the most recent AADT data in the vicinity of the subject property is 750 AADT along CH16 (CR200N) where it passes the subject property.
- H. The relevant geometric standards for visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to "minimum stopping sight distance". Design speed determines what the recommended distance is. There appear to be no visibility concerns related to the placement of the new street.
- I. Overall, the subject property and proposed RRO are comparable to "nearly ideal" conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because the subject property is located approximately 2,000 feet west of IL 130 and appears to have adequate capacity.

GENERALLY REGARDING DRAINAGE

11. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
 - A. The Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011, was an attachment to the Preliminary Memorandum and describes the topography of the subject property as follows:
 - (1) The subject property is Parcel "A" and the property in related Case 689-AM-11 is Parcel "C".
 - (2) The subject property varies in elevation from 655 feet to 648 feet mean sea level.
 - (3) The subject property has a mounded area approximately 100 feet square located 120 feet south of the north property line (ROW of CH16) at elevation 655 feet. The rest of the property has ground slope between 2% and 8% or steeper in the natural drainageway.
 - (4) There is an existing natural drainageway along the east property line that drains to the river and all drainage from the subject property drains through the waterway. The waterway also drains the northern 100 feet of Parcel C and the intervening parcel.
 - (5) The engineer has no knowledge of any specific proposals for onsite wastewater treatment and disposal systems and so there are no recommendations.
 - (6) Any sump pump discharge could be diverted to the natural waterway and the quantity of discharge water will not impact the capacity or condition of the natural waterway.
 - B. Staff evidence relevant to the drainage conditions on the subject property is as follows:
 - (1) The topographic contours do not indicate any areas of significant storm water ponding on the subject property.
 - (2) The Champaign County Zoning Ordinance does not contain a minimum required ground slope but 1% is normally considered a minimum desirable ground slope for residential development.
 - C. Overall, the proposed RRO District is comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
 - (1) The subject property has ground slope exceeding 2% in general.
 - (2) The subject property does not drain over any adjacent property except for a portion of the natural drainageway that is on the adjacent property.

*= same as related Case 689-AM-11

GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

12. Regarding the suitability of the site for onsite wastewater systems:
- A. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the relevant soil types on the subject property were included with the Supplemental Memorandum dated August 4, 2011, and can be summarized as follows:
- (1) Camden silt loam, 1 to 5 percent slopes (map unit 134B), soil is rated as having “very high” suitability for subsurface soil absorption wastewater systems (septic tank leach fields) and requires no corrective measures. Camden soil is generally in the northern half of the property where a home would most likely be constructed.
 - (2) Drummer silt loam (map unit 152A) has a low suitability for septic tank leach fields with a soil potential index of 53. Drummer has severe wetness problems due to low permeability and a high groundwater level. The typical corrective measures are fill, a large absorption field, or subsurface drainage improvements (underground drain tiles or curtain drains) to lower the groundwater level. Drummer soil makes up about 16% (about .83 acres) of the subject property.
 - (3) Sawmill silty clay loam, 0-2% slopes, (map unit 3107A; formerly Colo silty clay loam) has Very Low suitability for septic tank leach fields with a soil potential index of 3. Sawmill has severe wetness problems due to a water table high enough to cause flooding (1 foot above to 2 feet deep) and moderate permeability. The typical corrective measure is subsurface drainage to lower groundwater levels. Sawmill soil makes up about 50% (2.63 acres) of the subject property.
- B. The subject property is comparable to “much better than typical” conditions for Champaign County because approximately 50% of the soils on the subject property have Very High suitability, as compared to the approximately 51% of the entire County that has a Low Potential.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

13. Regarding the availability of water supply to the site;
- A. The Staff report *Locational Considerations and Issues for Rural Residential Development in Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County.
- B. The subject property is located in an area with known limited groundwater availability.

- C. In a letter dated January 24, 2008, that was included with the Supplemental Memorandum dated August 4, 2011, Ken Hlinka, Associate Hydrologist with the Illinois State Water Survey Center for Groundwater Science stated the chances are fair to good for developing the necessary water supply at the subject property.
- D. The subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the availability of water supply.

GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE

- 14. Regarding the availability of emergency services to the site:
 - A. The subject property is under contract with the Villa Grove Fire Protection Department and is located approximately 3.1 road miles from the Villa Grove station. The approximate travel time is less than 10 minutes. The Fire District Chief has been notified of this request for rezoning.
 - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the availability of emergency services because the site is under contract with and located approximately 3.1 road miles from the Villa Grove fire station.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

- 15. Regarding the flood hazard status of the site:
 - A. An excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984, was included with the Preliminary Memorandum and indicates the entire subject property is within the mapped 100-year floodplain.
 - B. An excerpt from the *Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois* by the Illinois State Water Survey (August 2002) was also included with the Preliminary Memorandum and indicates that the entire subject property is located within the 100-year floodplain and based on interpolation the base flood elevation is approximately 654.5 feet mean sea level at the subject property.
 - C. The Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011, was an attachment to the Preliminary Memorandum and indicates there is a mounded area approximately 100 feet square located 120 feet south of the north property line at elevation 655 feet and one-half foot above the base flood elevation.
 - D. The Champaign County *Special Flood Hazard Areas Ordinance* allows construction in the 100-year floodplain regardless of depth below the base flood elevation provided that proper measures are taken to minimize damage from flooding. However, the greater the depth below the base flood elevation the more expensive are the minimum requirements to minimize damage from flooding.

*= same as related Case 689-AM-11

- E. Overall, the proposed RRO District is comparable to “worst or nearly worst” conditions for Champaign County in terms of flood hazard status because the entire subject property is in the mapped floodplain however there is a pad of elevated ground that will make it easier to construct a home and partially mitigate this condition.
- 16. Regarding the presence of nearby natural or man-made hazards, there are no known hazards other than the floodplain in the vicinity and the location on a County Highway and proximity to a state highway should minimize the problems with weather related conditions. Overall, the subject property and proposed RRO are comparable to “nearly ideal” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF NEARBY FARM OPERATIONS ON THE DEVELOPMENT

- 17. Regarding the likely effects of nearby farm operations on the proposed development:
 - A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
 - (1) Row crop production agriculture occupies a portion of the land area within the immediate vicinity of the proposed RRO District, but occurs on only one side of the proposed RRO and that is to the north and separated from the subject property by the right of way of CH16.
 - (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
 - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development because the subject property is bordered on one side by row crop agriculture.

GENERALLY REGARDING THE (LESA) SCORE

- 18. Regarding the LESA score of the proposed RRO District:
 - A. The Champaign County, Illinois LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
 - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
 - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
 - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
 - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.

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- (5) For comparison purposes, development on prime farmland soils but in close proximity to built up areas and urban services typically has scores between 180 and 200.
- B. The LESA worksheets are an attachment to the Supplemental Memorandum dated August 4, 2011. The component and total scores are as follows:
 - (1) The Land Evaluation component rating for the proposed RRO District is 78.
 - (2) The Site Assessment component rating for the proposed RRO District is 132.
 - (3) The total LESA score is 210 and indicates a High rating for protection of agriculture.
- C. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the LESA score because there is no best prime farmland and the total score of 210 indicates a High rating for protection of agriculture.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

19. The subject property is not best prime farmland overall.

GENERALLY REGARDING THE EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS

20. Regarding the effects on wetlands, endangered species, and natural areas:
 - A. An application to the Illinois Department of Natural Resources (IDNR) for endangered species consultation and a report was received from IDNR on March 1, 2011, and included with the Supplemental Memorandum dated August 4, 2011, that indicated that it is unlikely that the proposed action would have adverse effects on any protected resource that may be in the vicinity of the subject property.
 - B. Regarding the effects on archaeological resources, a letter reply from the Illinois Historic Preservation Agency was dated April 2, 2011, and included with the Supplemental Memorandum dated August 4, 2011, and indicated that a Phase I archaeological survey will be required on the subject property because it is located within a “high probability” area.
 - C. Overall, the subject property and proposed RRO are comparable to “More or less typical” conditions for Champaign County in terms of effects on wetlands, archaeological sites, and natural areas because much of Champaign County is located within a “high probability” area for archaeological resources.

