

AGENDA

Champaign County Environment & Land Use Committee

Members:

*Jan Anderson, Patricia Busboom, Chris Doenitz,
Tony Fabri, Nancy Greenwalt (VC), Ralph
Langenheim (C), Brendan McGinty, Steve Moser,
Jon Schroeder*

Date: *April 11, 2005*

Time: *7:00 p.m.*

Place: *Meeting Room 1
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

1. **Call to Order**
2. **Approval of Agenda**
3. **Approval of Minutes** (February 14, 2005 and March 14, 2005) 1 thru 21
4. **Public Participation**
5. **Correspondence**
 - A. **Urbana and Champaign Sanitary District - Fee Increase** (Information only) 22
6. **County Board Chair's Report**
7. **Recreation and Entertainment License: Eastern Illinois A.B.A.T.E., Inc., for live music, motorcycle show and motorcycle rodeo at the Rolling Hills Campground, 3151-A County Road 2800E, Penfield, IL. June 3rd and 4th, 2005** 23 thru 31
8. **Case 181-05: Bateman Subdivision. Combined Area General Plan and Final Plat approval for a two-lot minor subdivision of an existing residential lot located in the CR Zoning District in Section 18 of East Bend Township.** 32 thru 59
9. **Case 182-05: Greenwood Lake 5th Subdivision. Preliminary Plat, Engineering Drawing and Final Plat Subdivision Approval for a six lot subdivision of an existing 10.5 acre tract in the AG-1 District and RRO District located in Section 21 of East Bend Township, pursuant to Case 468-AM-04** 60 thru 97

10. **Case 475-AT-04: Zoning Administrator** 98 thru 118
Request: Amend Sections 9.1.5 through 9.1.10 and Section 9.3
A. Adjust parameters of minor and major variance classifications
B. Clarify the presiding authority for each variance classification
C. Restrict hearing officer duties
D. Remove option of appealing a hearing officer decision to the ZBA
E. Broaden requirements regarding maintenance of minutes and public records to include hearing officer
F. Make editorial changes to improve clarity
11. **Comprehensive Zoning Review**
A. Status of CZR Phase One 119 thru 122
B. ELUC Motion to Withdraw CZR Phase One Cases 415-AT-03 and 428-AM-04 123 thru 130
12. **Planning and Zoning Report**
A. Barking Dog Enforcement 131 thru 133
B. Champaign County Soil and Water Conservation District - Salt Fork Watershed Plan Technical Advisory Committee (Information Only) 134
C. Monthly Report (Information to be distributed at meeting)
D. Enforcement List (Information to be distributed at meeting)
13. **Other Business**
14. **Determination of Items to be placed on the County Board Consent Agenda**
15. **Adjournment**

MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee	DATE:	February 14, 2005
Champaign County Brookens Administrative Center	TIME:	7:00 p.m.
Urbana, IL 61802	PLACE:	Meeting Room 1 Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802

MEMBERS PRESENT: Jan Anderson, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

MEMBERS ABSENT: Patricia Busboom

STAFF PRESENT: John Hall, Connie Berry, Jeffrey Roseman, Jamie Hitt

OTHERS PRESENT: Daryl Vinson, Dean Crider, Justin Kneeland, Maris Kneeland, Marc Sellers, Jim Randol, Maurice Fisher, Hal Barnhart, Roger Meyer, Brian Shurter, Christine Shurter, Rita McCannon, Robert Malohn, Angela Hunt, Justin Davis, Larry Knox, Susan Vinson Olson, Virginia Vinson, Rob Kowalski

1. Call to Order, Roll Call

The meeting was called to order at 7:03 p.m. The roll was called and a quorum declared present.

2. Approval of Agenda

Ms. Greenwalt requested that the Committee hear Item #10: City of Urbana Comprehensive Plan prior to Item #7: Request of the Seymour Fire Protection District to waive fee for an amendment to a previously granted Special Use Permit (Case #254-S-00) with regard to conditions imposed requiring only one exterior light.

Ms. Anderson moved, seconded by Mr. Doenitz to approve the agenda as amended. The motion carried.

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3. Minutes of Previous Meeting (January 10, 2005)

Mr. McGinty moved, seconded by Ms. Anderson to approve the January 10, 2005 minutes as submitted. The motion carried.

4. Public Participation

Mr. Langenheim stated that staff has informed him that the Committee is not required to receive testimony regarding Rural Residential Overlay Map Amendments and has advised the Committee not to accept testimony.

Mr. Fabri moved, seconded by Ms. Greenwalt to accept testimony regarding Rural Residential Overlay Map Amendments. The motion failed.

Mr. Marc Sellers, Seymour Fire Protection District Representative stated that a fee waiver is requested for the required Special Use Permit. He said that the fire protection district has been placed in a financial burden due to the State of Illinois withholding the second half of their Illinois First Grant.

5. Correspondence

A. Champaign County Fire Chiefs Association

Mr. Doenitz stated that he was contacted by fire chief who requested that the Committee be informed that the letter from the Champaign County Fire Chiefs Association does not represent the opinion of all fire protection district chiefs in Champaign County.

1 **Ms. Greenwalt moved, seconded by Mr. McGinty to place the letter from the Champaign County Fire**
2 **Chiefs Association on file. The motion carried.**

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5 **6 County Board Chair's Report**

6
7 Ms. Wysocki informed the Committee that a Blue Ribbon Study Session is scheduled for February 15th and
8 encouraged all interested Committee members to attend.

9
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11 **7. Request of the Seymour Fire Protection District to waive fee for an amendment to a previously**
12 **granted Special Use Permit (Case #254-S-00) with regard to conditions imposed requiring one**
13 **exterior light.**

14
15 **Mr. Moser moved, seconded by Mr. Doenitz to approve the request to waive the fee for an amendment**
16 **to a previously granted Special Use Permit (Case #254-S-00) with regard to conditions imposed**
17 **requiring one exterior light and the fee for the related variance.**

18
19 Mr. Schroeder stated that he served on the Zoning Board of Appeals from 1988-1998. He said that he was
20 contacted by a gentleman who happens to serve on the fire protection corporation and is also a local farmer.
21 He said that after his conversation with the gentleman he contacted Ms. Hitt and Mr. Roseman to discuss
22 the situation. This facility is located in the unincorporated area of the county and is for the protection of the
23 public within the area. The volunteers and Emergency Medical Technicians do not receive compensation
24 for their work. The facility was built in good faith that the State of Illinois would provide the entire Illinois
25 First Grant funds for its completion. He said that the in 2000 the Seymour Fire Protection District provided
26 staff with a plan which distinctly indicates three 500 watt sodium lamp bulbs on the west side of the building
27 but the Finding of Fact indicates differently with only one condition regarding glare. He said that he would

1 prefer that the entire case be thrown out entirely. The fire protection district has shown a hardship and the
2 fee should be waived as well as adequate time given to complete the required screening.

3
4 Mr. Roseman stated that the three lights which were mentioned were indicated on the elevation plan and not
5 on the actual building plan. He said that there was a specific condition listed in the report stating that on-site
6 security lighting provided must not result in glare on to adjacent properties and roadways. The findings
7 specifically indicate that one security light is planned at two locations on the building with the possibility
8 of an additional light at the rear of the building. The structure currently has four lights mounted on the west
9 wall of the structure. He said that he visited the site, with only one light illuminated, and he did feel that
10 the glare was an issue. He did speak to the person which filed the complaint and they were not satisfied.
11 The flag pole light is a very bright light. He said that Ms. Hitt informed him that the fire protection
12 corporation did agree to install the screening but was unable to do it at this time due to the lack of funding
13 which is why a variance for the screening requirements is attached to the waiver request. An additional
14 violation was discovered during an inspection of the site in the erection of a freestanding lighted sign
15 without a permit. Upon notification the petitioner filed an application for a zoning use permit for the sign
16 to correct the violation of the Zoning Ordinance.

17
18 Mr. Doenitz questioned the location of the complainant.

19
20 Mr. Roseman stated that the complainant is within the vicinity.

21
22 Mr. Schroeder stated that the plan clearly indicates three lights and questioned why this was ignored.

23
24 Mr. Hall stated that the three lights are indicated on the elevation plan and it is an apparent oversight by
25 staff. He said that the only time staff reviews elevation plans is when signs or building heights are in
26 question.

1 Mr. Schroeder stated that it is common sense that lights be placed on an emergency facility. He said that
2 during his term on the ZBA lighting was always an issue which was considered and discussed. He said that
3 this is a public building which is serving the public good and the lighting is required for the emergency
4 personnel's safety.

5
6 Mr. Doenitz stated that last Monday morning at 5:30 a.m. he drove through the parking lot of the facility
7 and witnessed that one light is not sufficient.

8
9
10 Mr. Roseman stated that staff proposed a solution to the petitioner entailing having only one light on during
11 non-emergency hours but allowing the petitioner to switch the other two lights on as needed during non-
12 emergency hours but allowing the petitioner to switch the other two lights on as needed during calls for
13 assistance and to clean-up the equipment after each call.

14
15 Mr. Doenitz stated that he has been a volunteer fireman for 25 years and the lights are required.

16
17 **The motion carried unanimously.**

18
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20
21 **8. Case 445-AM-04: Crystal Hunt Request to amend the Zoning Map to allow for the**
22 **development of 14 single family residential lots in the AG-1, Agriculture Zoning District by**
23 **adding the Rural Residential Overlay (RRO) Zoning District (As amended on December 15,**
24 **2004).**

25
26 **Mr. Moser moved, seconded by Mr. Schroeder to recommend denial of Case 445-AM-04: Crystal**
27 **Hunt Request to amend the Zoning Map to allow for the development of 14 single family residential**

1 **lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning**
2 **District (As amended on December 15, 2004). The motion carried.**

3

4

5 **9. Case 468-AM-04: The Knox Family Trust One, U/A/D, 12/11/90 and Larry Knox, Trustee**
6 **Request to amend the Zoning Map to allow for the development of 6 single family residences**
7 **on 7 lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay**
8 **(RRO) Zoning District.**

9

10 **Mr. Doentiz moved, seconded by Mr. Schroeder to recommend approval of Case 468-AM-04: The**
11 **Knox Family Trust One, U/A/D, 12/11/90 and Larry Knox, Trustee Request to amend the Zoning Map**
12 **to allow for the development of 6 single family residences on 7 lots in the AG-1, Agriculture Zoning**
13 **District by adding the Rural Residential Overlay (RRO) Zoning District. The motion carried.**

14

15

16 **10. City of Urbana Draft Comprehensive Plan**

17

18 Mr. Rob Kowalski, Planning Manager distributed materials to the Committee regarding the City of Urbana's
19 2005 Comprehensive Plan. He said that the City of Urbana is approximately six to eight weeks from
20 adoption of the Comprehensive Plan. The process has been intense and has included a significant amount
21 of public participation. In 2001, the Mayor of Urbana appointed a steering committee which proceeded to
22 complete an existing conditions report, held neighborhood visioning workshop sessions followed by a
23 neighborhood survey and focus groups. The information which was compiled was utilized in preparing 14
24 draft versions of future land use maps and gives detail of each part of the city within one and one-half mile
25 and their planned future land uses. The maps were taken to the surveyed neighborhoods for review and
26 feedback. The 2005 Comprehensive Plan was sent out to approximately 40 different agencies for their
27 review and comment including the Champaign County Department of Planning and Zoning. The Plan itself

1 has an overall vision statement and offers a community profile, offers development trends, goals and
2 objectives and illustrations of how the future land use descriptions are desired. He said that an
3 implementation program will be in the plan which will be a listing of specific actions which need to be taken
4 in order to achieve the goals, objectives and visions.

5
6 Mr. McGinty stated that he served on the Urbana Planning Commission for five years and having worked
7 with the old plan congratulated Mr. Kowalski for his efforts.

8
9 Mr. Moser congratulated Mr. Kowalski for rectifying the drainage issues on the proposed Wal-Mart site.

10
11 Mr. Roseman stated that the comments which were sent to the City of Urbana were based on staff review.
12 He said that the Committee is not obligated to act upon these comments although it would be courteous to
13 send an official comment from the County.

14
15 Ms. Greenwalt recommended that the Committee send a letter in support of staff's comments. She stated
16 that she agrees with Items #1, #2 and #3 but has not had adequate time to review Items #4 through #19. She
17 questioned if ELUC was the governing body to recommend Items #14 through #19.

18
19 Mr. Roseman stated that in order to meet the City of Urbana's deadline the letter was forwarded under his
20 signature.

21
22 Mr. Langenheim stated that Items #1, #2 and #3 are the only policy statements included within the letter.

23
24 Mr. Moser questioned the Extra-Territorial Jurisdiction line on the east side of the Future Land Use Map
25 #2.

26
27 Mr. Kowalski stated that the ETJ line on the east side of the Future Land Use Map #2 is the approximate

1 line which is one and one-half mile of the City of Urbana’s boundary. He said that the March 10th meeting
2 will begin the public hearing process and no final action is expected. He said that a second meeting is
3 proposed for March 24th and forwarded to the City Council in April.

4
5 **Mr. McGinty moved, seconded by Mr. Moser directing staff to prepare a letter for signature by Ralph**
6 **Langenheim, ELUC Chairman that incorporates Items #1, #2 and #3 from the letter dated January**
7 **28, 2005 from the Director of Planning and Zoning. The motion carried.**

8
9 **11. Planning and Zoning Report**

10
11 Mr. Roseman gave an overview of the January 2005 monthly report.

12
13 Mr. Schroeder questioned the progress of Nuisance violations.

14
15 Mr. Roseman stated that the Nuisance and Zoning violations are grouped together in the count. He said that
16 Ms. Hitt indicates that there are 311 outstanding violations since 1990. He said that he is reviewing the
17 outstanding violations list searching for duplicates and barking dog complaints and investigating how this
18 Committee could assist in removing the barking dog complaints from the Department’s responsibilities.

19
20 Mr. Schroeder stated that since the County now has the animal control facility the barking dog issues should
21 be switched over to the Animal Control Department. He said that junkyard issues should be handed over
22 to the State’s Attorney’s Office or Sheriff’s Office so that they can put some teeth into rectifying the
23 violations.

24
25 Mr. Doenitz questioned how a barking dog violation from a year ago could still be a valid complaint.

26
27 Mr. Roseman stated that he agreed. He said that there are several other complaint issues which require

1 staff's attention such as: kennels, inoperable vehicles, placement of fill in the floodplain.

2
3 Mr. Moser questioned the number of complaints in relation Mrs. Lo's properties.

4
5 Ms. Hitt stated that there are approximately three or four violations on the list but she is sure that there are
6 more which have not had complaints filed. She said that one of the violations located at 1404 Rising Road,
7 Champaign is being forwarded to the State's Attorney's Office.

8
9 Mr. Moser questioned if there is anything that the County can do to make the property owners clean up these
10 properties.

11
12 Ms. Hitt stated that as soon as she can she will visit the sites and get them to the State's Attorney's Office
13 for action.

14
15 Ms. Greenwalt stated that staff was directed to prioritize the complaints which were received and she is sure
16 that barking dogs is not a top priority. She questioned what steps needed to be taken to move the barking
17 dog complaints to Animal Control and requested that staff provide this information at the next ELUC
18 meeting.

19
20 Mr. Roseman stated that Mr. Joel Fletcher, Assistant State's Attorney, must be consulted regarding this
21 issue.

22
23 Ms. Hitt stated that she discussed this issue with Ms. Busey, Co-Administrator for Champaign County, and
24 she indicated that the Animal Control Ordinance was amended in 2004. The Nuisance Ordinance would
25 require an amendment referencing the barking dog complaints to Animal Control.

1 Mr. Roseman stated that he will discuss this issue with Mr. Fletcher and provide a report at the March ELUC
2 meeting. He questioned the Committee if when a case is referred to the State’s Attorney’s Office should
3 it be removed from the backlog list and a separate list compiled or have the case remain on the list and
4 included in the total number of backlog cases.

5
6 Mr. Moser stated that he would prefer a separate list compiled for cases referred to the State’s Attorney’s
7 Office.

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9
10 **12. Determination of Items to be placed on the County Board Consent Agenda**

11 **A. Support of HB-4910: Eliminating an inoperable vehicle loophole from the State Statute 55**
12 **ILCS 5/12002 of the County Code.**

13
14 **The consensus of the Committee was to place Item #12.A: Support of HB-4910, Eliminating an**
15 **inoperable vehicle loophole from the State Statute 55/ILCS 5/12002 of the County Code on the County**
16 **Board Consent Agenda.**

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19 **13. Adjournment**

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21 The meeting adjourned at 8:02 p.m.

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26 Respectfully submitted,

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Secretary to the Environment and Land Use Committee

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MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee Champaign County Brookens Administrative Center Urbana, IL 61802	DATE: March 14, 2005 TIME: 7:00 p.m. PLACE: Meeting Room 1 Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802
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MEMBERS PRESENT: Jan Anderson, Patricia Busboom, Chris Doenitz, Nancy Greenwalt (VC),
Brendan McGinty, Steve Moser, Jon Schroeder

MEMBERS ABSENT: Tony Fabri, Ralph Langenheim (C)

STAFF PRESENT: Jeffrey Roseman, Connie Berry, Susan Monte, Jamie Hitt, Frank DiNovo,
Joel Fletcher

OTHERS PRESENT: Steve Willard, Hal Barnhart

1. Call to Order, Roll Call

The meeting was called to order at 7:02 p.m. The roll was called and a quorum declared present.

2. Approval of Agenda

Ms. Greenwalt indicated that an item for public participation had been omitted from the agenda and requested that it be added as a new Item #4.

Ms. Anderson moved, seconded by Mr. Doenitz to approve the agenda as amended. The motion carried by voice vote.

3. Minutes of Previous Meeting (April 08, 2004 and May 03, 2004)

Ms. Anderson moved, seconded by Mr. Doenitz to approve the April 08, 2004 and May 03, 2004 minutes as submitted.

Ms. Busboom requested that staff finalize all minutes for the Environment and Land Use Committee and the Zoning Board of Appeals for approval. She stated that it is difficult to approve minutes which are over one year old.

1 **The motion carried by voice vote.**

2
3 **4. Public Participation**

4
5 Mr. Steve Willard addressed Item #7. He said that what was known as “The Shed” is now called “Rock the
6 Shed,” a not-for-profit organization. He requested that the required fees for a map amendment and special
7 use be waived because “Rock the Shed” is a private family business. He indicated that currently he has an
8 insurance policy which covers the venue which takes places within the shed. He noted that a \$2 admission
9 is charged to pay for the band but if a youth is unable to pay they are still admitted into the facility.

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11
12 **5. Correspondence**

13
14 Mr. Roseman distributed letters dated February 14, 2005 and February 28, 2005 from Attorney Brian T.
15 Schurter, advising staff that a township planning commission has been adopted by Stanton Township and
16 that planning commissions have been proposed in Rantoul and Compromise Townships. Mr Roseman
17 distributed a letter received March 11, 2005 from Mahomet Township Clerk Donna Parsons, indicating the
18 the formal protest of Zoning Cases 415-AT-03 and 428-AM-04 by Mahomet Township Resolution No.
19 2005-2.

20
21 **The consensus of the Committee was to accept the correspondence and place on file.**

22
23
24 **6 County Board Chair’s Report**

25
26 None

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28
29 **7. Request of Rock the Shed, Inc, a not-for-profit corporation and Steve Willard, shareholder,**
30 **to waive the required fee for a Map Amendment and Special Use Permit to operate a Private**
31 **Indoor Recreational Development located in Section 36, Newcomb Township.**

32
33 **Mr. Doenitz moved, seconded by Mr. McGinty to approve the request of Rock the Shed, Inc, a non-**
34 **profit corporation and Steve Willard, shareholder, to waive the required fee for a Map Amendment**
35 **and Special Use Permit to operate a Private Indoor Recreational Development located in Section 36,**
36 **Newcomb Township. The motion carried by voice vote.**

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39 **8. Request of Bob and Rita Wingler, d.b.a. The Apple Dumplin’ to waive the required fee for a**
40 **Zoning Use Permit for a sign, located in Section 2 of Urbana Township.**

1 **Mr. Moser moved, seconded by Mr. Doenitz to approve the request of Bob and Rita Wingler, d.b.a.**
2 **The Apple Dumplin’ to waive the required fee for a Zoning Use Permit for a sign, located in Section**
3 **2 of Urbana Township.**

4
5 Ms. Greenwalt noted that historically the Committee has not waived the fees for a private business. She said
6 that the approval of this waiver maybe setting a precedence for future requests.

7
8 Ms. Busboom stated that the business has been in operation for approximately 18 years and the sign was
9 located in front of the business. She said that the sign was relocated to the porch of the building and should
10 be grandfathered.

11
12 Mr. Doenitz stated that this issue appears to be nit picky and the County should not be concerned with the
13 \$33 fee.

14
15 Ms. Anderson questioned if any kind of work was required by staff.

16
17 Mr. Roseman stated that due to a site visit a letter was mailed to the owner regarding zoning deficiencies.
18 He said that Ms. Hitt informed the owner that if the existing sign was relocated a Zoning Use Permit would
19 be required accompanied by a \$33 fee. He noted that staff is not being nit picky but following procedure.

20
21 **The motion carried.**

22
23
24 **9. Consideration of an amendment to the Champaign County Liquor Ordinance No. 653,**
25 **Ordinance Establishing the Rules and Regulations Governing the Sale and Consumption of**
26 **Alcoholic Liquor.**

27
28 Ms. Greenwalt noted that the information included in the packet are the changes proposed for recommended
29 approval. She said that the information distributed at tonight’s meeting is the complete ordinance with the
30 proposed changes incorporated into the text.

31
32 **Mr. McGinty moved, seconded by Ms. Anderson to approve the amendment to the Champaign**
33 **County Liquor Ordinance No. 653, Ordinance Establishing the Rules and Regulations Governing the**
34 **Sale and Consumption of Alcoholic Liquor**

35
36 Mr. Fletcher stated that previously there was a problem with insufficient review time for submitted liquor
37 license applications. He said that one of the amendments to the Liquor Ordinance increases the application
38 fee by 25% but if the application is submitted 30 days prior to the expiration date of the existing license a
39 25% rebate will be issued. He said that clarification of procedures regarding criminal background checks
40 has been proposed. He said that due to the time frame regarding receipt of the criminal background check
41 a provisional license will be issued to the applicant upon application and replaced with a annual license

1 when the criminal background check is completed. He noted that on Page 12 of the distributed Ordinance
2 as revised March 24, 2005, Section 8.C, Date of Application should be amended to include the following
3 text: April 1 through June 1 of year in which the application is made. He said that on Page 22, Section 10.2,
4 Annual License should be amended to include the following text: An annual License shall be issued within
5 ten (10) days after receipt of criminal background information from the Illinois State Police, unless such
6 information materially alters the application of the criteria listed in Section 10.A.1.(1) through (25), above.
7

8 Mr. Moser questioned why the criminal background checks were necessary.
9

10 Mr. Fletcher stated that state law and the current ordinance allows a criminal background check and the
11 proposed language will make it workable.
12

13 Mr. Moser stated that he does not understand why an applicant who has had a liquor license for over fifteen
14 years has to comply with this provision. He said that if a new business is created or a new owner buys an
15 existing business then they should be required to have a criminal background check completed.
16

17 Ms. Busboom questioned the expense to the applicant regarding the criminal background check.
18

19 Mr. Fletcher stated that currently the expense to the applicant would be \$20 per person, which is a fee set
20 by the Illinois State Police. He said that in the past the County Sheriff has charged a fee for required
21 fingerprints for business licenses but has not, in the past, charged a fee for liquor license applicant
22 fingerprints.
23

24 Ms. Busboom asked what the procedure is for submitting a renewal application.
25

26 Mr. Fletcher stated that a completed application accompanied by the appropriate fee is to be submitted to
27 the County along with a separate check payable to the Illinois State Police for fingerprinting charges.
28

29 Mr. Moser questioned if the existing business could be grandfathered.
30

31 Mr. Fletcher stated that if this provision is proposed he would require adequate time for review and
32 preparation and forwarded to the Liquor Advisory Commission.
33

34 Ms. Greenwalt stated that if the provision was proposed it would not be approved in time to meet the liquor
35 license renewal dates for 2005. She said that as Chairman of the Liquor Advisory Commission she kept in
36 correspondence with the Sheriff. She said that it was his preference that if the criminal background check
37 was to be included within the Liquor Ordinance that it indicate that the criminal background checks be
38 completed by the State Police and not completed internally.
39

40 Ms. Anderson questioned if the same procedure will be followed for the liquor license applicants regarding
41 criminal background checks as is followed at the County Nursing Home.

1 Mr. Fletcher stated that he is unable to confirm the procedure which is followed at the County Nursing
2 Home.

3
4 **Mr. McGinty and Ms. Anderson accepted the amended text as proposed by Mr. Fletcher.**

5
6 **The motion carried by voice vote.**

- 7
8
9 **10. Case 475-AT-04: Zoning Administrator Request to amend Section 9.1.5 through 9.1.10 and**
10 **Section 9.3**
11 **A. Adjust parameters of minor and major variance classifications**
12 **B. Clarify the presiding authority for each variance classification**
13 **C. Restrict hearing officer duties**
14 **D. Remove option of appealing a hearing officer decision to the ZBA**
15 **E. Broaden requirements regarding maintenance of minutes and public records to include**
16 **hearing officer**
17 **F. Make editorial changes to improve clarity**
18

19 Ms. Monte stated this is ELUC's initial review of the proposed text amendment and that proposed text
20 amendments are typically held at ELUC for one month to provide sufficient opportunity for municipalities
21 and townships to consider a protest. She said the text amendment proposes to restrict a hearing officer's
22 duties and also includes proposed miscellaneous corrections to Chapter 9 of the Ordinance and that a
23 majority ZBA recommendation to the County Board is to adopt the proposed amendment. She reviewed
24 the amendment which further restricts hearing officer duties: currently the Ordinance allows that a hearing
25 officer may preside over all Minor Variance cases; whereas the proposed text amendment allows a hearing
26 officer to preside over a Minor Variance request: 1) only during times as authorized by the County Board;
27 and 2) only provided that no other request for a variance, special use or rezoning is concurrently under
28 consideration for the subject site or structure. She said the text amendment modifies the upward parameter
29 of a Minor Variance to include only requests for deviations that do not exceed 25% (whereas the existing
30 Ordinance indicates the upward parameter of a Minor Variance to include requests for deviations that do
31 not exceed 50%).
32

33 Ms. Monte reviewed other Chapter 9 corrections proposed as part of the text amendment. She said the
34 existing Ordinance allows that an appeal of a hearing officer decision may be heard by the ZBA and that a
35 correction to this Section of the Ordinance is proposed (based on Illinois state statute) that a hearing officer
36 decision is final subject to an administrative review as provided in Article III Administrative Review,
37 Illinois Code of Civil Procedure (735 ILCS 5/3-101 et seq., 1996). She said that the existing Ordinance
38 indicates that minutes and public records are required to be maintained for the ZBA and that the proposed
39 amendment indicates that minutes and public records are required to be maintained for both the ZBA and
40 hearing officer. She said the text amendment also provides clarification to the existing Ordinance with
41 regard to who the presiding authority is for each classification of Variance (Administrative, Minor and

1 Major) with a table added to Paragraph 9.1.6(A).

2
3 Ms. Busboom questioned who would be appointed as hearing officer and what qualifications would be
4 required.

5
6 Ms. Monte said the existing Zoning Ordinance contains a paragraph about required qualifications for a
7 hearing officer. She said the hearing officer provisions were adopted by the County Board in 1993 and have
8 been in the Zoning Ordinance since then, although that to date the County Board has not elected to utilize
9 the hearing officer provisions. She said that a list of hearing officer candidates has not yet been forwarded
10 to the Policy Committee for their consideration.

11
12 Ms. Busboom stated that she served on the Zoning Board for five years and ELUC for many more and it
13 surprises her that she has never heard of this provision. She questioned if the Hearing Officer would be
14 hired or appointed.

15
16 Ms. Monte stated the hearing officer is an appointed position which would probably receive a per diem
17 based on what is decided by the County Board. She said the proposed text amendment adds a provision that
18 a hearing officer may not be appointed unless the County Board decides by resolution to enact a hearing
19 officer. She said the proposed text amendment further restricts hearing officer duties, more so than the
20 existing Zoning Ordinance provisions regarding hearing officer duties. She said during consideration of
21 the proposed text amendment the ZBA expressed a desire that they be assisted by a hearing officer only :
22 1) with regard to Minor Variance requests for deviations less than 25% and only provided that no other
23 zoning cases are requested concurrently to a Minor Variance; and 2) only during that time that the ZBA is
24 considering hearings for the Comprehensive Zoning Review cases.

25
26
27 Ms Monte said that over the past two-year period (from January, 2003 through December, 2004) a total of
28 46 Variance cases were considered by the ZBA. Of those 46 cases, only approximately 11 of those cases
29 would qualify to be heard by a hearing officer if, for example, the criteria for screening of Minor Variance
30 cases to be allowed to be heard by a hearing officer (as proposed in the text amendment under consideration)
31 were in place during that time.

32
33 Ms. Busboom questioned if a staff person would qualify as a hearing officer.

34
35 Mr. Roseman stated that at least two or three hearing officers would be appointed to alleviate any conflicts
36 of interest which might arise with a specific case. He said that the text amendment was initially proposed
37 due to the prospect of Phase One zoning hearings in each township to help alleviate the ZBA's burden of
38 additional meeting dates. He said that when a hearing officer is no longer required to assist the ZBA an
39 additional resolution can be proposed to eliminate the hearing officer. He said that someone such as a retired
40 land use lawyer could be qualified as the hearing officer.

1 Mr. DiNovo stated that the only candidates which have been discussed for the hearing officer appointment
2 are former ZBA members.

3
4 Ms. Monte read the qualifications of the hearing officer.

5
6 Mr. Doenitz asked why the County would want to add more bureaucracy.

7
8 Mr. Roseman stated that the key reason why the County Board may want to consider this provision is to help
9 speed up the processing of certain Minor Variance cases which will be submitted during the hearings for the
10 Comprehensive Zoning Review.

11
12 Mr. Doenitz stated that he is afraid that this provision will ruin the continuity of trusting the ZBA to take
13 care of the public's cases.

14
15 Ms. Greenwalt questioned if the Committee desired to change the proposed amendment what would be the
16 procedure.

17
18 Ms. Monte stated that at next month's ELUC meeting, the Committee has the option to remand this case
19 back to the ZBA or to make a recommendation to the County Board that it be denied.

20
21 Ms. Anderson asked if this text amendment came from ZBA.

22
23 Ms. Monte stated originally the text amendment from the Zoning Administrator was to expand duties of a
24 hearing officer, but that the ZBA modified that request to instead restrict hearing officer duties.

25
26 Mr. DiNovo stated that the hearing officer provisions were added in 1993 with the thought that a hearing
27 officer would expedite hearing cases, but after it was reviewed it appeared that no time would be saved. He
28 said that the tool is available in the Ordinance if for some reason the County Board desires to utilize it. He
29 said that just because it is included in the Zoning Ordinance does not mean that it has to be utilized, but it
30 does provide that option to the County Board if ever required.

31
32 Ms. Busboom stated that until a hearing officer is proven necessary she does not support the proposed
33 amendment.

34
35 **Ms. Busboom moved to deny Case 475-AT-04. The motion failed by lack of a second.**

36
37 Ms. Anderson stated that the hearing officer provisions are included in the Ordinance and have not been
38 utilized. The amendment is to further restrict the duties of the hearing officer which means that the hearing
39 officer, if utilized, will be used even less than what was originally proposed ,therefore she supports Case
40 475-AT-04.

41

1 Mr. McGinty questioned the procedure if the hearing officer provisions were removed from the Zoning
2 Ordinance and then proposed to be added back into the Ordinance at a later date.

3
4 Ms. Monte said the existing Zoning Ordinance includes provisions to allow the use of a hearing officer.
5 She said a new text amendment would need to be proposed to eliminate that existing Section of the Zoning
6 Ordinance. A new text amendment would require a legal public notice to be advertised, another public
7 hearing by the ZBA, a review by ELUC and final approval by the County Board. If in the future the hearing
8 officer was to be added back into the Ordinance the same procedure would be required.

9
10 Mr. DiNovo agreed that the first thing that would be required would be to draft a new zoning case to repeal
11 the hearing officer provisions which are currently in the Ordinance. He said that if at a later date if a hearing
12 officer is desired provisions would be required for adoption. The process would approximately consume
13 three months before it would appear before the Board.

14
15 Ms. Busboom stated that she will accept the proposed amendment so that the Committee may move on to
16 other issues.

17
18 Mr. Schroeder stated that he supports the text amendment to further restrict duties of a hearing officer. He
19 said that it would prove very difficult to have seven ZBA members at each township hearing; therefore the
20 provision to allow the limited use of a hearing officer would help alleviate that situation.

21
22
23 **11. Planning and Zoning Report**
24 **A. Barking Dog Enforcement**
25

26 Mr. Fletcher stated that he is working with Mr. Roseman regarding the Barking Dog Enforcement and
27 requested that Item #11(A) be deferred to the April 11, 2005, meeting.

