

CASE NO. 960-S-19

PRELIMINARY MEMORANDUM

October 24, 2019

Petitioner: Travis and Amanda Heath

Request: Authorize a Special Use Permit for construction of an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District

Location: An 18.93 acre tract that is part of the West Half of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 23 of Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, commonly known as the vacant tract just west of the residence with an address of 485 CR 2675N, Mahomet.

Site Area: 18.93 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

Brookens Administrative Center
1776 E. Washington Street
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www.co.champaign.il.us/zoning

BACKGROUND

The petitioners have applied for a permit to construct a ±3.8 acre pond for private recreational use; any artificial pond of 1 or more acres in area requires a Special Use Permit. The petitioners live on an adjacent lot east of the subject property.

Construction sites that disturb one acre or more must have an approved ILR10 permit from Illinois EPA under the National Pollutant Discharge Elimination System (NPDES) for storm water discharges from construction site activities.

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Newcomb Township, which has a Plan Commission. Townships with Plan Commissions do not have protest rights on Special Use Permits; however, they do receive notice of such cases and they are invited to comment.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Vacant/Wooded Area/Prairie	AG-1 Agriculture
North	Residential	CR Conservation Recreation
East	Residential & Agriculture	AG-1 Agriculture
West	Vacant/Wooded Area/Prairie	CR Conservation Recreation
South	Residential & Agriculture	AG-1 Agriculture

STORM WATER AND EROSION CONTROLS

The petitioners were notified that they require an Illinois Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) ILR10 General Construction Storm Water Permit. Compliance with state and local regulations will be checked during construction and during the Zoning Compliance Certificate inspection done post-construction.

A copy of the petitioner's Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit has not been received as of October 24, 2019.

BEST PRIME FARMLAND STATUS

The 18.93-acre lot size was reviewed for Best Prime Farmland in order to determine if a maximum lot size variance would be required per Section 5.3, Footnote 13. The review showed that the property was lawfully created before the establishment of the current definition of Best Prime Farmland, making it a non-conforming lot that does not need a variance for exceeding maximum lot area. The following information can be found in the Summary of Evidence:

Under Item 8:

- F. The subject property is considered Best Prime Farmland. The soil on the subject property consists of Drummer silty clay loam 152A, Blount silt loam 23A, Blount silt loam 23B2, Ozaukee silt loam 530B and Ozaukee silt loam 530D2, and has an average Land Evaluation Factor of 81. Despite the LE score of 81, which is less than the Best Prime Farmland minimum score of 91, the property is still Best Prime Farmland because the definition also includes properties where greater than 10% of the land area has an LE score of at least 91.

Under Item 9.B:

- (2) Regarding Best Prime Farmland:
 - a. The subject property is non-conforming with respect to the current definition of Best Prime Farmland by virtue of the Plat of Survey that was recorded on October 5, 2005, prior to the adoption of Case 711-AT-12 on November 27, 2012, which established the current definition of Best Prime Farmland.
 - (a) The minimum Land Evaluation Factor for Best Prime Farmland at the time of survey was 85.
 - (b) Even though the site includes a significant amount (approximately 26%) of Agriculture Value Group 1 soils as determined by the Champaign County LESA system, which would make it Best Prime Farmland by current definition, this lot was lawfully created and is therefore nonconforming with respect to the maximum lot size requirement.

PROPOSED SPECIAL CONDITIONS

- A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Storm Water Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Storm Water Drainage Plan.**

The above special condition is required to ensure the following:

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

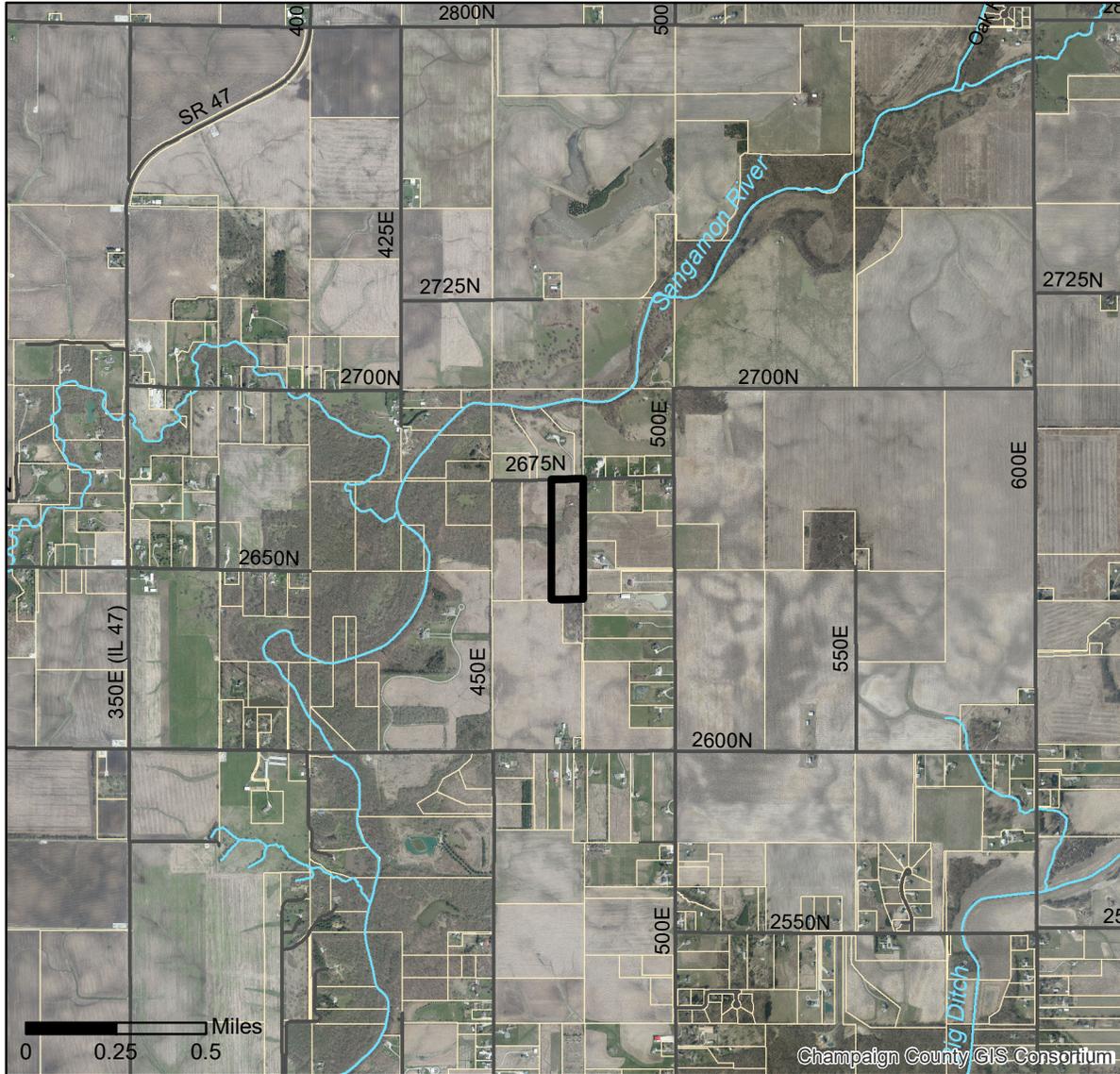
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received September 9, 2019
- C Map: 2008 Elevation Contours on 2017 aerial created by P&Z Staff
- D Natural Resources Report received October 7, 2019 from Champaign County Soil and Water Conservation District
- E Site photos taken September 19, 2019
- F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated October 31, 2019