*= same as related Case 689-AM-11

GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

21. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
- A. “Ideal or Nearly Ideal” conditions for 2 factors (adequacy of roads and manmade hazards)
 - B. “Much Better Than Typical” conditions for 5 factors (septic suitability, availability of emergency services, effects of nearby farms, LESA score, and effects on drainage)
 - C. “More or Less Typical” conditions for 2 factors (availability of groundwater and effects on wetlands, endangered species, and natural areas)
 - D. “Worst or Nearly Worst” conditions for flood hazard status however there is pad of elevated ground that will make it easier to construct a home and partially mitigate this condition.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF THE DEVELOPMENT ON NEARBY FARM OPERATIONS

22. Regarding the likely effects of the proposed development on nearby farm operations:
- A. The surrounding land use on only one side of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
 - (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.

The single-family dwellings that will result from the proposed RRO and the RRO in Case 689-AM-11 will generate 200% more traffic than the non-RRO alternative that is no additional dwellings.
 - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.

The single-family dwellings that will result from the proposed RRO will probably is only adjacent to farmland that is across the County Highway so there may be little or no trespassing.
 - (3) Blowing litter into the adjacent crops making agricultural operations more difficult.

The single-family dwelling that will result from the proposed RRO is located downwind from the farmland to the north and there may be some increase in blowing litter.
 - (4) Discharge of “dry weather flows” of stormwater or ground water (such as from a sump pump) that may make agricultural operations more difficult.

AS APPROVED

Because the subject property is adjacent to a natural drainage ditch, there should be no problems with dry weather flows, which means there would be no difference between the proposed RRO and the non-RRO alternative.

- (5) Trees planted close to the property lines on the subject property will not be a problem on any adjacent farmland or interfere with farming operations.

Therefore, there will be no difference between the proposed RRO on the subject property and the non-RRO alternative.

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

- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.
- (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.
- (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 or more animal units) can be located in relation to non-farm residences and public assembly uses (churches, for example). The separation distances between larger livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility and the number of non-farm residences in the vicinity. The *Illinois Livestock Management Facilities Act* was adopted on May 21, 1996, and facilities in existence on the date of adoption are exempt from the requirements of that act so long as the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility.

GENERALLY REGARDING CONFORMANCE WITH THE LAND RESOURCE MANAGEMENT PLAN

- 23. 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 rezoning land under 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

*= same as related Case 689-AM-11

encourage the use of such resources in a manner which is socially and economically desirable.

- 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."
- D. LRMP Objective 1.1 is entitled "Guidance on Land Resource Management Decisions", and states, "Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions."
- E. Goal 1 of the LRMP is relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions (see Item 6.D. above), but is otherwise not relevant to the proposed rezoning. The Goals for Governmental Coordination (Goal 2), Prosperity (Goal 3), and Cultural Amenities (Goal 10) and their subsidiary Objectives and Policies also do not appear to be relevant to the proposed rezoning.

REGARDING LRMP GOAL 4 AGRICULTURE

- 24. LRMP Goal 4 is entitled "Agriculture" and is relevant to the proposed rezoning because the proposed rezoning includes land currently zoned AG-2 and proposed to be zoned B-4. Goal 4 states, "Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base."

The proposed rezoning **ACHIEVES** Goal 4 because of the following:

- A. Goal 4 includes nine subsidiary Objectives. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9 do not appear to be relevant to the proposed rezoning.
- B. Objective 4.1 is entitled "Agricultural Land Fragmentation and Conservation" and states, "Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland."

The proposed rezoning **ACHIEVES** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.

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- (2) 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.”

Policy 4.1.1 **DOES NOT APPEAR TO BE RELEVANT** to any specific Rural Residential Overlay map amendment.

- (3) Policy 4.1.6 is as follows:

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

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

The proposed rezoning **CONFORMS** to Policy 4.1.6 because of the following:

- (a) The Section 22 Natural Resources Report from CCSWCD for Justin Harrison received February 19, 2008, indicates that the subject property is not best prime farmland overall and the limit on best prime farmland does not apply.
- (2) Policy 4.1.8 states that the County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.

The proposed rezoning **CONFORMS** to Policy 4.1.8 because the LESA rating for the subject property is 210 which is a High Rating for Protection which is much better (lower) than a typical LESA rating for Champaign County.