28
29 **B. Enforcement list review**
30

31 Mr. Roseman distributed the following documents for the Committee’s review: 1) Zoning and Nuisance
32 Enforcement Cases dated March 14, 2005; 2) Cases Referred to the State’s Attorney’s Office dated March
33 14, 2005; and 3) Kennel Cases to be Resolved via Zoning Ordinance Amendments dated March 14, 2005.
34 He said that there are 259 outstanding cases to date. The list includes 71 cases of inoperable vehicles; 22
35 cases of domestic animal complaints, of which 16 are kennels. He said that he discussed the kennel cases
36 with Mr. DiNovo and he indicated that these types of cases will be resolved with an amendment to the
37 Zoning Ordinance, therefore at this time no action is required unless a serious complaint is received. The
38 list includes 12 floodplain related issues which have been discussed with the Illinois Department of
39 Resources to determine which cases can be removed from the list. He said that as requested by the
40 Committee a list has been provided indicating which cases have been referred to the State’s Attorney’s
41 Office. He noted that further review is required to determine which cases can be removed from the list due

1 to non-existence, compliance, etc.
2

3 Mr. Schroeder thanked staff for the distributed enforcement lists. He questioned if the barking dog
4 complaints which are indicated on the list includes the kennel complaints also.
5

6 Mr. Roseman stated that the barking dog complaints and the kennel complaints are two different issues and
7 are treated separately.
8

9 Mr. Schroeder questioned the procedure from the State's Attorney's Office once a case has been referred.
10

11 Mr. Fletcher stated that a notice is sent regarding the complaint and if no response is received a second
12 notice is sent to the violator. If no response is received from the violator after receipt of the second notice
13 a complaint is filed by the State's Attorney's Office with the court system. He said that typically the judge
14 will give the violator two or three chances to bring the violation into compliance but if the matter is not
15 taken care of then a fine is issued. He said that there are some cases on the list which have proceeded to the
16 court system but there are procedural problems with some other cases.
17

18 Mr. Schroeder questioned what effect will an additional person hired within the State's Attorney's Office
19 have on enforcement.
20

21 Mr. Fletcher stated that he is unable to respond to Mr. Schroeder's question at this time.
22

23 Mr. Moser questioned if there were repeat violators on the list.
24

25 Ms. Hitt stated that there are repeat violators on the list.
26

27 Mr. Roseman noted that the State's Attorney, prior to this monthly report to the Committee, has not had an
28 opportunity to review the cases on the enforcement lists that are indicated as being with the State's Attorney
29 Office.
30

31 **Mr. Doenitz moved, seconded by Mr. Moser, to remove all Comprehensive Review Zoning Cases**
32 **which have received a protest from a township from consideration.**
33

34 Ms. Greenwalt stated that this is not an item on the agenda therefore no action can be taken at tonight's
35 meeting.
36

37 Ms. Busboom requested that Mr. Doenitz's request be placed on the April 11, 2005 agenda.
38
39

40 **12. Determination of Items to be placed on the County Board Consent Agenda**
41

1 **The consensus of the Committee was to place Item #9, Consideration of an amendment to the**
2 **Champaign County Liquor Ordinance No. 653, Ordinance Establishing the Rules and Regulations**
3 **Governing the Sale and Consumption of Alcoholic Liquor, on the County Board Consent Agenda.**
4

5
6 **13. Adjournment**

7
8 The meeting adjourned at 7:53 p.m.
9

10
11
12 Respectfully submitted,
13

14
15
16
17 Secretary to the Environment and Land Use Committee
18

19 eluc\minutes\minutes.frm

Fee Increase Notice

To: All Interested Parties
From: Michael R. Little, Interim Executive Director, Urbana & Champaign Sanitary District
Date: March 25, 2005
Subject: Interceptor Cost Recovery Fee

Beginning on **May 1, 2005** the District's Interceptor Cost Recovery Fee will increase from \$140.00/Population Equivalent (PE) to \$160.00/PE, in accordance with Sanitary District Ordinance No. 591, which was passed by the District's Board of Trustees on February 5, 2004.

The Interceptor Cost Recovery Fee applies to all sanitary sewer extensions serving undeveloped property and is collected by the Sanitary District at the time an application for an Illinois EPA construction permit is submitted to the Sanitary District for signature.

If you have any questions about either of these fees, please contact Michael Little at (217) 367-3409.

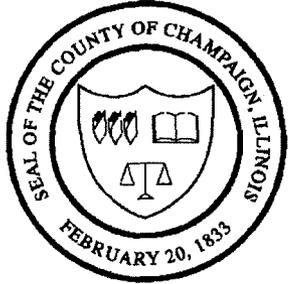
RECEIVED

MAR 30 2005

CHAMPAIGN CO. P & Z DEPARTMENT



URBANA &
CHAMPAIGN
SANITARY
DISTRICT



**STATE OF ILLINOIS
COUNTY OF CHAMPAIGN**

**ENTERTAINMENT, RECREATION,
LODGING OF TRANSIENTS, AND RACEWAYS LICENSE**

**No. 2005-018
\$24.00**

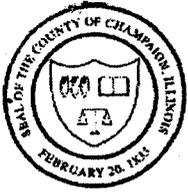
EASTERN ILLINOIS A.B.A.T.E.

License is hereby granted to MARTHA KELLEY at 378CR 2700N, MAHOMET ILLINOIS to hold a Motorcycle Race/Rodeo with Live entertainment at Rolling Acres Campground, Penfield Illinois in Champaign County on June 3rd and June 4th, 2005 . This License expires the June 5th, 2005 at 12:01am.

Witness my Hand and Seal this _____ day of April, A.D. 2005.

MARK SHELDEN
County Clerk
Champaign County

Chairman, Champaign County License Commission



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. 2005-18
Date(s) of Event(s) June 3+4, 2005
Business Name: Eastern Illinois A.B.A. TE
License Fee: \$ 20.00
Filing Fee: \$ 4.00
TOTAL FEE: \$ 24.00
Checker's Signature: MS

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

FILED
MAR 30 2005

Checks Must Be Made Payable To: Mark Shelden, Champaign County Clerk

Mark Shelden
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: Eastern Illinois ABATE, Inc.
2. Location of Business for which application is made: Rolling Hills Campground, Penfield IL
3. Business address of Business for which application is made: 3151-A CR 2800 E Penfield, IL
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: _____
Campground
7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): live music, motorcycle show, motorcycle rodeo
8. Term for which License is sought (specifically beginning & ending dates): _____
June 3+4, 2005

(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: Rolling Hills Campground, 3151-A CR 2800 E, Penfield, IL (June 3+4, 2005)
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: _____ 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): Martha Kelley
Date of Birth: _____ Place of Birth: Detroit, MI
Social Security Number: _____ Citizenship: US
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years: 378 CR 2700 N, Mahomet, IL 61853
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: University of Illinois

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: List of all officers attached

1. Name of Corporation exactly as shown in articles of incorporation and as registered: Eastern ILLINOIS ABATE, Inc.
2. Date of Incorporation: 12/3/1981 State wherein incorporated: Illinois

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

N/A

Give first date qualified to do business in Illinois: _____

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

P.O. Box 6132, Champaign IL 61826

5. Objects of Corporation, as set forth in charter: Motorcyclists' Rights + Education

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

Name of Officer: Greg Cler Title: President

Date elected or appointed: 12/11/2004 Social Security No.: _____

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

Citizenship: US

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: _____

414 E. Broadway
Tolono, IL

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

Mechanic, Business owner

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



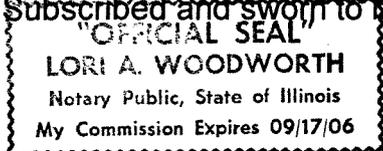
Signature of Secretary

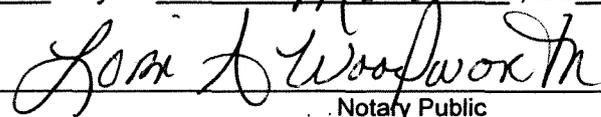


Signature of Manager or Agent

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

29 day of Mar, 20 05





Notary Public

This COMPLETED application along with the made payable to MARK SHELDEN, CHAMPAIGN C County Clerk's Office, 1776 E. Washington St., Urb

ate amount of cash, or certified check
SLERK, must be turned in to the Champaign
s 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: _____
2. Fee Amount Received: _____

Sheriff's Department

1. Police Record Approval: _____ Date: _____
2. Credit Check Disapproval: _____ Date: _____

Remarks: _____ Signature: _____

Planning & Zoning Department

1. Proper Zoning Approval: _____ Date: _____
2. Restrictions or Violations Disapproval: _____ Date: _____

Remarks: _____ Signature: _____

Environment & Land Use Committee

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

Signature: _____

Remarks and/or Conditions: _____

Eastern Illinois A.B.A.T.E., Inc.
A Not-for-Profit Corporation

Officers:

Name Greg Cler
Title President, since 12/2004
SSN
DOB , Tuscola, IL
Citizenship US
Address 414 East Broadway, Tolono, IL

Name Chris Abrahamson
Title Vice-President, since 12/2004
SSN
DOB , Champaign, IL
Citizenship US
Address 2805 Willowpark, Champaign, IL

Name Alicia Smith
Title Membership Coordinator
SSN
DOB , Champaign, IL
Citizenship US
Address 1619 West Clark, Champaign IL

Name Karen Sollers
Title Treasurer, since 12/2003
SSN
DOB , Danville, IL
Citizenship US
Address 504 North Broadway, Newman, IL

Name Tom Sollers
Title Activities Coordinator, since 12/2003
SSN
DOB , Tuscola, IL
Citizenship US
Address 504 North Broadway, Newman, IL

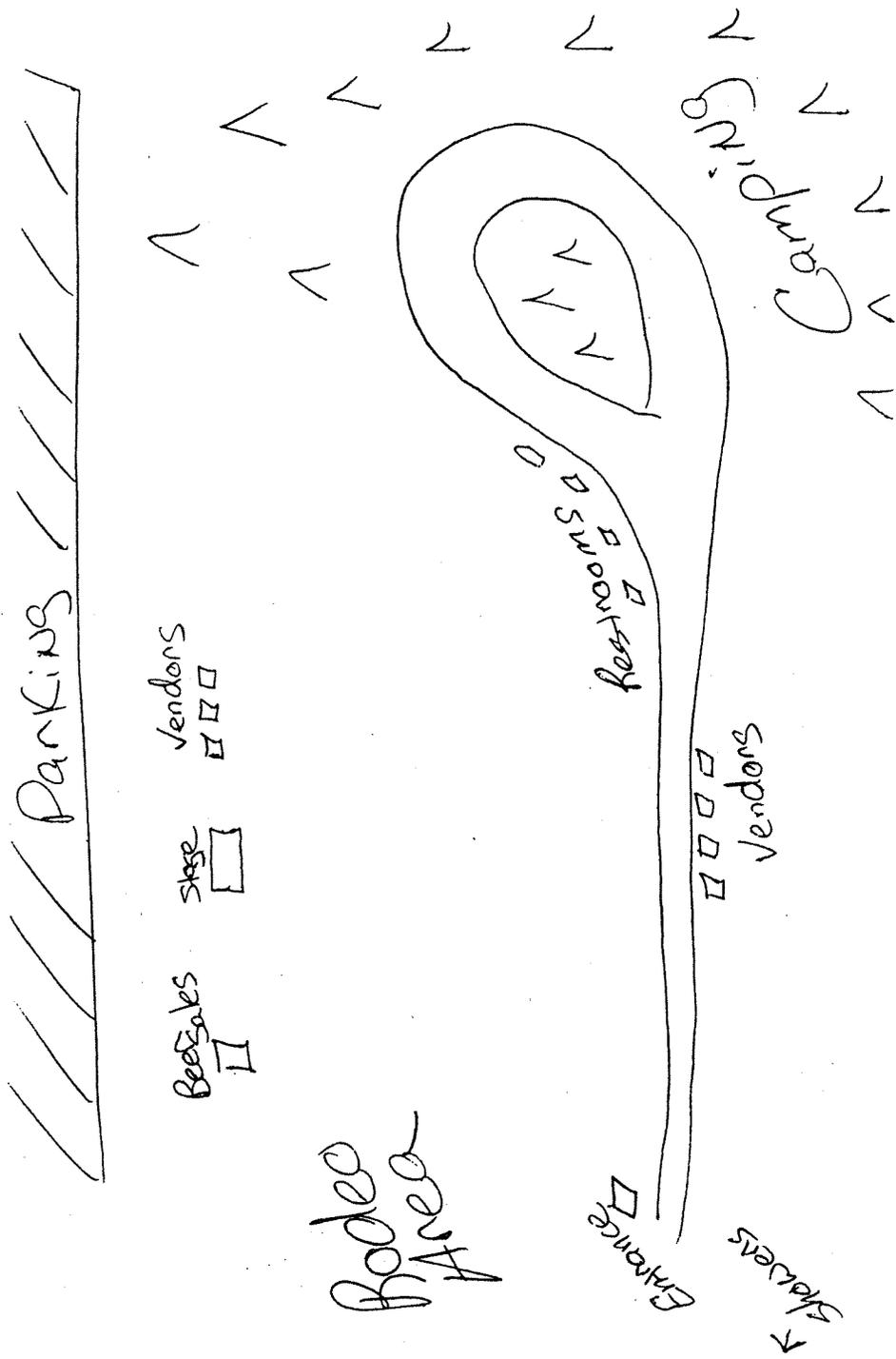
Name Michelle Shepherd
Title Products Coordinator
SSN
DOB , St. Marys, PA
Citizenship US
Address 1519 Fairway Drive, Rantoul, IL

Name Denny Holsapple
Title Public Relations Coordinator since 12/2003
SSN
DOB , Vandalia, IL
Citizenship US
Address 949 N County Road 500 E

Name Cecil Randle
Title Safety & Ed Coordinator
SSN
DOB , Stauton, IL
Citizenship US
Address 7 Chestnut, Danville, IL

Name Nichole Hemrich
Title Secretary, since 12/2004
SSN
DOB
Citizenship US
Address 13998 N 80 East Road, Homer, IL 61849

Name Martha Kelley
Title Legislative Coordinator & Rep to the State Board, since 12/2003
SSN
DOB , Dearborn, MI
Citizenship US
Address 378 CR 2700 N, Mahomet IL



TO: Environment and Land Use Committee

FROM: John Hall, Associate Planner

DATE: April 4, 2005

RE: Case 181-05, Bateman Subdivision

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
FAX (217) 328-2426

REQUESTED ACTION

Combined Area General Plan and Final Plat approval for a two-lot minor subdivision of an existing residential lot located in the CR Zoning District in Section 18 of East Bend Township located on the southwest side of CR3350N at the residence at 663 CR3350N.

The plat has been signed by the East Bend Township Highway Commissioner and approved by the County Health Department.

The proposed subdivision does not meet certain of the minimum subdivision standards and Area General Plan approval (by ELUC) is required including the following waivers:

- 1. Waive the requirement of paragraph 6.1.5. a. (1) that no part of a minimum required lot area shall be located on Colo silty clay loam soil.**
- 2. Waive the requirement of paragraph 6.1.5. a. (4) that no part of a minimum required lot area shall be located more than one foot below the Base Flood Elevation (BFE) prior to the commencement of any change in elevation of the land.**
- 3. Waive the requirement of paragraph 6.1.5. a. (7) that a minimum required lot area for any lot must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any lot that is likely to experience ponding of stormwater is noted on the Final Plat.**

Final Plat approval requires the following waivers:

- 1. Waive requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption.**
- 2. Waive requirement of paragraph 9.1.2 r. for certification on the plat by a Registered Professional Engineer or Registered Sanitarian that the proposed land use, the proposed lot, and the known soil characteristics of the area are adequate for a private septic disposal system.**

At this time the division of a lot that is five acres or less in area requires a zoning variance and the Subdivider is preparing an application for that zoning case. The following condition is required for subdivision approval at this time:

- 1. The Subdivision Officer shall hold the Final Plat and not release it to be filed with the Recorder of Deeds unless and until the Zoning Board of Appeals approves a variance for division of a lot that is five acres or less.**
-

Subdivider

Mike Bateman
663 CR3350N
Fisher IL 61843

Engineer/Surveyor

Moore Surveying and Mapping
101 West Ottawa
Paxton IL 60957

Location, Roadway Access, and Land Use

The subject property is a 4.984 acre parcel in the Northwest 1/4 of Section 18 of East Bend Township. See the Location Map. The existing parcel is the residential lot at 663 CR3350N.

The proposed subdivision is bordered by other residential lots on three sides and bottomland floodplain on the south side. See the Land Use Map.

Applicable Zoning Regulations

The subject property is zoned CR Conservation Recreation. See the attached Zoning Map. The proposed lots meet all *Zoning Ordinance* and *Subdivision Regulations* requirements for individual lots except where a waiver is required. See Table 1 for a summary.

Table 1. Review Of Minimum Lot Requirements ¹

Lot Characteristic	Requirement (or Limit)	Range for Proposed Lots			Notes
		Proposed Lot 1	Proposed Lot 2 (exist. dwelling)	Average	
Lot Area (acres)	Minimum: 1.00	1.493 acres	3.490 acres	2.492 acres	ACCEPTABLE- MEETS MINIMUM REQUIREMENT
	Maximum: 3.00				
Lot Frontage (feet)	20.00 (minimum)	316.33 feet	98.99 feet	239.50 feet	ACCEPTABLE-EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	380.00 feet	665.00 feet (approx.)	522.50 feet	ACCEPTABLE-EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	200.00 feet ²	228.61 feet	214.30 feet	ACCEPTABLE-EXCEEDS MINIMUM REQUIREMENT
Lot Depth to Width	3.00 : 1.00 (maximum)	1.90 : 1.00	2.91 : 1.00	2.40 : 1.00	ACCEPTABLE- LESS THAN MAXIMUM ALLOWED

NOTES FOR TABLE 1 NR= No Requirement (or limit)

1. The maximum lot size only applies when Best Prime Farmland is involved.

2. Average lot width for proposed Lot 1 determined by the largest diameter circle that fits within the lot lines.

A zoning variance is required because the property is not greater than 5 acres. See the discussion below under Required Variance.

Subdivision approval is required because there are no Illinois Plat Act exceptions available for the creation of lots less than five acres in area and the only alternative available is to subdivide.

Minimum Subdivision Standards

Minimum subdivision standards were added to the *Subdivision Regulations* on July 8, 2004. Table 2 reviews the conformance of the proposed subdivision with those standards and required waivers are discussed below.

Table 2. Preliminary Assessment Of Compliance With Minimum Subdivision Standards¹

Standard	Preliminary Assessment
SUITABILITY STANDARDS (Section 6.1.5 a.)	
1) No part of a minimum required LOT AREA shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A) (Note: the minimum required lot area is 43,560 square feet)	<p>DOES NOT CONFORM. On this property Colo silty clay loam is the bottomland soil in the Sangamon River floodplain. The Final Plat indicates the approximate north bank of the Sangamon River is about 40 north of the centerline of the river.</p> <p>Proposed Lot 1 will conform.</p> <p>Proposed Lot 2 (with the existing dwelling) has only about 26,764 square feet (.614 acre) that is not located on Colo soil and requires a waiver.</p> <p>Without the proposed subdivision the existing property exceeds this standard.</p>
2) No part of a minimum required LOT AREA shall contain an EASEMENT for an interstate pipeline	<p>APPEARS TO CONFORM. The closest known pipeline is the "Illini" pipeline of the Mid-American Pipeline Company that is approximately one-quarter mile east of the subject property.</p>
3) No part of a minimum required LOT AREA shall be within a runway primary surface or runway clear zone	<p>APPEARS TO CONFORM. No runway is known to be in the vicinity of the subject property.</p>
4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA shall be located more than one foot below the BASE FLOOD ELEVATION (BFE). (Note: the minimum required lot area is 43,560 square feet)	<p>DOES NOT CONFORM. Proposed Lot 1 has more than one acre above the BFE and conforms to this requirement.</p> <p>Proposed Lot 2 (with the existing dwelling) has about 24,664 square feet (about .566 acre) that is located at or above the BFE and an additional 1,050 square feet that is located no more than one foot below the BFE so that about 25,714 square feet (.590 acre) of Lot 2 meets this standard.</p> <p>Without the proposed subdivision, the existing property has approximately 49,550 square feet (about 1.138 acre) above the BFE.</p>
5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.	<p>APPEARS TO CONFORM. The proposed Lot 1 has soil of equal suitability as proposed Lot 2.</p>
6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each LOT must be minimized as much as possible.	<p>APPEARS TO CONFORM. No farmland with an LE of 85 is utilized by this subdivision</p>

Table 2. Preliminary Assessment Of Compliance With Minimum Subdivision Standards¹

Standard	Preliminary Assessment
<p>7) A minimum required LOT AREA for any LOT must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any LOT that is likely to experience ponding of stormwater is noted on the FINAL PLAT.</p> <p>(Note: the minimum required lot area is 43,560 square feet)</p>	<p>DOES NOT CONFORM. Proposed Lot 1 appears to conform to this standard.</p> <p>Proposed Lot 2 (with the existing dwelling) does not appear to meet this standard because so much of this land is bottomland that floods and is likely to pond. There is probably no more than 26,764 square feet (about .614 acre) of land with positive surface drainage on proposed Lot 2.</p> <p>Without the proposed subdivision the existing property exceeds this standard.</p>
<p>8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.</p>	<p>APPEARS TO CONFORM. There are no traffic visibility concerns at this property.</p>
<p>AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)</p>	
<p>1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good engineering practice.</p>	<p>APPEARS TO CONFORM. There are no provisions to centralize the new driveway in this subdivision but proposed Lot 1 has a very wide frontage (316 feet).</p>
<p>2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from:</p> <ul style="list-style-type: none"> i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves 	<p>APPEARS TO CONFORM. The existing property does not border any farmland and proposed Lot 1 is not wooded outside of the SFHA.</p>
<p>3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.</p>	<p>APPEARS TO CONFORM. The existing property does not border any farmland and is bordered by other residential lots on three sides.</p>
<p>Notes</p> <p>1. A waiver is required for any Minimum Subdivision Standard to which the proposed Area General Plan and subdivision does not conform.</p>	

Soil Conditions / Natural Resource Report

A Section 22 Natural Resource Report (see attached) prepared for this site by the Champaign County Soil and Water Conservation District indicates the following:

1. The soils making up the proposed subdivision are not Best Prime Farmland.
2. The 100-year floodplain covers over ½ of the tract.
3. The are that is to be developed has many nice trees that should be saved. This is possible if the home is built toward the front of the lot.
4. The Cambden soil (map unit 134B) has moderate restrictions due to its shrink-swell characteristics.

Drainage, Stormwater Management Policy, and Flood Hazard Status

The subject property is not located in an organized drainage district.

The Subsidiary Plat indicates spot elevations in selected locations and the centerline topographic profile of the public road. There appears to be little or no tributary area under different ownership that drains through the proposed subdivision.

No Stormwater Drainage Plan is required for the subdivision due to the low development density (impervious area less than 16%).

A large portion of the existing property is in Zone A on the Flood Insurance Rate Map (FIRM) Panel No. 170894 0025 B dated March 1, 1984. See the excerpt from the FIRM. Note 2 on the Surveyor's Certificate on the Final Plat correctly identifies the Base Flood Elevation (BFE, the floodwater level from the 100-year storm) as 705.18.

The Subsidiary Plat indicates spot elevations but does not indicate the line of the BFE. Interpolation of the spot elevations indicates that proposed Lot 1 has more than one acre above the BFE but proposed Lot 2 (with the existing dwelling) has only about 24,664 square feet (about .566 acre) that is located at or above the BFE and an additional 1,050 square feet that is located no more than one foot below the BFE so that only about 25,714 square feet (.590 acre) of Lot 2 meets the Minimum Standard related to the BFE. See the discussion under Required Waivers for Minimum Subdivision Standards below.

Public Improvements

No public improvements are indicated or required in this subdivision.

Water Wells

The subject property does not have access to either a public water supply or a public sanitary sewer system. A private water well and a wastewater disposal system already exist on the subject property. The existing well that serves the existing dwelling (on proposed Lot 2) will be located on proposed Lot 1 and an easement is granted for access to that well. See the note on the plat.

Soil Suitability For Septic Systems

The County Health Department has approved the proposed subdivision. See the attached letter. The existing wastewater system on proposed Lot 2 is not indicated on the plat but is located southeast of the existing dwelling on proposed Lot 2.

The report *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois* rates the Cambden silt loam soil as having a "very high" potential (a soil potential index of 100) for septic suitability with no limitations.

Required Zoning Variance

The *Subdivision Regulations* require that plats be in conformance with the *Zoning Ordinance* and the proposed plat does not conform to the following requirement:

1. **Zoning Ordinance paragraph 5.4.2 A. 3. prohibits the further division of any lot that is 5 acres or less in area and the subject property is only 4.98 acres in area.** The subdivider (owner) thought that the existing tract was 5.29 acres in area as indicated on his real estate tax bill and the Sidwell Tax Atlas. However, the Final Plat indicates that the property is only 4.98 acres in area and a variance is required. Any approval of the Final Plat at this time should include the following special condition:

The Subdivision Officer shall hold the Final Plat and not release it to be filed with the Recorder of Deeds unless and until the Zoning Board of Appeals approves a variance for division of a lot that is five acres or less.

REQUESTED WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations (see attached) has always required four specific findings for any waiver of the Subdivision Regulations but such Required Findings have customarily never been made. The adoption of the Minimum Subdivision Standards has given the Board greater authority to deny subdivision requests and a greater need for Required Findings.

An outline of the four Required Findings has been prepared as a standard form and is attached. This form will be included with all subdivision cases when waivers are requested or required. The Required Findings do not have to be of great length or complexity so long as the basis of any particular approval or denial is clearly stated. The Required Findings are generally as follows:

- **Required Finding 1. Does the waiver appear to be detrimental or injurious to the public safety?**
- **Required Finding 2. Are there special circumstances unique to the property that are not generally applicable to other property and will granting the waiver provide any special privilege to the subdivider?**
- **Required Finding 3. Do particular hardships result to the subdivider by carrying out the strict letter of the regulations?**
- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

Area General Plan Approval And Required Waivers Of Minimum Subdivision Standards

The Minimum Subdivision Standards were added to the Area General Plan section of the *Subdivision Regulations* in Subdivision Case 175-04, Part B, which also added the requirement that any subdivision needed Area General Plan approval except for those subdivision pursuant to a Rural Residential Overlay (RRO) map amendment. The subject subdivision is not pursuant to an RRO amendment and so requires Area General Plan approval. Only ELUC approves the Area General Plan and Area General Plan approval is required in order for the full Board to consider Final Plat approval.

It does not appear feasible to divide this property in such a way so that both resulting lots would meet the Minimum Subdivision Standards and Area General Plan approval requires the following waivers from the Minimum Subdivision Standards:

1. **Proposed Lot 2 (with existing dwelling) does not meet the requirement of paragraph 6.1.5. a. (1) that no part of a minimum required lot area shall be located on Colo silty clay loam soil (3107A).**

The excerpt from the Soil Survey (see attached) has the subject property indicated. On this property Colo silty clay loam (map unit 402 on the excerpt; this is the old map unit number) is the bottomland soil in the Sangamon River floodplain. Colo silty clay loam soil often floods and it also has the lowest rating for septic tank leach fields of any soil type in Champaign County .

The Final Plat indicates the approximate north bank of the Sangamon River is about 40 north of the centerline of the river and this is the likely general extent of the Colo soils.

The proposed Lot 1 will have more than one acre that is not located on Colo silty clay loam soil and exceeds this standard.

Proposed Lot 2 (with the existing dwelling) appears to have only about 26,764 square feet (.614 acre) that is likely not located on Colo soil and requires a 38.60% waiver (.614 acre is 38.6 % less than one acre) of this Minimum Subdivision Standard

Note the following:

- A. The existing 4.98 acre property exceeds this standard because it has more than one acre (minimum required lot area) on the north side of the Sangamon River that is not located on Colo silty clay loam soil.
 - B. The proposed lots could be reconfigured so as to reduce the amount of waiver that is required but it does not appear possible to divide this property into two lots that would each meet this standard. For example, proposed Lot 1 could be reduced from the proposed 1.493 acres to only one acre in area and still meet the average lot width requirement. If Lot 1 were only an acre in area the larger Lot 2 would probably still not comply with paragraph 6.1.5. a. (1) but the amount of waiver could be reduced to as little as 3.24% if Lot 2 had 42,149 square feet (or about .967 acre) not on Colo soil. However, reducing proposed Lot 1 to only an acre would mean that it would not front directly on the Sangamon River and its attractiveness would likely be diminished.
 - C. The proposed subdivision will have little effect on the existing dwelling for the following reasons:
 - (1) The existing wastewater treatment and disposal system on proposed Lot 2 is a Class I surface discharging system that does not require a leach field and so does not depend on soil type and the proposed subdivision will have no effect on the existing wastewater system.
 - (2) The existing dwelling on proposed Lot 2 is well above the Base Flood Elevation and not subject to flooding and the proposed subdivision will have no effect on the flood hazard for the existing dwelling.
2. **Proposed Lot 2 (with existing dwelling) does not meet the requirement of paragraph 6.1.5. a. (4) that no part of a minimum required lot area shall be located more than one foot below the Base Flood Elevation (BFE) prior to the commencement of any change in elevation of the land.**

Proposed Lot 1 exceeds this standard.

Proposed Lot 2 does not meet this standard but already has a dwelling in place that is well above the Base Flood Elevation. The proposed subdivision requires a 31.00% waiver (25,714 square feet is .590 acre) of this Minimum Subdivision Standard. Without the proposed subdivision the existing property has approximately 49,550 square feet (about 1.138 acre) above the BFE and exceeds this standard.

Note the following:

- A. The existing 4.98 acre property exceeds this standard because it has more than one acre (the minimum required lot area) that is above the Base Flood Elevation.

- B. The proposed lots could be reconfigured so as to reduce the amount of waiver that is required but it does not appear possible to divide this property into two lots that would each meet this standard. For example, if proposed Lot 1 were reduced to only an acre in area the excess area could be added to proposed Lot 2 and that would reduce the amount of waiver that is required. If the subdivision were revised to make Lot 1 only an acre in area the amount of waiver required for the larger Lot 2 would be only about 10.68% if Lot 2 had 38,906 square feet (or about .893 acre) at the required elevation. And as above, reducing proposed Lot 1 to only an acre would mean that it would not front directly on the Sangamon River and its attractiveness would likely be diminished.
- C. The proposed subdivision will probably have little effect on the existing dwelling on proposed Lot 2 because it is is well above the Base Flood Elevation and not subject to flooding and the proposed subdivision will have no effect on the flood hazard for the existing dwelling.
3. **Proposed Lot 2 (with existing dwelling) does not meet the requirement of paragraph 6.1.5. a. (7) that a minimum required lot area for any lot must have positive surface drainage with no significant identifiable area of likely stormwater ponding and provided that any portion of any lot that is likely to experience ponding of stormwater is noted on the Final Plat.**

At this location this standard is nearly identical to the standard regarding bottomland soils and the amounts are identical. Thus, the proposed Lot 1 meets this standard but proposed Lot 2 requires a 38.60% waiver of this Minimum Subdivision Standard.

Note the following:

- A. The existing 4.98 acre property exceeds this standard because it has more than one acre (the minimum required lot area) that has positive drainage.
- B. The proposed lots could be reconfigured so as to reduce the amount of waiver that is required but it does not appear possible to divide this property into two lots that would each meet this standard. For example, if Lot 1 were only an acre in area the larger Lot 2 would probably still not comply with paragraph 6.1.5. a. (7) but the amount of waiver could be reduced to as little as 3.24%. And as with the other required waivers, reducing proposed Lot 1 to only an acre would mean that it would not front directly on the Sangamon River and its attractiveness would likely be diminished.
- C. The proposed subdivision will probably have little effect on the existing dwelling on proposed Lot 2 because the existing dwelling on proposed Lot 2 is well above the Base Flood Elevation and not subject to flooding. However, with no changes the proposed subdivision will leave little room for accessory structures on proposed Lot 2.

Final Plat Approval And Required Waivers

The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

- 1. The plat does not contain percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field as required by paragraph 9.1.2 q.**

A soil percolation test has been conducted by the owner for proposed Lot 1 and the County Health Department has approved this subdivision based upon the submission of the test results but those results have not been included on the plat. If the test data was on the plat any new wastewater system on proposed Lot 1 would still have to have additional soil tests in order to received County Health Department approval of a new wastewater system.

No percolation test data has been provided for proposed Lot 2 with the existing dwelling. There is an existing "jet" system that is in already in operation on proposed Lot 2 and there are no changes likely to result from the proposed subdivision.

- 2. The plat does not contain certification by a Registered Professional Engineer or Registered Sanitarian that the proposed land use, the proposed lot, and the known soil characteristics of the area are adequate for a private septic disposal system as required by paragraph 9.1.2 r.**

The subdivision has been approved by the County Health Department even though the plat does not contain any certification. The plat does not contain the required description but soil test results have been submitted to the County Health Department that has required that the proposed covenants (see attached) require a seepage field disposal system if possible and establish other requirements for if a seepage field is not possible. These covenants and the subdivision have been approved by the County Health Department.