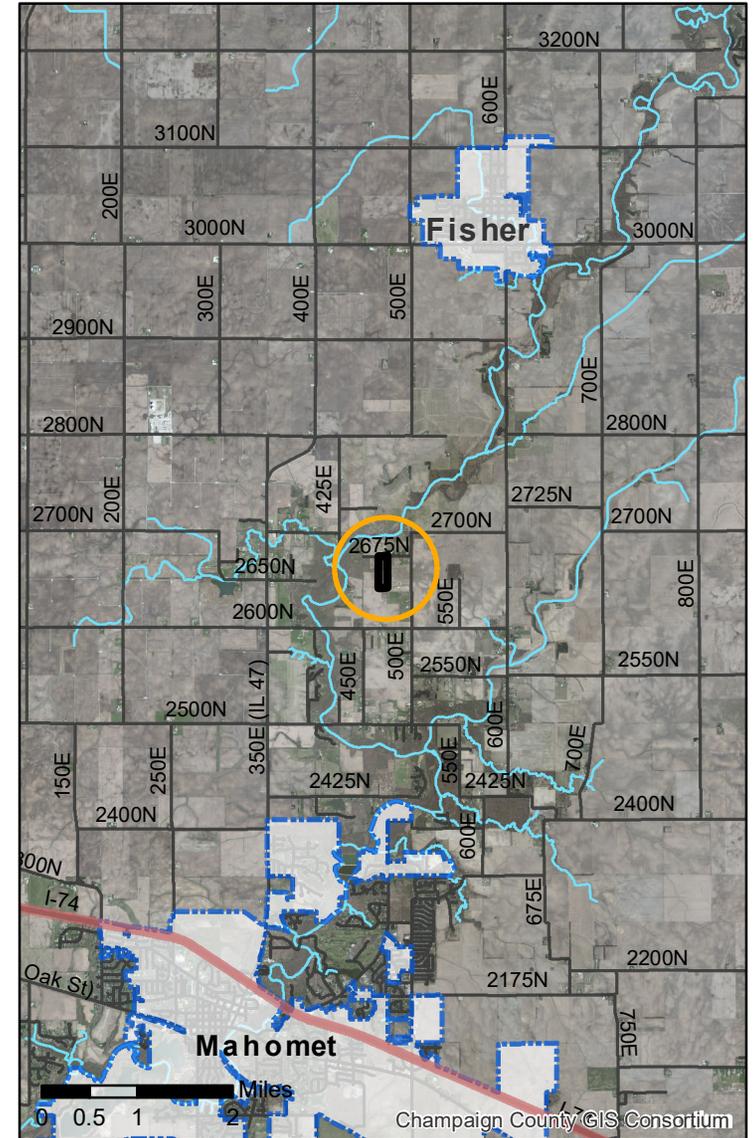
Location Map

Case 960-V-19
October 31, 2019

Subject Property



Property location in Champaign County



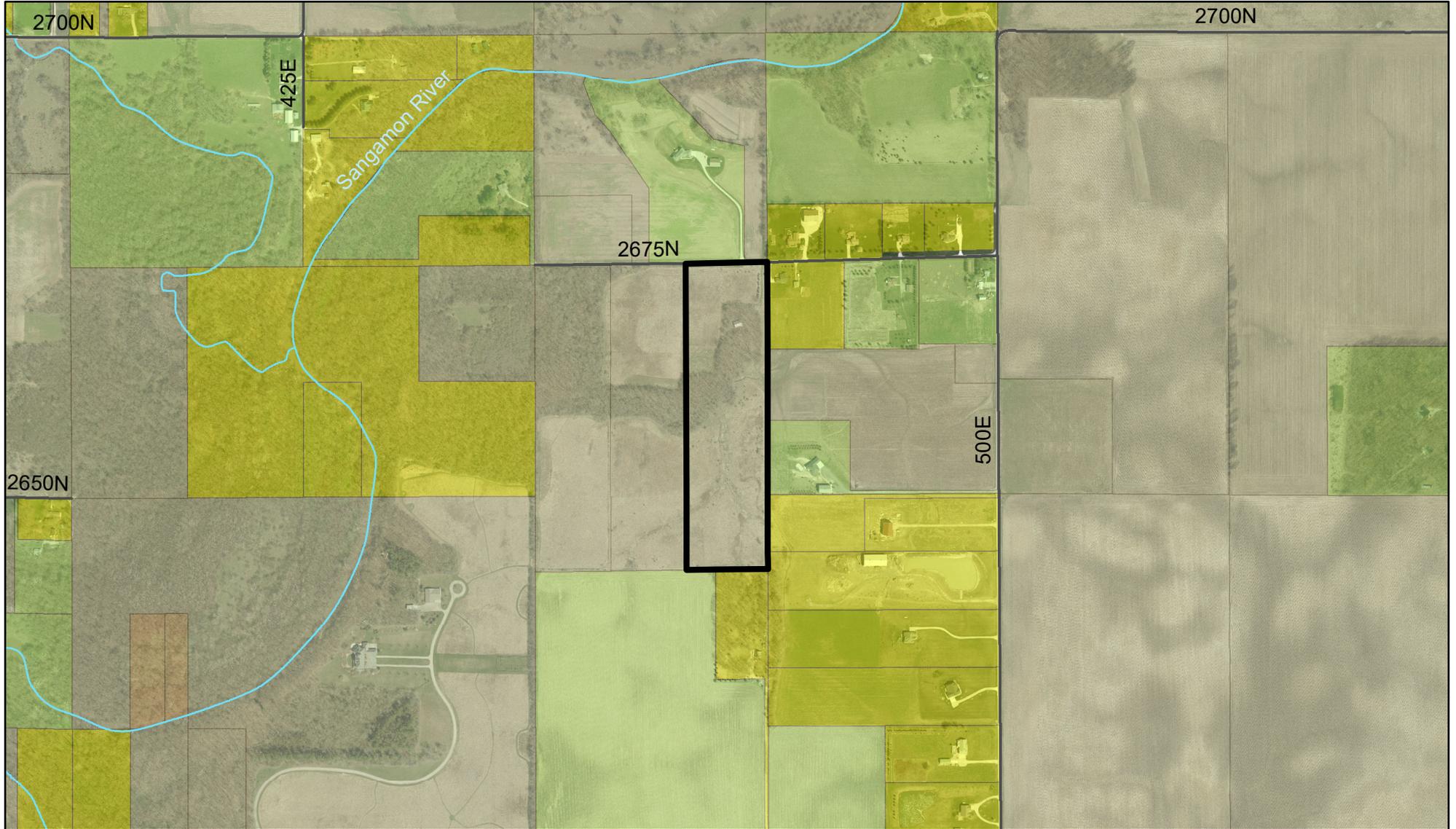
Legend

-  Subject Property
-  Parcels
-  Streams



Land Use Map

Case 960-S-19
October 31, 2019



Legend

-  Subject Property
-  Residential
-  Agriculture
-  Tax Exempt
-  Ag-Residential

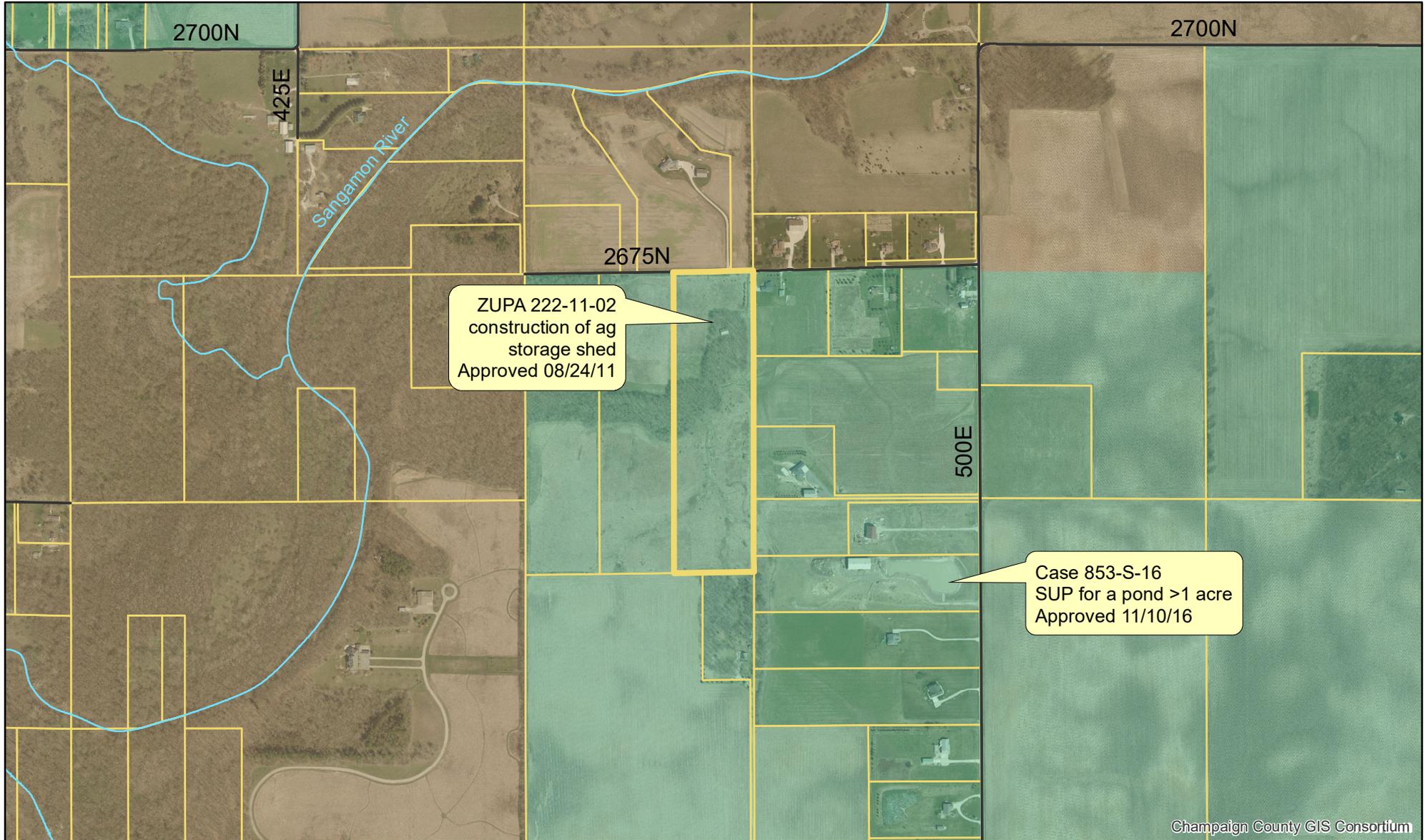
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Champaign County
Department of
PLANNING &
ZONING

Zoning Map

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October 31, 2019



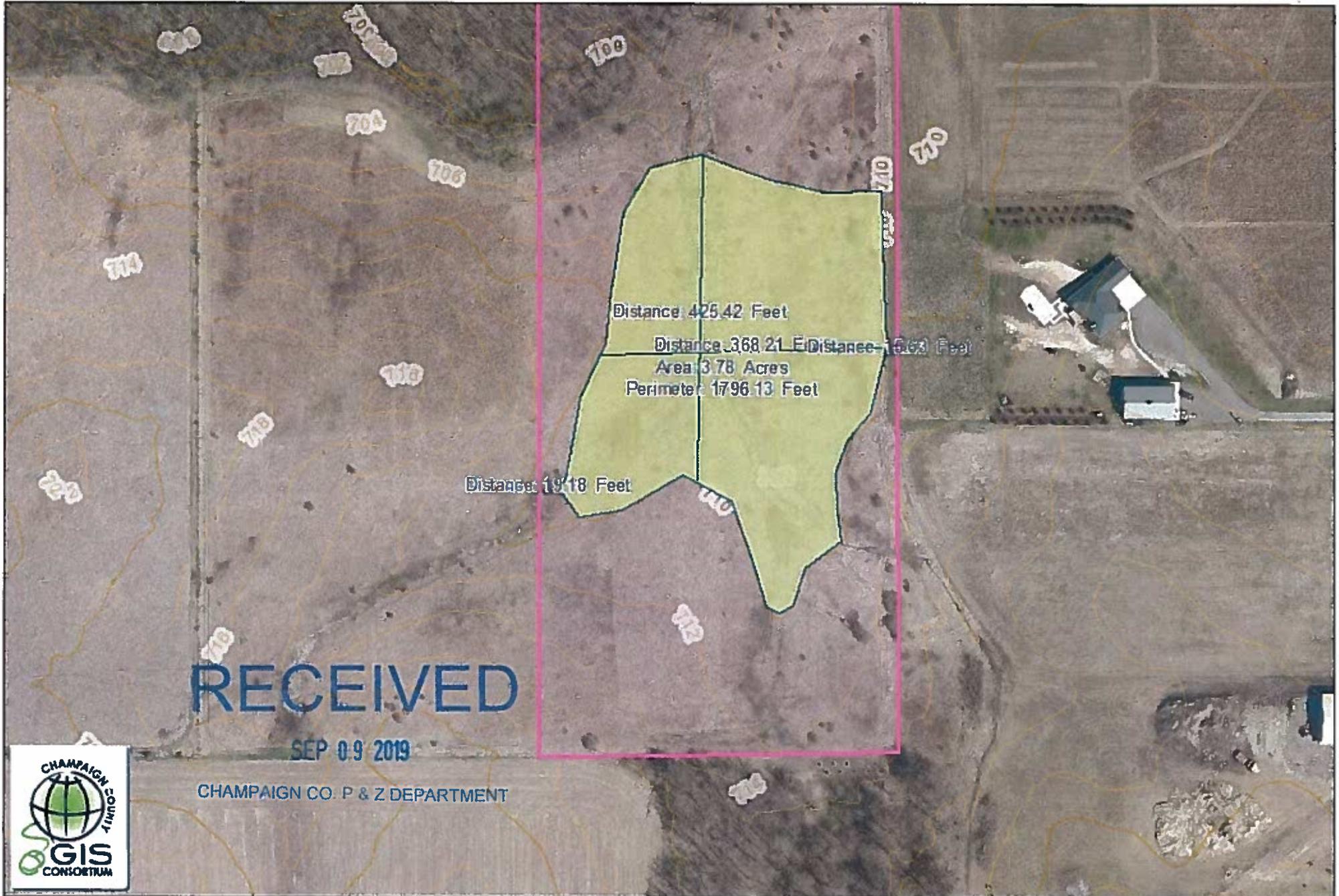
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- Subject Property
- AG-1 Agriculture
- Parcels
- CR Conservation Recreation