*= same as related Case 689-AM-11

- C. 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 **ACHIEVES** Objective 4.2 because of the following:

- (1) Policy 4.2.2 states the following:

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

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

The proposed rezoning **CONFORMS** to Policy 4.2.2 because of the following:

- (a) The proposed use will not interfere with agricultural activities or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.
 - (b) The proposed use will have minimal exposure to any negative effect caused by agricultural activities.
- (3) Policy 4.2.3 states, "The County will require that proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land."

The proposed rezoning **CONFORMS** to Policy 4.2.3 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

- (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 **CONFORMS** to Policy 4.2.4 because of the following:

- (a) No buffering is necessary on the north side of the subject property because the right of way of County Highway 16 is situated between the subject property and the farmland to the north.

- D. 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."

AS APPROVED

The proposed rezoning **DOES** achieve Objective 4.3 because of the following:

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

The proposed rezoning **CONFORMS** to Policy 4.3.1 because of the following:

- (a) The subject property is **SUITED** for residential development.
 - (b) The soils on the subject property are suitable for a wastewater system
 - (c) The location of the proposed house has been filled in order to be higher than Base Flood Elevation.
 - (d) There is existing and good access to a County Highway
 - (e) There will be little to no impact on agricultural operations in the area.
- (2)** Policy 4.3.2 does not apply because the soils are not best prime farmland overall.

- ***(3)** 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 **CONFORMS** to Policy 4.3.3 because of the following:

- (a) Existing public services are adequate and should not create an undue public expense.
- ***(4)** Policy 4.3.4 states, "The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense."

The proposed rezoning **CONFORMS** to Policy 4.3.4 because of the following:

- (a) The road fronting the property is adequate to serve the needs of the proposed use. The amount of traffic generated from the proposed use is minimal.

REGARDING COMPLIANCE WITH STORMWATER POLLUTION REQUIREMENTS DURING CONSTRUCTION

25. The petitioner must file a Notice of Intent with the Illinois Environmental Protection Agency and prepare and maintain onsite a Stormwater Pollution Prevention Plan (SWPPP) that conforms to the National Pollutant Discharge Elimination System (NPDES) requirements for construction sites, during any construction or regarding that disturbs an acre or more of land.

*= same as related Case 689-AM-11

26. Regarding proposed special conditions of approval:

- A. The subject property fronts County Highway 16 and any driveway entrance must meet the County Engineer's requirements. The following conditions should ensure timely review by the County Engineer:
- (1) **The petitioner shall apply for a driveway permit from the County Engineer and comply with the requirements of the County Engineer for any required driveway driveway entrance.**
 - (2) **The Zoning Administrator shall not approve a Zoning Use Permit without documentation of the County Engineer's approval of the proposed driveway entrance.**
 - (3) **Construction related traffic shall not track mud onto the County Highway at any time.**
 - (4) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of the constructed driveway entrance including any necessary as-built engineering drawings.**

To ensure that:

Any driveway entrance complies with the County Engineer's requirements.

- B. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

DOCUMENTS OF RECORD

1. Application received April 29, 2011, with attachments:
 - A Excerpt of Plat of Survey by Moore Surveying and Mapping received April 29, 2011
 - B Copy of Topographic Survey by Wayne Ward Engineering received April 29, 2011
 - C Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011
 - D Federal Emergency Management Agency (FEMA) National Flood Insurance Program Elevation Certificate for PARCEL "C"
 - E Commitment for Title Insurance with effective date of February 9, 2011, received on April 29, 2011
 - F Phillip Jones Tract Soils Information including soil information for Sollers and Shadwick tracts and Soil Potential ratings for septic systems
 - G Illinois Department of Natural Resources EcoCAT Agency Response dated March 1, 2011
 - H Letter dated April 2, 2011, from Anne Haaker, Deputy State Historic Preservation Officer
 - I Written Surface Drainage Analysis of Parcel 'A' (Shadwick Property) and Parcel 'B' (Sollers Property) dated March 10, 2011, by Wayne Ward Engineering
 - J Letter dated February 22, 2011, from Ken Hlinka, Associate Hydrologist with the Illinois State Water Survey Center for Groundwater Science, regarding the likelihood of successfully finishing an onsite water well sufficient to serve the proposed lot