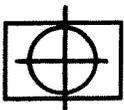
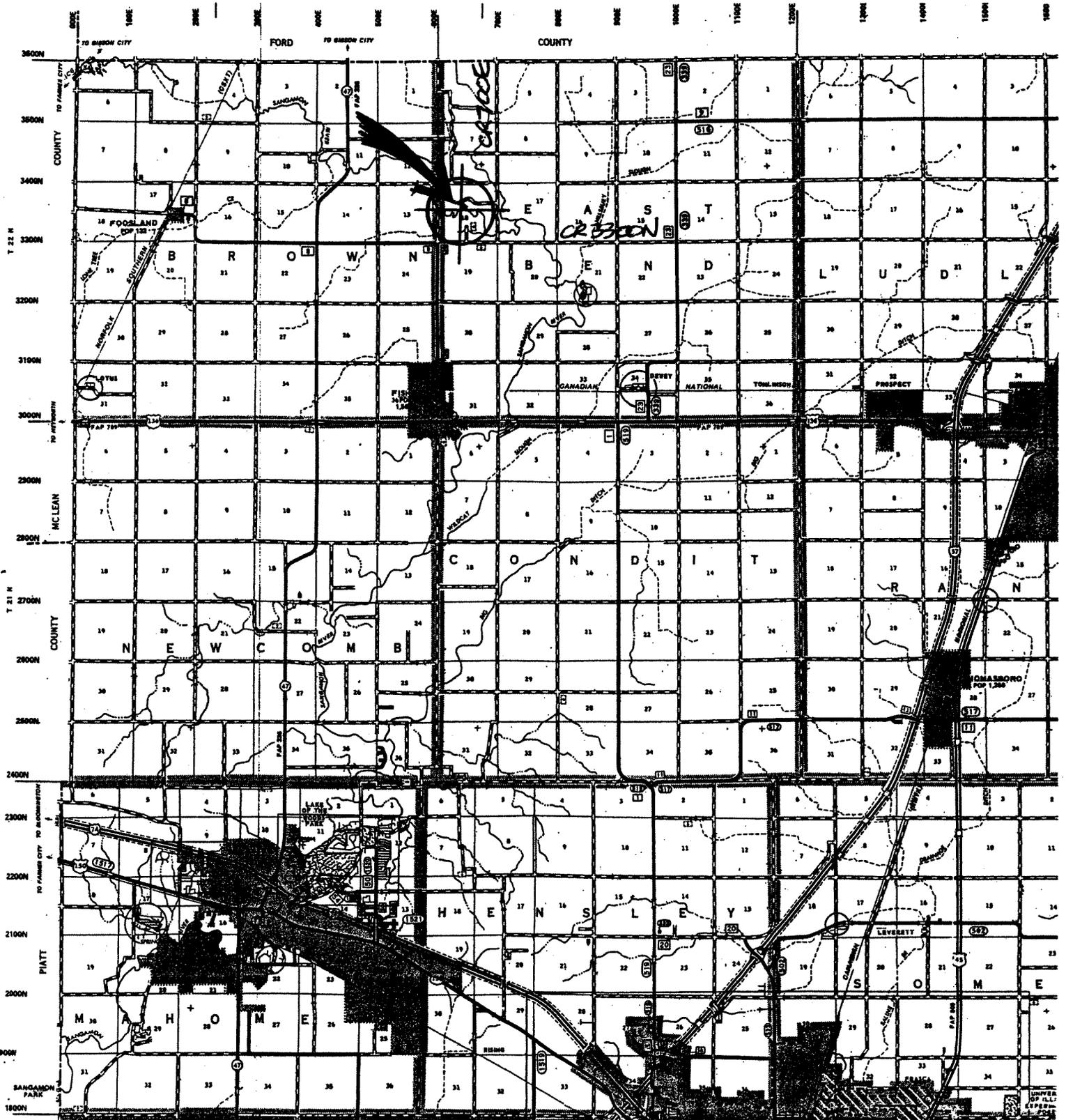
ATTACHMENTS

- A Subdivision Case Maps (Location, Land Use, Zoning)**
- B Final Plat of Bateman Subdivision dated September 1, 2004**
- C Subsidiary Plat of Bateman Subdivision dated September 1, 2004**
- D Covenants for Bateman Subdivision received February 23, 2005**
- E Section 22 Natural Resource Report By The Champaign County Soil and Water Conservation District**
- F Excerpt from Flood Insurance Rate Map (FIRM) Panel No. 170894 0025 B dated March 1, 1984**
- G Excerpt from the Champaign County Soil Survey**
- H Article 18 from the Champaign County Subdivision Regulations**
- I Worksheet for Required Findings for Waivers (Minimum Subdivision Standards)**
- J Worksheet for Required Findings for Waivers (Final Plat Requirements)**

ATTACHMENT A. LOCATION MAP

Case 181-05 Bateman Subdivision

APRIL 4, 2005



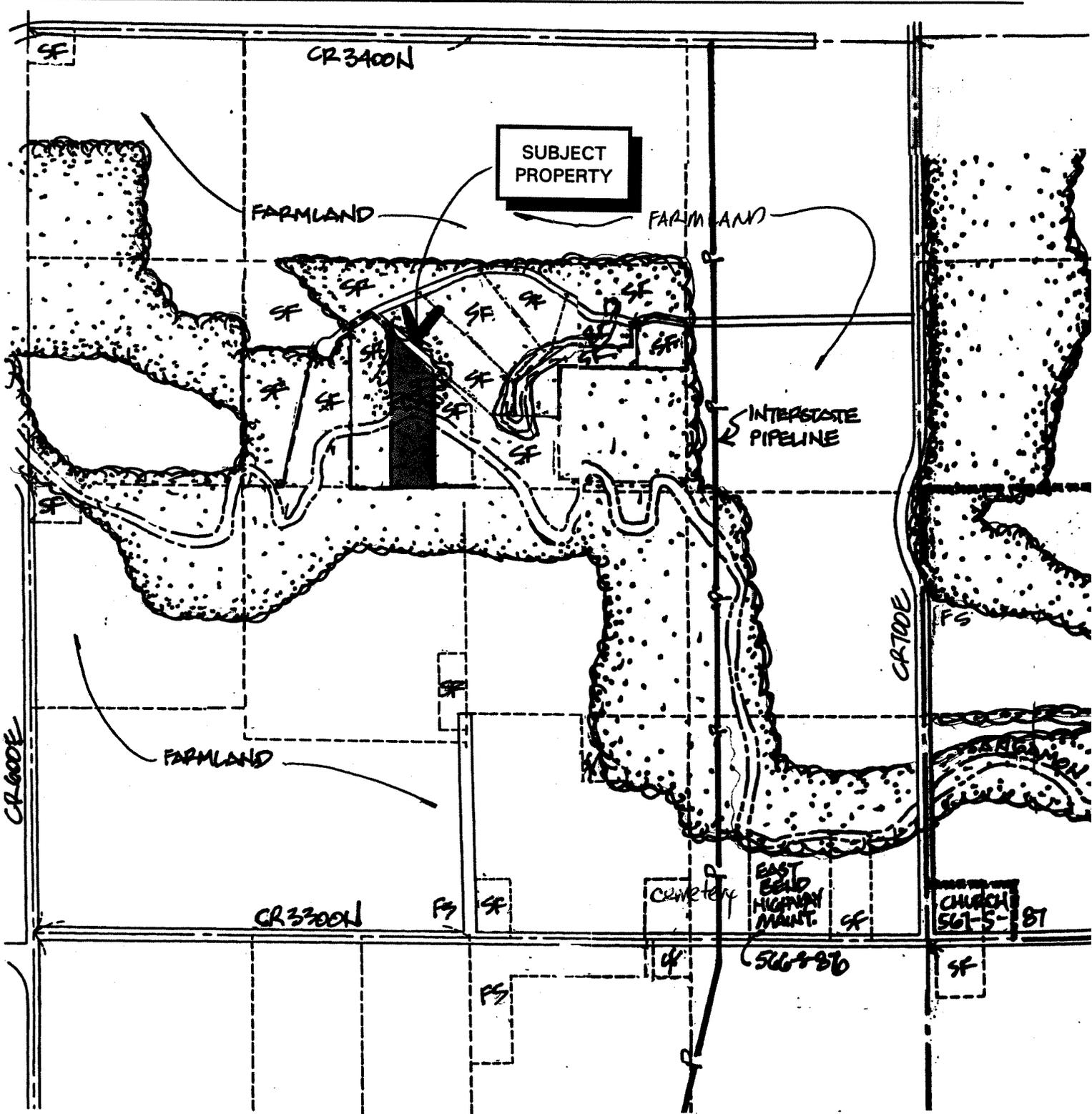
Area of Concern

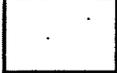


NORTH

Champaign
County
Department of
PLANNING &
ZONING

ATTACHMENT A. LAND USE MAP
Case 181-05 Bateman Subdivision
 APRIL 4, 2005



	Area of Concern		WOODED AREA
	Single Family		
	Farmstead		

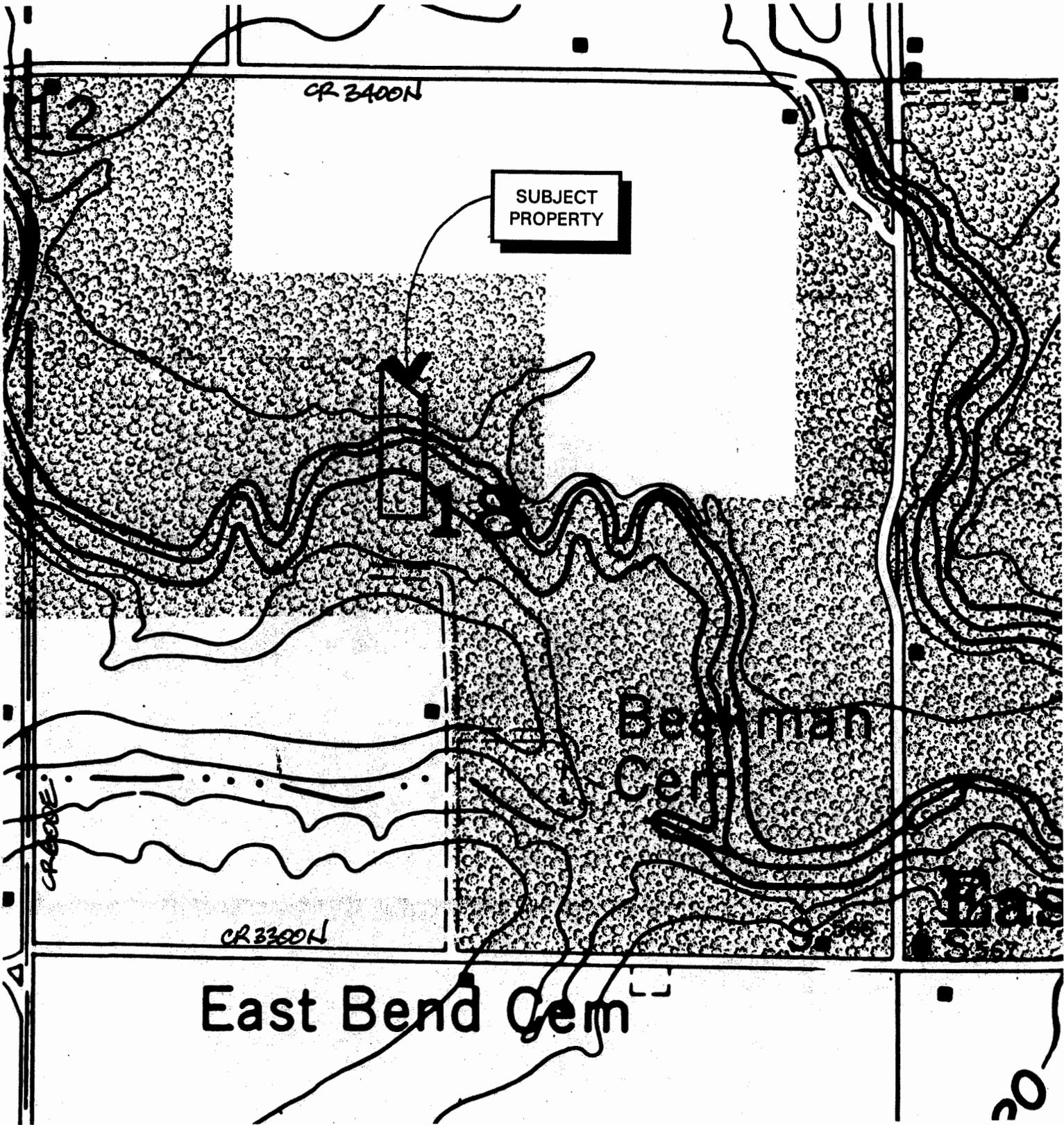


Champaign
 County
 Department of
**PLANNING &
 ZONING**

ATTACHMENT A. ZONING MAP

Case 181-05 Bateman Subdivision

APRIL 4, 2005

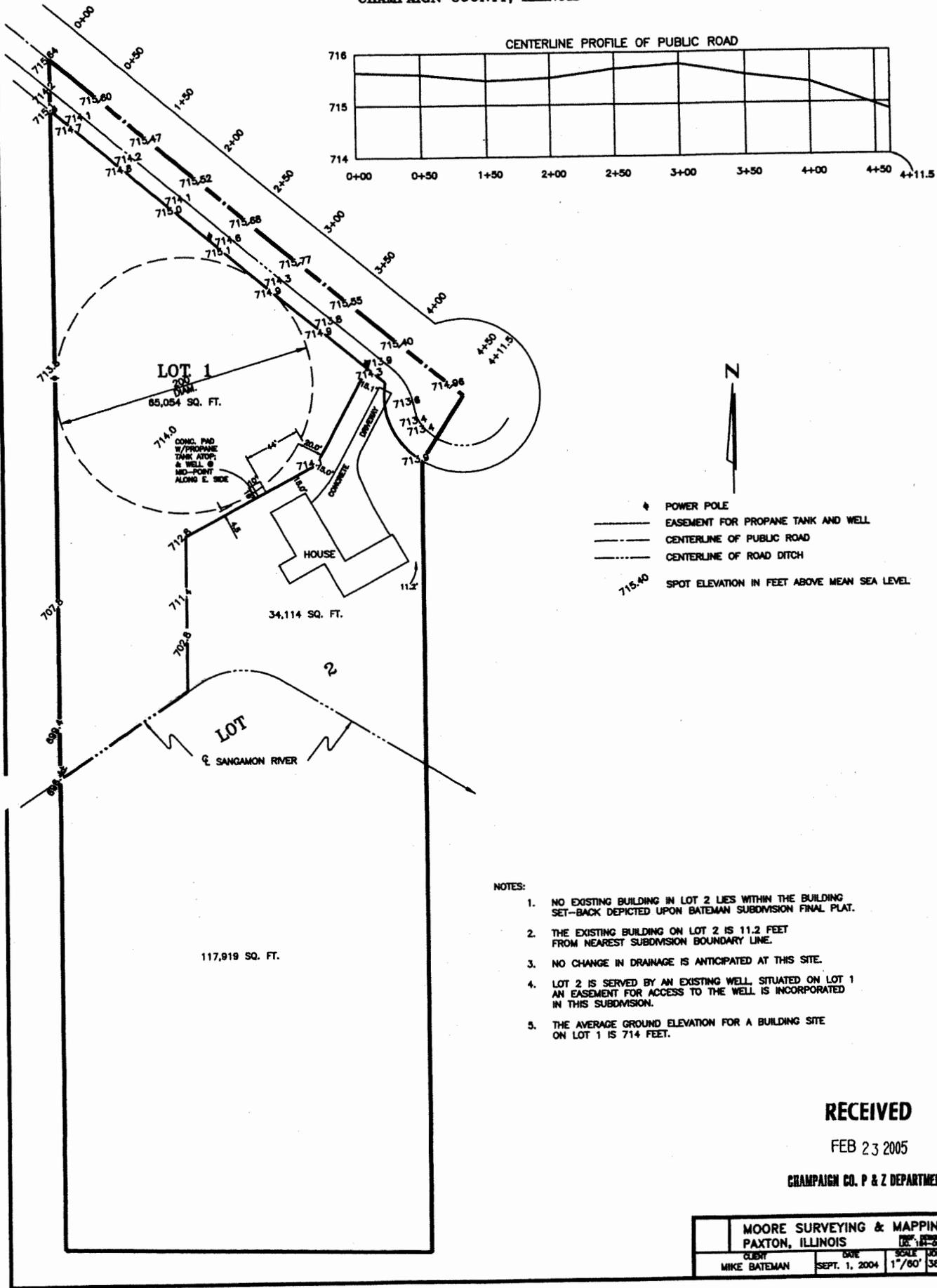


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural T Center	B-4 General Business	I-2 Heavy Industry	

Covenants for Bateman Subdivision

- 1) **House plans to be approved by Mike Bateman.**
- 2) **No mobile or modular homes.**
- 3) **Out buildings must match exterior finish of home.**
- 4) **No livestock or dog kennels.**
- 5) **If it is determined that a septic tank with a seepage field disposal system cannot be installed, then a detailed description of the proposed effluent disposal method must be submitted verifying disposal in accordance with Section 905.110 of the Code.**
- 6) **If it is proposed to dispose of the effluent to the ground surface, then the method to be used to prevent the effluent from ponding or creating a nuisance condition must be described. Effluent drainage tile must stop 10 feet before entering river.**

BATEMAN SUBD.
 IN NW1/4 SEC. 18 T22N R8E 3RD P.M.
 CHAMPAIGN COUNTY, ILLINOIS



- NOTES:
1. NO EXISTING BUILDING IN LOT 2 LIES WITHIN THE BUILDING SET-BACK DEPICTED UPON BATEMAN SUBDIVISION FINAL PLAT.
 2. THE EXISTING BUILDING ON LOT 2 IS 11.2 FEET FROM NEAREST SUBDIVISION BOUNDARY LINE.
 3. NO CHANGE IN DRAINAGE IS ANTICIPATED AT THIS SITE.
 4. LOT 2 IS SERVED BY AN EXISTING WELL, SITUATED ON LOT 1 AN EASEMENT FOR ACCESS TO THE WELL IS INCORPORATED IN THIS SUBDIVISION.
 5. THE AVERAGE GROUND ELEVATION FOR A BUILDING SITE ON LOT 1 IS 714 FEET.

RECEIVED
 FEB 23 2005
 CHAMPAIGN CO. P & Z DEPARTMENT

MOORE SURVEYING & MAPPING			
PAXTON, ILLINOIS			
CLIENT	DATE	SCALE	DWG. NO.
MIKE BATEMAN	SEPT. 1, 2004	1"/80'	3836

815 N. Randolph St.
Champaign, IL 61820



Champaign County Public
Health Department

Phone: (217) 363-3269
Fax: (217) 373-7905
TDD: (217) 352-7961

January 25, 2005

Mike & Lori Bateman
663 CR 3350 N
Fisher, IL 61843

RECEIVED

FEB 23 2005

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Mr. & Mrs. Bateman

This letter is in regard to the final plat for Bateman Subdivision located north of Fisher, Champaign County, Illinois. According to the *Plat Act* (765 ILCS 205/2), we are authorized to review the plat with respect to sewage disposal systems.

Based upon the soil investigation report, a septic system could be designed to serve Lot #1. Upon review of the information submitted for Bateman Subdivision, you may proceed as planned. Please feel free to contact me at (217) 363-3269 if you have any questions.

Sincerely,

Sarah A. Michaels

Sarah Michaels
Senior Sanitarian

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

NATURAL RESOURCE REPORT

Development Name: None given

Date Reviewed: June 8, 2004

Requested By: Mike Bateman

Address: 663 CR 3350 North
Fisher, IL 61843

RECEIVED

FEB 23 2005

CHAMPAIGN CO. P & Z DEPARTMENT

Location of Property: Part of the Southeast quarter of the Northwest Quarter of Section 18, T22N, R8E, East Bend Township, Champaign County, IL.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract June 8, 2004. The Natural Resources Conservation Service provided further technical assistance.

No plat to show actual construction plans was provided, so these comments are based on general concepts.

SITE SPECIFIC CONCERNS

1. The 100-year flood plain covers over ½ of the tract.
2. The area that is to be developed has many nice trees that should be saved. This is possible if the home is build toward the front of the lot.
3. The Cambden soil (134B) has moderate restrictions due to its shrink-swell characteristics.

SOIL RESOURCE

1. **Prime Farmland:**

This tract is not considered the best prime farmland for Champaign County. The tract is in trees and likely was never crop land.

This tract has an L.E. Factor of 79. No worksheet is provided because only one soil type is involved.

b) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with grass and trees, which will eliminate erosion until construction begins.

c) Sedimentation:

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

Due to the location adjacent to the Sangamon River, special care should be taken to minimize sedimentation that may flow into the river during any construction.

d) Soil Characteristics:

The site is almost entirely Cambden Silt Loam (134B). See the attached soil map. This soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include low strength for a driveway and moderate shrink-swell that could affect buildings. The soil also percs slowly, which may affect the septic systems planned.

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

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields
134B	Camden Silt Loam	1-5%	Severe: Cutbank cave	Moderate: Shrink-Swell	Severe: low strength	Moderate: Percs slowly

a) Surface Drainage:

Most of the site is in the 100-year flood plain. This leaves a minimal area to build on. I have included a map to show this.

The site is relatively flat with drainage to the Sangamon River. The area is relatively high and level so no special concerns with surface flow of water are present.

b) Subsurface Drainage:

It is unlikely that this site contains agricultural tile.

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted. Precautions should be taken to any pollutants from the site from flowing into the Sangamon River.

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Plant:

The site has many trees present that and as many as possible should be saved during construction. This could be done by careful placement of the home toward the front of the lot.

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

b) Cultural:

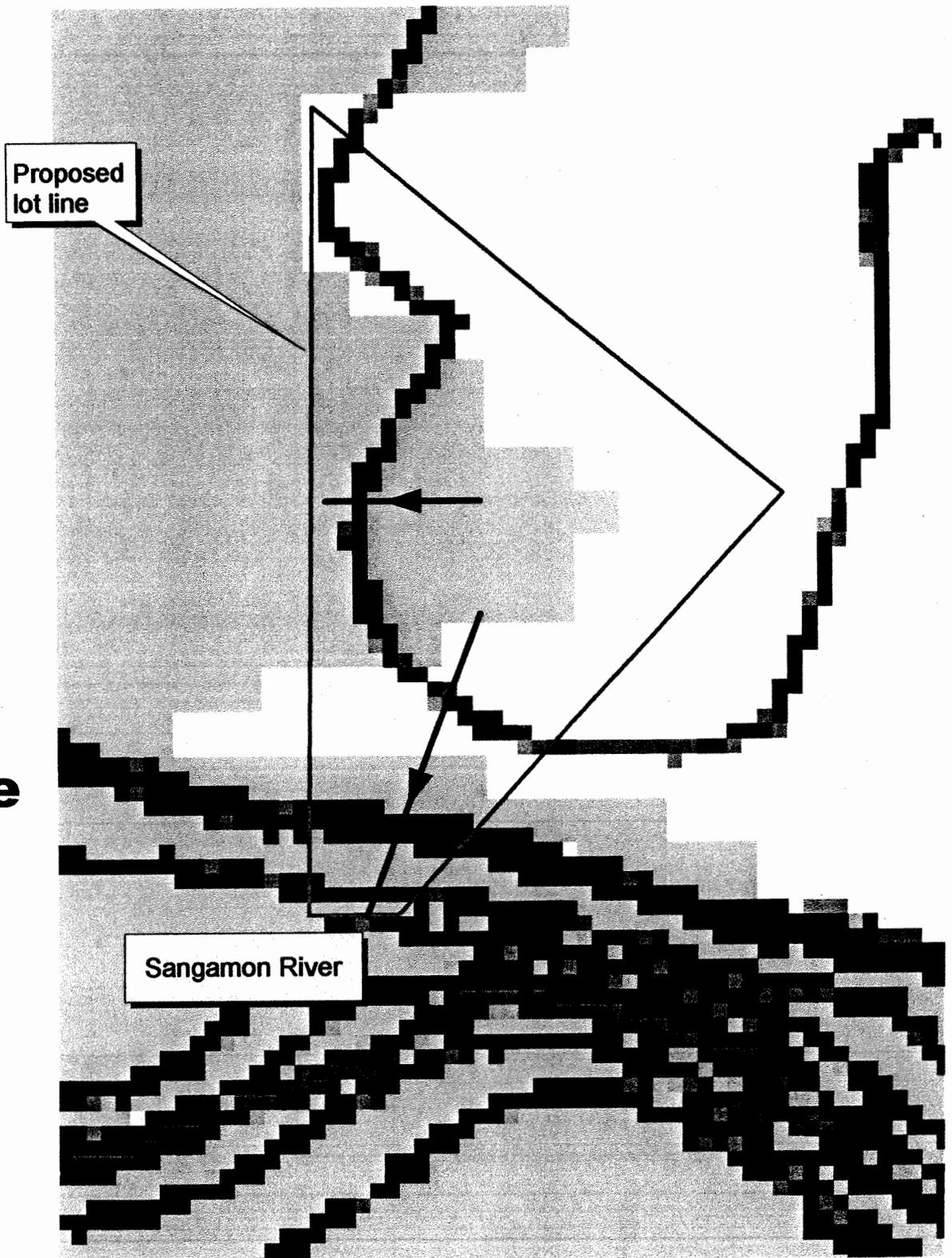
The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

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

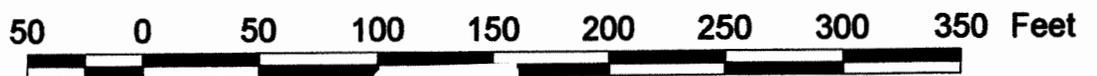
Signed by Steve Stierwalt
Steve Stierwalt
Board Chairman

Prepared by Bruce Stickers
Bruce Stickers
Resource Conservationist

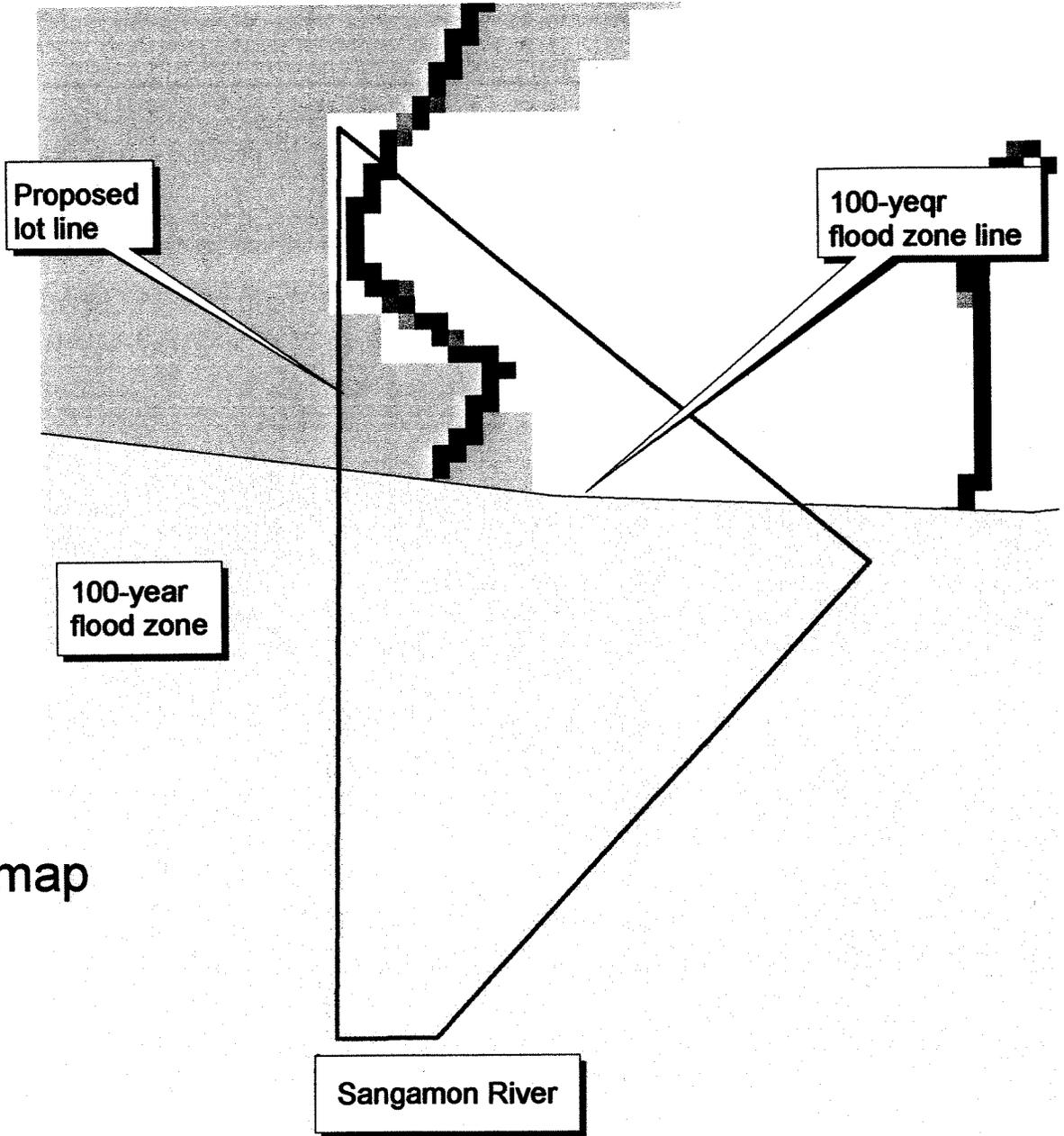
Mike Bateman



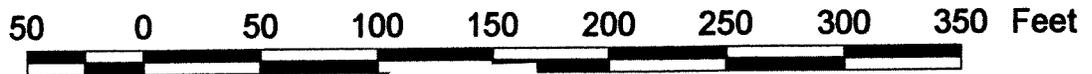
**Surface
Water
Flow**

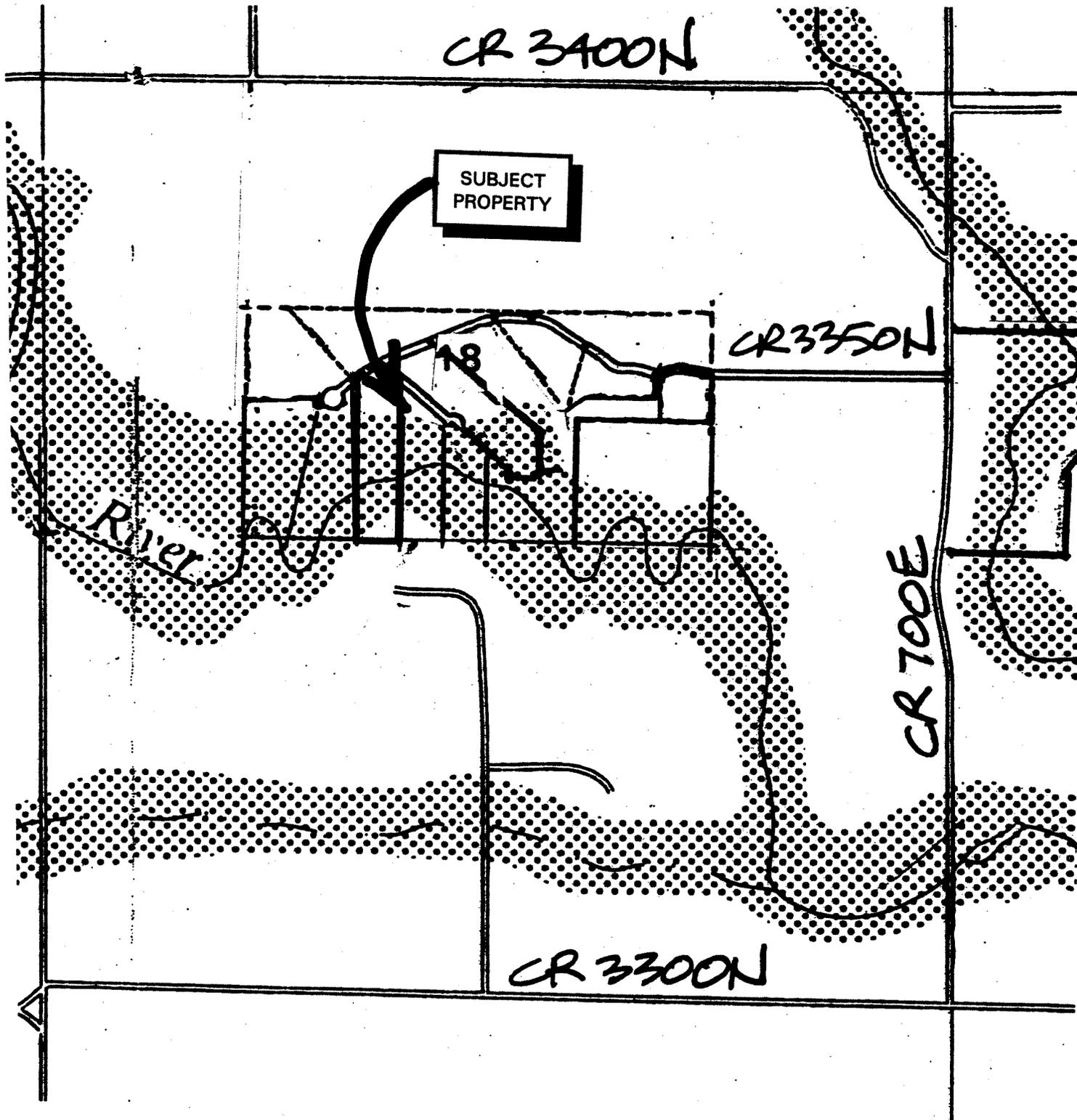


Mike Bateman



100-year
flood zone map





Champaign
County
Department of

PLANNING
ZONING



ATTACHMENT G. EXCERPT FROM CHAMPAIGN COUNTY SOIL SURVEY

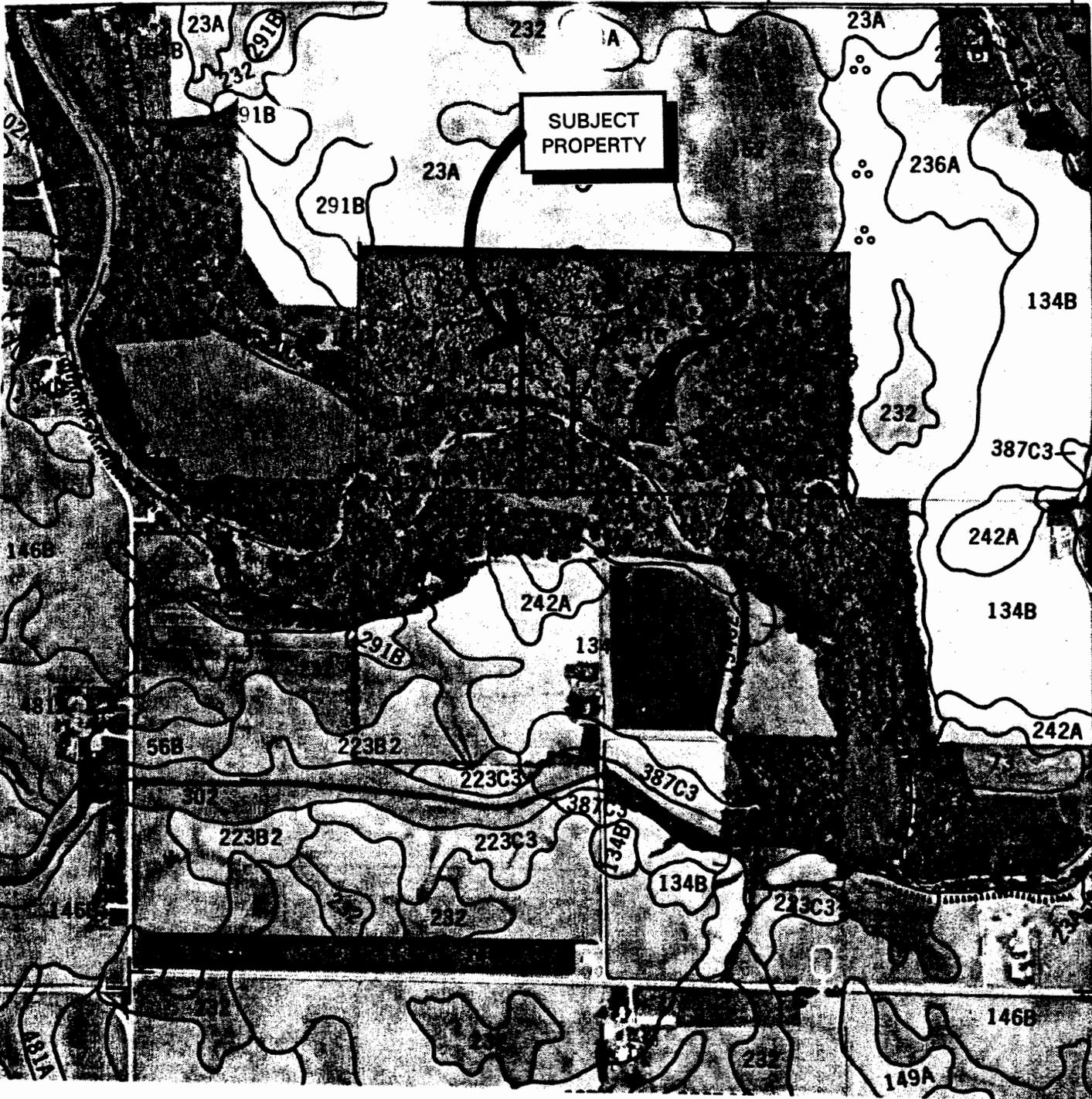
Case 181-05 Bateman Subdivision

APRIL 4, 2005

R. 7 E. | R. 8 E.

500 000 FEET

134B



1 345 000 FEET
T. 22 N.