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GIS Webmap Public Interface Champaign County, Illinois



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CHAMPAIGN CO. P & Z DEPARTMENT



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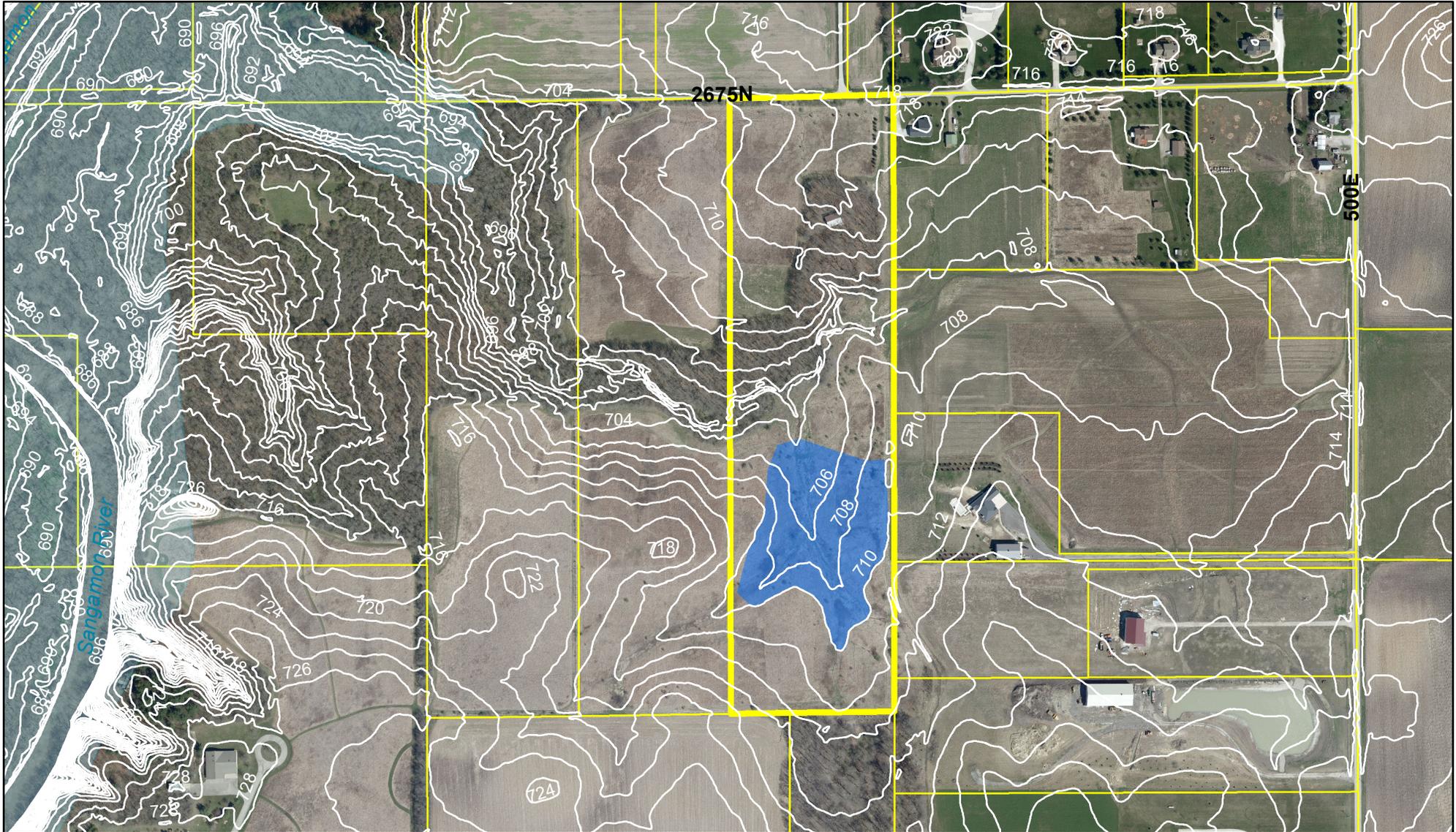


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2008 Elevation Contours on 2017 aerial

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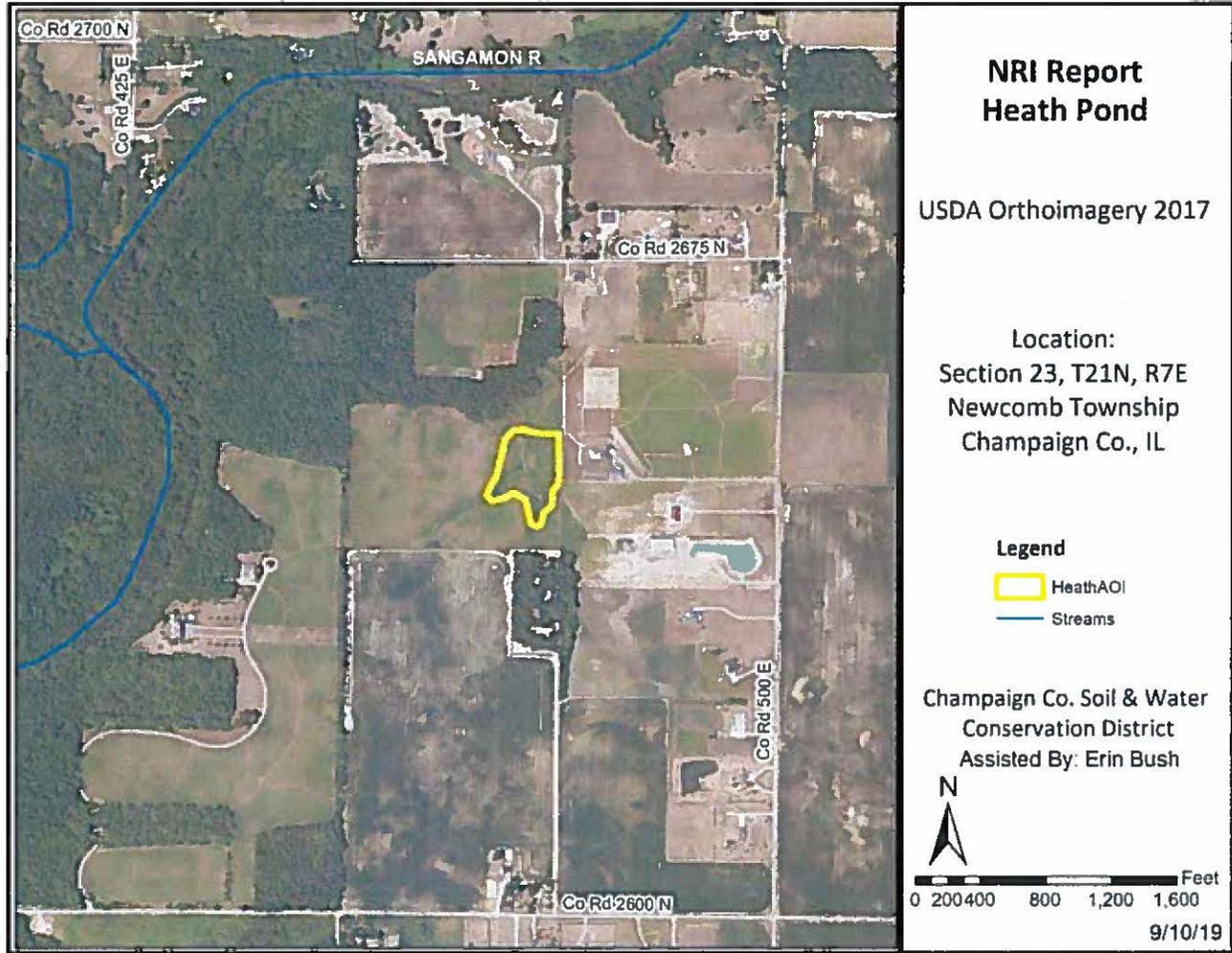
Legend

-  Subject Property
-  Approximate Proposed Pond Area
-  Parcels
-  Elevation contours (2008)
-  Mapped Floodplain

0 100 200 400 Feet



SEPTEMBER 24, 2019



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

OCT 07 2019

PETITIONER: TRAVIS J. HEATH

CHAMPAIGN CO. P & Z DEPARTMENT

PREPARED BY: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

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

Champaign County Soil and Water Conservation District Natural Resource Information Report (NRI)	
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Date District Board Reviewed Application	25 September 2019
Applicant's Name	Travis J. Heath
Contact Person	Travis J. Heath
Size of Subject Property	3.8 acres*
Present Zoning	unknown
Proposed Zoning	unknown
Present Land Use	Prairie
Proposed Land Use	Prairie and Pond

*For this report, area around the pond and in the pond will be analyzed, totaling about 18 acres. Applicant does not need to pay for this larger amount, only for the acreage of the pond (3.8 acres).