2. Preliminary Memorandum dated June 16, 2011, with Attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Excerpt of Flood Insurance Rate Map (FIRM) Community Panel Number 170894 0275 B dated March 1, 1984
 - C Excerpt of Embarras River Watershed Digital Floodplain Mapping, Champaign County, Illinois. Illinois State Water Survey. August 2002.
 - D Plat of Survey received April 29, 2011
 - E Section 22 Natural Resources Report from CCSWCD for Justin Harrison received February 19, 2008
 - F Analysis of Drainage Conditions by Wayne Ward Engineering dated March 10, 2011
 - G Topographic Survey received April 29, 2011
 - H Topographic / Drainage Analysis Survey received April 29, 2011
 - I Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County (included separately)
 - J Comparing the Proposed Site Conditions to Common Champaign County Conditions

3. REVISED Preliminary Memorandum dated August 4, 2011, with Attachments:
 - A Excerpt of Sheet 33-Q from the January 1, 1998, Champaign County Supervisor of Assessments Official Tax Map showing Section 27 of Crittenden Township
 - B Divisions of land in the Northeast Quarter of Section 27 of Crittenden Township by July 1, 2005
 - C Plat of Survey recorded on July 1, 2005
 - D Preliminary Memorandum dated June 16, 2011, with Attachments

*= same as related Case 689-AM-11

4. Supplemental Memorandum dated August 4, 2011, with Attachments:
 - A Petitioner Submittals
 - B Commitment for Title Insurance with effective date of February 9, 2011, received on April 29, 2011
 - C Phillip Jones Tract Soils Information including soil information for Sollers and Shadwick tracts and Soil Potential ratings for septic systems
 - D Average Annual Daily Traffic
 - E Excerpted worksheets from *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*
 - F Illinois Department of Natural Resources EcoCAT Agency Response dated March 1, 2011
 - G Letter dated April 2, 2011, from Anne Haaker, Deputy State Historic Preservation Officer
 - H Letter dated February 22, 2011, from Ken Hlinka, Associate Hydrologist with the Illinois State Water Survey Center for Groundwater Science, regarding the likelihood of successfully finishing an onsite water well sufficient to serve the proposed lot
 - I Champaign County Land Evaluation and Site Assessment worksheet for the subject property
 - J RRO Table 3. Summary Of Site Comparison For Factors Relevant To Development Suitability
 - K Attachment K. RRO Table 4. Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
 - L Preliminary Draft Summary of Evidence and Finding of Fact (included separately)
5. Supplemental Memorandum dated November 10, 2011, with Attachment:
 - A Revised Draft Summary of Evidence and Finding of Fact (included separately)
 - B Draft minutes from August 11, 2011 hearing (included separately)
6. Item 13 handout from the November 10, 2011, public hearing
7. Champaign County Right to Farm Resolution No. 3425

FINDING OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **June 16, 2011, August 11, 2011, and November 10, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site **IS SUITED** for the development of 1 residence because:
 - A. Five existing homes are in the same general area.
 - B. The roads are adequate and convenient.
 - C. The land is not considered best prime farmland.
 - D. There is adequate well capacity for fresh water.
 - E. The soil is suitable for a wastewater system.

and despite:

The subject property is located in the flood area.

2. Development of the Proposed Site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:

Because of the special condition imposed regarding the Right to Farm Resolution 3425

and despite:

This being a residential use.

3. The proposed Zoning Ordinance map amendment the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goal(s).
4. The proposed map amendment **WILL** correct an error in the present Ordinance due to: The proposed site will have good access to a County Highway, there will be little to no impact on agriculture, the land is not best prime farmland, there are good soils for septic systems on the site, despite the proposed site being completely within the floodplain.

*= same as related Case 689-AM-11

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 Map Amendment requested in Case 690-AM-11 should **BE ENACTED** by the County Board **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS.**

1. The petitioner shall apply for a driveway permit from the County Engineer and comply with the requirements of the County Engineer for any required driveway entrance.
2. The Zoning Administrator shall not approve a Zoning Use Permit without documentation of the County Engineer's approval of the proposed driveway entrance.
3. Construction related traffic shall not track mud onto the County Highway at any time.
4. The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of the constructed driveway entrance including any necessary as-built engineering drawings.
5. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date