Champaign
County
Department of

PLANNING
ZONING



ARTICLE EIGHTEEN: WAIVERS

Section 18.1--WAIVER and Appeal Procedure:

A. Intent

Where the ENVIRONMENT AND LAND USE COMMITTEE finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations, and/or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve WAIVERS to these SUBDIVISION Regulations so that substantial justice may be done and the public interest secured, provided that such WAIVER shall not have the effect of nullifying the intent and purpose of these Regulations. The ENVIRONMENT AND LAND USE COMMITTEE shall not approve WAIVERS unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the WAIVER will not be detrimental to the public safety, health or welfare or injurious to other property located in the area;
2. The conditions upon which the request for a WAIVER is based are unique to the property for which the WAIVER is sought and are not applicable generally to other property and granting of the WAIVER requested will not confer to the SUBDIVIDER any special privilege that is denied by these Regulations to other SUBDIVIDERS;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the OWNER would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations are carried out;
4. Special conditions and circumstances will not result from the actions of the SUBDIVIDER.

B. Conditions

The ENVIRONMENT AND LAND USE COMMITTEE shall not grant any WAIVER of the minimum LOT size requirement in the affected zoning district or any other segment of the COUNTY *Zoning Ordinance* which applies to a proposed SUBDIVISION. The SUBDIVISION OFFICER shall strictly enforce the provisions of these Regulations and shall in no manner grant any WAIVER to the provisions of these Regulations, the Zoning

Champaign County, Illinois
Subdivision Ordinance

Section 18.1 WAIVER and Appeal Procedure--continued

Ordinance or the OFFICIAL ZONING MAP. In approving WAIVERS, the ENVIRONMENT AND LAND USE COMMITTEE may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these Regulations.

C. Submission and Processing

A petition for any such WAIVER shall be submitted in writing by the SUBDIVIDER at the time when the PRELIMINARY PLAT is filed for the consideration of the ENVIRONMENT AND LAND USE COMMITTEE. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Any requested WAIVERS shall be submitted in writing to the SUBDIVISION OFFICER. The SUBDIVISION OFFICER shall present requested appeals and WAIVERS to the ENVIRONMENT AND LAND USE COMMITTEE at the next regularly scheduled meeting from receipt of the request.

ATTACHMENT I. WORKSHEET FOR REQUIRED FINDINGS FOR SUBDIVISION WAIVERS
Case 181-05 Bateman Subdivision
APRIL 4, 2005

REQUIRED FINDINGS FOR MINIMUM SUBDIVISION STANDARDS

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 11, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of minimum subdivision standards *{WILL NOT/ WILL}* be detrimental to the public health, safety, or welfare or injurious to other property located in the area because

2. Special conditions and circumstances *{DO/ DO NOT}* exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of minimum subdivision standards will not confer any special privilege to the subdivider because

3. Particular hardships *{WILL/ WILL NOT}* result to the subdivider by carrying out the strict letter of the subdivision standards sought to be waived because

4. The special conditions, circumstances, hardships, or practical difficulties *{DO NOT/ DO}* result from actions of the subdivider because

ATTACHMENT J. REQUIRED FINDINGS FOR SUBDIVISION WAIVERS
Case 181-05 Bateman Subdivision
APRIL 4, 2005

REQUIRED FINDINGS FOR SUBDIVISION WAIVERS OF FINAL PLAT REQUIREMENTS

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 11, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of final plat requirements *{WILL NOT/ WILL}* be detrimental to the public health, safety, or welfare or injurious to other property located in the area because

2. Special conditions and circumstances *{DO/ DO NOT}* exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of final plat requirements will not confer any special privilege to the subdivider because

3. Particular hardships *{WILL/ WILL NOT}* result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because

4. The special conditions, circumstances, hardships, or practical difficulties *{DO NOT/ DO}* result from actions of the subdivider because

TO: Environment and Land Use Committee

FROM: John Hall, Associate Planner

DATE: April 5, 2005

RE: Case 182-05, Greenwood Lake Fifth Subdivision

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
FAX (217) 328-2426

REQUESTED ACTION

Combined Preliminary Plat, Engineering Drawing, and Final Plat Approval for a six-lot major subdivision of an existing 10.5 acre lot with street improvements in the AG-1 Agriculture District and located in Section 21 of East Bend Township, pursuant to recent zoning Case 468-AM-04 that established the RRO District.

The lots in the Proposed Subdivision meet all Zoning Ordinance requirements. The plat has been signed by the East Bend Township Highway Commissioner and has been approved by the County Health Department.

Preliminary Plat approval (by ELUC) requires the following waivers:

- 1. Waive the requirement of paragraph 8.1.2 b.(6) for location and identification of all existing man made features within 200 feet of the boundary of the tract.**
- 2. Waive the requirement of paragraph 8.1.2 d.(1) for topography within 200 feet of the boundary of the tract.**
- 3. Waive requirement of paragraph 8.1.4 a. (4) of an Open Title Commitment or a Title Policy not more than 12 months old.**

Final Plat approval (by the full County Board) requires the following waiver:

- 1. Waive the requirements of paragraph 14.2.11 b. for the number of dwelling units served by a cul-de-sac street and allow an additional three dwelling units to make a total of 52 dwelling units to be served by the existing cul-de-sac street in lieu of the maximum allowable 20 dwelling units; and for the maximum length of cul-de-sac street to allow an existing residential cul-de-sac street of 4,639 feet in length in lieu of the maximum length of 1,300 feet.**

Final Plat approval at this time also requires the following condition regarding the proposed street improvement:

- 1. The engineering drawings must be approved by the County Engineer.**
 - 2. The Final Plat cannot be filed with the Recorder of Deeds until the street improvement has been installed and accepted by the East Bend Township Highway Commissioner.**
-

Subdivider

Knox Family Trust One
U/A/D/ 12-11-90

Larry Knox, Trustee
804 CR 3300N
Dewey IL 61840-9619

Engineer/Surveyor

Meyer Consulting Surveying & Engineering
206 West First Street South
Clarence IL 60960

Location

The subject property is Lot 5 of the existing Greenwood Lake Fourth Subdivision (Case 172-03 approved on April 8, 2004) that is located in the Southeast 1/4 of Section 21 of East Bend Township. The Location Map indicates the general location as follows:

- 2.5 miles north and west of U.S. Route 136; and
- 1.5 miles west of County Highway 23.

Applicable Zoning Regulations

The Subject Property is zoned AG-1 Agriculture. The Rural Residential Overlay (RRO) Zoning District was added in Case 468-AM-04 on February 24, 2005. See the attached Zoning District Summary and the Zoning Map. The proposed subdivision conforms to the approval in Case 468-AM-04.

Land Use

Farmland borders the Proposed Subdivision to the east. The existing subdivision borders the proposed subdivision to the west. See the Land Use Map.

Lots and Blocks

All proposed lots meet all *Zoning Ordinance* requirements. Lot characteristics are summarized in Table 1.

Roadway Access

The proposed subdivision fronts on both CR850E (Greenwood Drive) and CR3200N. However, CR3200N is closed where it crosses the Sangamon River approximately 850 feet west of the intersection of CR850E and CR3200N. All vehicular traffic exiting Greenwood Lake Subdivision must exit to the east along CR3200 N. The first north-south street is CR900E one-half mile to the east.

Both Greenwood Drive and CR3200N are cul-de-sac streets for subdivision purposes. Both streets currently exceed the maximum limitations on cul-de-sac streets. This Proposed Subdivision will increase the amount by which the limitations are currently exceeded and so a Waiver is required. See the required discussion under Conformance With Subdivision Regulations.

Public Improvements

There is no current turnaround in Greenwood Drive and in Case 468-AM-04 the subdivider proposed to improve the existing intersection in Greenwood Drive so as to provide a "tear drop" turnaround. See the attachment.

The proposed construction consists of saw cutting the existing pavement where needed, adding new pavement, adding a new and longer culvert, and applying a seal coat to blend with the existing pavement.

Table 1. Comparison Of Lot Area, Depth, And Width

Lot	Lot Area (acres)	Lot Frontage (feet)	Lot Depth (feet)	Average Lot Width (feet)	Lot Depth to Width	NOTES
Lot 1	1.233	166.5	240	224	1.07 : 1.0	
Lot 2	1.863 (gross)	120.0	383	212	1.81 : 1.0	
Lot 3	1.691 (gross)	120.5	347	212	1.64 : 1.0	
Lot 4	1.518	219.8	300	220	1.36 : 1.0	
Lot 5	1.377 (gross)	200.0	300	200	1.50 : 1.0	
Lot 6	1.377 (gross)	200.0	300	200	1.50 : 1.0	
Outlot	1.391	306.3	NA	NA	NA	Non-buildable lot
Average lot size		1.493				
REQUIRED	MINIMUM	1.00	20.00	80.00	200.00	3.00 : 1.00
	MAXIMUM AVERAGE ¹	2.00	(MINIMUM)	(MINIMUM)	(MINIMUM)	(MINIMUM)
NOTES						
1. The proposed subdivision is in the RRO Zoning District pursuant to Case 468-AM-05 and is located on best prime farmland (LE = 85). The maximum lot size in the RRO District on best prime farmland is an average of two acres.						

Utilities

The subject property does not have access to either a public water supply or a public sanitary sewer system. Private water wells and onsite wastewater treatment and disposal will be required. See the discussion of Soil Suitability for Septic Systems below.

Drainage

The proposed subdivision borders on the Hillsbury Slough Special Drainage District but does not appear to overlap the boundaries of that Drainage District.

There is no separate Subsidiary Drainage Plat. The Preliminary Plat indicates ground surface contours and a Drainage Report (see attached) has been submitted. The topographical profile from the previous Greenwood Lake Fourth Subdivision (Case 172-03) is attached.

The following is a summary of the most relevant drainage information:

1. There appears to be little or no tributary areas under different ownership that drain through the proposed subdivision and there are no apparent drainageways that cross the proposed subdivision.
2. The contours do not indicate any stormwater ponding areas but the dominant soil type (Ashkum silty clay loam) is similar to Drummer silty clay loam in that it is nearly level and occurs in drainageways and flat areas.
3. There is about five feet of fall from east to west and principally drains towards the southwest with the northern part being nearly level.
4. A stormwater catch basin installed at the southwest corner of Lot 4. This catch basin is connected to an underground drainage tile installed by the subdivider to improve drainage in the subdivision.

Interim Stormwater Management Policy

No Stormwater Drainage Plan is required for the subdivision due to the low development density (impervious area less than 16%).

Flood Hazard Status

Parts of the Greenwood Lake Subdivision are in the Special Flood Hazard Area (Zone A) but no part of this Proposed Subdivision is within Zone A. The relevant Flood Insurance Rate Map is Panel No. 170894 0050 B dated March 1, 1984.

Soil Conditions/ Natural Resource Report

The Natural Resource Report by the Soil and Water Conservation District was received on June 20, 2003, for the previous Greenwood Lake Fourth Subdivision (Case 172-03) and explains that this site consists of the following soils:

- **Elliott** silt loam, 1 to 5 percent slopes (map unit 146B) makes up 77.12% of the site; Agriculture Value Group 5 (Prime Farmland but not Best Prime Farmland).
- **Ashkum** silty clay loam (map unit 232) makes up 22.55% of the site; Agriculture Value Group 4 (Best Prime Farmland).

Site specific concerns stated in the Section 22 Natural Resource Report (see attached) are the following:

1. **This development is prime farmland.**
2. **Ashkum (232) has severe limitations due to ponding. This could limit septic field effectiveness.**

3. Elliott (146B) has severe limitations relating to its wetness. This could also limit the effectiveness of septic fields.

Soil Suitability For Septic Systems

The previous Greenwood Lake Fourth Subdivision (Case 172-03) included a total of 10 soil borings that were made on this particular land. The soil boring locations are indicated on the Plat and the results are attached. The County Health Department has approved the subdivision (see attached). The following is a summary of the soil borings on the land in this proposed subdivision:

- a. Borings 1 through 7 and 12, 14, and 15 for the previous Greenwood Lake Fourth Subdivision (Case 172-03) occurred in the area of the proposed subdivision and indicate the following conditions:

<u>Soil Boring (lot)</u>	<u>Depth to Seasonal High Water†</u>	<u>Noted Limiting Factor & loading rate</u>
1 (lot 6)	16 inches	Clay content; .27gpd/sf
2 (lot 6)	22 inches	Clay content; .27gpd/sf
3 (lot 6)	24 inches	Clay content; .27gpd/sf
4 (lot 4)	22 inches*	(None given)
5 (lot 4)	19 inches*	(None given)
6 (lot 2)	18 inches**	(None given)
7 (lot 1)	18 inches**	(None given)
12 (lot 3)	36 inches	Clay content; .27gpd/sf
14 (outlot)	20 inches	.45 gpd/sf
15 (lot 5)	24 inches	.45 gpd/sf

† Based on analysis of soil. See notes regarding uncertainties and depth to actual water table
 *the analysis was uncertain if the water table may be closer to the surface of the ground
 ** when the boring was made the actual water table for Lot 6 was 33 inches below ground surface and for Lot 7 was 43 inches below ground surface

The pamphlet *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*, which is used as a resource for analysis of all Rural Residential Overlay (RRO) Map Amendments, indicates the following ratings for the soils that make up the Proposed Subdivision:

- Ashkum silty clay loam soil is rated “Low” suitability for septic tank leach fields with a “soil potential” of 49. A very low permeability and seasonal high water table (flooding) are the principal conditions that cause the “Low” suitability rating.
- Elliott silt loam is rated “Medium” suitability for septic tank leach fields with a “soil potential” of 79. Seasonal depth to groundwater varies between one and three feet below the surface.

For comparison purposes, Drummer silty clay loam soil (the most common soil in the County) is rated “Low” suitability for septic tank leach fields with a “soil potential” of 53 and there are a few soil types in the County rated as “High” suitability which have soil potential ratings of 103.

The County Health Department has approved the subdivision (see attached) with the subsurface drainage tile system that has already been installed.

REQUESTED WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations (see attached) has always required four specific findings for any waiver of the Subdivision Regulations but such Required Findings have customarily never been made. The adoption of the Minimum Subdivision Standards has given the Board greater authority to deny subdivision requests and a greater need for Required Findings.

An outline of the four Required Findings has been prepared as a standard form and is attached. This form will be included with all subdivision cases when waivers are requested or required. The Required Findings do not have to be of great length or complexity so long as the basis of any particular approval or denial is clearly stated. The Required Findings are generally as follows:

- **Required Finding 1. Does the waiver appear to be detrimental or injurious to the public safety?**
- **Required Finding 2. Are there special circumstances unique to the property that are not generally applicable to other property and will granting the waiver provide any special privilege to the subdivider?**
- **Required Finding 3. Do particular hardships result to the subdivider by carrying out the strict letter of the regulations?**
- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

Conformance to Subdivision Regulations Preliminary Plat Approval and Required Waivers

The proposed subdivision does not conform to the following requirements for Preliminary Plats and waivers are required for the following:

1. **Paragraph 8.1.2 b.(2) for locations and size of all known underground facilities entering, within, and exiting the tract.** See the discussion above. The open title policy indicates a gas pipeline easement to Northern Illinois Gas Company over the south 40 feet of this property. The Northern Illinois Gas Company plan of gas main Sheet A-84214 is attached and indicates where this small pipeline is located. The pipeline is within the established easement and the easement is indicated on the Preliminary Plat but the pipeline is not indicated and a waiver is required. This waiver was also required (and approved) in the previous Greenwood Lake Fourth Subdivision (Case 172-03).
2. **The plat does not contain the location and identification of all existing man made features within 200 feet of the boundary of the tract as required by paragraph 8.1.2 b.(6).** The subject property is located adjacent to previous phases of the Greenwood Lake Subdivision. There are adjacent dwellings and accessory structures within 200 feet of the boundary of the subject property that are not

indicated on the Preliminary Plat. The land use case map gives an approximate indication of the dwellings. This waiver was also required (and approved) in the previous Greenwood Lake Fourth Subdivision (Case 172-03).

3. **The plat does not indicate topography within 200 feet of the boundary of the tract as required by paragraph 8.1.2 d.(1).** The spot elevations and centerline topography of the existing street that have been provided seem to indicate little chance for drainage problems to arise for other properties. This waiver was also required (and approved) in the previous Greenwood Lake Fourth Subdivision (Case 172-03).
4. **There has been no Open Title Commitment or a Title Policy not more than 12 months old submitted as required by paragraph 8.1.4 a.4).** The Open Title Commitment or Title Policy is intended to make the County aware of any encumbrances or easements on the land. The subdivider submitted an Open Title Commitment dated February 20, 2003, (see attached) in the previous Greenwood Lake Fourth Subdivision (Case 172-03).

Conformance to Subdivision Regulations for Final Plat Approval and Required Waivers

The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

1. **The requirement of paragraph 14.2.11 b. that a residential cul-de-sac street shall serve no more than 20 dwelling units and the maximum length for a cul-de-sac street of 1,300 feet.** Paragraph 14.2.11b. of the Subdivision Regulations limits residential cul-de-sac streets to no more than 1,300 feet in length and to serve no more than 20 dwelling units. There are two existing cul-de-sac streets to consider in this proposed subdivision. Both existing cul-de-sac streets already exceed the limits for length and number of dwellings served. This waiver was also required (and approved but with fewer lots) in the previous Greenwood Lake Fourth Subdivision (Case 172-03).

The proposed subdivision will not increase the length of either cul-de-sac street but in each instance the number of dwellings served will be increased over what was previously approved in Case 172-03. The cul-de-sac streets, their lengths, and the numbers of homes and are the following:

- a. Greenwood Drive is a cul-de-sac street to the north from the point at which it intersects CR850E. Greenwood Drive is approximately 1,999 feet long from that intersection and serves 18 existing lots. This Proposed Subdivision will not add to the length of the existing cul-de-sac street but will add two additional zoning lots for a total of 23 dwelling units and exceed the limit of 20.
- b. CR3200N is also a cul-de-sac street extending from CR900E to where it is closed at the Sangamon River ford west of the Greenwood Lake. Thus, all of Greenwood Lake Subdivision (a total of 43 total building lots to date without the proposed subdivision) has access only by CR3200N east bound for approximately one-half mile to the intersection of CR900E. This proposed subdivision will not add to the length of the existing cul-de-sac street but will add

a total of six more dwelling units for a total of 49 dwelling units for the total Greenwood Lake Subdivision. There are an additional three homes that are also served by the section of CR3200N that are not part of the Greenwood Lake Subdivision and the total number of homes will be 52.

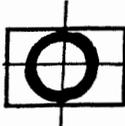
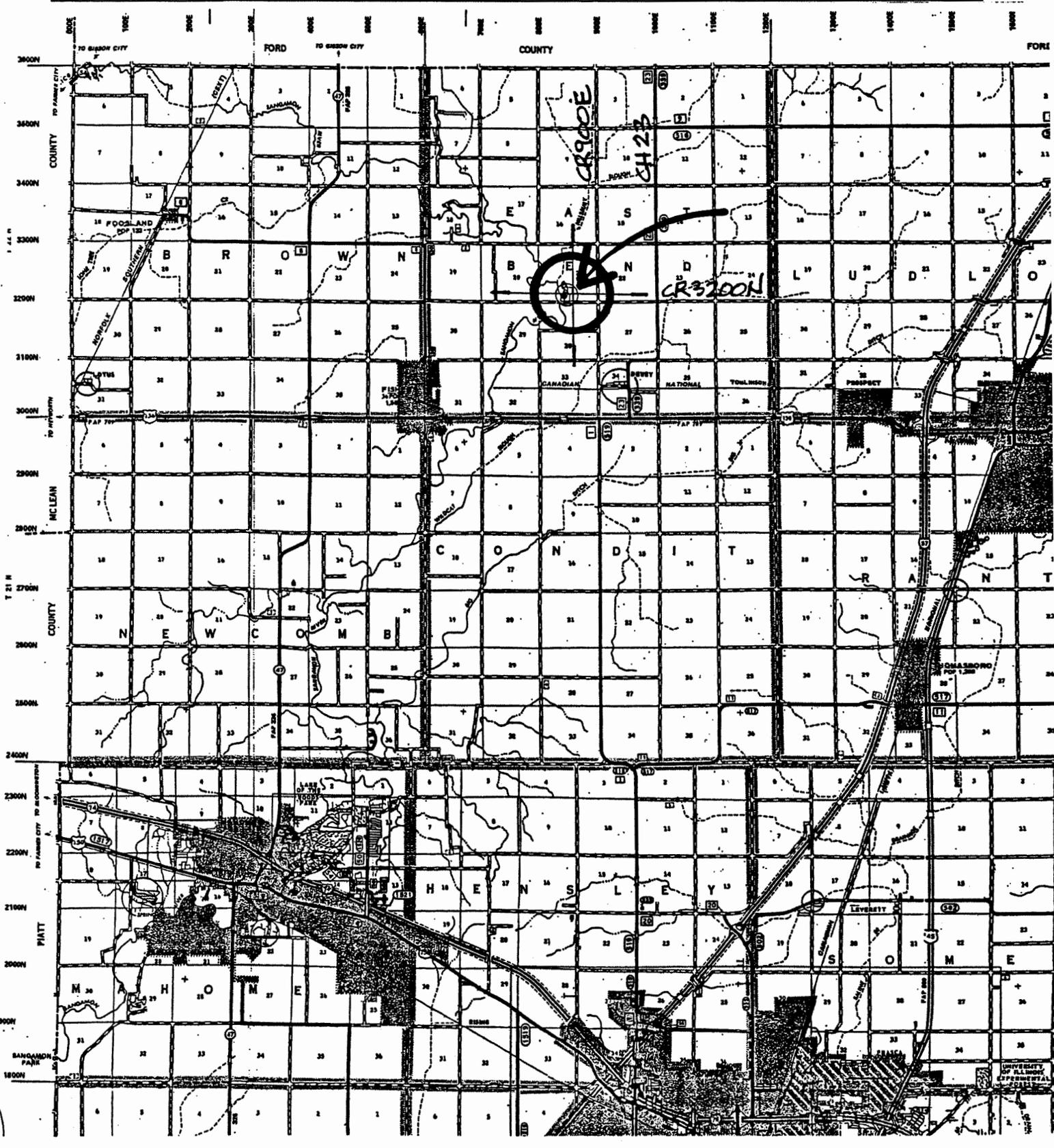
The following requirements are still outstanding and Final Plat approval at this time would require special conditions:

1. **Engineering drawings have not been approved by the County Engineer.** Copies of submittals have been provided to the County Engineer, East Bend Township Highway Commissioner, Sangamon Valley Fire Protection District but there has not been much time for review by those agencies.
2. **The Final Plat cannot be filed with the Recorder of Deeds until the street improvement has been installed and accepted by the East Bend Township Highway Commissioner.** There has been no performance guarantee submitted and so the Final Plat cannot be filed with the Recorder of Deeds until the required street improvement to Greenwood Drive (see discussion above) has been completed and accepted by the East Bend Township Highway Commissioner.

ATTACHMENTS

- A Subdivision Case Maps (Location, Land Use, Zoning)**
- B Preliminary Plat of Greenwood Lake Fifth Subdivision received March 14, 2005**
- C Street Construction Greenwood Lake Fifth Subdivision received March 14, 2005**
- D Final Plat of Greenwood Lake Fifth Subdivision received March 14, 2005**
- E Drainage Report for Greenwood Lake Fourth Subdivision dated May 19, 2003**
- F Topographical Profile of Greenwood Lake Fourth Subdivision**
- G Report of Soil Investigations for Greenwood Lake Fourth Subdivision dated May 3, 2003**
- H Supplemental Soil Investigations dated November 8, 2003**
- I Letter of approval from the Champaign County Public Health Department dated March 16, 2005**
- J Open Title Policy**
- K Northern Illinois Gas Company plan of gas main Sheet A-84214**
- L Letter of support from the Greenwood Lake Association dated April 23, 2003**
- M Natural Resource Report by the Champaign County Soil and Water Conservation District dated June 20, 2003**
- N Article 18 from the Champaign County Subdivision Regulations**
- O Worksheet for Required Findings for Waivers (Preliminary Plat Requirements)**
- P Worksheet for Required Findings for Waivers (Final Plat Requirements)**

ATTACHMENT A. LOCATION MAP
Case 182-05 Greenwood Lake Fifth Subdivision
 APRIL 5, 2005

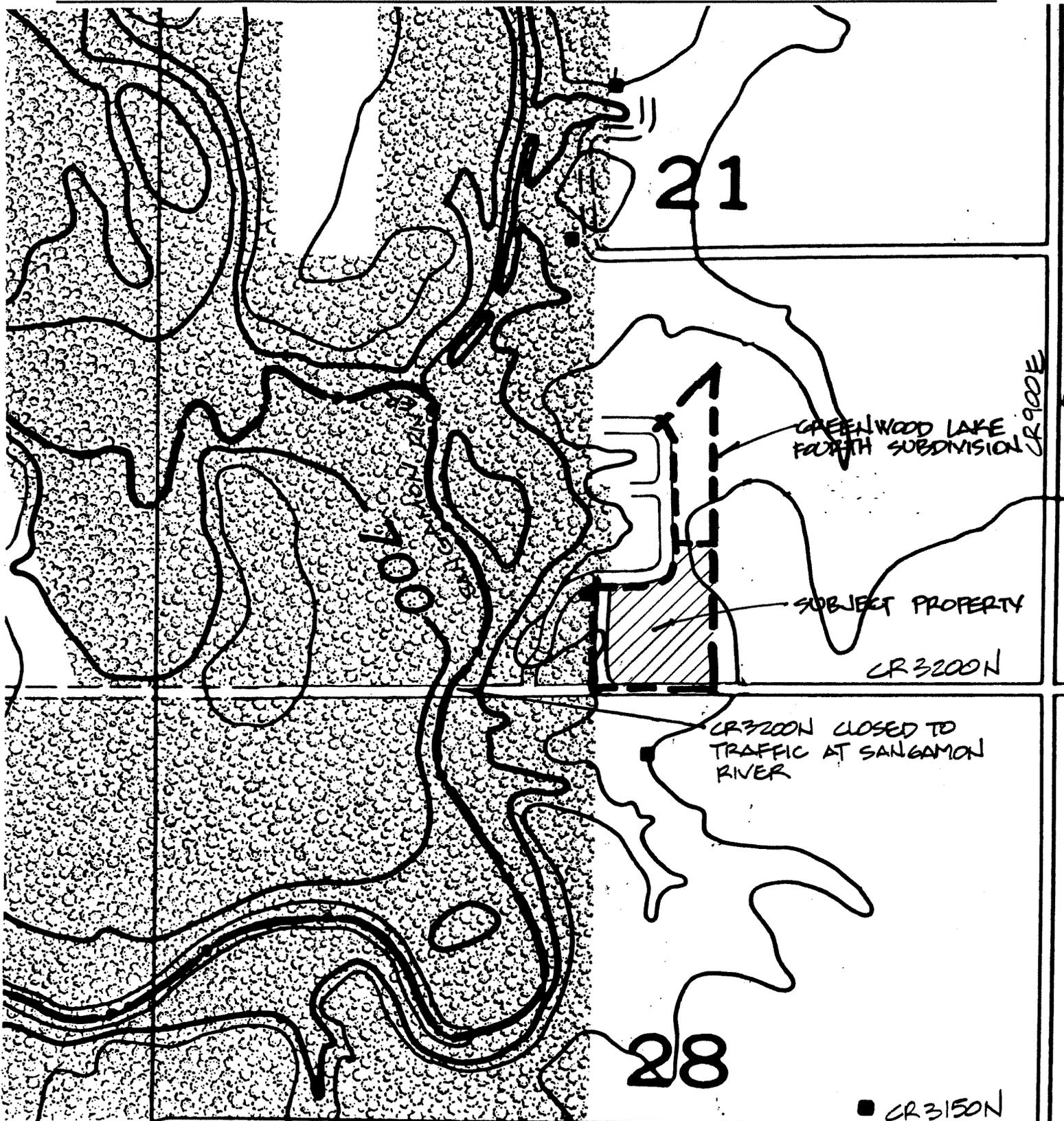


Area of Concern



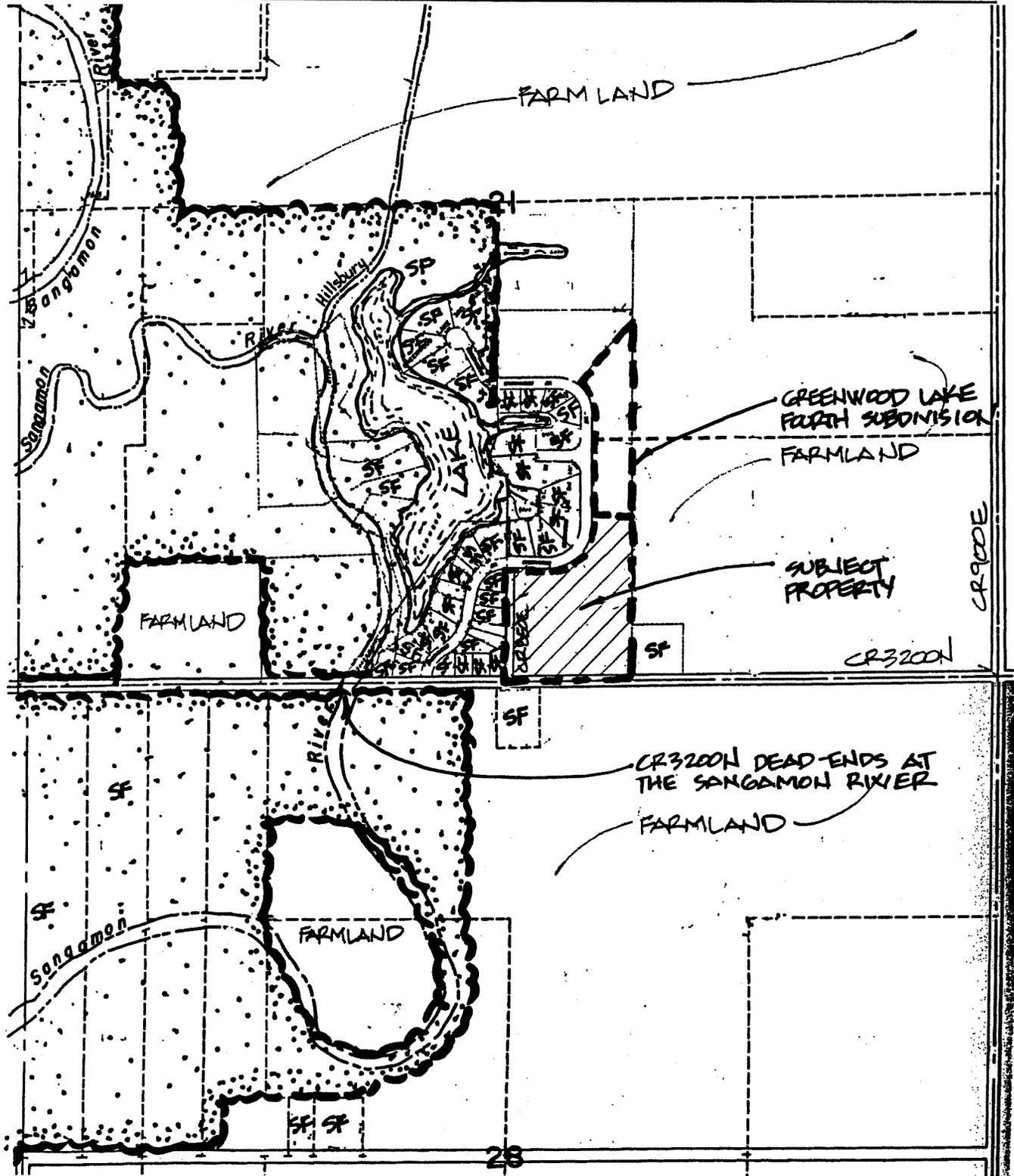
NORTH

ATTACHMENT A. ZONING MAP
Case 182-05 Greenwood Lake Fifth Subdivision
 APRIL 5, 2005