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

Report Prepared By: Erin Bush, Resource Conservationist

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Forward

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

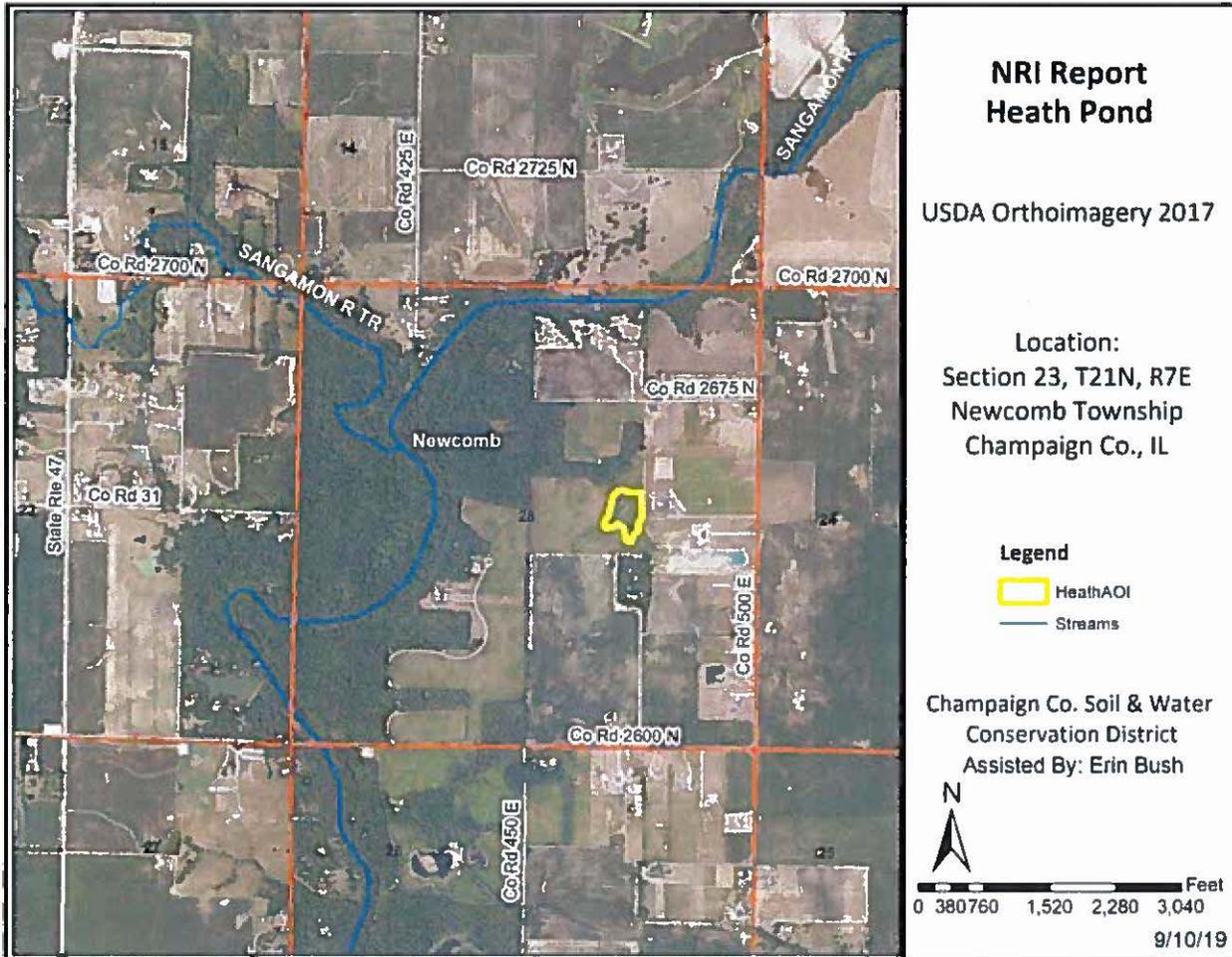
Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation,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

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

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

Subject Property Location

Location Map for Natural Resources Information Report for the Heath Pond. The property is located in the E ½ of Section 23, Township 21N, Range 7E in Champaign County, Illinois. For this report, analysis will be done on areas where the pond will be constructed, as well as the area around the pond, totaling about 18 acres.



Summary and Concerns of the Board

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

1. Some soils on the subject property are not suitable for pond/embankment construction. It is advised to perform onsite investigations with a professional to determine soil suitability for pond construction and construction strategy before moving forward. See page 10.
2. Approximately a fifth of the subject property area is considered hydric. Hydric soils are problematic for dwellings, buildings, agricultural use, and more. See pages 12-13.
3. The subject property is not located in a drainage district. Please contact township (Newcomb) officials or road commissioner for drainage questions or concerns.
4. The average Land Evaluation (LE) score for this site is: 78. See pages 15-16.
5. The subject property slopes towards a water source. Care should be taken during and after construction to make sure sediments are contained on construction site. See pages 16-17.
6. The Sangamon River INAI Site is in the vicinity of the subject property. Special care should be taken in order to not disturb this site. See pages 21-22.

Soil Information

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

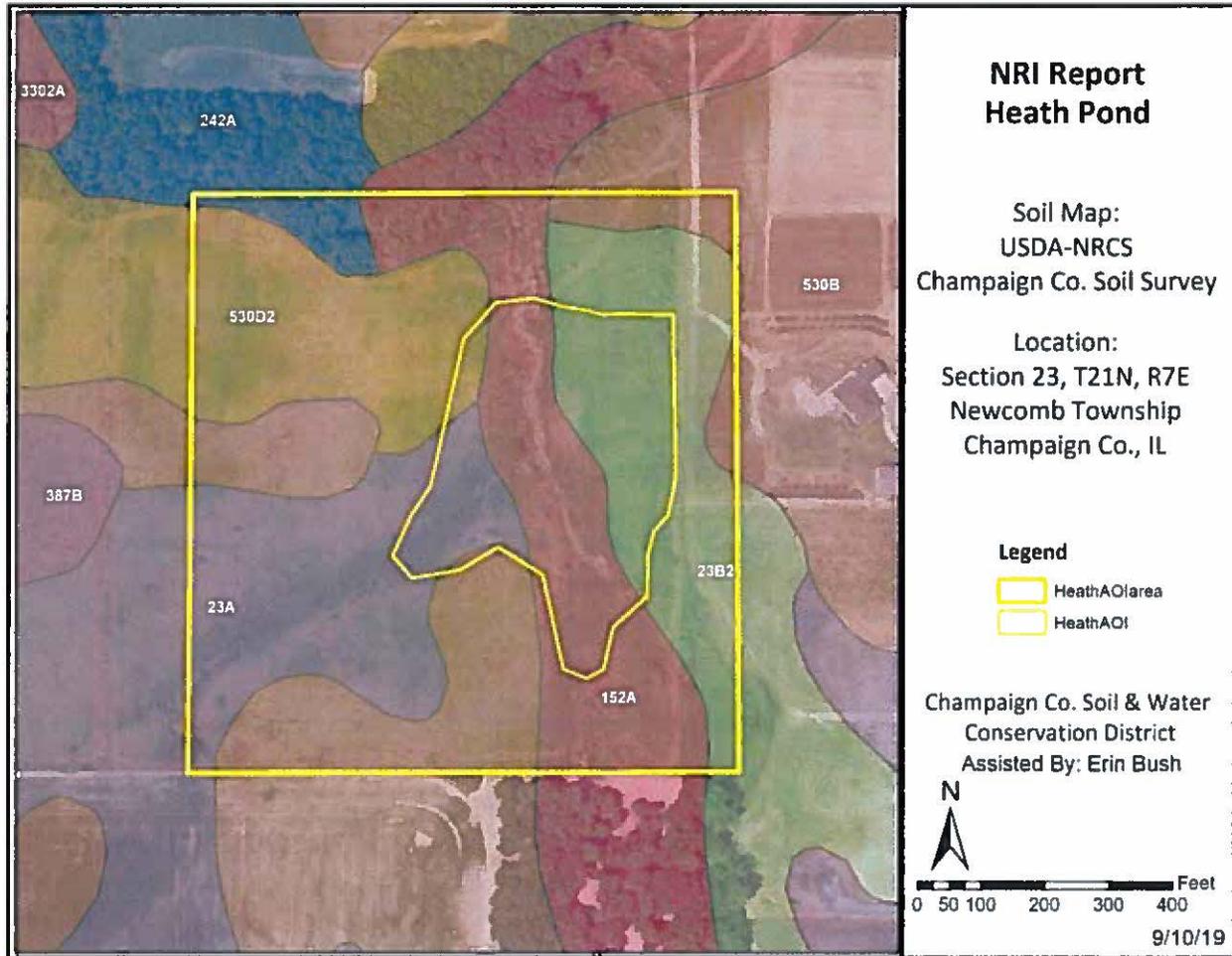


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
23A	Blount silt loam, Lake Michigan Lobe, 0-2% slopes	3.7	20.5%
152A	Drummer silt clay loam, 0-2% slopes	3.7	20.5%
23B2	Blount silt loam, Lake Michigan Lobe, 2-4% slopes, eroded	3.6	20%
530B	Ozaukee silt loam, 2-4% slopes	3.5	19.5%
530D2	Ozaukee silt loam, 6-12% slopes, eroded	3.0	16.8%
242A	Kendall silt loam, 0-2% slopes	0.5	2.7%

Introduction to Soil Interpretations

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

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

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

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

Limitation Ratings

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

Soil Interpretations

Sanitary Facilities

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

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

Table 2. Septic tank absorption fields.

Map Unit Symbol	Septic Tank Absorption Fields	Acres	Percent of Area
23A	Very limited: depth to saturated zone, slow water movement	3.7	20.5%
152A	Very limited: ponding, depth to saturated zone	3.7	20.5%
23B2	Very limited: depth to saturated zone, slow water movement	3.6	20%
530B	Very limited: depth to saturated zone, slow water movement	3.5	19.5%
530D2	Very limited: depth to saturated zone, slow water movement	3.0	16.8%
242A	Very limited: depth to saturated zone	0.5	2.7%

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

Building Site Development

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

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

Table 3. Dwellings and small commercial buildings limitations.

Map Unit Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Acres	Percent of Area
23A	Very limited: depth to saturated zone	Very limited: depth to saturated zone	Very limited: depth to saturated zone	3.7	20.5%
152A	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	3.7	20.5%
23B2	Very limited: depth to saturated zone	Very limited: depth to saturated zone	Very limited: depth to saturated zone	3.6	20%
530B	Very limited: depth to saturated zone	Somewhat limited: depth to saturated zone	Somewhat limited: depth to saturated zone	3.5	19.5%
530D2	Somewhat limited: depth to saturated zone	Somewhat limited: slope	Very limited: slope	3.0	16.8%
242A	Very limited: depth to saturated zone	Very limited: depth to saturated zone	Very limited: depth to saturated zone	0.5	2.7%

Ponds and Embankments

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

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

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

Pond Reservoir Areas: Areas that hold water behind a dam or embankment. Soils best suited to this use have low seepage potential in the upper 60 inches of the profile. The seepage potential is determined by the saturated hydraulic conductivity (Ksat) of the soil and the depth to fractured bedrock or other permeable material. Excessive slope can affect the storage capacity of the reservoir area.