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
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 Center	B-4 General Business	I-2 Heavy Industry	

ATTACHMENT A. LAND USE MAP
Case 182-05 Greenwood Lake Fifth Subdivision
 APRIL 5, 2005



Area of Concern



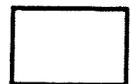
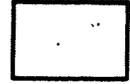
Single Family



Farmstead



WOODED AREAS

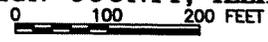


* SEE MEMO UNDER Champaign County Department of



PLANNING & ZONING

PRELIMINARY PLAT
GREENWOOD LAKE FIFTH SUBDIVISION
 A SUBDIVISION OF LOT 5 OF GREENWOOD LAKE FOURTH SUBDIVISION
 PART OF SE1/4, SEC. 21, T22N, R8E 3rd P.M.
 CHAMPAIGN COUNTY, ILLINOIS

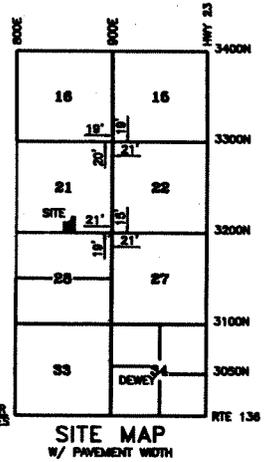
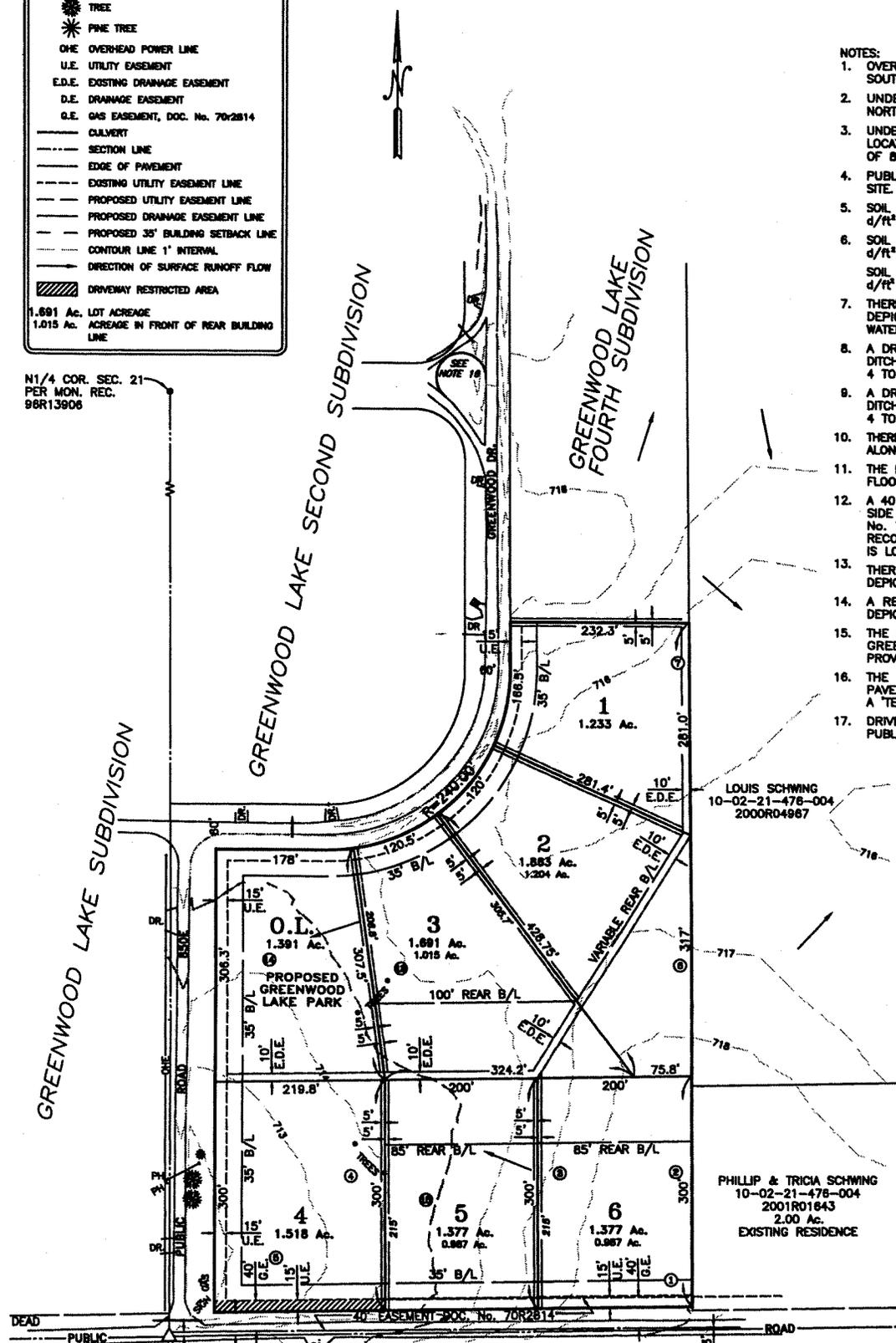


LEGEND

- ① SOIL INVESTIGATION SITE.
- DR. PRIVATE DRIVE
- PH. PHONE PEDESTAL
- TREE
- * PINE TREE
- OHE. OVERHEAD POWER LINE
- U.E. UTILITY EASEMENT
- E.D.E. EXISTING DRAINAGE EASEMENT
- D.E. DRAINAGE EASEMENT
- G.E. GAS EASEMENT, DOC. No. 70R2814
- CULVERT
- SECTION LINE
- EDGE OF PAVEMENT
- EXISTING UTILITY EASEMENT LINE
- PROPOSED UTILITY EASEMENT LINE
- PROPOSED DRAINAGE EASEMENT LINE
- PROPOSED 35' BUILDING SETBACK LINE
- CONTOUR LINE 1' INTERVAL
- DIRECTION OF SURFACE RUNOFF FLOW
- ▨ DRIVEWAY RESTRICTED AREA

1.691 Ac. LOT ACREAGE
 1.015 Ac. ACREAGE IN FRONT OF REAR BUILDING LINE

- NOTES:**
1. OVERHEAD ELECTRIC POWER LINE IS LOCATED ON THE SOUTH SIDE OF 3200N AND WEST SIDE OF 850E.
 2. UNDERGROUND TELEPHONE LINE IS LOCATED ON THE NORTH SIDE OF 3200N AND WEST SIDE OF 850E.
 3. UNDERGROUND GAS LINE, SERVING GREENWOOD LAKE, IS LOCATED ON THE NORTH SIDE OF 3200N AND EAST SIDE OF 850E.
 4. PUBLIC WATER AND SEWER ARE NOT AVAILABLE AT THIS SITE.
 5. SOIL INVESTIGATION GIVES A SOIL LOADING RATE OF 0.27g/d/ft² AT SOIL INVESTIGATION SITES: 1, 2, 4, AND 12.
 6. SOIL INVESTIGATION GIVES A SOIL LOADING RATE OF 0.45g/d/ft² AT SOIL INVESTIGATION SITES: 5, 6, 7, 14 AND 15. SOIL INVESTIGATION GIVES A SOIL LOADING RATE OF 0.40g/d/ft² AT SOIL INVESTIGATION SITE 3.
 7. THERE IS AN EXISTING 10 FOOT DRAINAGE EASEMENT AS DEPICTED, TO PROVIDE DRAINAGE AND TO LOWER THE WATER TABLE TO ACCOMMODATE SEPTIC SYSTEMS.
 8. A DRAINAGE CATCH BASIN IS PROPOSED IN THE ROAD DITCH NEAR THE SOUTHWEST CORNER OF PROPOSED LOT 4 TO PROVIDE SURFACE DRAINAGE IN THIS AREA.
 9. A DRAINAGE CATCH BASIN IS PROPOSED IN THE ROAD DITCH NEAR THE SOUTHWEST CORNER OF PROPOSED LOT 4 TO PROVIDE SURFACE DRAINAGE IN THIS AREA.
 10. THERE IS AN EXISTING 15 FOOT UTILITY EASEMENT LOCATED ALONG THE EXISTING PUBLIC ROADS AS DEPICTED.
 11. THE PROPOSED SUBDIVISION IS NOT WITHIN A DESIGNATED FLOOD PLAIN.
 12. A 40 FOOT UTILITY EASEMENT IS LOCATED ON THE NORTH SIDE OF COUNTY ROAD 3200N AS RECORDED AS DOC. No. 70R2814 IN THE OFFICE OF CHAMPAIGN COUNTY RECORDER. A GAS PIPELINE SERVING GREENWOOD LAKE IS LOCATED WITHIN THIS EASEMENT.
 13. THERE IS AN EXISTING 35 FOOT BUILDING SET BACK AS DEPICTED..
 14. A REAR BUILDING SET BACK LINE IS PROPOSED AS DEPICTED TO PROVIDE GREEN SPACE.
 15. THE PROPOSED OUTLOT WILL BE TRANSFERRED TO THE GREENWOOD LAKE HOMEOWNER'S ASSOCIATION TO PROVIDE SPACE FOR A PARK.
 16. THE DEVELOPER PROPOSES TO ENHANCE THE EXISTING PAVEMENT IN THE EXISTING INTERSECTION TO PROVIDE A 'TEAR DROP' TURN AROUND AT THAT LOCATION.
 17. DRIVEWAY ACCESS TO LOT 4 WILL BE RESTRICTED TO PUBLIC ROAD 850E.



SE COR. SEC. 21
 PER MON. REC.
 94R32801

N1/4 COR. SEC. 21
 PER MON. REC.
 98R13906

LOUIS SCHWING
 10-02-21-478-004
 2000R04987

PHILLIP & TRICIA SCHWING
 10-02-21-478-004
 2001R01643
 2.00 Ac.
 EXISTING RESIDENCE

SW COR. SE1/4
 SEC. 21, T22N,
 R8E 3rd P.M.
 PER MON. REC.
 79R2818

OWNER/SUBDIVDER
 KNOX FAMILY TRUST ONE
 U/A/D/ 12-11-80
 LARRY KNOX, TRUSTEE

RECEIVED

11 2005

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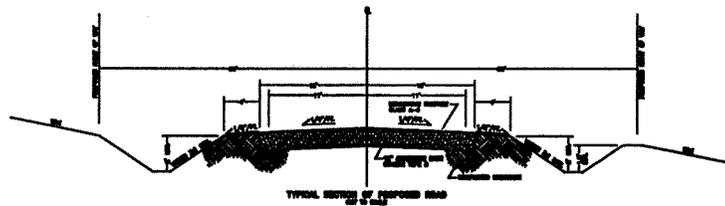
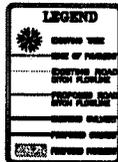
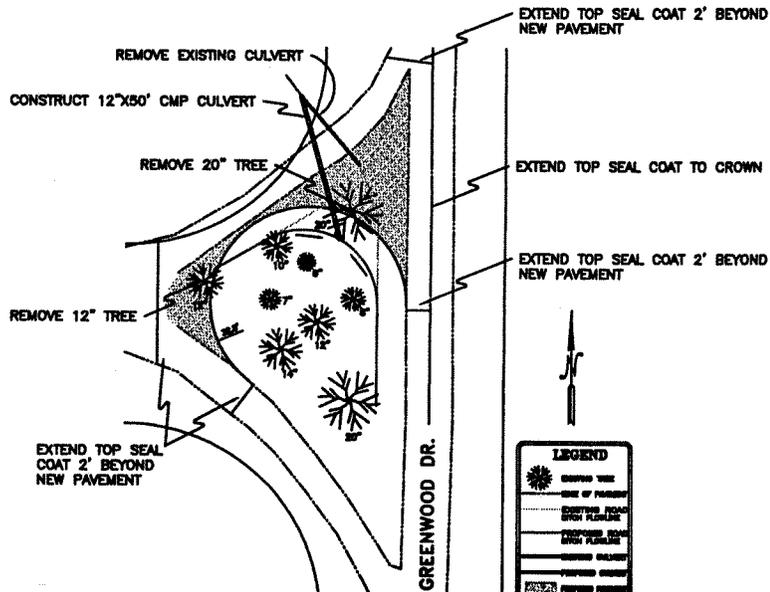
& Z DEPARTMENT

MEYER CONSULTING SURVEYING & ENGINEERING
 500 WEST FIRST STREET SOUTH
 CLARKSBURG, ILLINOIS 62401
 217-578-0200, 217-417-0200
 ILLINOIS PROFESSIONAL ENGINEER NO. 181-020000

PRELIMINARY PLAT GREENWOOD LAKE FIFTH SUBDIVISION		SCALE
CLIENT KNOX FAMILY TRUST ONE	DATE MAR. 10, 2005	SEC. T. R. 21-T22N-R8E
JOB NO. 5005		

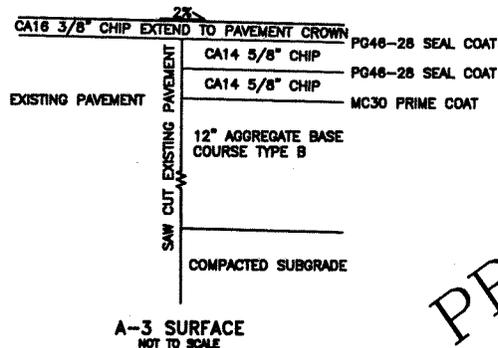
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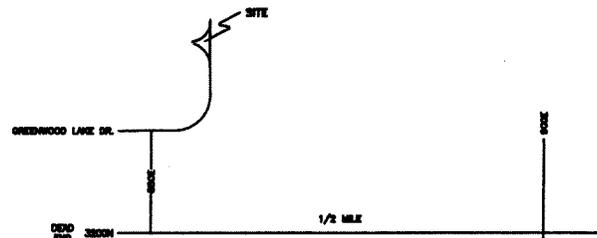


GENERAL NOTES AND SPECIFICATIONS FOR STREET PAVEMENT CONSTRUCTION

1. Call J.U.L.I.E. 1-800-892-0123 for utility locate prior to any construction. The contractor shall repair at contractor expense any utilities damaged by construction.
2. Notify Champaign County Engineer 48 hours prior to construction within the proposed street right of way.
3. All pavement shall be constructed in accordance with the "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", current edition, unless otherwise directed by the engineer.
4. Subgrade shall be graded and compacted prior to placement of pavement surface. Additional stabilization may be required prior to placement of pavement surface. Stabilization shall be at the direction of the engineer or at the direction of the Champaign County Engineer or his assign. Subgrade stabilization shall be at contractor's expense, unless the area requiring stabilization exceeds 24 square yards per individual area.
5. Storm drainage culverts, crossing streets, shall be installed and backfilled with granular material, prior to the placement of aggregate base material.
6. Pavement surface shall be A-3 oil & chip.
7. The top pavement surface seal coat shall extend to pavement crown and 2 feet beyond new pavement.
8. Contractor(s) shall maintain the site and adjacent areas in as clean a condition as possible. Any debris, dirt, mud, etc. shall be cleaned daily from the adjoining public roads. by the responsible contractor as a part of the construction work. This shall be at no additional compensation to the contractor.
9. All work, including materials, workmanship, and methods shall be guaranteed by the contractor for 18 months after job completion and full acceptance by the Engineer and the County. Any defects discovered during the 18 month period shall be promptly repaired/corrected by the contractor at no cost to the Owner/Developer. Defect is defined by the County within their subdivision improvement performance guidelines.



PRELIMINARY
 NOT FOR CONSTRUCTION



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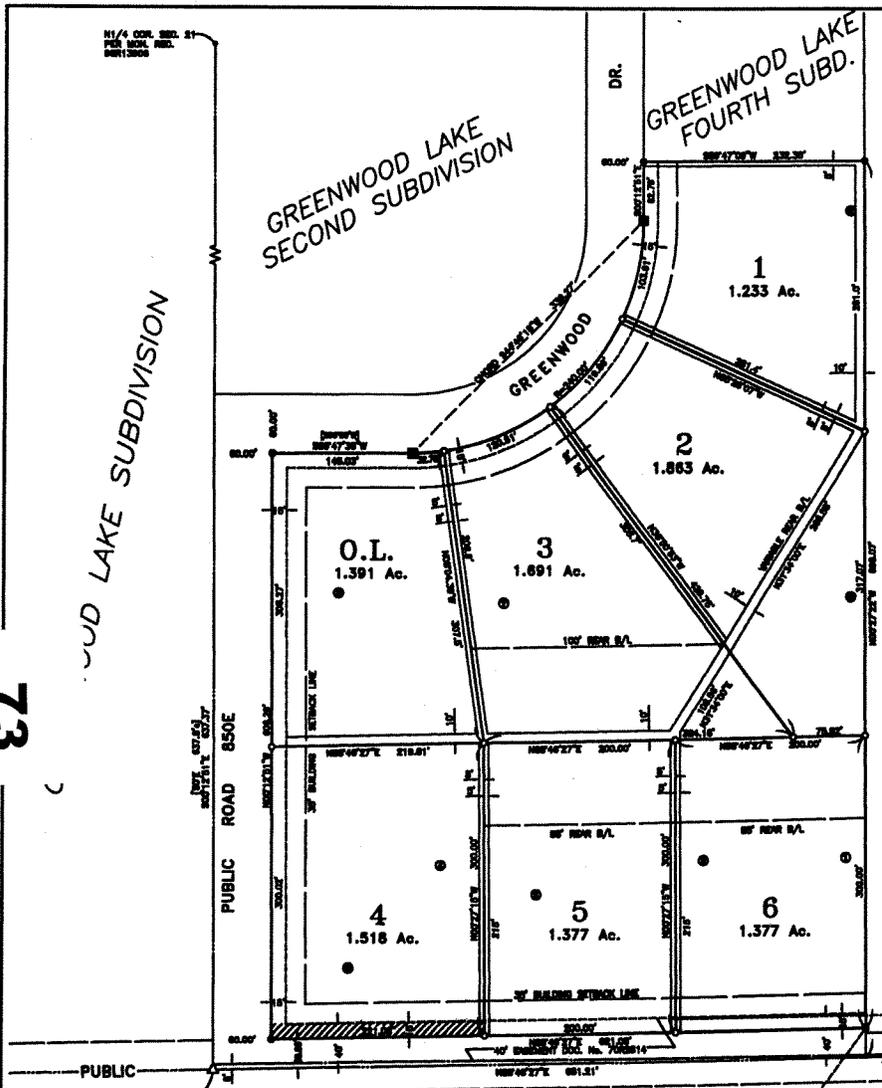
CHAMPAIGN CO. P & Z DEPARTMENT

SITE MAP
 NOT TO SCALE



1
 METER CONSULTING & ENGINEERING
 SURVEYING & ENGINEERING
 1000 N. WASHINGTON ST., SUITE 100
 CHAMPAIGN, ILLINOIS 61820
 STREET CONSTRUCTION
 GREENWOOD LAKE DRIVE SUBDIVISION
 PART OF SEC. 16, T. 18N., R. 12E., S. 4E., SEC. 36
 CHAMPAIGN COUNTY, ILLINOIS
 17/20

73



FINAL PLAT
GREENWOOD LAKE FIFTH SUBDIVISION
 A SUBDIVISION OF LOT 5 OF GREENWOOD LAKE FOURTH SUBDIVISION
 PART OF SE1/4, SEC. 21, T22N, R8E 3rd P.M.
 CHAMPAIGN COUNTY, ILLINOIS
 0 60 120 FEET

LEGEND

- △ STONE FOUND
- 5/8" IRON ROD SET W/1/2" YELLOW PLASTIC CAP STAMPED MEYER CONSULTING SURVEYING & ENGINEERING L.S. 2004
- 5/8" IRON ROD FOUND W/1/2" YELLOW PLASTIC CAP STAMPED MEYER CONSULTING SURVEYING & ENGINEERING L.S. 2004
- CONCL. MONUMENT FOUND W/2" ALUM. DISC STAMPED MEYER CONSULTING SURVEYING & ENGINEERING L.S. 2004
- 1/2" I. ROD FOUND
- CONCL. MONUMENT FOUND W/ ALUMINUM CAP
- ⊙ LOCATION OF SOIL INVESTIGATION
- [] DATA FOR GREENWOOD LAKE SUBDIVISION PLATS IN THE OFFICE OF CHAMPAIGN COUNTY RECORDER
- () DATA OF RECORD

DRIVEWAY RESTRICTED AREA
 SECTION LINE
 20' BUILDING SETBACK LINE
 UTILITY EMBANKMENT LINE
 DRAINAGE EMBANKMENT LINE
 FORTHOUGHED LINE
 MEYER CONSULTING SURVEYING & ENGINEERING L.S. 2004

OWNER'S CERTIFICATION

I, Larry Egan, Trustee, do hereby certify that I am the trustee for the Egan Family Trust (see U/A/V 12-11-00) the owner of the tract of land described herein and do hereby acknowledge and adopt the plat under the title and title given. Valley Reservoirs are hereby reserved for public utility service as indicated by the above. Section 15 of the plat. Erosion Measurements are hereby reserved for underground drainage file as indicated by the dash-dot line on the plat. No permanent buildings shall be erected on said subdivision.

SURVEYOR'S CERTIFICATION

I, Roger Egan, Professional Land Surveyor No. 0090, do hereby certify that all the corners of Larry Egan Trustee, I have made a survey of the following described tract of land:

Lot 5 of Greenwood Lake Subdivision, a subdivision located in the Southeast Quarter of Section 21, Township 22 North of the Range 8 East of the Third Principal Meridian, as recorded to Instrument Number Range 8 East of the Third of Champaign County Records situated at Champaign County, Illinois.

For the purpose of subdividing said tract as shown herein.

I further certify as follows:

- The tract is not within 500 feet of a natural drain or waterway carrying a tributary area of 500 acres or more.
- No portion of the property covered by this plat is within a flood hazard area identified on the Federal Emergency Management Agency and Community Flood AT-0000000000.
- The tract, as subdivided, is to be platted as **RESIDENTIAL**.

This professional service conforms to the current Illinois Minimum Standards of Practice applicable to boundary surveys.

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 MAR 14 2005
 CHAMPAIGN CO. P & Z DEPARTMENT

PLAT 2005 TOWNSHIP BENEVOLENT COMMISSIONER CERTIFICATE

I do hereby certify that this Plat has been examined by me and found to be in compliance with the highway requirements as set forth in the regulations regarding plats of subdivided land adopted by the County Board of Champaign County, Illinois.

Approved this ____ day of _____, A.D. 2005

PLAT 2005 TOWNSHIP BENEVOLENT COMMISSIONER

APPROVED

Approved this ____ day of _____, A.D. 2005
 CHAMPAIGN COUNTY BOARD

CHAMPAIGN COUNTY SUPERVISOR AND LAND USE COMMISSIONER

SUBDIVISION OFFICER

DRAINAGE CHECK DAM

We hereby certify to the best of our knowledge and belief that adequate provision has been made for the construction and operation of drainage works that public safety will be protected and the subdivision for the purpose of the plat. All that such work shall be done in accordance with the provisions of the Act to amend the laws of this State in relation to the construction of drainage works on the property of the subdivision.

INDIVIDUAL SEWER SYSTEM SURVEILLANCE CERTIFICATE

This investigation indicates the soil characteristics of the lots are adequate for individual private septic systems. This investigation indicates a soil loading rate of 2.0 gpd/sq ft for lots 1, 2, 3, 4, 5, and 6. Soil characteristics indicate a soil loading rate of 2.0 gpd/sq ft for all lots 1, 2, 3, 4, 5, 6, & 7.

Larry Egan, Trustee
 Roger Egan, Professional Land Surveyor No. 0090
 License expires 12/30/2008

Roger Egan, Professional Land Surveyor No. 0090
 License expires 12/30/2008



OWNER/SUBDIVIDER
 EGAN FAMILY TRUST ONE
 U/A/V 12-11-00
 LARRY EGAN, TRUSTEE

MEYER CONSULTING SURVEYING & ENGINEERING
 1000 N. WASHINGTON ST.
 CHAMPAIGN, ILLINOIS 62502
 PHONE: 217-244-1100
 FAX: 217-244-1101
 WWW: MEYERCONSULTING.COM

GREENWOOD LAKE FIFTH SUBDIVISION

PLAT 2005 TOWNSHIP BENEVOLENT COMMISSIONER

Meyer Consulting, Surveying & Engineering

206 West First Street South
Clarence, Illinois 60960
Phone 217-379-9000
Fax 217-379-9000
Cell 217-417-5678

DRAINAGE REPORT

FOR PROPOSED

GREENWOOD LAKE FOURTH SUBDIVISION

SE1/4 SEC. 21, T22N, R8E 3rd P.M.

Proposed Lots 1 through 4 are located east of Greenwood Drive directly east of Greenwood Lake Second Subdivision. Proposed Lot 5 is located east of Township Road 850E directly east of Greenwood Lake Subdivision and southeast of Greenwood Lake Second Subdivision.

Historically this area has been farmed, however area of the proposed subdivision currently has a grass cover. The estate of Alvin Knox, the developer of Greenwood Lake, transferred the area encompassed by the proposed subdivision to Larry Knox. The adjacent farm ground was separated out of the estate and is owned by others.

Typically with the one acre minimum area requirement, rainfall runoff will not be affected by converting farm ground to residential use. The main drainage concerns are in areas of existing drainage problems, and the effect, if any, on neighboring property.

Proposed Lots 1 through 4 are located in the higher portion of the property, with no existing drainage problems. Lot 1 encompassing 1.60 acres drains to the northwest across the Randall Ott property to a waterway draining into Greenwood Lake. With the conversion of farm ground to residential use on this size lot the resulting rainfall runoff will be reduced.

Lots 2 and 3 drain west to the existing road side ditch along the east side of Greenwood Drive and east to the Kenneth Heiser and Louis Schwing farm properties. With the residence typically located near the front of the lot, any increase in rainfall runoff will be to the existing road side ditch. The rainfall runoff to the farm properties will typically be reduced.

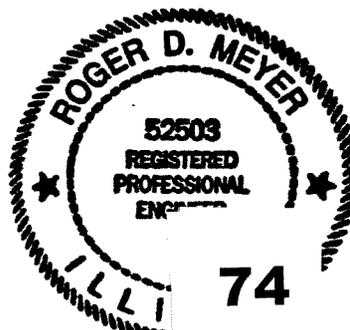
Lot 4 drains in all directions. Assuming the residence is centered along the front of the lot, any increase in rainfall runoff will be to the existing road side ditch.

Lot 5 occupies the lower area. Rainfall runoff drains predominately to the southwest corner of the proposed lot where it flows west in the road ditch along the north side of Township Road 3200N. A portion of the proposed Lot also drains east to the Louis Schwing farm property. Due to the size of this lot, 10.45 acres, rainfall runoff will be reduced. Wiley Scott, CPSS/SC performed a soil investigation in the area to determine the suitability of the soils for septic system leach fields. The soil investigation revealed a seasonally high water table on Lot 5, restricting the septic system leach field to the higher southeast corner of the proposed Lot. Mr. Scott recommended field tile through Lot 5 to lower the water table in conjunction with any future development of Lot 5.

Roger Meyer

Roger Meyer PE

May 19, 2003



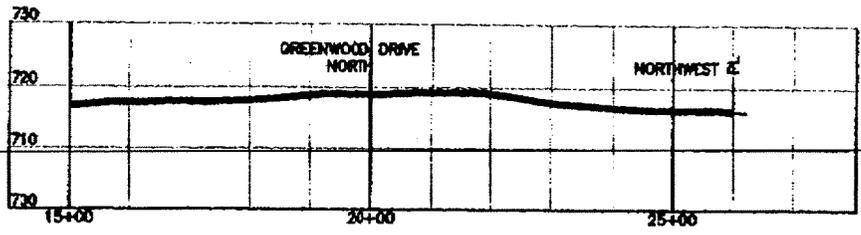
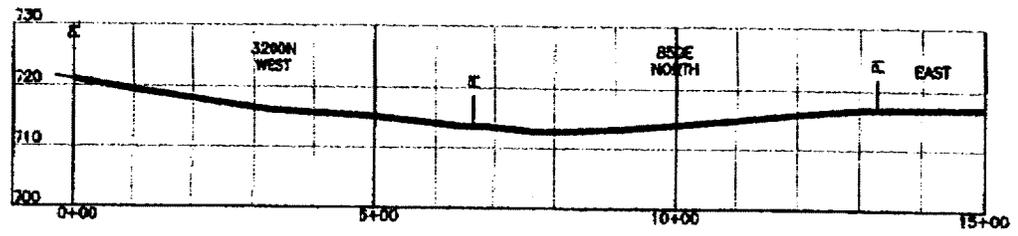
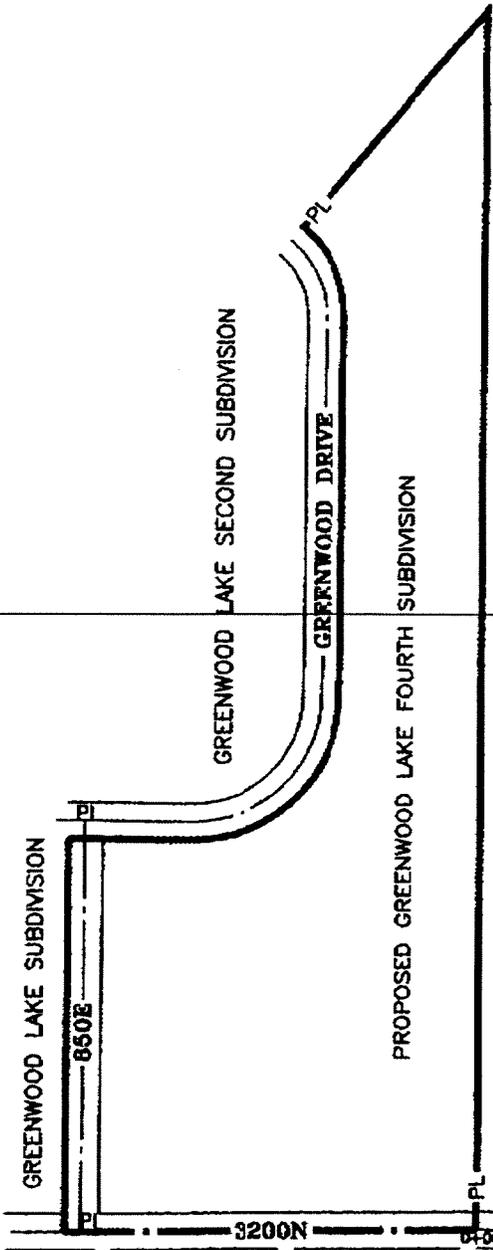
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MAY 19 2003

CHAMPAIGN CO. P & Z DEPARTMENT

PROFILE OF EXISTING ROADS SERVING THE PROPOSED GREENWOOD LAKE FOURTH SUBDIVISION

SE1/4 SEC. 21, T22N, R8E 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS



PL PROPERTY LINE
PI POINT OF ROAD INTERSECTION

**MEYER CONSULTING
SURVEYING & ENGINEERING**
208 WEST FIRST STREET SOUTH
CLARENCE, ILLINOIS 60880
217-397-6000, 217-417-9678
ILLINOIS PROFESSIONAL DESIGN FIRM 184-003490

ROAD CENTERLINE PROFILE GREENWOOD LAKE FOURTH SUBDIVISION		SCALE 1"=300'
		SEC. T. R. 21-22N-8E
CLIENT LARRY KNOX, TRUSTEE	DATE MAY 30, 2003	JOB NO. 3005

RECEIVED

MAY 19 2003

REPORT OF SOIL INVESTIGATIONS
FOR

ROGER MEYER: GREENWOOD LAKE SUBDIVISION
JOB NO. 03MEY1

CHAMPAIGN CO. P. & Z DEPARTMENT

BY WILEY SCOTT, CPSS/SC; May 3, 2003

This soil investigation is for a subdivision plat. I made twelve soil borings to determine the general suitability of the soils for septic leach fields. This is in the SW ¼ of the SE ¼, Sec. 21, T. 22 N, R. 8 E. The locations of the soil borings are shown on the attached drawing of the proposed subdivision layout.

1. 15 feet west and 35 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silty clay loam surface; >35% clay from 12-28 inches; gray colors that indicate a seasonally high water table at a depth of 16 inches; till below a depth of 21 inches.
Note: this combination of high clay content in till will give a loading rate of 0.27 g/d/ft²
2. 15 feet west and 175 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silty clay loam surface; >35% clay from 15-38 inches; gray colors that indicate a seasonally high water table at a depth of 22 inches; till below a depth of 23 inches.
Note: this combination of high clay content in till will give a loading rate of 0.27 g/d/ft²
3. 165 feet west and 175 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silty clay loam surface; >35% clay from 12-29 inches; gray colors that indicate a seasonally high water table at a depth of 24 inches; till below a depth of 29 inches.
Note: this combination of clay content in till will give a loading rate of 0.40 g/d/ft²
4. 236 feet east of the telephone box that sits on the west side of County Road 850 E. and 175 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silty clay loam surface; >35% clay from 12-28 inches; gray colors that indicate a seasonally high water table at a depth of 22 inches; till below a depth of 28 inches.
Note: oxidation/reduction accumulations indicate the water table may be near the soil surface, but the gray colors are masked by organic matter (black colors).
5. 136 feet east of the telephone box that sits on the west side of County Road 850 E. and 100 feet north of the south property line.
Silty clay loam surface; >35% clay from 10-36 inches; gray colors that indicate a seasonally high water table at a depth of 19 inches; till is deeper than 48 inches.

Wiley Scott

REPORT OF SOIL INVESTIGATIONS
FOR
ROGER MEYER: GREENWOOD LAKE SUBDIVISION
JOB NO. 03MEY1

BY WILEY SCOTT, CPSS/SC; May 3, 2003

Note: oxidation/reduction accumulations indicate the water table may be near the soil surface, but the gray colors are masked by organic matter (black colors).

6. 15 feet west and 475 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silt loam surface; >35% clay from 12-32 inches; gray colors that indicate a seasonally high water table at a depth of 18 inches; loam outwash at a depth of 30 inches and dense, silty clay loam till below a depth of 50 inches. When described, water stood in the hole at a depth of 33 inches below the soil surface.
7. 15 feet west and 875 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silty clay loam surface; >35% clay from 12-30 inches; gray colors that indicate a seasonally high water table at a depth of 18 inches; loam outwash at a depth of 52 inches and dense, silty clay loam till below a depth of 55 inches. When described, water stood in the hole at a depth of 43 inches below the soil surface.
8. 15 feet west and 1275 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silt loam surface; >35% clay from 15-28 inches; gray colors that indicate a seasonally high water table at a depth of 30 inches; silty clay loam till below a depth of 15 inches, and weak, structureless till below a depth of 52 inches.
Note: this combination of high clay content in till will give a loading rate of 0.27 g/d/ft²
9. 15 feet west and 1575 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silt loam surface; >35% clay from 16-25 inches; gray colors that indicate a seasonally high water table at a depth of 21 inches; till below a depth of 11 inches, and calcareous, silty clay loam till with weak structure below a depth of 29 inches.
Note: this combination of high clay content in till will give a loading rate of 0.27 g/d/ft²

Wiley Scott

REPORT OF SOIL INVESTIGATIONS
FOR
ROGER MEYER: GREENWOOD LAKE SUBDIVISION
JOB NO. 03MEY1

BY WILEY SCOTT, CPSS/SC; May 3, 2003

10. 15 feet west and 1875 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silt loam surface; >35% clay from 10-26 inches; gray colors that indicate a seasonally high water table at a depth of 24 inches; till below a depth of 14 inches, and calcareous, silty clay loam till with weak structure below a depth of 40 inches.
Note: this combination of high clay content in till will give a loading rate of 0.27 g/d/ft²

11. 220 feet west of the quarter corner post on the east property line (1320 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silt loam surface; >35% clay from 14-24 inches; gray colors that indicate a seasonally high water table at a depth of 29 inches; till below a depth of 14 inches, and silty clay loam till with weak structure below a depth of 50 inches.
Note: this combination of high clay content in till will give a loading rate of 0.27 g/d/ft²

12. 374 feet west and 475 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, and is 669 feet east of the center line of County Road 850 E).
Silt loam surface; >35% clay from 16-26 inches; gray colors that indicate a seasonally high water table at a depth of 36 inches; till below a depth of 16 inches, and silty clay loam till with weak structure below a depth of 42 inches.
Note: this combination of high clay content in till will give a loading rate of 0.27 g/d/ft²

Wiley Scott



Certified Professional Soil Scientist
A Federation of Certifying Boards in Agriculture,
Biology, Earth and Environmental Sciences

Wiley Scott
411 Dorchester Drive
Mahomet, Illinois
61853-9539

Certified Professional Soil Classifier
ILLINOIS SOIL CLASSIFIERS ASSOCIATION



Phone: (217)586-4233

Soil Consulting Service

soil and site investigations

November 8, 2003

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JAN 20 2004

Larry Knox
804 County Road 3300 N.
Dewey, Illinois 61840

CHAMPAIGN CO. P & Z DEPARTMENT

Re: Job No. 03MEY2

Dear Larry:

Enclosed is the report of the three additional soil borings for the subdivision that is planned adjacent to Greenwood Lake Subdivision, on the east side of County Road 850 E, in Champaign County, Illinois. This supplements the report of twelve borings reported in job number 03MEY1 dated May 3, 2003. These soil borings satisfy the requirement of having one boring on each planned lot to get the plat approved.

As I reported in the report for job no. 03MEY1, these are poorly drained and somewhat poorly drained soils that have a high water table. They also have high content of clay in the subsoil.

Also enclosed is my statement marked paid. Thank you. If you have any questions, please call me.

Sincerely,

Wiley Scott, CPSS/SC

REPORT OF SOIL INVESTIGATIONS
FOR
ROGER MEYER AND LARRY KNOX: GREENWOOD LAKE SUBDIVISION
JOB NO. 03MEY2

WILEY SCOTT
411 Dorchester
Mahomet, IL 61853-9539

BY WILEY SCOTT, CPSS/SC; November 8, 2003

This soil investigation is to obtain additional borings for a subdivision plat. The agency that approves the plat wants one boring on each lot. I made twelve soil borings in May to determine the general suitability of the soils for septic leach fields. This report will show three additional borings at locations described below. This is in the SW ¼ of the SE ¼, Sec. 21, T. 22 N, R. 8 E.

13. 15 feet west and 1075 feet north of the southeast corner of the property (also the southwest corner of the lawn of the Schwing residence, which is 669 feet east of the center line of County Road 850 E).
Silt loam surface; >35% clay from 14-25 inches in loess or silty material; gray colors that indicate a seasonally high water table at a depth of 30 inches; till below a depth of 25 inches. Calcareous B/C horizon with weak structure in silty clay loam till from a depth of 35 to 42 inches. This soil has a loading rate of 0.45 gallons/sq.ft./day.
14. 100 feet east of the property line along the west side of county road 850 E., and 145 feet south of the north lot line along the road.
Silty clay loam surface; >35% clay from 11-32 inches; gray colors that indicate a seasonally high water table at a depth of 20 inches occur as clay films on faces of peds; till below a depth of 32 inches. This soil has a loading rate of 0.45 g/d/ft².
15. 175 feet north of the south property line and 340 feet east of the telephone box that sits on the west side of County Road 850 E.
Silty clay loam surface; >35% clay from 15-23 inches; gray colors that indicate a seasonally high water table at a depth of 24 inches, and the soil has increasing gray colors with increasing depth; till below a depth of 30 inches. The till contains a few pebbles. This soil has a loading rate of 0.45 g/d/ft²

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JAN 20 2004

CHAMPAIGN CO. P & Z DEPARTMENT

815 N. Randolph St.
Champaign, IL 61820



Champaign County Public
Health Department

Phone: (217) 363-3269
Fax: (217) 373-7905
TDD: (217) 352-7961

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MAR 28 2005

CHAMPAIGN CO. P & Z DEPARTMENT

March 16, 2005

Larry Knox
Knox Family Trust
804 CR 3300 N
Dewey, IL 61840-9619

Dear Mr. Knox:

This letter is in regard to the plat for Greenwood Lake Fifth Subdivision located on County Road 3200 North, Dewey, Illinois. According to the *Plat Act (765 ILCS 205/2)*, we are authorized to review the plat with respect to sewage disposal systems.

It is recommended that homeowners utilize the drainage tile system to improve the wetness and seasonal high water table before the installation of an individual subsurface disposal system. A subsurface disposal system is not recommended for lots with a loading rate of 0.27 g/d/ft² (Lots #3, 4, and 6). Based upon the information submitted for Greenwood Lake Fifth Subdivision, a septic system could be designed to serve each lot.

Upon review of the information submitted for Greenwood Lake Fifth Subdivision, you may proceed as planned. Please contact me at (217) 363-3269 if you have any questions.

Sincerely,

Sarah A. Michaels

Sarah A. Michaels
Senior Sanitarian

CHICAGO TITLE INSURANCE COMPANY
COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

YOUR REFERENCE: Knox

ORDER NO.: 1253 000814821 CHA

EFFECTIVE DATE: FEBRUARY 20, 2003

1. POLICY OR POLICIES TO BE ISSUED:

OWNER'S POLICY: ALTA OWNERS 1992
AMOUNT: \$100,000.00
PROPOSED INSURED:

2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT AND COVERED HEREIN IS A FEE SIMPLE UNLESS OTHERWISE NOTED.

3. TITLE TO SAID ESTATE OR INTEREST IN SAID LAND IS AT THE EFFECTIVE DATE VESTED IN:

Larry Knox, Successor Trustee of "Knox Family Trust One under Agreement dated December 11, 1990"

4. MORTGAGE OR TRUST DEED TO BE INSURED:

NONE

RECEIVED

MAY 29 2003

CHAMPAIGN CO. P & Z DEPARTMENT

CHICAGO TITLE INSURANCE COMPANY
 COMMITMENT FOR TITLE INSURANCE
 SCHEDULE A (CONTINUED)

ORDER NO.: 1253 000814821 CHA

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

The Southeast Quarter of Section 21, Township 22 North, Range 8 East of the Third Principal Meridian, EXCEPT the East 1,966.27 feet thereof, AND EXCEPT that part platted as Greenwood Lake Second Subdivision, AND EXCEPT that part conveyed by deed recorded April 4, 2001 as Document 2001R 7658, AND EXCEPT that part conveyed by deed recorded April 6, 2001 as Document 2001R 7891, in Champaign County, Illinois.

**CHICAGO TITLE INSURANCE COMPANY
COMMITMENT FOR TITLE INSURANCE
SCHEDULE B**

ORDER NO.: 1253 000814821 CHA

GENERAL EXCEPTIONS

The owner's policy will be subject to the following exceptions:

- (1) rights or claims of parties in possession not shown by the public records;
- (2) encroachments, overlaps, boundary line disputes and any matters which would be disclosed by an accurate survey and inspection of the premises;
- (3) easements, or claims of easements, not shown by the public records;
- (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records;
- (5) taxes or special assessments which are not shown as existing liens by the public records.

SCHEDULE B

Schedule B of the policy or policies to be issued will not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of those matters appearing on the commitment jacket, the applicable General Exceptions (see above), and, if an owner's policy is to be issued, the encumbrance, if any, shown in Schedule A, and exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. An ALTA Loan Policy will be subject to the following exceptions (a) and (b), in the absence of the production of the data and other essential matters described in our Form 3735:
 - (a) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records;
 - (b) Consequences of the failure of the lender to pay out properly the whole or any part of the loan secured by the mortgage described in Schedule A, as affecting:
 - (i) the validity of the lien of said mortgage, and
 - (ii) the priority of the lien over any other right, claim, lien or encumbrance which has or may become superior to the lien of said mortgage before the disbursement of the entire proceeds of the loan.

- A 3. Taxes for the year 2002 in the amounts shown below, which are now due & payable. First installment shown unpaid, second installment shown unpaid.

Taxes for the year 2003, which are a lien although not due & payable.

\$312.76, East Bend Township, 10-02-21-401-006, Tax Code 1.
(assessed to 1.60 acres)

\$163.52, East Bend Township, 10-02-21-476-002, Tax Code 1.

CHICAGO TITLE INSURANCE COMPANY
COMMITMENT FOR TITLE INSURANCE
SCHEDULE B (CONTINUED)

ORDER NO.: 1253 000814821 CHA

(assessed to 12.06 acres)

- B 4. The land lies within the boundaries of Hillsbury Slough Special Drainage District and is subject to assessments thereunder.
- C 5. Rights of way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.
- D 6. Rights of the public, the State of Illinois and the municipality in and to that part of the land, if any, taken or used for road purposes, including but not limited to that part of the land dedicated to the State of Illinois by instrument recorded March 30, 1964 in book 753 at page 697 as document no. 710252.
- G 7. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
- E 8. Rights of owners of land bordering on Greenwood Lake relative to said body of water.
- H 9. Terms, powers, provisions and limitations of the trust under which title to the land is held.
- F 10. Easement in favor of Northern Illinois Gas Company, and its successors and assigns, and the provisions relating thereto contained in the grant recorded as document no. 70R 2814, affecting that part of the Southeast Quarter of Section 21 lying between the centerline of the East-West County Road South of Section 21, and a line drawn 40 feet North of and parallel to the said centerline of this County Road, between Section 21 and Section 28, all lying in said Section 21.
- I 11. Copies of this commitment have been furnished to:
Harold Miller.
- J 12. Please refer inquiries regarding this order to Barbara Bailey at
(217)356-0501.

END

SW 1/4 of
Section 21,
T-22-8

84223

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FEB 19 2004

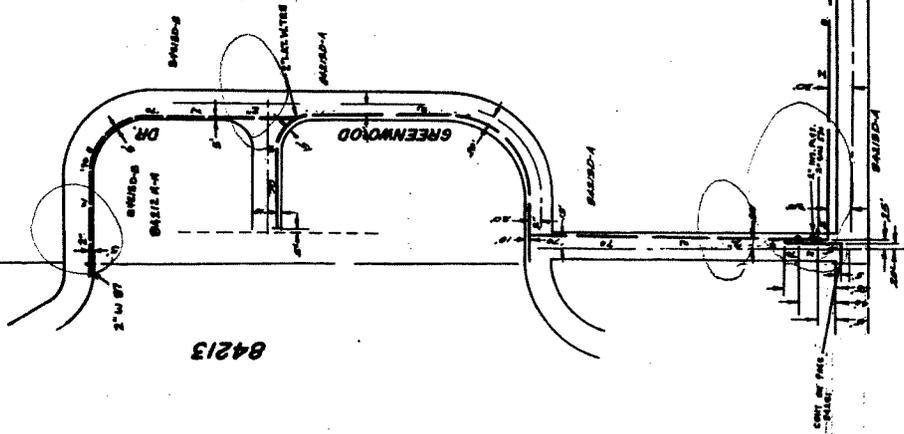
NORTHERN ILLINOIS GAS COMPANY	
ELECTRICAL	
DATE	BY
CHAMPAIGN CO	EA
CHAMPAIGN EAST BEND	TRP
7229 AVE SW	300

CHAMPAIGN CO. P & Z DEPARTMENT

WARNING!
MAIN LOCATIONS SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD BEFORE YOU DIG
NOT SHOWN ARE SERVICE PIPES AND PROPOSED MAINS.
BEFORE DIGGING, CALL JULIE #1-800-892-0123

84212

84282



84213

84214

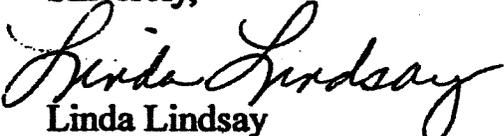
A-D

April 23, 2003

To Whom It May Concern:

Let it be known that the Greenwood Lake Association has given approval for the development of Greenwood Subdivision #4. The association has worked with the Knox family concerning the proposed subdivision and submitted restrictions which were accepted by them. Those restrictions and this approval were both approved by majority vote of association members. Since lot owners in the new subdivision addition would become members of Greenwood Lake Association, both parties plan to continue to work together cooperatively.

Sincerely,



Linda Lindsay
Board President- GLA

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JUN 3 2003

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Soil and Water Conservation District

2110 W. Park Court, Suite C

Champaign, IL. 61821

(217) 352-3536, Ext. 3

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JUN 20 2003

NATURAL RESOURCE REPORT

Date Reviewed: June 13, 2003

CHAMPAIGN CO. P & Z DEPARTMENT

Requested By: Larry Knox

Address: Roger Meyer (Engineer)
206 W. 1st. Street South
Clarence, IL 60960

Location of Property: Part of the Southeast quarter of the Section 21, T22N, R8E, Brown Township, Champaign County, IL. This is on the east side of Greenwood Subdivision just off CR 3200 North.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract June 13, 2003. The Natural Resources Conservation Service provided further technical assistance.

SITE SPECIFIC CONCERNS

- 1. This development is prime farmland.**
- 2. Ashkum (146B) has severe limitations due to ponding. This could limit septic field effectiveness**
- 3. Elliott (232) has severe limitations relating to its wetness. This could also limit the effectiveness of septic fields.**

SOIL RESOURCE

a) Prime Farmland:

This tract is considered prime farmland for Champaign County.

This tract has an L.E. Factor of 85. See the attached worksheet for this calculation. The tract consists of Elliott Silt Loam (146B), and Ashkum Silty Clay Loam (232). Soils with an LE score of 85 and over are considered the best prime farmland. A score less than 85 can still be prime farmland on a statewide basis.

b) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. Most of the area is covered with grass, which should eliminate any erosion until construction begins.

c) Sedimentation:

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

d) Soil Characteristics:

There are two (2) soil types on this site, Ashkum (232) has severe ponding limitations and Elliott has severe wetness limitations for development in their natural, unimproved state. These possible limitations could adversely affect septic fields on the site. There could also be a problem if any of the homes have basements.

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

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields
232	Ashkum Silty Clay Loam		Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding
146B	Elliott Silt Loam	1-5%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness

a) Surface Drainage:

Surface water flow has been diagramed on an attached page. The water flow on the southeast portion of the tract is unclear. The area is relatively flat and a determination should be made to see if any water would flow from the adjacent field on to the subdivision. If any water does flow to the west at this point it will need to be addressed. The area of concern is marked on the map with several question marks inside a circle.

b) Subsurface Drainage:

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

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

c) Water Quality:

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

CULTURAL, PLANT, AND ANIMAL RESOURCE

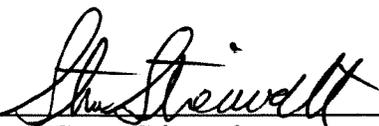
a) Plant:

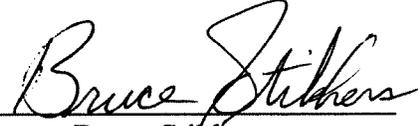
For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

b) Cultural:

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

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

Signed by 
Steve Stierwalt
Board Chairman

Prepared by 
Bruce Stickers
Resource Conservationist

LAND EVALUATION WORKSHEET

<u>Soil Type</u>	<u>Ag Group</u>	<u>Relative Value</u>	<u>Acres</u>	<u>L.E.</u>
232	4	85	3.49	296.65
146B	4	85	11.9	1011.50
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00

Total LE factor= 1308.15

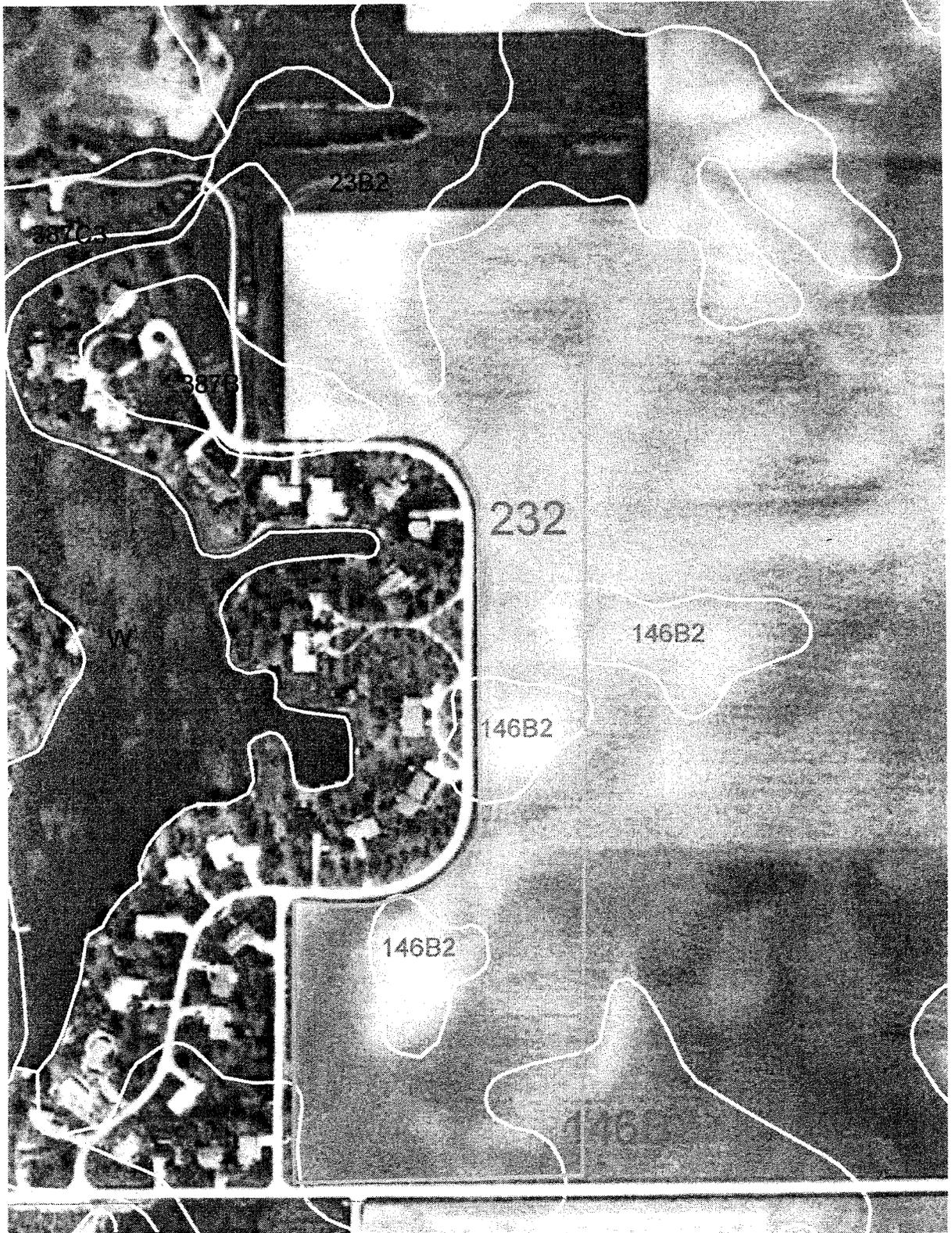
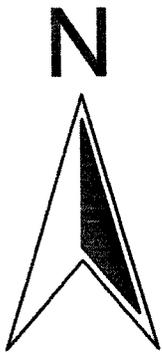
Acreage= 15.43

Land Evaluation Factor for site = **85**

Note: The maps used for this calculation are not extremely accurate when use on small tracts such as this. A Soil Classifier could be hired for additional accuracy if necessary.

Data Source: Champaign County Digital Soil Survey
Revised fall 2002

Greenwood Lake 4th Subdivision

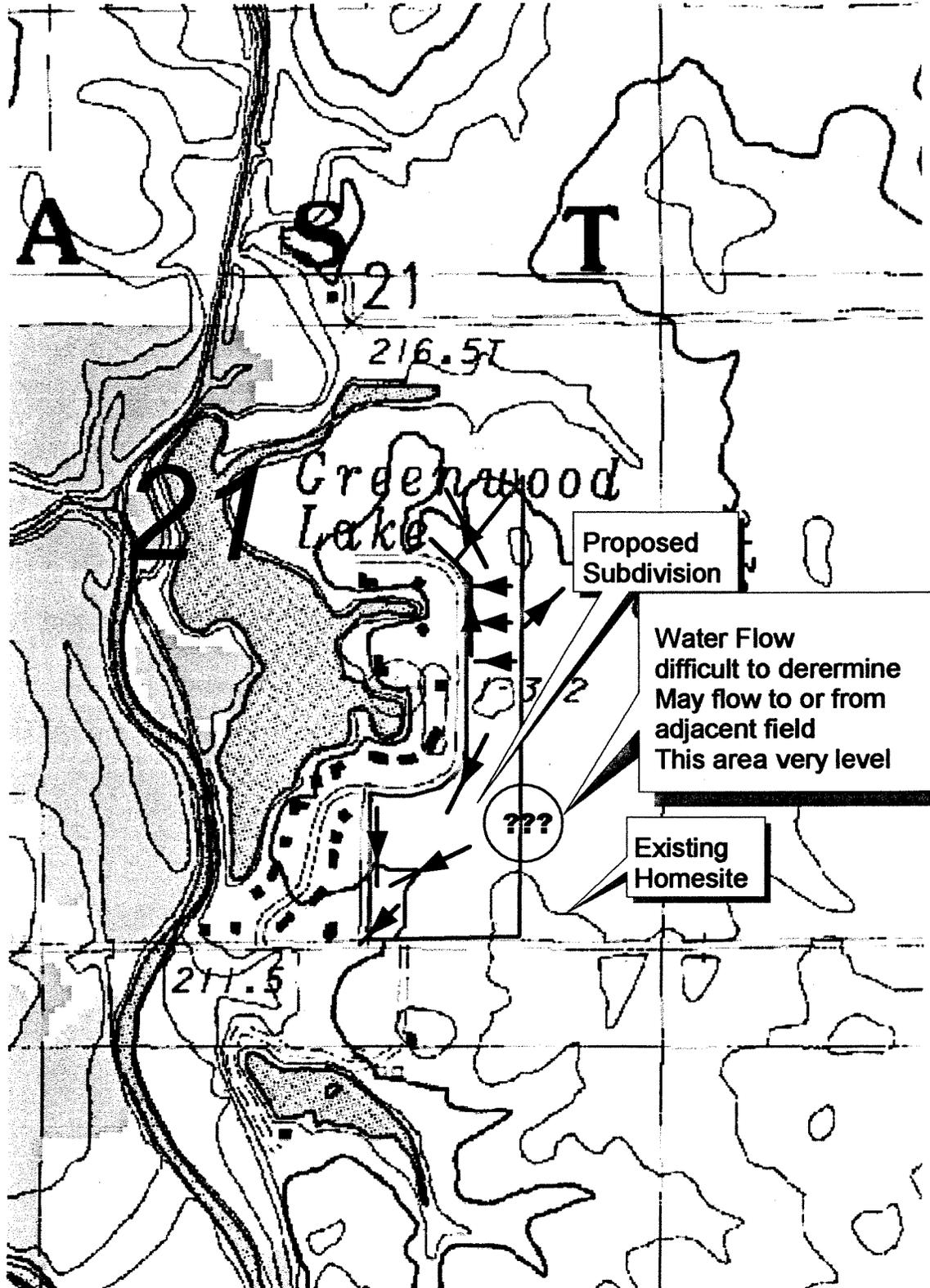
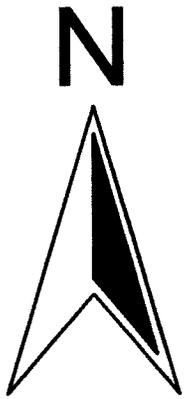


Soils

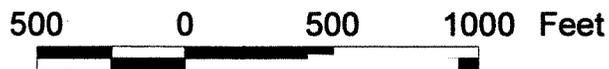
T22N
R8E
Sec 21

300 0 300 600 900 1200 Feet

Greenwood Lake 4th Subdivision



**Surface
Water
Flow**



Champaign County, Illinois
Subdivision Ordinance

ARTICLE EIGHTEEN: WAIVERS

Section 18.1--WAIVER and Appeal Procedure:

A. Intent

Where the ENVIRONMENT AND LAND USE COMMITTEE finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations, and/or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve WAIVERS to these SUBDIVISION Regulations so that substantial justice may be done and the public interest secured, provided that such WAIVER shall not have the effect of nullifying the intent and purpose of these Regulations. The ENVIRONMENT AND LAND USE COMMITTEE shall not approve WAIVERS unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the WAIVER will not be detrimental to the public safety, health or welfare or injurious to other property located in the area;
2. The conditions upon which the request for a WAIVER is based are unique to the property for which the WAIVER is sought and are not applicable generally to other property and granting of the WAIVER requested will not confer to the SUBDIVIDER any special privilege that is denied by these Regulations to other SUBDIVIDERS;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the OWNER would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations are carried out;
4. Special conditions and circumstances will not result from the actions of the SUBDIVIDER.

B. Conditions

The ENVIRONMENT AND LAND USE COMMITTEE shall not grant any WAIVER of the minimum LOT size requirement in the affected zoning district or any other segment of the COUNTY Zoning Ordinance which applies to a proposed SUBDIVISION. The SUBDIVISION OFFICER shall strictly enforce the provisions of these Regulations and shall in no manner grant any WAIVER to the provisions of these Regulations, the Zoning

**Champaign County, Illinois
Subdivision Ordinance**

Section 18.1 WAIVER and Appeal Procedure--continued

Ordinance or the OFFICIAL ZONING MAP. In approving WAIVERS, the ENVIRONMENT AND LAND USE COMMITTEE may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these Regulations.

C. Submission and Processing

A petition for any such WAIVER shall be submitted in writing by the SUBDIVIDER at the time when the PRELIMINARY PLAT is filed for the consideration of the ENVIRONMENT AND LAND USE COMMITTEE. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Any requested WAIVERS shall be submitted in writing to the SUBDIVISION OFFICER. The SUBDIVISION OFFICER shall present requested appeals and WAIVERS to the ENVIRONMENT AND LAND USE COMMITTEE at the next regularly scheduled meeting from receipt of the request.

ATTACHMENT O. REQUIRED FINDINGS FOR SUBDIVISION WAIVERS

Case 182-05 Greenwood Lake Fifth Subdivision

APRIL 5, 2005

REQUIRED FINDINGS FOR SUBDIVISION WAIVERS OF PRELIMINARY PLAT REQUIREMENTS

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 11, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of preliminary plat requirements *{WILL NOT/ WILL}* be detrimental to the public health, safety, or welfare or injurious to other property located in the area because

2. Special conditions and circumstances *{DO/ DO NOT}* exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of preliminary plat requirements will not confer any special privilege to the subdivider because

3. Particular hardships *{WILL/ WILL NOT}* result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because

4. The special conditions, circumstances, hardships, or practical difficulties *{DO NOT/ DO}* result from actions of the subdivider because

ATTACHMENT P. REQUIRED FINDINGS FOR SUBDIVISION WAIVERS

Case 182-05 Greenwood Lake Fifth Subdivision

APRIL 5, 2005

REQUIRED FINDINGS FOR SUBDIVISION WAIVERS OF FINAL PLAT REQUIREMENTS

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 11, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of final plat requirements *{WILL NOT/ WILL}* be detrimental to the public health, safety, or welfare or injurious to other property located in the area because

2. Special conditions and circumstances *{DO/ DO NOT}* exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of final plat requirements will not confer any special privilege to the subdivider because

3. Particular hardships *{WILL/ WILL NOT}* result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because

4. The special conditions, circumstances, hardships, or practical difficulties *{DO NOT/ DO}* result from actions of the subdivider because

DATE: April 4, 2005
TO: Environment and Land Use Committee
FROM: Susan Monte, Associate Planner
RE: **Request ELUC Recommendation Regarding Zoning Case 475-AT-04**
(Further restrict hearing officer duties & miscellaneous Chapter 9 corrections)

STATUS

On February 17, 2005 the ZBA recommended approval of Zoning Case 475-AT-04.

On March 14, 2005 ELUC's initial review of Zoning Case 475-AT-04 occurred. Typically proposed amendments are held at ELUC for a period of one month to assure sufficient time for review by municipalities and townships. This is ELUC's final review of Zoning Case 475-AT-04.

Summary. After initial consideration to expand Hearing Officer duties to the full extent as permitted by State statute, the ZBA chose to instead recommend that Hearing Officer duties be further restricted. In making this recommendation, the ZBA:

1. RE-EXAMINED EXISTING *ZONING ORDINANCE* SECTION 9.1.9 (HEARING OFFICER DUTIES) Since October, 1993 the *Zoning Ordinance* has allowed that a Hearing Officer may consider all Minor Variance cases. (The County has not yet utilized this *Zoning Ordinance* provision.)
2. REVIEWED A TREND ANALYSIS OF VARIANCE REQUESTS RECEIVED DURING THE PAST TWO-YEAR PERIOD (copy provided as Attachment A)

During the 24-month period since January 1, 2003, approximately one-half of all zoning cases considered by the ZBA were Variance cases. During that period, a total of 46 Variance zoning cases were considered by the ZBA

Of the 46 variance applications processed, 23 consisted of two- or three-part variance requests. For example, a single zoning case might consist of two separate variance requests (e.g., a request to deviate from the front yard requirement and a request to deviate from a lot width requirement.)

Number of Requests Per Variance Case:

Single Request	23
Two-Part Requests	14
Three-Part Requests	9
total	46

ELUC Review of Zoning Case 475-AT-04

April 4, 2005

SINGLE REQUEST VARIANCES. Of the 46 Variance applications processed, 23 consisted of Variance cases involving a single variance request.

9 of the 23 cases were a request to deviate less than or equal to 25% from a numerical standard

17 of the 23 cases were a request to deviate less than or equal to 50% from a numerical standard

MULTIPLE REQUEST VARIANCES. Of the 46 Variance applications processed, 23 consisted of multiple-request Variances.

2 of the 23 cases contained only requests to deviate less than or equal to 25% from numerical standards

5 of the 23 cases contained only requests to deviate less than or equal to 50% from numerical standards

TREND ANALYSIS SUMMARY. Based on the **existing Zoning Ordinance** regulation that a Hearing Officer preside over only those Variances cases involving requests from numerical standards that are less than or equal to **50%**, then using the example workload of the total 46 Variance cases considered over the past two years, a hearing officer could have presided at 22 of these cases, or 48% of Variance cases considered by the ZBA.

Based on the **proposed Zoning Ordinance** text amendment, if Hearing Officer duties are limited to presiding over only Variance cases involving requests from numerical standards that are less than or equal to **25%**, then using the example workload of the total 46 Variance cases considered over the past two years, a Hearing Officer could have presided at a total of 11 of these 46 cases, or 24% of Variance cases considered by the ZBA.