Table 4. Ponds and embankments limitations.

Map Unit Symbol	Ponds and Embankments			Acres	Percent of Area
	Embankments, Dikes, Levees	Aquifer-fed Excavated Ponds	Pond Reservoir Areas		
23A	Very limited: depth to saturated zone	Very limited: depth to water	Somewhat limited: seepage	3.7	20.5%
152A	Very limited: ponding, depth to saturated zone	Somewhat limited: unstable excavation walls, slow refill	Somewhat limited: seepage	3.7	20.5%
23B2	Very limited: depth to saturated zone	Very limited: depth to water	Somewhat limited: seepage	3.6	20%
530B	Somewhat limited: depth to saturated zone, piping	Very limited: depth to water	Somewhat limited: seepage	3.5	19.5%
530D2	Somewhat limited: depth to saturated zone, piping	Very limited: depth to water	Very limited: slope	3.0	16.8%
242A	Very limited: depth to saturated zone	Somewhat limited: slow refill	Somewhat limited: seepage	0.5	2.7%

Soil Water (Wetness) Features

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

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

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

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

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

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

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

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

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

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

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

Table 5. Soil water (wetness) features.

Map Unit Symbol	HSG	Surface Runoff	Depth to Water Table (ft)			Ponding		Flooding	
			Upper Limit	Lower Limit	Kind	Duration	Frequency	Duration	Frequency
23A	C/D	Medium	0.5-2.0	2.5-4.5	Perched	-	None	-	None
152A	B/D	Neg.	0.0-1.0	6.0	Apparent	Brief	Frequent	-	None
23B2	D	Medium	0.5-2.0	2.5-4.5	Perched	-	None	-	None
530B	C	Medium	2.0-3.5	2.2-4.3	Perched	-	None	-	None
530D2	C	High	2.0-3.5	2.2-3.7	Perched	-	None	-	None
242A	B/D	Low	0.5-2.0	6.0	Apparent	-	None	-	None

Hydric Soils

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

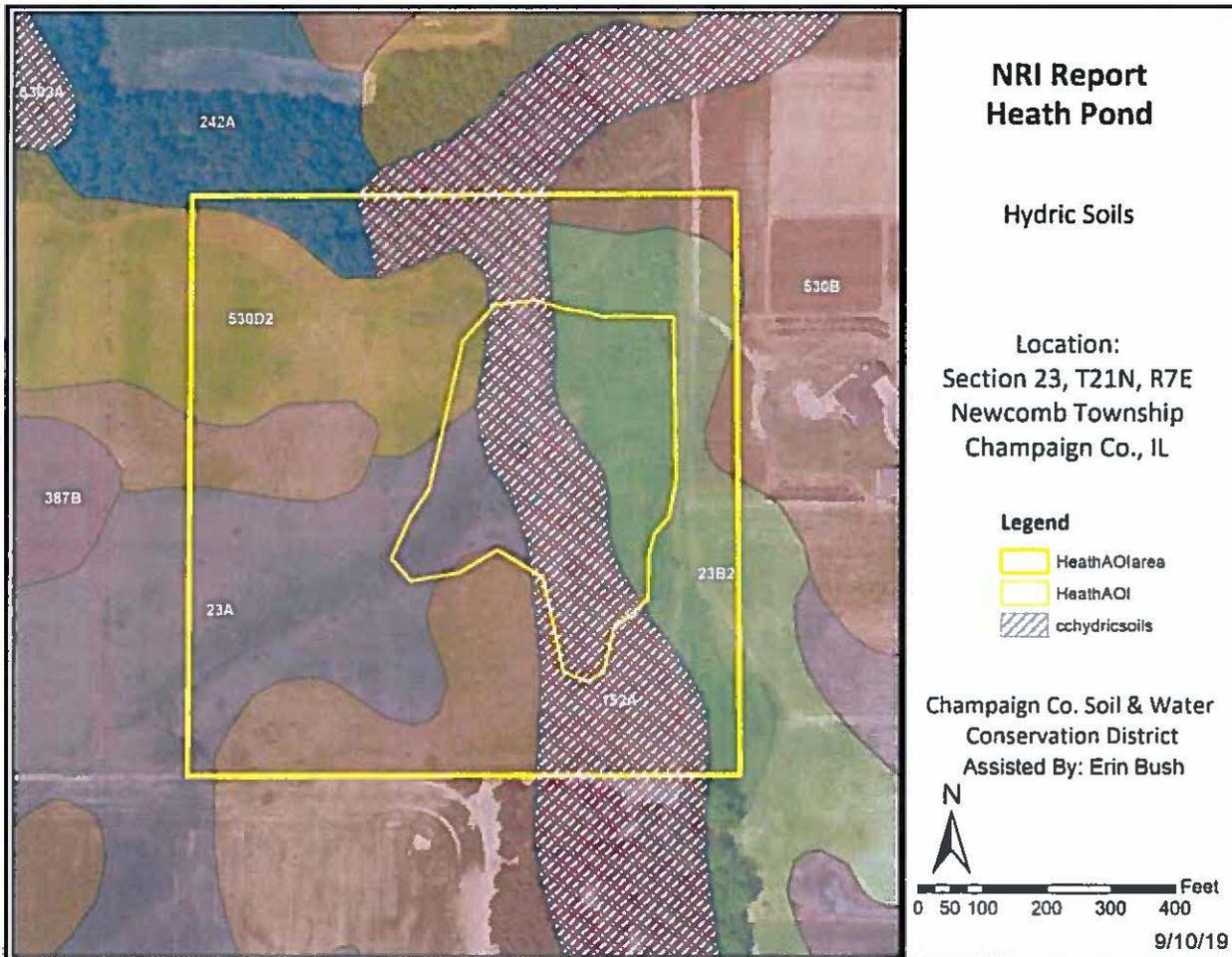
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

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

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

Table 6. Hydric soils.

Map Unit Symbol	Drainage Class	Hydric Designation	Acres	Percent of Area
23A	Somewhat poorly drained	Non-hydric	3.7	20.5%
152A	Poorly drained	Hydric	3.7	20.5%
23B2	Somewhat poorly drained	Non-hydric	3.6	20%
530B	Moderately well drained	Non-hydric	3.5	19.5%
530D2	Moderately well drained	Non-hydric	3.0	16.8%
242A	Somewhat poorly drained	Non-hydric	0.5	2.7%
			Percent Hydric	20.5%



Soil Erosion and Sediment Control

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

Erosion Control at Construction Sites

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

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

EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool

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

Table 7. Soil erosion potential.

Map Unit Symbol	Slope	Rating	Acres	Percent of Area
23A	0.9%	Slight	3.7	20.5%
152A	0.5%	Slight	3.7	20.5%
23B2	3.0%	Moderate	3.6	20%
530B	3.0%	Slight	3.5	19.5%
530D2	9.0%	Moderate	3.0	16.8%
242A	1.0%	Slight	0.5	2.7%

Prime Farmland Soils

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

Table 8. Prime farmland designation.

Map Unit Symbol	Prime Designation	Acres	Percent of Area
23A	Prime farmland if drained	3.7	20.5%
152A	Prime farmland if drained	3.7	20.5%
23B2	Prime farmland	3.6	20%
530B	Prime farmland	3.5	19.5%
530D2	Farmland of importance	3.0	16.8%
242A	Prime farmland if drained	0.5	2.7%
Percent Prime Farmland			39.5%

The Land Evaluation and Site Assessment System

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

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

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

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

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

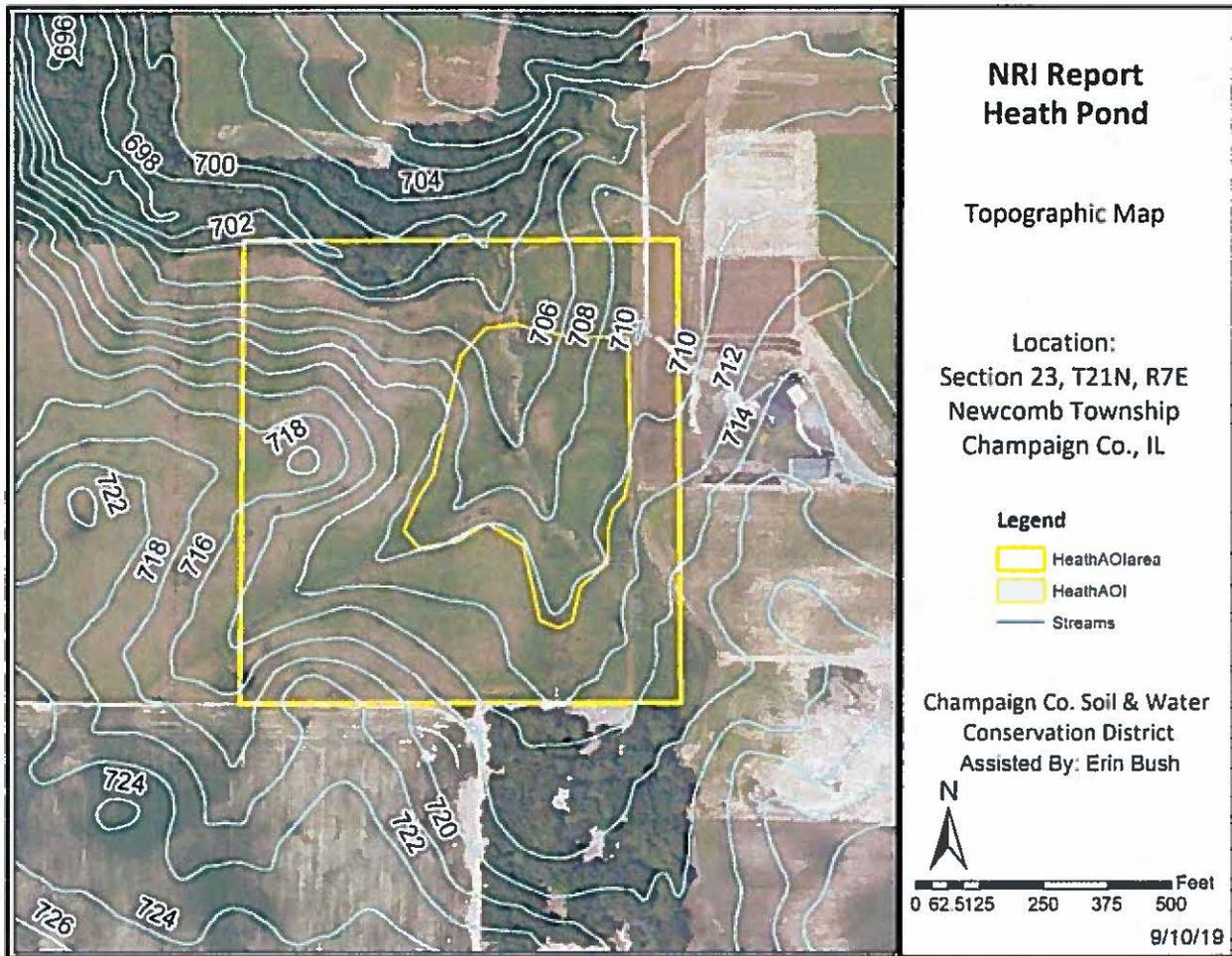
Table 9. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
23A	14	71	3.7	262.7
152A	2	100	3.7	370
23B2	14	71	3.6	255.6
530B	12	76	3.5	266
530D2	15	69	3.0	207
242A	5	88	0.5	44
Totals			18	1,405.3
LE Score		LE=1,405.3/18		LE = 78

For the subject property: the overall Land Evaluation (LE) score is 78.