Case 475-AT-04 Text Amendment to Restrict Hearing Officer Duties

EXISTING	PROPOSED
Hearing Offer may preside over all Minor Variance cases.	Hearing Officer may preside over Minor Variance requests only: <ul style="list-style-type: none">■ during that time as authorized by a resolution passed by the County Board; and■ provided that no other request for a variance, special use or rezoning is concurrently under consideration for the subject site or structure.
Minor Variances consist of: <ul style="list-style-type: none">■ contested Administrative Variances (variances of 10% or less relating to location of structures or to bulk requirements of <i>Zoning Ordinance</i>)■ deviations between 10% and 50% of numerical regulations or standards relating to location of structures or to bulk requirements of <i>Zoning Ordinance</i>.	Minor Variances consist of: <ul style="list-style-type: none">■ contested Administrative Variances (variances of 10% or less relating to location of structures or to bulk requirements of <i>Zoning Ordinance</i>)■ deviations of more than 10% but not exceeding 25% from numerical regulations or standards of <i>Zoning Ordinance</i>.

ELUC Review of Zoning Case 475-AT-04

April 4, 2005

Other Case 475-AT-04 Text Amendment Corrections to Chapter 9:

EXISTING	PROPOSED
Appeals of Hearing Officer decisions are considered by the ZBA	Hearing Officer decisions are final subject to administrative review as provided in Article III Administrative Review, Illinois Code of Civil Procedure (735 ILCS 5/3-101 <i>et seq.</i> , 1996)
Maintenance of minutes and public records required of ZBA	Maintenance of minutes and public records required of ZBA and Hearing Officer
Presiding authority for minor and major Variances indicated in Paragraph 9.1.6A with incorrect reference to presiding authority of appealed decisions of Hearing Officer	Presiding authority for each Variance classification: a table that correctly indicates presiding authority for each classification is provided (see Paragraph 9.1.6A)
	editorial adjustment to improve clarity: elimination of 'standard' to describe Variances other than Administrative Variance in Section 9.3 (Fees)

Attachments:

- A Trend Analysis of Variance Requests dated March 8, 2005
- B Strikeout Version of Existing Zoning Ordinance dated March 8, 2005
- C Case 475-AT-04 Draft Finding of Fact and Final Determination dated February 17, 2005

TABLE ONE. TREND ANALYSIS OF 46 VARIANCE CASES CONSIDERED 1/1/2003 THROUGH 12/31/2004

Variance Type	% Variance Cases which included this Type of Request	% Requests of this Type qualifying as a Major Variance (over 50% deviation or non-numerical deviation)
Setbacks: front yard; rear yard; side yard; or street centerline	44 %	43%
Corner/Driveway visibility triangle	6 %	none
Lot area	17 %	none
Lot width	12 %	none
Height	8 %	75%
Lot access	19 %	100%
Lot coverage	6 %	none
Access strip	6 %	100%
Sign area	6 %	66%
Screening	2 %	100%
Building separation	2 %	none
Reclamation agreement requirement	2 %	100%
Special Flood Hazard Areas Ordinance	4 %	100%

TABLE TWO. VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004

	DESCRIPTION	% VARIANCE	TYPE
387-V-03	A) 22.5' FY in lieu of 25' B) 55' setback from street centerline in lieu of 58' C) 41' corner visibility triangle in lieu of 50'	A) 10% B) 5% C) 18 %	A) minor B) minor C) minor
389-V-03	24,700 sf lot in lieu of 30,000 sf	17.7 %	minor
390-V-03	A) 176' average lot width in lieu of 200' B) 8' SY in lieu of 15'	A) 12% B) 47%	A) minor B) minor
392-V-03	A) 1' SY in lieu of 10' B) 20' height det access structure in lieu of 15'	A) 90% B) 33%	A) major B) minor

VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004 (CONT.)

393-V-03	A) 10'FY in lieu of 25' B) 50' setback from street centerline in lieu of 65'	A) 60% B) 23%	A) major B) minor
394-V-03	12'9" SY in lieu of 20' in I-2	36%	minor
395-AV-03	29,700 sf lot in lieu of 30,000 sf	1%	admin
396-V-03	A) 5'9" setback in lieu of 10' B) 45'3" setback from street centerline in lieu of 50' C) 20'2" setback in lieu of 22' D) 35' setback from street centerline in lieu of 42' E) 5'9" FY in lieu of 30' F) 20'2" FY in lieu of 25' G) 29' corner visibility triangle in lieu of 50'	A) 42.5% B) 9.5% C) 8.5% D) 17% E) 81% F) 8.5% G) 42%	A) minor B) minor C) minor D) minor E) major F) minor G) minor
397-V-03	A) FY 5' in lieu of 25' in R-1 B) 38' from street centerline in lieu of 58'	A) 80% B) 34%	A) major B) minor
402-V-03	dwelling on lot not abutting street or private accessway	n/a	major
406-V-03	38% max lot coverage in lieu of 30%	26.6%	minor
407-V-03	detached access structure w/5' SY and 5'RY in lieu of 10' in AG-2	50%	minor
408-V-03	2' SY in lieu of 5'	60%	major
410-V-03	38,342 sf lot area in lieu of 1 acre in AG-1	12%	minor
411-V-03	withdrawn		
417-V-03	average lot width of 120' in lieu of 150' in R-2	20%	minor
418-V-03	average lot width of 167.6 in AG-1	16.2 %	minor
423-AV-03	withdrawn		
424-V-03	A) corner visibility triangle B) driveway visibility triangle C) no screening along a portion of lot line	A) 42 % B) 46 % C) n/a	A) minor B) minor C) major
427-V-03	A) 9' RY in lieu of 20' in R-2 B) 32% lot coverage in lieu of 30% in R-2	A) 55 % B) minor	A) major B) minor
429-V-03	30,046 sf lot area in lieu of 1 acre in AG-1	31 %	minor
432-V-03	24,522 sf lot area in lieu of 30,000 sf	18 %	minor
433-V-03	withdrawn		
434-V-03	A) 0'SY in lieu of 5' B) 51' setback from street centerline in lieu of 85' C) 22' FY in lieu of 35'	A) 100% B) 40% C) 37%	A) major B) minor C) minor
435-V-03	3' SY in lieu of 5'	40%	minor

VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004 (CONT.)

436-AV-04	67.5' FY in lieu of 75' in AG-1	10%	admin
438-V-04	A) 60' setback from street centerline in lieu of 75' B) 20' FY in lieu of 30'	A) 20% B) 33%	A) minor B) minor
442-V-04	13' separation in lieu of 20'	35%	minor
443-V-04	A) 200 sf sign area in lieu of 75 sf in B-4 B) 55' height sign in lieu of 35' in B-4	A) > 50% B) >50%	A) major B) major
446-V-04	A) lot access B) 70' height in lieu of 35'	A) n/a B) 200%	A) major B) major
447-V-04	A) lot access B) 5.5' width of access strip in lieu of 20' C) abutting access strips	A) n/a B) 72.5% C) n/a	A) major B) major C) major
448-V-04	A) lot access B) 5.5' width of access strip in lieu of 20' C) abutting access strips	A) n/a B) 72.5% C) n/a	A) major B) major C) major
449-V-04	A) 42' FY in lieu of 55' from street centerline B) 12' FY in lieu of 25'	A) 20.8 % B) 47.8 %	A) minor B) minor
451-V-04	A) lot access B) insufficient lot area in R-1	A) n/a B) 16%	A) major B) minor
452-V-04	156' average lot width in lieu of 200' in AG-2	22%	minor
462-V-04	A) 160' average lot width in lieu of 200' in CR B) access by easement in CR	A) 20% B) n/a	A) minor B) major
463-V-04	A) lot access B) insufficient lot area in R-1	A) n/a B) 29%	A) major B) minor
464-V-04	A) 7' FY in lieu of 25' B) 37' setback from street centerline in lieu of 55' C) 4' FY in lieu of 25' D) 34' setback from street centerline in lieu of 55'	A) 72% B) 33% C) 84% D) 38%	A) major B) minor C) major D) minor
465-V-04	A) lot access B) 5.5' width of access strip in lieu of 20' C) abutting access strips	A) n/a B) 72.5% C) n/a	A) major B) major C) major
467-V-04	reclamation agreement with substandard L.O.C. and w/o incorporating reclamation agreement provisions onto deed of subject property	n/a	major
470-V-04	A) 35' sign height in lieu of 30' B) 175 sf sign area in lieu of 150 sf C) 1237 sf sign area in lieu of 75 sf in B-3 D) 75' sign height in lieu of minimum height required to be visible	A) 16.7% B) 16.7% C) 1549.3% D) undetermined	A) minor B) minor C) major D) major
471-V-04	10' RY in lieu of 20' in R-2	50%	minor

VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004 (CONT.)

472-V-04	4 wall signs in lieu of 3 wall signs	33%	minor
473-V-04	.61 acre lot area in lieu of .68 ac in AG-2	11 %	minor
474-V-04	48' FY in lieu of 55'	13 %	minor
477-AV-04	32% lot coverage in lieu of 30%	< 10%	minor
480-V-04	175.67 average lot width in lieu of 200' in AG-1	13%	minor
481-V-04	A) 50' FY in lieu of 55' from street centerline B) 20 FY in lieu of 25'	A) 9% B) 20%	A) minor B) minor
482-V-04	A) 6' RY in lieu of 20' B) detention basin in FY&S	A) 70% B) n/a	A) major B) major
483-V-04	variance from SFHA Ordinance	n/a	major
484-V-04	lot access for 3 lots	n/a	major
485-V-04	variance from SFHA Ordinance	n/a	major

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE

NN	NEW TEXT
NN	DELETED TEXT

9.1.5 Hearing Officer

A. Appointment

1. The GOVERNING BODY shall provide for the appointment of three Hearing Officers. The Hearing Officers shall alternately preside over public hearings authorized in Section 9.1.5B, and may substitute for one another in the event of a conflict of interest or scheduling. The terms of the three Hearing Officers shall be for three years, however no reappointment shall be made which will permit a Hearing Officer to serve more than 10 consecutive years.
2. All appointments of Hearing Officers shall be made by the Chairperson of the GOVERNING BODY with the advice and consent of the GOVERNING BODY.
3. All Hearing Officers shall be residents of separate townships and shall reside in areas affected by the terms of these regulations at the time of their appointments, and shall not be members of the GOVERNING BODY.
4. No person shall be appointed to the position of Zoning Hearing Officer unless the GOVERNING BODY determines that they possess the training and experience to conduct administrative proceedings of a quasi-judicial nature and a practical knowledge of land use regulation, land development and natural resource conservation.
5. The GOVERNING BODY shall have the power to remove any Hearing Officer for cause, after public hearing, held after at least 10 days notice to the Hearing Officer concerned, of the charges against him. Vacancies shall be filled by the GOVERNING BODY for the unexpired term of any Hearing Officer whose place has become vacant.

B. Powers and Duties

1. VARIANCES

The Hearing Officer shall have the power and duty to ~~authorize rule upon application;~~ all Minor VARIANCES ~~in specific cases,~~ as provided in Section 9.1.9 only:

- i. during that time as authorized by a Resolution passed by the County Board; and
- ii. provided that no ADMINISTRATIVE VARIANCE, Major

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

PAGE 2 OF 10

VARIANCE, SPECIAL USE, or rezoning is concurrently requested on the same site.

2. In the performance of duties, the Hearing Officer may incur such expenditures as are authorized by the GOVERNING BODY.

9.1.6 Zoning BOARD of Appeals**A. Appointment**

1. The GOVERNING BODY shall provide for the appointment of the BOARD. The BOARD shall consist of seven members who shall each serve a term of 5 years. Members may be reappointed by the GOVERNING BODY provided however, that no reappointment shall be made which will permit the appointee to serve more than 10 consecutive years on the BOARD. All vacancies on the BOARD shall be filled by appointment within 90 days.
2. All appointments to the BOARD shall be made by the Chairperson of the GOVERNING BODY with the advice and consent of the GOVERNING BODY.
3. One of the members of the BOARD shall be named by the GOVERNING BODY as Chairperson of the BOARD and in case of a vacancy, a new Chairperson shall be designated in like manner.
4. The GOVERNING BODY shall have the power to remove any member of the BOARD for cause, after public hearing, held after at least 10 days notice to the member concerned, of the charges against him. Vacancies shall be filled by the GOVERNING BODY for the unexpired term of any member whose place has become vacant.
5. All of the members of the BOARD shall be residents of separate townships and shall reside in areas affected by the terms of these regulations at the time of their appointments, and shall not be members of the GOVERNING BODY.

B. Powers and Duties

1. The BOARD shall hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
2. The BOARD shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Administrator ~~or the Hearing Officer~~ in the administration and enforcement of this ordinance as provided in Section 9.1.8.
3. The BOARD may authorize upon application, VARIANCES in specific cases

as provided in Section 9.1.9.

- 4. The BOARD may authorize upon application in specific cases such SPECIAL USES as are specifically authorized as provided in Section 9.1.11.
- 5. The BOARD may authorize upon application in specific cases, a change of NONCONFORMING USE as a major VARIANCE as provided in Section 8.4.3.
- 6. The BOARD may render interpretations regarding the meaning, intent, and application of any provision of this ordinance or to ascertain zoning district boundaries as provided in Section 4.1.6G.
- 7. The BOARD may adopt rules necessary to the conduct of all administrative proceedings in keeping with the provisions of this ordinance.
- 8. The BOARD may exercise any powers expressly granted to it elsewhere in this ordinance.
- 9. In the performance of duties, the BOARD may incur such expenditures as are authorized by the GOVERNING BODY.

9.1.7 Administrative Proceedings

A. Proceedings Governed

The following administrative proceedings shall be conducted only in conformance with the requirements of Section 9 and the Bylaws or other rules of procedure adopted by the BOARD.

- 1. Appeals
- 2. Interpretations of ordinance provisions
- 3. Changes of NONCONFORMING USES
- 4. Contested ADMINISTRATIVE VARIANCES
- 5. VARIANCES
- 6. SPECIAL USE permits

B. Application and Notice

- 1. Each application for administrative relief shall be accompanied by a fee paid by the applicant as provided in Section 9.3.

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

PAGE 4 OF 10

2. At least 15 days but not more than 30 days notice of the time and place of any statutorily required hearing shall be published in an official paper or a paper of general circulation in the COUNTY. The notice of such hearing shall contain the address, description of the PROPERTY, and a brief description of the administrative relief sought. The cost of such publication shall be taken from the fee. In the instance that republication of the public hearing is necessary due to action of the applicant, a fee for republication shall be paid by the applicant as provided in Section 9.3.3A.4.

C. Meetings and Quorums

1. All administrative proceedings shall be held at the call of the Chairperson of the BOARD or the Hearing Officer and at such times and places within the COUNTY as they may determine. In no case shall a period of one month elapse between BOARD meetings.
2. All administrative proceedings shall be open to the public, and public notice given in accordance with the provisions of the *Illinois Open Meetings Act*, (5 ILCS 120/1.01 *et seq.*).
3. The presence of a majority of members of the BOARD at a meeting of the BOARD shall constitute a quorum. No action shall be taken by the BOARD unless a quorum of four members is present.

D. Public Hearings

1. Any person may appear at a public hearing in person, or by agent or by attorney, and may give testimony orally, in writing, or by other means.
2. The Chairperson, or in the absence thereof, the Acting Chairperson, and the Hearing Officer may administer oaths and compel the attendance of witnesses. All testimony by any witness shall be given under oath.
3. The Staff of the Department of Planning and Zoning shall serve as consultant to the BOARD and Hearing Officer and may give testimony, question witnesses, and make oral or written recommendations as necessary concerning zoning matters.
4. The BOARD or the Hearing Officer may postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment, further publication of a hearing need not be made.

E. Decisions

1. The concurring vote of five members of the BOARD shall be necessary to reverse any order, requirement, decision, or determination of the Zoning

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

PAGE 5 OF 10

Administrator, ~~or the Hearing Officer~~, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any VARIANCE in the application of this ordinance or to effect any SPECIAL USE.

2. Any decision or determination made by the BOARD or by the Hearing Officer shall be final subject to administrative review as provided in *Article III Administrative Review, Illinois Code of Civil Procedure (735 ILCS 5/3-101 et seq., 1996)*.
3. ~~The Hearing Officer's decision or determination on VARIANCE applications shall be final subject to appeal to the BOARD in accordance with Section 9.1.8.~~

F. Records

1. The Zoning Administrator shall keep minutes of the proceedings of the BOARD and the Hearing Officer, showing the vote upon every question, or if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions. Minutes of public hearings held by the BOARD and by the Hearing Officer shall be public records.
2. Every rule, regulation, every amendment or repeal thereof; every order, requirement, decision or determination of the BOARD and the Hearing Officer shall be filed in the office of the Zoning Administrator and shall be a public record. Decisions or determinations of the BOARD, at the request of the applicant, shall be decided within two regular meetings of the BOARD, after the BOARD has received all information it has requested.
3. The Zoning Administrator, or his representative, shall serve as secretary to the BOARD and the Hearing Officer.
4. All public records of the BOARD and of the Hearing Officer shall be made available for inspection or copying in accordance with the *Illinois Freedom of Information Act, (5 ILCS 140/1 et seq.)*.

9.1.8 Appeals

- A. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator. Such questions shall be presented to the BOARD only on appeal from the decision of the Zoning Administrator.
- B. The BOARD may, upon application and after providing notice to the affected parties and conducting a public hearing and so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator ~~or Hearing Officer~~ from whom the appeal was

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

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taken.

- C. Appeals may be taken to the BOARD after filing such appeal with the Zoning Administrator by any person affected by any order, requirement, interpretation, decision, or determination made by the Zoning Administrator ~~or Hearing Officer~~.
- D. The Zoning Administrator shall transmit to the BOARD all the papers constituting the record upon which the action, appealed from, was taken.
- E. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the BOARD after the notice of the appeal has been filed with him that by reasons of facts stated in the certificate a stay could, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order which may be granted by the BOARD or by court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
- F. The Chairperson of the BOARD shall fix a reasonable time for the hearing of the appeal. At least 15 days but no more than 30 days notice of the time and place of such hearing shall be provided to the appellant, applicant or petitioner and any other parties to the decision appealed from. Upon the hearing, any party may appear in person or by agent or by attorney.
- G. The BOARD shall not hear appeals filed with the Zoning Administrator more than 30 days from the date of the action or receipt of the decision of the Zoning Administrator ~~or the Hearing Officer~~, except that the BOARD shall hear appeals of the issuance of a Zoning Use Permit when the appeal is filed with the Zoning Administrator within 210 days of the date of issuance of the permit but not more than 30 days from the date of initiation of the USE, work, or activity for which a Zoning Use Permit is required under Section 9.1.2 including the following.
 - 1. the placement of survey stakes or markers;
 - 2. filling, excavating, clearing or grading;
 - 3. demolition of all or any part of an existing building or structure;
 - 4. relocation of all or any part of an existing building or structure;
 - 5. construction of any part of a building or structure or site improvements made in preparation for construction of a building or structure.
 - 6. issuance of a Certificate of Compliance pursuant to Section 9.1.3 where no CONSTRUCTION, alteration, enlargement, or relocation is to be performed.

9.1.9 VARIANCES

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

A. ~~Authorized VARIANCES~~

1. ~~Minor VARIANCES include contested ADMINISTRATIVE VARIANCES and deviations between 10 and 50 percent of numerical regulations or standards relating to the location of STRUCTURES or to the bulk requirements of this ordinance and may be granted by the Hearing Officer or, on appeal, by the BOARD after the conduct of a public hearing.~~
2. ~~Major VARIANCES include deviations exceeding 50 percent of numerical regulations or standards of this ordinance, and waivers from nonnumerical regulations or standards and waiver of or VARIANCE from any provision of the *Champaign County Interim Storm water Management Policy*, and may be granted only by the BOARD after the conduct of a public hearing.~~

A. Table of VARIANCE Classifications and Presiding Authority

<u>VARIANCE Classification</u>	<u>Presiding Authority</u>
<p><u>ADMINISTRATIVE VARIANCE:</u></p> <p>Deviation of 10 percent or less from regulation or standard of <u>this ordinance related to the location of STRUCTURES or to bulk requirements</u></p>	<p>May be authorized by the Zoning Administrator in accordance with <u>Section 9.1.10.</u></p>
<p><u>Minor VARIANCE:</u></p> <p><u>Contested ADMINISTRATIVE VARIANCE</u></p> <p>Deviation of 10 percent or less from numerical regulation or standard of this ordinance not related to <u>the location of STRUCTURES or to bulk requirements</u></p> <p>Deviation of more than 10 percent but not exceeding <u>25 percent from numerical regulation or standard of this ordinance</u></p>	<p>May be granted by the Hearing Officer or by the BOARD in accordance with Paragraph 9.1.5(B) and the <u>requirements of this Section.</u></p>
<p><u>Major VARIANCE:</u></p> <p>Deviation exceeding <u>25 percent from numerical regulation or standard of this ordinance.</u></p> <p>Waiver from <u>nonnumerical regulation or standard of this ordinance.</u></p> <p>Deviation from numerical regulation or standard of the <u><i>Champaign County Storm water Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance.</i></u></p> <p>Waiver from nonnumerical regulation or standard of the <u><i>Champaign County Storm water Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance.</i></u></p>	<p>May be granted by the BOARD in accordance with the <u>requirements of this Section.</u></p>

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

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B. Prohibited VARIANCES

At no time shall the BOARD or the Hearing Officer grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.
2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section 14.2.1.

C. VARIANCE Criteria

1. A VARIANCE from the terms of this ordinance shall not be granted by the BOARD or the Hearing Officer unless a written application for a VARIANCE is submitted demonstrating all of the following.
 - a. that special conditions and circumstances exist which are peculiar to the land or STRUCTURE involved which are not applicable to other similarly situated land or STRUCTURES elsewhere in the same zoning DISTRICT;
 - b. that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted USE of the land or STRUCTURES or CONSTRUCTION on the LOT;
 - c. that the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant;
 - d. that the granting of the VARIANCE is in harmony with the general purpose and intent of ~~the~~ this ordinance;
 - e. that the granting of the VARIANCE will not be injurious to the neighborhood, or otherwise detrimental to the public health safety or welfare.

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

2. No NONCONFORMING USE of the neighboring lands or STRUCTURES in the same DISTRICT, and no permitted USE of lands or STRUCTURES in other DISTRICTS shall be considered grounds for the issuance of a VARIANCE.

D. Findings

1. The BOARD or the Hearing Officer shall make findings that the requirements of Section 9.1.9C have been met by the applicant for a VARIANCE, and justify the granting of the VARIANCE.
2. The BOARD or the Hearing Officer shall further make a finding that the VARIANCE is the minimum variation that will make possible the reasonable use of the land or STRUCTURE.

E. Conditions

1. In granting any VARIANCE, the BOARD or the Hearing Officer may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.

9.1.10 ADMINISTRATIVE VARIANCES

- A. The Zoning Administrator, or on appeal, the BOARD may grant upon written application variations from the regulations and standards of this ordinance except where prohibited by Section 14.2.1, in specific cases; when the variation totals ~~ten~~ 10 percent or less of the regulations or standards related to the location of STRUCTURES or to the bulk requirements of this ordinance, in accordance with the following:
 1. Each application for an ADMINISTRATIVE VARIANCE shall be accompanied by a fee paid by the applicant as provided in Section 9.3.
 2. Before such variation may be granted, the Zoning Administrator shall send a notice of intent to grant such variation by certified mail to all adjoining land owners. The notice of intent shall be sent within 10 days of the decision to grant such variation.
 3. If any adjoining land owner files a written objection with the Zoning Administrator within 15 days of receipt of such notice, the variation shall be considered by the Hearing Officer or BOARD in accordance with Paragraph 9.1.5(B) and as provided in Section 9.1.9, and the applicant shall pay a fee in the amount of the difference between the fee for a VARIANCE and the fee for an ADMINISTRATIVE VARIANCE as provided in Section 9.3.

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

B. Findings

1. In granting an ADMINISTRATIVE VARIANCE, the Zoning Administrator shall make findings that:
 - a. the granting of the variation is in harmony with the general purpose and intent of this ordinance;
 - b. a practical difficulty exists because of the nature of the land or STRUCTURE involved;
 - c. the variation will be in harmony with surrounding development; and,
 - d. the variation will not significantly impair the public health, safety, comfort, convenience, or general welfare.

⋮

9.3.3 ZONING CASE FILING FEES

A. General Provisions

⋮

B. Fees

1. Variances
 - a. Administrative Variances \$100.00
 - b. Standard Minor or Major Variances \$200.00

⋮

CASE 475-AT-04

Draft Finding of Fact and Final Determination

Champaign County Zoning Board of Appeals

Final Determination: *RECOMMEND ADOPTION*

Date: *February 17, 2005*

Petitioner: *Zoning Administrator*

Request: *Amend Sections 9.1.5 through 9.1.10 and Section 9.3*

- A. Adjust the parameters of minor and major variance classifications*
 - B. Clarify the presiding authority for each variance classification*
 - C. Restrict hearing officer duties*
 - D. Remove option of appealing a hearing officer decision to the ZBA*
 - E. Broaden requirements regarding maintenance of minutes and public records to include hearing officer*
 - F. Make editorial changes to improve clarity*
-

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearings conducted on October 28, 2004, November 9, 2004; November 23, 2004; December 14, 2004; December 30, 2004, January 13, 2005; and February 17, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. *Zoning Ordinance Paragraph 9.1.5(B) of the Zoning Ordinance, addressing the powers and duties of a Hearing Officer, allows a Hearing Officer to preside only at public hearings for Minor Variance requests.*
2. *Existing Zoning Ordinance Section 9.1.9 indicates the Minor Variances that may be considered by a Hearing Officer.*

Minor Variances include: contested Administrative Variances (generally, deviations of 10% or less); and deviations between 10% and 50 % of numerical regulations or standards relating

to the location of structures or to the bulk requirements of the *Zoning Ordinance*.

(Major Variances include: deviations exceeding 50% of numerical regulations or standards of the *Zoning Ordinance*; waivers from non-numerical regulations or standards; and waivers of or variances from any provision of the *Champaign County Stormwater Management Policy*.)

3. The Environment and Land Use Committee of the County Board (ELUC), during the fall of 2004, at one point had considered the use of a Hearing Officer to preside over public hearings for proposed Comprehensive Zoning Review Phase One map amendments in each of 28 affected townships in the County. It was during that period that this text amendment was initially considered with the intent of expanding Hearing Officer duties to allow the County Board the maximum latitude as authorized by Illinois State Statute 55 ILCS 5/5-12015 to delegate power or duty to a Hearing Officer. Subsequently, upon the advice of Assistant State's Attorney Joel Fletcher, on December 13, 2004 ELUC indicated their preference that the Champaign County ZBA and not a Hearing Officer preside over such hearings.
4. State Statute 55 ILCS 5/5-12015 allows a county board the authority "...to delegate to a Hearing Officer the authority to conduct any public hearing otherwise required to be heard in accordance with this Division by the board of appeals." The Statute additionally indicates that once a Hearing Officer is appointed, that Hearing Officer is "governed by the same standards and shall exercise and perform all of the powers and duties of the board of appeals in the same manner and to the same effect [as] the board of appeals." The Assistant State's Attorney interprets this provision to mean that a public hearing may be held either by the ZBA or by the Hearing Officer—but not by both.
5. Upon re-examination of *Zoning Ordinance* Section 9.1.9, and upon a review of a trend analysis of all variance cases considered during the period of 1/1/2003 through 12/31/2004 and a review of their typical caseload, ZBA members recommended to further restrict Hearing Officer duties to that of presiding over Minor Variance cases that consist of requests not exceeding a 25% deviation. This recommendation is reflected in the lowering of the upper parameter of a Minor Variance case from 50% deviation to only a 25% deviation. ZBA members prefer that variance applicants with a variance case in which a greater than 25% deviation is requested be allowed the benefits of a ZBA quorum as the case is decided.
6. ZBA members prefer that a Hearing Officer preside over Minor Variance cases only during those periods when the ZBA is presiding over hearings as part of the Comprehensive Zoning Review and only provided that no other request for a variance, special use or rezoning is concurrently under consideration for the subject site or structure involved.
7. In an opinion provided to staff on February 10, 2005, Assistant State's Attorney Joel Fletcher considered whether a contested Administrative Variance can be heard by a hearing officer. He indicated that language in Illinois Statute 55 ILCS 5/5-12009 which states that a contested administrative variance " *only* be considered by the board of appeals in the manner provided in this Section" [emphasis added] should be read to require that a hearing be held

as provided elsewhere in Section 5-12009, but not as a requirement that a hearing be held before the ZBA instead of a duly appointed hearing officer. He noted that language in 55 ILCS 5/5-12015(A) provides that a hearing officer may be appointed “to conduct *any* public hearing otherwise required to be heard by the zoning board of appeals” [emphasis added]. Mr. Fletcher indicated that the language in Section 5-12015 is to take precedence over the language from Section 5-12009 emphasized above. Based on this opinion, a ‘contested Administrative Variance’ may remain in the Minor Variance classification.

8. In an opinion provided to staff on February 10, 2005, Assistant State’s Attorney Joel Fletcher indicated that all provisions in the *Champaign County Zoning Ordinance* which refer to the ability of the ZBA to hear appeals from decisions of the hearing officer are inconsistent with the Counties Code. The following excerpts from 55 ILCS 5/5-12015 support his opinion:

When a hearing officer is appointed he or she is “... governed by the same standards and shall exercise and perform all of the powers and duties of the board of appeals in the same manner and to the same effect as ... the board of appeals.” 55 ILCS 5/5-12015(A)(ii)

When the County Board is not involved in granting variances, as in Champaign County, “.. the determination made by the hearing officer with respect to any such variation or matter shall constitute a final administrative decision which is subject to judicial review pursuant to the provisions of the ‘Administrative Review Law’, as now or hereafter amended.” 55 ILCS 5/5-12015(A)(3)

Based on this opinion, amendments adjusting the text are proposed in Sections 9.1.5 through 9.1.9 in order to disallow the appeal of a hearing officer decision to the ZBA.

9. In an opinion provided to staff on February 10, 2005, Assistant State’s Attorney Joel Fletcher provided advice pertaining to the proposed limits regarding when a hearing officer presides over minor variances. He indicated that it is best to avoid any appearance that the ZBA is involved in determining one way or another when a hearing officer should preside over minor variance cases. He advised that the revised Zoning Ordinance text avoid a reference to the Comprehensive Zoning Review, and that the Zoning Ordinance text instead make reference to a specific Resolution passed by the County Board. The Resolution would identify a specific time period that the Hearing Officer may preside.
10. Zoning Ordinance requirements regarding maintenance of minutes and public records have been broadened to apply to a Hearing Officer in order to be consistent with IL Statute 55 ILCS 5/5-12015 Subsection A which states that:

“(ii) the hearing officer in acting upon any matter otherwise within the jurisdiction of the board of appeals shall be governed by the same standards and shall exercise and perform all of the powers and duties of the board of appeals in the same manner and to the same effect as provided in this Division with respect to the board of appeals.....”

10. A reference to two categories of variances is found in Section 9.3 (Fees): ‘Administrative

Variances' and 'Standard Variances'. The reference to 'Standard' Variances is removed so as to avoid potential confusion.

DOCUMENTS OF RECORD:

1. Illinois Statute 55 ILCS 5/5-12
2. Preliminary Staff Memorandum dated 10/26/04
3. Summary Staff Memorandum dated 11/19/04
4. Supplemental Staff Memorandum dated 12/9/04
5. Supplemental Staff Memorandum dated 12/22/04
6. Supplemental Staff Memorandum dated 12/28/04
7. Supplemental Staff Memorandum dated 1/7/05
8. Supplemental Staff Memorandum dated 1/13/05
9. Supplemental Staff Memorandum dated 2/17/05

DETERMINATION

Pursuant to the authority granted by Section 9.1.6. B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance text amendment requested in Case 475-AT-04 **should** be enacted by the County Board in the form attached hereto.

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

SIGNED:

ATTEST:

Debra Griest, Chairperson
Champaign County Zoning Board of
Appeals

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
FAX (217) 328-2426

DATE: April 6, 2005
TO: Environment and Land Use Committee
FROM: Jeff Roseman, Zoning Administrator
Susan Monte, Associate Planner
RE: **Status of CZR Phase One**

CZR PHASE ONE STATUS

On December 13, 2004 ELUC authorized deferral of Phase One public hearings until further notice in order to allow:

- ▶ the Assistant State's Attorney to forward an inquiry regarding Phase One to the Attorney General;
- ▶ subsequent review by the State's Attorney of the Attorney General response received; and
- ▶ a report to ELUC regarding the Attorney General response.

Phase One Zoning Cases. The proposed Phase One zoning cases consist of one 14-part text amendment and four map amendments. A summary of the Phase One zoning cases follows. (Additional detail regarding Parts A through N is provided as an Attachment.)

Text Amendment Case 415-AT-03, Parts A through N

- A Adjust nature and intent of CR, AG-1, AG-2 & B-1 Districts & establish Resource Protection Overlay District (RPO)
- B Modify Table of Authorized Principal Uses
- C Revise selected standard conditions for Special Uses
- D Adjust right to construct a single family dwelling to be proportionate to tract size
- E Restrict location of development on a lot to protect drainageways & drain tiles
- F Increase minimum lot area requirement for a lot that is not platted from 1 to 2 acres
- G Make miscellaneous changes regarding standards for lots, site development & construction
- H Replace Rural Residential Overlay District with more restrictive Rural Planned Development District
- I Limit location of dwelling within RPO & limit amount of disturbance to wooded areas within RPO
- J Require a special study for Special Use & Planned Development Districts requests within RPO
- K Require protective buffer around public parks and preserves within which construction and wastewater discharge is prohibited with exemptions
- L Limit construction and wastewater discharge within drainageway buffers with exemptions
- M Make miscellaneous changes regarding zoning procedures
- N Add a maximum lot size limit for new lots created on best prime farmland

Map Amendments

- Case 420-AM-04 Rezone selected AG-2 properties to AG
- Case 421-AM-04 Rezone selected CR properties to AG
- Case 422-AM-04 Rezone selected AG-1 and AG-2 properties to CR
- Case 428-AM-04 Rezone selected properties to add the Resource Protection Overlay District (RPO)

Phase One-Related Events. Table One contains a summary of key Phase One-related events (initiated by County Board, ELUC, ZBA or Department Director):

Table One: Summary of Phase One Events

5/22/2000 - 6/12/2000.....	'town meetings' held to bring forward concerns related to zoning and development of rural land & to solicit public feedback
1/17/2001 - 8/15/2001.....	ELUC reviews draft <i>Land Use Regulatory Policies - Rural Districts</i>
9/11/2001 - 11/20/2001.....	County Board adopts amended <i>Land Use Regulatory Policies - Rural Districts</i>
1/2002 - 7/2003.....	initial set of Phase One text amendments (Case 352-AT-02) drafted & reviewed in public hearings at ZBA. Withdrawn & replaced by Case 415-AT-03
11/10/2003.....	public notice of text amendment Case 415-AT-03, Parts A through M
11/20/2003.....	release of <i>Public Review Draft One</i> dated 11/20/2003 (PRD1)
11/25/2003 - 9/16/2004.....	Phase One public hearings at ZBA
3/9/2004.....	release of <i>Public Review Draft Two</i> dated 3/9/2004 (PRD2)
8/11/2004.....	public notice of text amendment Case 415-AT-03, Part N and map amendment Cases 420-AM-04; 421-AM-04; 422-AM-04; & 428-AM-04
8/19/2004.....	County Board adopts interim Zoning Ordinance text amendments: <ul style="list-style-type: none"> ▶ minimum lot area of new lots on which dwelling can be authorized other than 'By Right' or by means of an approved rezoning increased from 10 acres to 35 acres ▶ maximum lot size restriction for new lots created on best prime farmland
11/30/2004 - 12/21/2004.....	informal follow-up interviews of rural landowners regarding Phase One
12/13/2004.....	ELUC authorizes deferral of Phase One public hearings until opinion received from Attorney General and reviewed by State's Attorney
1/5/2005.....	State's Attorney inquiry forwarded to Attorney General
1/25/2004.....	receipt of State's Attorney inquiry acknowledged by Attorney General
11/2004 - 3/30/2005.....	staff development of <i>Public Review Draft 3 (PRD3)</i>. PRD3 is not publicly available until authorized by ELUC. PRD3 revisions feature: added exemptions for existing land uses and certain existing lots; improved drainageway protection provisions; and significant improvements to readability and usability.
in progress.....	in-house staff review of PRD3

ATTACHMENT: Detail Regarding Phase One Zoning Case 415-AT-03

DETAIL REGARDING PHASE ONE ZONING CASE 415-AT-03

The following detail is based on previous public notice for the Phase One text amendment Case as it appeared in The News Gazette on March 9, 2004 and August 11, 2004. Note that prior to resumption of Phase One public hearings, an updated public notice is required that would include: a revised description of the proposed Phase One text amendment and map amendments and the time, date and location of the public hearing.

CASE: 415-AT-03. The Champaign County Zoning Administrator, 1776 E. Washington Street, Urbana, Illinois, has filed a petition to change the text of the Champaign County Zoning Ordinance. The set of text amendments that follows are proposed as a part of Phase One of the Comprehensive Zoning Review:

- A. 1) Revise the nature and intent of the AG-1, AG-2, B-1 and CR Districts and change the name of the AG-1, Agriculture Zoning District to the AG, Agriculture Zoning District;
- 2) Commence the phasing out of the AG-2 District; and
- 3) Establish a new zoning district, the RPO, Resource Protection Overlay District, that will principally be located in the CR District (but may overlie other zoning districts) and that will:
- a) include the riparian zones along the major streams in the County;
 - b) include non-riparian tracts of woodlands that are 10 acres in area or larger;
 - c) generally allow the same types of land uses as in the underlying zoning districts (which is principally the CR District); and
 - d) add restrictions to ensure that certain new development or construction of new homes in the RPO District will result in no more than minimal disturbance to natural areas and functions.

The 'Item A' text amendments are to be considered concurrently with proposed map amendments that are a part of Phase One of the Comprehensive Zoning Review.

- B. Modify the Table of Authorized Principal Uses generally as follows:
- 1) allow fewer non-residential uses in the CR and AG Districts; and
 - 2) expand the uses allowable in the B-1 District under certain circumstances.
- C. Revise certain Special Use standard conditions.
- D. Restrict the right to develop and construct dwellings "by right" on new tracts of land in the CR, AG and AG-2 Districts, generally reducing development "by right" on existing tracts that are less than 120 acres in area and increasing development "by right" somewhat on larger tracts.
- E. Restrict locations where construction may occur on certain existing and new lots in order to protect drainage systems.
- F. Increase the minimum required lot area for new lots that are not created by a plat of subdivision from one acre, excluding the public right-of-way, to two acres.

CASE: 415-AT-03 (cont.)

- G. Make other miscellaneous changes regarding standards for lots, site development and construction.
- H. Replace the Rural Residential Overlay provisions with Rural Planned Development District (RPD) provisions which will be applicable in the CR, AG and AG-2 Districts. Key features of the RPD provisions are as follows:
 - 1) generally reduces the number of lots that can be created;
 - 2) allows for potential development and construction of dwellings on new lots in addition to those allowed 'by right';
 - 3) establishes criteria which in some situations prohibit the construction of dwellings and the creation of lots except as allowed 'by right';
 - 4) establishes a maximum density or limit on the number of new dwellings and lots that can be proposed;
 - 5) requires County Board approval of both a rezoning and a special use permit in sequence; and
 - 6) adds approval criteria to Board review process.
- I. Limit the location of newly constructed dwellings or other principal uses in the Resource Protection Overlay Zoning District.
- J. For certain developments in the Resource Protection Overlay Zoning District that require a Special Use or a rezoning approval, require special studies to identify means to minimize disturbance to the environment.
- K. Require a protective buffer around public parks and preserves within which construction and other disturbance is prohibited with certain exceptions.
- L. Require a protective buffer along streams and drainageways within which significant development or disturbance (with certain exceptions) and wastewater discharge is prohibited.
- M. Make miscellaneous changes regarding zoning procedures.
- N. Add a maximum lot size restriction on best prime farmland.

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
FAX (217) 328-2426

DATE: April 6, 2005

TO: Environment and Land Use Committee

FROM: Jeff Roseman, Zoning Administrator and Susan Monte, Associate Planner

RE: **ELUC Motion to Withdraw CZR Phase One Cases 415-AT-03 and 428-AM-04**

Background. On March 11, 2005 a protest of Phase One Case 415-AT-03 and Phase One Case 428-AM-04 was received from the Mahomet Township Plan Commission. A protest to the same Phase One cases was received by the Newcomb Township Plan Commission on March 15, 2005.

At the March 14, 2004 ELUC meeting, the request was made that a motion appear on the April meeting agenda to withdraw Phase One cases protested by a township plan commission.

ELUC MOTION TO WITHDRAW CZR PHASE ONE CASES 415-AT-03 and 428-AM-04

The requested motion is to withdraw the entire Phase One text amendment (Case 415-AT-03, Parts A - N) and one of a total of four proposed Phase One map amendments: Case 428-AM-04, rezoning selected properties to add the Resource Protection Overlay District (RPO).

Alternative Motion. Staff suggests that the motion be modified to one of the following motions in order to clarify the intent and to provide direction regarding how to proceed:

Motion A. Withdraw Case 415-AT-03 and Case 428-AM-04 and direct the Zoning Administrator to propose a new text amendment and a new modified version of the overlay district (RPO) map amendment.

Motion B. Withdraw Case 415-AT-03 and Case 428-AM-04 and direct the Zoning Administrator to propose a new text amendment without the use of an overlay district (RPO).

Motion C. Withdraw Case 415-AT-03 and Case 428-AM-04 and take no further action at this time.

*(Refer to discussion below regarding the direct impact of **Motion A, B, or C** on the adopted interim amendments to the Zoning Ordinance.)*

Motion D. Take no action at this time.

DISCUSSION

To date, significant effort and resources have been spent by the County on the development and public review of *Land Use Regulatory Policies for Rural Districts* and earlier versions of proposed Phase One modifications to the Zoning Ordinance. The *Public Review Draft 3* version to be forwarded to ELUC would reflect staff's best effort to bring forward a proposal that meets a

Discussion (cont.)

combination of the following criteria to the fullest extent possible:

- 1) operationalizes both the approved *Ordinance Objectives* dated March 10, 1999 and adopted *Land Use Regulatory Policies for Rural Districts* dated November 20, 2001;
- 2) is responsive to concerns raised by: rural landowners, public representatives; ZBA and ELUC members;
- 3) is ensured to be within the limitations of state law; and
- 4) attempts to establish standards, procedures, and provisions that evaluates development activities in an objective manner that preserves the integrity and the continuity of the rural districts.

An ELUC decision to withdraw Phase One zoning cases prior to receiving an opinion from the Attorney General in response to the State's Attorney inquiry or prior to a complete review of *Public Review Draft 3* may be premature.

IMPACTS OF SELECTING MOTIONS A, B, OR C.

Withdrawal of Case 415-AT-03 directly impacts the Adopted Interim Amendments. A copy of Ordinance 729 [interim amendments to the Zoning Ordinance passed by the County Board on August 19, 2004] is provided as an Attachment. That Ordinance is effective "...on an interim basis until the effective date of the Champaign County Board final action on .. Case 415-AT-03." A decision by ELUC to withdraw Case 415-AT-03 at this time would represent the equivalent of "a County Board final action" on Case 415-AT-03.

If the Committee selects either of the **Motions A, B, or C** which involve the withdrawal of Case 415-AT-03, staff suggests that prior to withdrawal of case 415-AT-03, the Committee should authorize a new text amendment to replace the interim amendments in order to retain the provisions of the interim amendments adopted on August 19, 2004. To guarantee the continuity of the interim amendments in place, a new text amendment would need to be considered by the ZBA and ELUC with final action by the County Board prior to ELUC action on the proposed withdrawal of case 415-AT-03.

REGARDING MOTION B. Withdraw Case 415-AT-03 and Case 428-AM-04 and direct the Zoning Administrator to propose a new text amendment without the use of an overlay district (RPO).

In practice, the use of 'overlay districts' are a widespread, and commonly used means to enable the identification and delineation of certain areas for a more efficient administration of zoning provisions.

Landowners attending previously held Phase One hearings reacted in opposition to the use of an overlay district to delineate specific sensitive riparian environments. Many rural landowners believe that their property value will decrease if the RPO district is designated on all or a portion of their property. Other rural landowners want no additional restrictions placed on their use of property, regardless of whether an overlay district is used or not. And others are pleased with

MOTION B (cont.)

most of the proposed provisions but would still like further changes or clarifications on various provisions that may impact their particular property.

A decision by ELUC to direct staff to withdraw the use of an overlay district (the RPO), would be made prior to the input of the Attorney General response to the State's Attorney inquiry and prior to receiving and reviewing the next version of the *Public Review Draft*.

REGARDING MOTION C. Withdraw Case 415-AT-03 and Case 428-AM-04 and take no further action at this time.

If the Committee selects **Motion C**, this will have the effect of preventing all four of the Phase One map amendment cases from continuing through the public hearing process. All four proposed Phase One map amendment cases are linked to Case 415-AT-03 and are proposed concurrently.

The proposed Phase One map amendments contain map changes or adjustments that are based on the proposed text amendments that revise the nature and intent of the rural zoning districts.

REGARDING MOTION D. Take no action at this time.

The township plan commission protests received to Case 415-AT-03 are based primarily on the Phase One text amendments as represented in Public Review Draft 2 (released on 3/9/2004 and revised on 8/11/2004). As can be evidenced from the Phase One Status Report provided under separate cover, numerous events have occurred since the last public notice date of August 11, 2004, including:

- ▶ ZBA public hearings on August 26, 2004, September 2, 2004 and September 16, 2004
- ▶ County Board adoption of interim amendments to the Zoning Ordinance on August 19, 2004
- ▶ informal follow-up interviews of rural landowners during November and December, 2004
- ELUC deferral of public hearings on December 13, 2004
- ▶ State's Attorney inquiry to Attorney General on January 5, 2005
- ▶ staff production of Public Review Draft 3 under review
- ▶ formation of new township plan commissions and continued public debate

If a 'no-action' option is selected by ELUC at this time, the following Phase One scenario is possible:

- ▶ staff completion of in-house review of *Public Review Draft 3* to the extent possible without results of requested Attorney General response
- ▶ Assistant State's Attorney reports to ELUC regarding Attorney General opinion, once received
- ▶ staff re-assessment of *Public Review Draft 3* upon receipt of the Attorney General response and State Attorney's report
- ▶ staff distribution of any necessary revisions of *Public Review Draft 3* to ELUC for review based on the above actions
- ▶ the interim amendments adopted on August 19, 2004 remain in effect.

Selecting a 'no-action' option at this time will allow ELUC the benefits of receiving the Attorney General response to the State's Attorney inquiry made and reviewing any revisions necessary to Public Review Draft 3.

ATTACHMENT: *Champaign County Ordinance 729, Ordinance Amending Zoning Ordinance*

ORDINANCE NO. 729
ORDINANCE AMENDING ZONING ORDINANCE

466-AT-04, Parts A and B

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation, and forwarded to this Board Case Number 466-AT-04;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to amend the Champaign County Zoning Ordinance in a manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois that Resolution No. 971 *The Zoning Ordinance of the County of Champaign, Illinois*, be amended in the following manner:

Part A

1. Change existing Footnote 9 in Section 5.2 to read as follows:

- 9. On an interim basis until the effective date of the Champaign County Board final action on Cases 414-AT-03 and 415-AT-03, no more than three lots in total (in any number of subdivisions involving lots that are less than 35 acres in area) are allowed to be platted per parcel except as provided in Section 5.4.2.**

Thereafter, no more than three lots in total (in any number of subdivisions involving lots that are 10 acres or less in area) are allowed to be platted per parcel except as provided in Section 5.4.2.

2. Change existing Subsection 5.4.2 to read as follows:

5.4.2 Exemptions

A. On an interim basis until the effective date of the Champaign County Board final action on Cases 414-AT-03 and 415-AT-03, the following may be permitted in the CR, AG-1 and AG-2 Districts without the creation of a Rural Residential Overlay District:

- 1. The creation of any number of lots greater than 35 acres in area.**
- 2. The creation of the first three lots less than 35 acres in area created out of any parcel of land existing in the same dimensions and configurations as on January 1, 1998, provided, however that any such parcel that is greater than or equal to 25 acres in area and less than 50 acres may be divided into four lots.**
- 3. No lot that is 5 acres or less in area may be further divided.**

4. The creation of any number of lots contained in a subdivision having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.
- B. Thereafter, the following may be permitted in the CR, AG-1 and AG-2 Districts without the creation of a Rural Residential Overlay District:
1. The creation of any number of lots greater than 10 acres in area.
 2. The creation of the first three lots less than 10 acres in area created out of any parcel of land existing in the same dimensions and configurations as on January 1, 1998; or
 3. The creation of any number of lots contained in a subdivision having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.
3. Incorporate the amendments into the text of the Champaign County Zoning Ordinance.

Part B

1. Amend Section 5.3 to add an interim maximum lot size restriction for development in the CR, AG-1, and AG-2 Districts:

5.3 Schedule of Area, Height and Placement Regulations by District

Zoning DISTRICTS	Minimum LOT Size ¹²		Maximum HEIGHT ^{4,11}		Required YARDS (feet)					Maximum LOT COVERAGE	Special Provisions
	Area (square feet)	Average Width (feet)	Feet	Stories	Front Setback from STREET Centerline ³			SIDE ⁷	REAR ⁶		
					STREET Classification						
					MAJOR	COLLECTOR	MINOR				
AG-1 AGRICULTURE	1 Acre	200	50	NR ¹⁰	85	75	55	15	25	20%	(5, 13)
AG-2 AGRICULTURE	20,000	100	50	NR ¹⁰	85	75	55	10	20	25%	(5, 13)
CR Conservation-Recreation	1 Acre	200	35	2 ½	85	75	55	15	25	20%	(5, 13)

Footnotes

13. On an interim basis until the effective date of the Champaign County Board final action on Cases 414-AT-03 and 415-AT-03, the following maximum lot area requirements apply in the CR, AG-1 and AG-2 Districts:

- A. Lots that meet all of the following criteria may not exceed a maximum lot area of three acres:
 - 1) The lot is RRO-exempt;
 - 2) The lot has a Land Evaluation score greater than or equal to 85 on the County's Land Evaluation and Site Assessment System; and
 - 3) The lot is created from a tract that had a lot area greater than or equal to 12 acres as of January 1, 1998.

- B. Lots that meet both of the following criteria may not exceed an average maximum lot area of two acres:
 - 1) The lot is located within a Rural Residential Overlay District; and
 - 2) The lot has a Land Evaluation score of greater than or equal to 85 on the County's *Land Evaluation and Site Assessment System*.

- C. The following lots are exempt from the three-acre maximum lot area requirement indicated in Paragraph A:
 - 1) 'Remainder Area Lot'

A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998 and that is located outside of the boundaries of a RRO-exempt lot less than 35 acres in lot area. No construction or use that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot'.
 - 2) Any lot greater than or equal to 35 acres in lot area.

Thereafter, no maximum lot area zoning restrictions are required.

- 2. Create Subsection 5.4.4 to add an interim average maximum lot size restriction for development in a Rural Residential Overlay

5.4.4 Average Maximum Lot Area Requirement

On an interim basis until the effective date of the Champaign County Board final action on Cases 415-AT-03 and 415-AT-03, lots within a Rural Residential Overlay District with a Land Evaluation score of greater than or equal to 85 on the County's *Land Evaluation and Site Assessment System* must not exceed an average maximum lot area of two acres.

Thereafter, no average maximum lot area zoning restriction is required within a Rural Residential Overlay District.

3. Incorporate the amendments into the text of the Champaign County Zoning Ordinance.

PRESENTED, PASSED, APPROVED AND RECORDED this 19th day of August, 2004.

SIGNED:



Patricia Avery
Chair,
Champaign County Board
Champaign County, Illinois

ATTEST:



Mark Sheldon,
County Clerk &
Ex Officio Clerk of the County Board

Champaign
County
Department of

Memorandum

**PLANNING &
ZONING**

Date: April 5, 2005

To: Environment and Land Use Committee

From: Jeffrey Roseman, Zoning Administrator

Brookens

Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

Re: Dog Nuisance Complaints

The Environment and Land Use Committee requested at the February 14th meeting for staff to explore the possibility of moving animal complaints involving barking dogs or other domestic animal complaints from Planning and Zoning to Animal Control. Staff examined this possibility and also consulted the States Attorneys Office regarding the legal opinion on the State statutes. The State Attorney's Office has provided their legal opinion in this matter and it is include for your reference. To summarize the States Attorneys Office opinion on moving such complaints, is that these complaints must remain in the Department.

Attachments

1. States Attorneys Opinion

Julia R. Rietz
State's Attorney

Steven D. Ziegler
First Assistant State's Attorney

Matthew J. Hartrich
Assistant State's Attorney
email: mhartrich@co.champaign.il.us



Civil Division
Brookens Administrative Center
1776 East Washington Street
Urbana, Illinois 61802-4581
Phone: (217) 384-3776
Fax: (217) 384-3896

**Office of
State's Attorney
Champaign County, Illinois**

TO: Jeffrey Roseman, Zoning Administrator
FROM: *MJH* Matthew J. Hartrich, Assistant State's Attorney
RE: Domestic Animal Nuisance Complaints
DATE: 03/23/05

QUESTION PRESENTED

1. Whether domestic animal nuisance complaints concerning barking dogs and animal waste may be assigned to the Champaign County Animal Control Department ("Animal Control") from the Champaign County Planning and Zoning Department ("Zoning")?

SHORT ANSWER

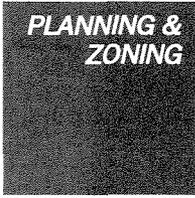
1. No. Animal Control is limited in its authority to the powers specifically granted to it under Illinois law because Champaign County is a non-home rule unit of government. The Animal Control Act does not give Animal Control the authority to handle the type of domestic animal nuisance complaints that Zoning wishes to assign to Animal Control. Consequently, Animal Control is not permitted under Illinois law to investigate these types of complaints.

DISCUSSION

“Non-home rule units of government are restrained by Dillon’s Rule.” *Ryan v. Village of Hanover Park*, 311 Ill. App. 3d 515, 524, 724 N.E.2d 132, 138, 243 Ill. Dec. 823, 829 (1st Dist. 1999). Under Dillon’s Rule, non-home rule units of government only possess such powers as are granted by statute or by the Illinois Constitution. *Id.* Furthermore, because a non-home rule unit of government derives its powers from express grants from the Illinois General Assembly, the statutes granting a power to those units of government must be strictly construed and any doubts about an asserted power must be resolved against a non-home rule unit of government. *Fischer v. Brombolich*, 207 Ill. App. 3d 1053, 1059, 566 N.E.2d 785, 789, 152 Ill. Dec. 908, 911 (5th Dist. 1991).

The Illinois Animal Control Act, 510 ILCS 5/1 *et seq.*, does not grant Animal Control the authority to handle barking dog and animal waste complaints. Animal Control’s duties include controlling and preventing the spread of rabies and dog and cat overpopulation through sterilization, humane education, rabies inoculation, stray control, impoundment, and quarantine. 510 ILCS 5/5. Animal Control’s other primary duties include determining whether dogs are dangerous or vicious. 510 ILCS 5/15 & 5/15.1.

Because the County is a non-home rule unit of government and no statutory enactment grants Animal Control the authority to act on barking dog and animal waste complaints, Animal Control lacks the authority to handle these types of complaints.



Memorandum

Date: April 6, 2005

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

(217) 384-3708
FAX (217) 328-2426

To: Environment and Land Use Committee

From: Jeffrey Roseman, Director of Planning and Zoning

Re: Champaign County Soil and Water Conservation District's
Salt Fork Watershed Plan - Technical Advisory Committee Participation

On February 8th the Champaign County Soil and Water District made a request of the Department to participate in the development a watershed plan for the Salt Fork Watershed. Specifically, they requested that a member on staff volunteer to serve on the Technical Advisory Committee regarding land use issues in exchange for some data that the Department requested in conjunction with the Comprehensive Zoning Review.

The proposed watershed plan is intended to address several issues including but not limed to water quality, environmental integrity of the watershed, the impacts of growth and development and recreational opportunities within the watershed. Segments of the Salt Fork watershed have been placed on Illinois Environment Protection Agency list of impaired waters. The watershed plan needs to be completed in approximately 18 months and will have a life span of approximately 15 to 20 years to provide an adequate opportunity to implement and evaluate the results of all of the proposed actions of the developed plan. The Committee should be aware that other planning staff members may have an interest in or be asked to participate in some fashion to provide assistance in the development of this plan.

If the Committee feels it is necessary, I can obtain a letter from Champaign County Soil and Water Conservation District officially requesting the full participation and cooperation of the Department in the effort to develop the plan. A letter can be received by the next regularly scheduled ELUC meeting.

ADDENDUM TO AGENDA

Champaign County Environment & Land Use Committee

Members:

*Jan Anderson, Patricia Busboom, Chris Doenitz,
Tony Fabri, Nancy Greenwalt (VC), Ralph
Langenheim (C), Brendan McGinty, Steve Moser,
Jon Schroeder*

Date: *April 11, 2005*

Time: *7:00 p.m.*

Place: *Meeting Room 1
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

- A1. Request of Bruce Carothers to waive or reduce the Zoning Use Permit fee to the 2001 rate for a detached garage which was constructed in May, 2000 without obtaining a permit. The garage is located at 3558 N CR 1700E, Ludlow, IL.** AY1 thru AY4
- A2. Support of HB-0025: Eliminating a Loophole from the State Statute 55 ILCS 5/12002 Inoperable Motor Vehicles. (Originally presented and recommended for approval by ELUC at the February 14, 2005 meeting as HB-4910.)** AY5 thru AY7

Champaign
County
Department of

**PLANNING &
ZONING**

Date: April 6, 2005

To: Environment and Land Use Committee

From: Zoning Administrator

Request for Action: Request of Bruce Carothers to waive or reduce the Zoning Use Permit fee to the 2001 rate for a detached garage which was constructed in May, 2000 without obtaining a permit. The garage is located at 3558 N CR 1700 E, Ludlow, IL

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

(217) 384-3708
FAX (217) 328-2426

The petitioner is requesting a waiver of the fee for a detached garage that was discovered during a site inspection for the issuance of the zoning compliance certificate on Zoning Use Permit 140-00-01 on March 7, 2005. A notice of violation was issued informing the petitioner that the zoning compliance certificate could not be issued until the application and fee for the garage was paid.

The petitioner contacted the Zoning Administrator regarding this notice felt it was unfair to cite him for a structure that was existing prior to his acquisition of the property. It was explained to petitioner that the practice of the Department is to inspect only those properties that request immediate inspections all others structure are inspected as time allows. I further informed the petitioner that it is his responsibility as a buyer to check with the County to ensure that the parcel being purchased is in full compliance with the regulations of the ordinance.

The petitioner is requesting a waiver of the entire fee or would like to see the fees reduced to the rate that would have been charged in 2000 or 2001 to the original owner. The current fee for the illegally constructed garage is \$138.00 and the original fee for the structure would have been \$103.00 in 2000- 2001.

AY1

Bruce Carothers
3558 N. CR 1700 E.
Ludlow, IL 60949
Phone/Fax: 217-396-5107

March 23, 2005

Environment & Land Use Committee
1776 E. Washington Street
Urbana, IL 61801

Re: Planning & Zoning Fee waiver request

Dear Committee members:

I am writing this letter to request your help in a situation that has recently been brought to my attention.

On March 8, 2005 I received notification from the Champaign County Planning and Zoning Department concerning an unpaid building permit fee from May 2000. It seems that the previous owners of my property erected a garage without completing the proper paper work or payment of fees. I purchased this property (including the 24 x 36 garage) in good faith December 14, 2001, and have been residing there ever since.

Prior to my purchase, a title search was performed by Chicago Title Company as required by law. A year later a second title search was done by Allied Title Company when I refinanced my home loan. Neither investigation detected any compliance issues and both indicated that all the proper filing requirements had been met.

In the interest of fairness, due to a five-year delinquent action on the part of the county, I ask your committee to grant a one-time waiver of \$138.24 (based on 2005 fee rate schedule) for this 2000 building permit fee and issue me a certificate of occupancy. It is my wish that this matter be resolved promptly without the need for further litigation.

Thank you for your assistance.

Sincerely,



Bruce Carothers, property owner

cc: Jeff Roseman, Planning & Zoning Dept.

Enclosures: Planning & Zoning letter
Zoning use permit for original owners

AY2

Champaign
County
Department of

March 8, 2005

ZN-05-26/03

**PLANNING &
ZONING**

Bruce Caruthers
3558 CR 1700E
Ludlow, IL 60949

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

(217) 384-3708
FAX (217) 328-2426

RE: Construction of a detached garage without first obtaining an approved Zoning Use Permit

Dear Mr. Caruthers:

On March 7, 2005, a Zoning Compliance Inspection was conducted on your property located at 3558 CR 1700E, Ludlow, Illinois, PIN: 14-03-01-100-003, to close out the Zoning Use Permit for your home. At the time of the inspection, it was noted that a detached garage has also been constructed on your property without first obtaining an approved Zoning Use Permit (violation of Section 9.1.2, Champaign County Zoning Ordinance).

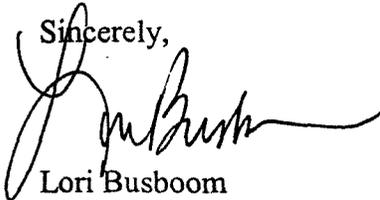
At the time of your home construction (placement) a detached garage was indicated on the site plan, however, it was designated as future construction. The Zoning Use Permit that was approved was for your home only, not the detached garage.

Therefore, a Zoning Compliance Certificate (Occupancy Certificate) cannot be issued for your home until the violation is resolved. I have included a copy of the approved Zoning Use Permit which has that notation.

I have also included a Zoning Use Permit application, fee schedule and Zoning District summary. **You must complete the Zoning Use Permit Application and submit it to our office, with the fee, by no later than March 23, 2005.** Failure to obtain an approved Zoning Use Permit for the detached garage may result in this matter being forwarded to the Champaign County State's Attorney's Office for further action.

Should you have any questions, please contact our office at 217-384-3708.

Sincerely,



Lori Busboom
Planning & Zoning Technician

enclosures

p&z\letters\violation\zn-05-26.1stnot

AY3

CHAMPAIGN COUNTY, ILLINOIS

ZONING USE PERMIT

No.: 140-00-01

Application Date: 05/19/00

Township: Ludlow Section: 1 Receipt #: 334

P.I.N.: Pt. of 14-03-01-100-⁰³~~001~~ Fee: \$265.00

Location (Address, directions, etc.): To be assigned

Owner/s: Chad and Tari Moore

Issued to: Owner: Agent: Zoning District: AG-1 Lot Area: ± 1 acre

Legal Description: Lot #: Block #: Subdivision:

or, That part of the NW 1/4 of the SW 1/4 of Section 1, Ludlow Township

Project Is To: place a manufactured home **only** on the subject property

Use Is: Accessory: Principal: Conforming: Non-Conforming:

By: Appeal #: Special Use #: Variance #:

Remarks: Detached garage is **not** included in this permit.

Conditions

This permit is issued with the understanding that all construction, use and occupancy will be in compliance with the application as filed with the Planning and Zoning Department, and with all provisions of the Champaign County Zoning Ordinance.

A Zoning Compliance Certificate must be obtained from the Department of Planning and Zoning, in writing, prior to occupancy or use of the work or structures covered by this permit (Section 9.1.3)

Date: May 25, 2000

Signed By: Jamie Hill
Zoning Administrator
Authorized Agent

Champaign
County
Department of

**PLANNING &
ZONING**

Date: April 6, 2005

To: Environment and Land Use Committee

Brookens

Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

FAX (217) 328-2426

From: Zoning Administrator

Request for Action: Support of HB 0025: Eliminating a loophole from the State Statute 55 ILCS 5/12002 Inoperable Motor Vehicles. Originally presented and recommended for approval by ELUC at the February 14, 2005 meeting as House Bill 4910.

An error was made in the House Bill number that was submitted to the Committee in January and approved in February. When the original resolution of support as House Bill 4910 when it should have been listed as HB 0025. The resolution of support for HB 4910 proposed amendments to the state statute that would eliminate a current loophole in the statute covering inoperable vehicles over 25 years old.

House Bill #4910 was the correctly number for year 2004, although I was not aware that each year, in the life of proposed legislation, the Bills must be resubmitted if no action has been taken. As a result the bill may be assigned a new number each time the Bill is introduced, as was this case.

So what was HB 4910 in 2004, is now HB 0025 for the calender year of 2005. The bill number is the only change to this Bill. Therefore, the Resolution that was originally submitted and approved remains the same, except for the correction to the House Bill number.

This requested action is being done per the advice of the State Attorneys Office to avoid any the appearance of improper actions on the Boards part. Therefore, Zoning Administrator request that this correction to the Resolution be recommended for approval and placed on the consent agenda for the April 21st, County Board agenda.

AY5

RESOLUTION NO. _____

RESOLUTION SUPPORTING HOUSE BILL ~~4910~~ 0025 THAT WOULD REVISE THE STATE STATUTE PERTAINING OF THE COUNTY CODE ON “INOPERABLE VEHICLES”

WHEREAS, the quality of life of the residents of Champaign County is directly affected by the quality of the environment in which we live; and

WHEREAS, the Champaign County Board regularly makes decisions that impact our environment, ranging from questions of zoning and development to public nuisance and enforcement; and

WHEREAS, the County Board currently receives numerous complaints pertaining to inoperable vehicles throughout the unincorporated areas of the County; and

WHEREAS, such nuisances may reduce property values and contribute to blighted conditions in areas of the County; and

WHEREAS, the County Board intends to ensure good stewardship of our environment while maintaining a viable economic base for the County and to preserve the property values of neighborhoods throughout the County; and

WHEREAS, the State Legislature has wisely given Champaign County the authority, in Section 5-12002 of the Counties Code (55 ILCS 5/5-12002), to declare inoperable vehicles public nuisances;

WHEREAS, the current exclusion of historic vehicles over 25 years of age from the statutory definition of an “inoperable vehicle” in Section 5-12002 of the Counties Code obstructs the effective administration of this statute in the unincorporated areas of Champaign County ; and

WHEREAS, House Bill ~~4910~~ 0025 would eliminate the exclusion of historic vehicles over 25 years of age” from the definition of “inoperable vehicles” in Section 5-12002 of the Counties Code;

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board, Champaign County, Illinois, as follows:

1. That it supports of House Bill ~~4910~~ 0025 and encourages the 94th General Assembly of Illinois to pass the same, or another Bill that is in substance the same.
2. That the Zoning Administrator is directed to convey a certified copy of this Resolution to Chapin Rose and Naomi Jakobsson, State

Representatives for Champaign County; and Richard Winkel Jr., State
Senator representing Champaign County.

PRESENTED, ADOPTED, APPROVED AND RECORDED this ~~24th~~ 21st day
of ~~February~~ April A.D. 2005.

SIGNED: _____
Barbara Wysocki, Chair
Champaign County Board
Champaign County, Illinois

ATTEST: _____
Mark Shelden, County Clerk &
Ex-Officio Clerk of the County Board