Topographic Information

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



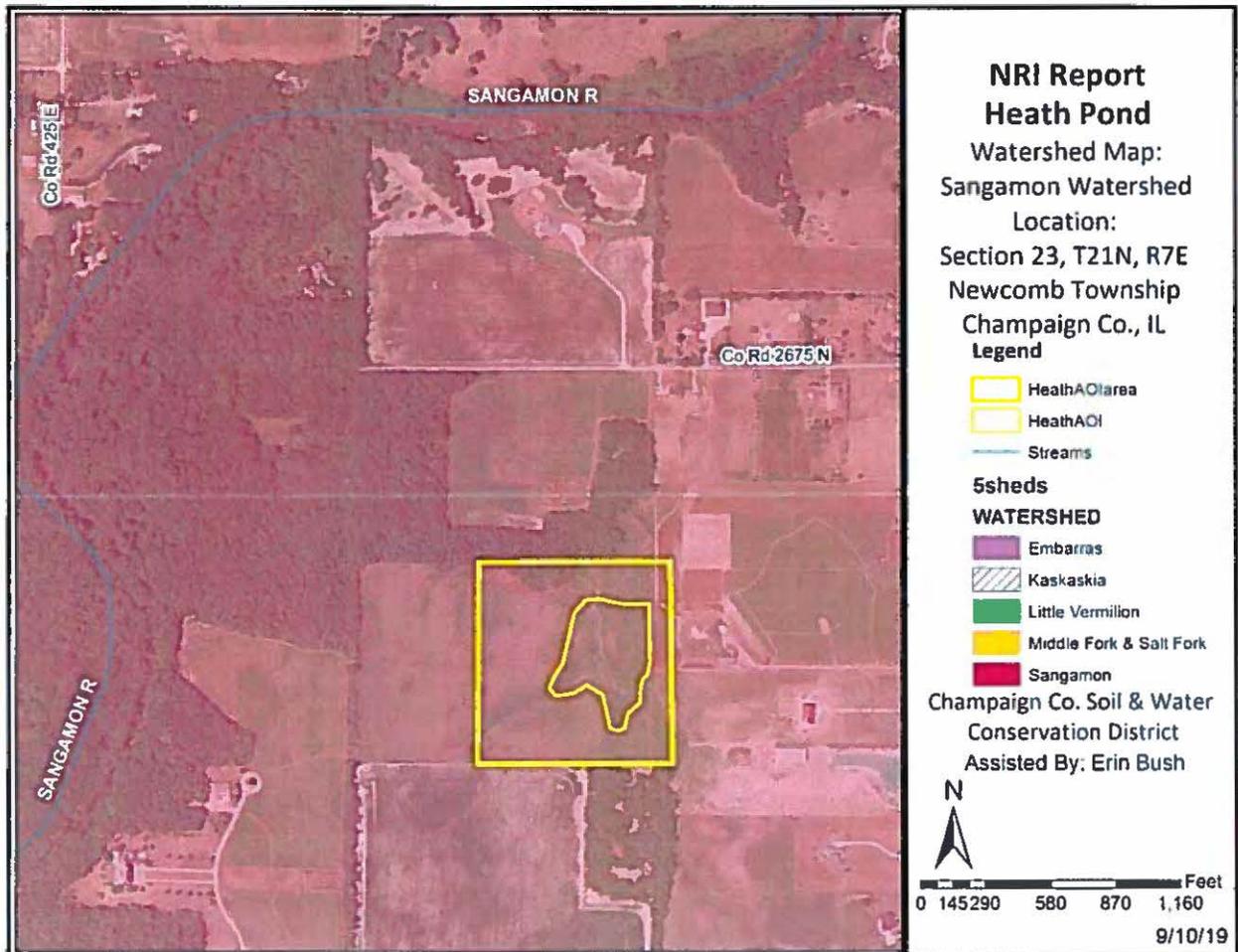
Watershed Information

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

The following are recommendations to developers for protection of watersheds:

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

For the subject property: the property is located in the Sangamon River Watershed.



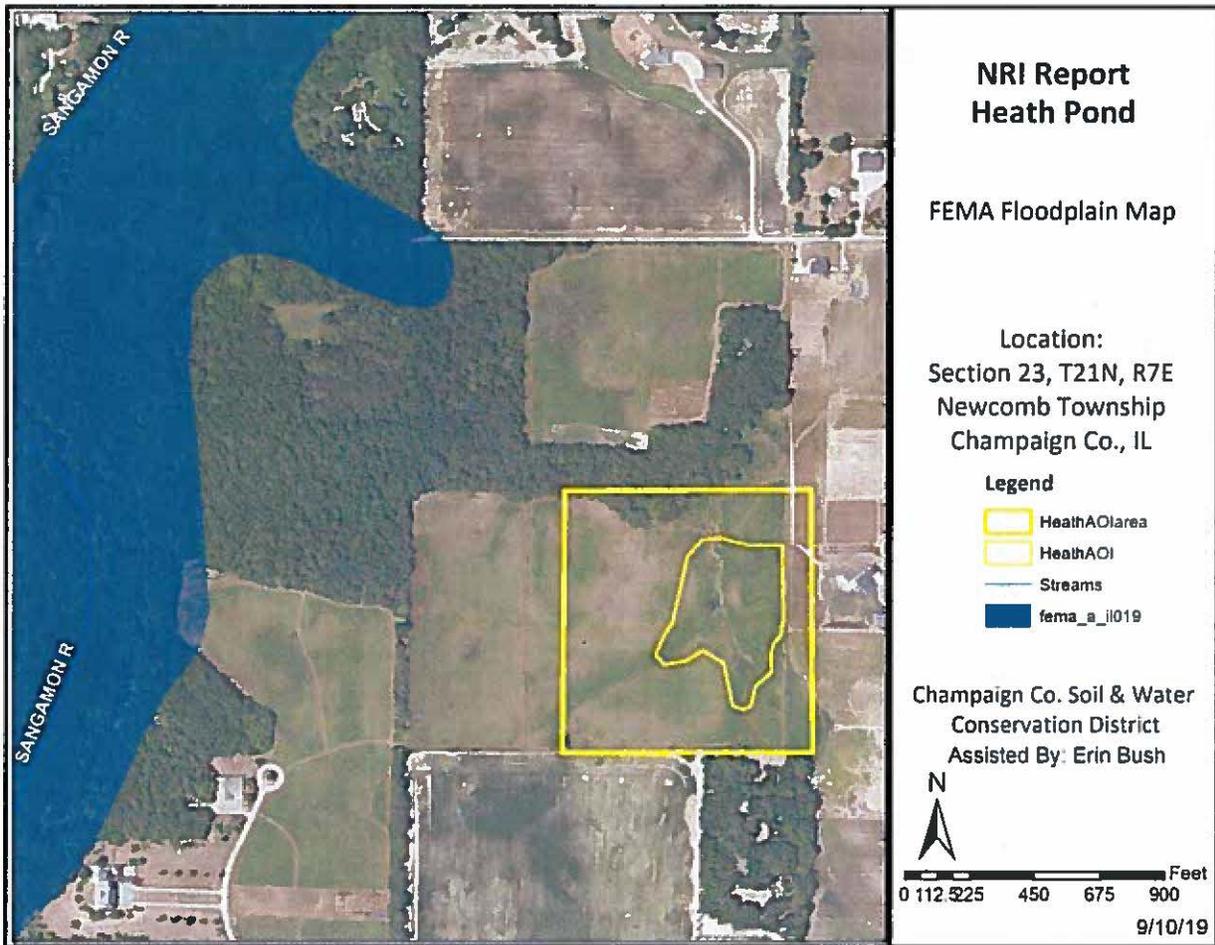
Floodplain and Wetland Information

Floodplain Information

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

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

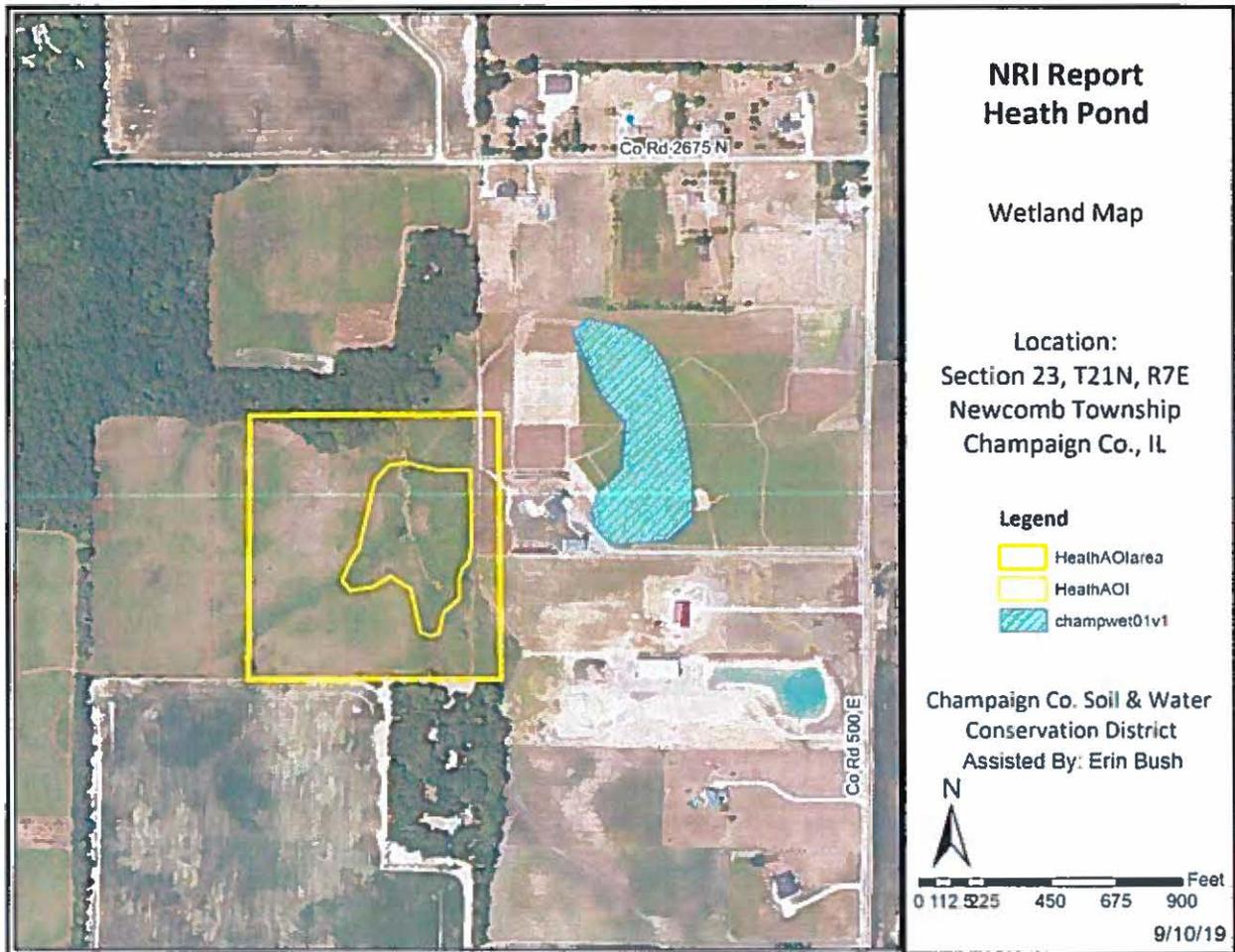
For the subject property: a large portion of the parcel in question lies in the floodplain. Special consideration to potential flooding is advised, such as not developing building sites in the floodplain.



Wetland Information

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

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



Wetland and Floodplain Regulations

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

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

Regulatory Agencies:

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

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

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

Cultural and Animal Resources

Cultural Resources

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

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

Animal Resources

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

Ecologically Sensitive Areas

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

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

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

For the subject property: as shown on the below EcoCAT, the Sangamon River INAI Site is in the vicinity of the property. Special care should be taken in order to not disturb this site.



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

IDNR Project Number: 2002703
Date: 09/11/2019

Project: Heath
Address: Champaign, Champaign

Description: Pond

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Sangamon River INAI Site

Location

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

County: Champaign

Township, Range, Section:
21N, 7E, 23



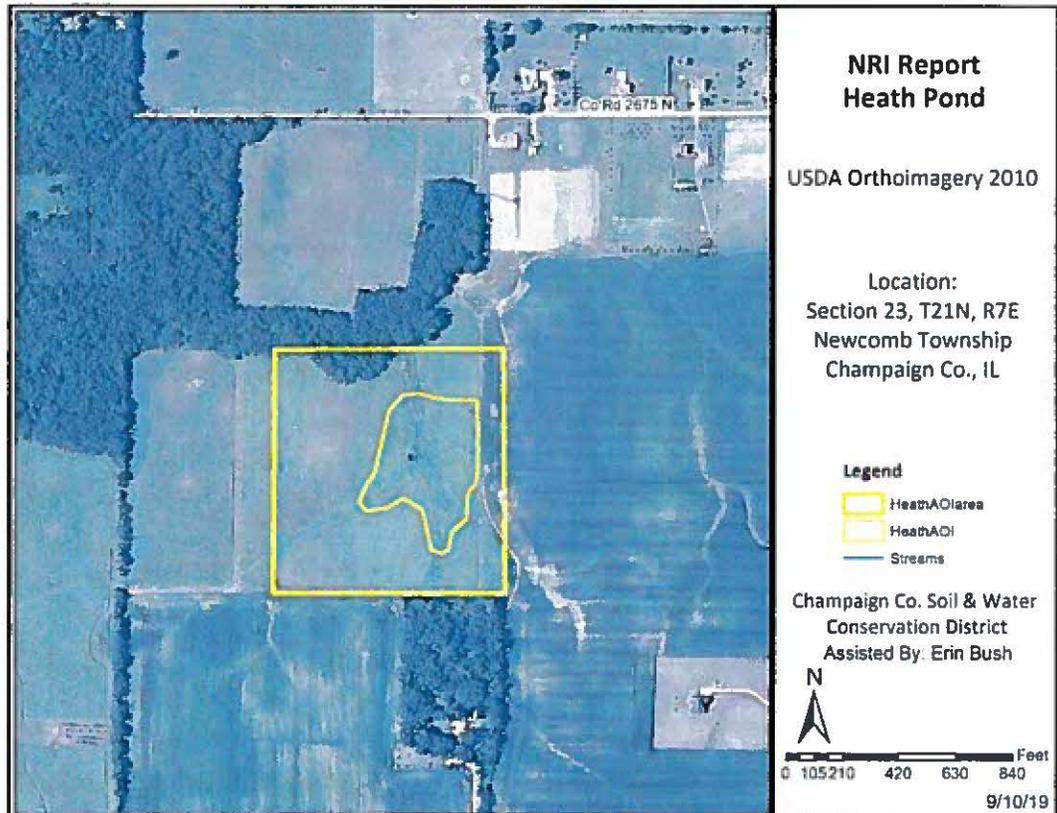
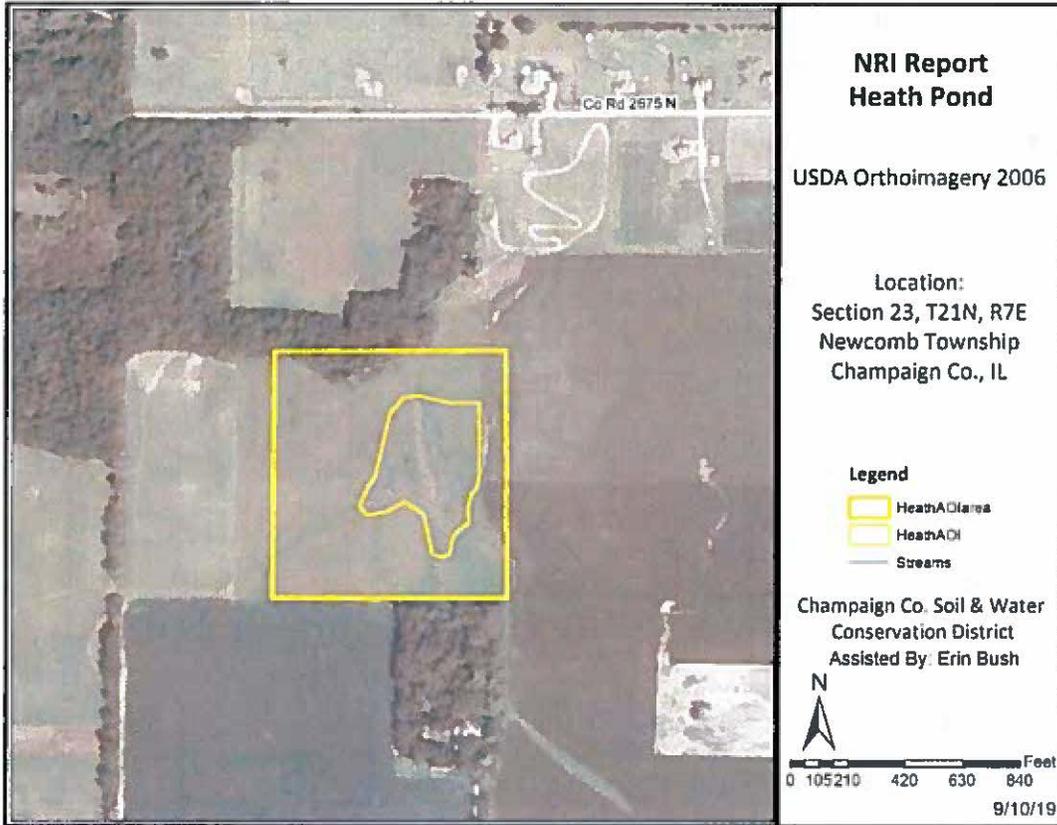
IL Department of Natural Resources
Contact
Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

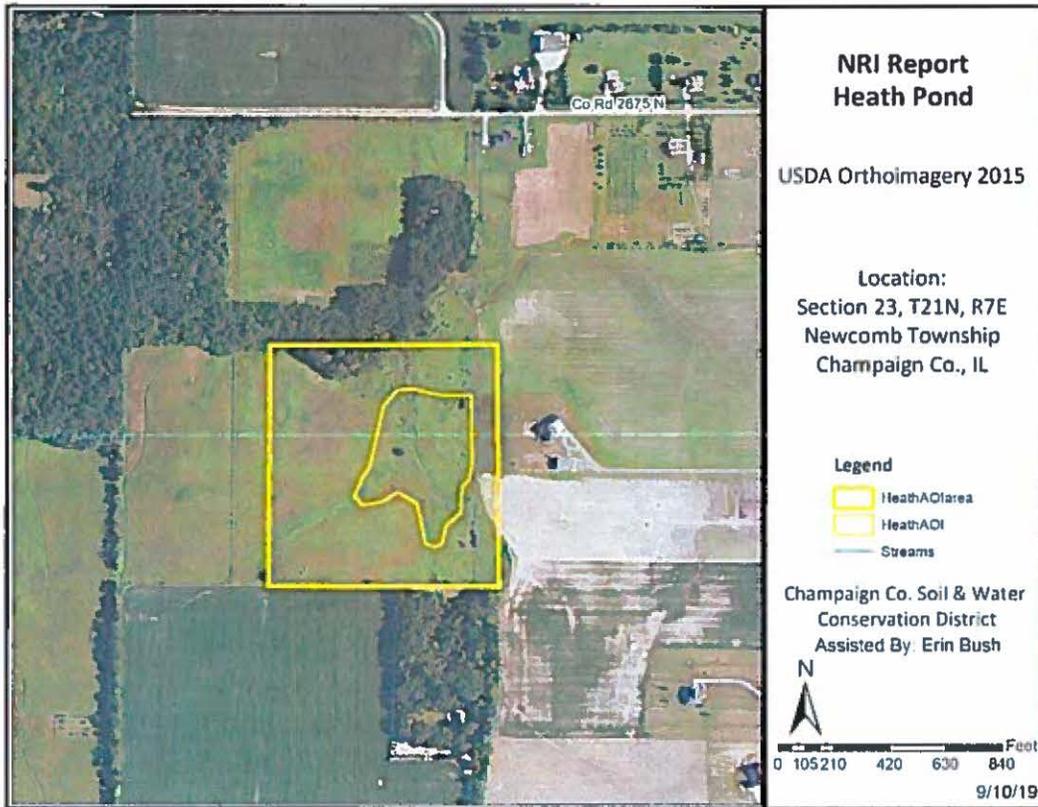
Government Jurisdiction
U.S. Department of Agriculture

Disclaimer

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

Historic Aerial Photos





Glossary and Acronyms

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

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

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

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

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

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

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

Water Table, Apparent – a thick zone of free water in the soil indicated by the level at which water stands in an uncased

borehole after adequate time is allowed for adjustment in the surrounding soil.

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

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

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

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

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

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

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

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

Palustrine – name given to inland fresh water wetlands.

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

PIQ – parcel in question

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

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

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

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

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

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

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

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

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

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

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

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

References

Field Office Technical Guide. Natural Resources Conservation Service.

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

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

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

Wetlands Inventory Maps. Department of the Interior.

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

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

960-S-19 Site Images



From CR 2675N facing south (subject property has limited access)



On subject property facing south

960-S-19 Site Images



Storage shed on north part of subject property



From petitioner's driveway (on adjacent property) facing west to proposed pond area on subject property

PRELIMINARY DRAFT

960-S-19

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

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

Date: ***{October 31, 2019}***

Petitioners: **Travis Heath**

Request: **Authorize a Special Use Permit for construction of an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District**

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 31, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Travis and Amanda Heath own the subject property.
2. The subject property is an 18.93 acre tract that is part of the West Half of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 23 of Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, commonly known as the vacant tract just west of the residence with an address of 485 CR 2675N, Mahomet.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Newcomb Township, which has a Plan Commission. Townships with Plan Commissions do not have protest rights on Special Use Permits; however, they do receive notice of such cases and they are invited to comment.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
 - A. The subject property is zoned AG-1 Agriculture and is partially in agricultural production and partially wooded area, and has an agricultural shed.
 - B. Land to the north of the subject property is zoned CR Conservation Recreation and is partially residential in use and partially in agricultural production.
 - C. Land to the east of the subject property is zoned AG-1 Agriculture and is partially residential in use and partially in agricultural production.
 - D. Land to the south of the subject property is zoned AG-1 Agriculture and is partially residential in use and partially in agricultural production.
 - E. Land to the west of the subject property is zoned CR Conservation Recreation and is partially in agricultural production and partially wooded area.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan for the proposed Special Use:
 - A. The Site Plan received September 9, 2019, indicates the following proposed features:
 - (1) An approximately 3.78-acre pond with an outlet located on the north side of the pond; and
 - (2) A storage shed located on the north end of the subject property.
 - B. The required engineering drawings have not been received as of October 24, 2019.

PRELIMINARY DRAFT

- C. There is one previous Zoning Use Permit on the subject property:
- (1) ZUPA #22-11-02 was approved on August 24, 2011, for construction of a storage shed for agricultural equipment only.
- D. There are no previous zoning cases on the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for an artificial lake of 1 acre or more in the AG-1 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (3) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (4) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (5) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (6) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.

PRELIMINARY DRAFT

- (7) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (8) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (9) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Regarding authorization for “artificial lake” in the Zoning Ordinance:
- (1) “Artificial lake of one or more acres” has always been authorized only as a Special Use Permit in the Zoning Ordinance.
 - (2) Section 6.1.3 of the *Zoning Ordinance* establishes Standard Conditions that are applicable to Special Use Permits. The only standard condition for an artificial lake of one or more acres is a minimum lot area of one acre.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

PRELIMINARY DRAFT

- c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Low area best suited for pond vs crop land/ag use.”**
 - B. The petitioner’s residence is located on an adjacent tract.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Will be a private pond, not injurious to anyone.”**
 - B. Regarding surface drainage:
 - (1) The Champaign County Soil and Water Conservation District Natural Resource Report received October 7, 2019, states:
 - a. “The subject property slopes towards a water source. Care should be taken during and after construction to make sure sediments are contained on construction site.”
 - b. “Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.
 - (a) Silt Fencing: A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
 - (b) Construction Road Stabilization: The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
 - (c) Vegetative Cover: One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth brome grass, oats, cereal rye) to help protect soil from erosion during construction.”

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- (2) A copy of the Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit has not been received as of October 24, 2019.
- C. Regarding traffic in the subject property area:
- (1) The subject property has a grass access on the south side of CR 2675N.
 - (2) CR 2675N is a gravel lane that is approximately 14 feet wide.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). CR 2675N does not have a traffic count available, which means that its traffic volume is less than 50 ADT. The most recent ADT data is from 2016 near the subject property. CR 500E had an ADT of 300 approximately 0.5 miles south of the intersection with CR 2675N.
 - (4) The Newcomb Township Road Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located 6.7 road miles from the Cornbelt Fire Protection District station in Mahomet. The FPD Chief was notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered Best Prime Farmland. The soil on the subject property consists of Drummer silty clay loam 152A, Blount silt loam 23A, Blount silt loam 23B2, Ozaukee silt loam 530B and Ozaukee silt loam 530D2, and has an average Land Evaluation Factor of 81. Despite the LE score of 81, which is less than the Best Prime Farmland minimum score of 91, the property is still Best Prime Farmland because the definition also includes properties where greater than 10% of the land area has an LE score of at least 91.
- G. Regarding outdoor lighting on the subject property: the Petitioner did not include information on their Site Plan.
- H. Regarding wastewater treatment and disposal on the subject property: there is no septic system on the property and one is not required for a pond.
- I. Regarding neighborhood concerns, no comments have been received as of October 24, 2019.
- J. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Will meet all applicable ordinances.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Section 5.2: Table of Authorized Principal Uses states that an artificial lake of 1 acre or more can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
 - (2) Regarding Best Prime Farmland:
 - a. The subject property is non-conforming with respect to the current definition of Best Prime Farmland by virtue of a Warranty Deed for the subject property that was recorded on December 11, 1997, prior to the adoption of Case 711-AT-12 on November 27, 2012, which established the current definition of Best Prime Farmland.
 - (a) The minimum Land Evaluation Factor for Best Prime Farmland at the time of survey was 85.
 - (b) Even though the site includes a significant amount (approximately 26%) of Agriculture Value Group 2 soils as determined by the Champaign County LESA system, which would make it Best Prime Farmland by current definition, this lot was lawfully created and is therefore nonconforming with respect to the maximum lot size requirement.
 - C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, because more than 1 acre of land will be disturbed, the project is subject to this Ordinance and any relevant State of Illinois regulations regarding erosion and sedimentation.
 - (1) A copy of the Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit has not been received as of October 24, 2019.
 - (2) Detailed engineering design submittals documenting how the proposed pond meets requirements have not been received as of October 24, 2019.
 - D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
 - E. Regarding the Subdivision Regulations, the subject property is located in Champaign County’s subdivision jurisdiction and the subject property is in compliance.
 - F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) Artificial lakes of 1 acre or more are allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. Section 5.2: Table of Authorized Principal Uses states that an artificial lake of 1 acre or more can be established with a Special Use Permit in the AG-1 Agriculture Zoning District.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the *Zoning Ordinance*:
- (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 Agriculture DISTRICT and states as follows (capitalized words are defined in the Ordinance):
- The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the *Zoning Ordinance*:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- b. In regards to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property, the subject property has been a vacant lot, so any development on the property should increase its value.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

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The proposed Special Use is unlikely to increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. The subject property is not located in a mapped floodplain.
 - b. The Champaign County Soil and Water Conservation District Natural Resource Report received October 7, 2019, states:
 - (a) “The subject property slopes towards a water source. Care should be taken during and after construction to make sure sediments are contained on construction site.”
 - (b) “Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.
 - i. Silt Fencing: A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
 - ii. Construction Road Stabilization: The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
 - iii. Vegetative Cover: One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth brome grass, oats, cereal rye) to help protect soil from erosion during construction.”
 - c. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, because more than 1 acre of land will be disturbed, the project is subject to this Ordinance and any relevant State of Illinois regulations regarding erosion and sedimentation.
 - (a) A copy of the Notice of Intent for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit has not been received as of October 24, 2019.
 - (b) Detailed engineering design submittals documenting how the proposed pond meets requirements have not been received as of October 24, 2019.

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

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

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

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

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance. This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

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- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. The subject property is not in agricultural production.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features. The Natural Resource Report received October 7, 2019, states that the Sangamon River INAI Site may be in the vicinity of the project location. This INAI Site is approximately 0.34 mile west of the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. No public utilities or transportation facilities improvements are needed.
- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The subject property is not in agricultural production.

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

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

- A. The Petitioner has testified on the application: “N/A”
- B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 12. Regarding proposed special conditions of approval:
 - A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Storm Water Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Storm Water Drainage Plan.**

The above special condition is required to ensure the following:

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

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received September 9, 2019, with attachments:
 - A Site Plan received September 9, 2019
2. Natural Resources Report received October 7, 2019 from Champaign County Soil and Water Conservation District
3. Preliminary Memorandum dated October 24, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received September 9, 2019
 - C Map: 2008 Elevation Contours on 2017 aerial created by P&Z Staff
 - D Natural Resources Report received October 7, 2019 from Champaign County Soil and Water Conservation District
 - E Site photos taken September 19, 2019
 - F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated October 31, 2019

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **960-S-19** held on **October 31, 2019**, the Zoning Board of Appeals of Champaign County finds that:

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

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL*

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/ WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.

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

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

- A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Storm Water Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Storm Water Drainage Plan.**

The above special condition is required to ensure the following:

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

FINAL DETERMINATION

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

The Special Use requested in Case **960-S-19** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Travis and Amanda Heath**, to authorize the following as a Special Use on land in the **AG-1 Agriculture Zoning District**:

Authorize a Special Use Permit for construction of an artificial lake of 1 or more acres in area in the AG-1 Agriculture Zoning District.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
- B. **A Change of Use Permit application shall be submitted with the Storm Water Drainage Plan.**

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date