

# AGENDA

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## ***Champaign County Environment & Land Use Committee***

### ***Members:***

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

***Date:*** *May 09, 2005*

***Time:*** *7:00 p.m.*

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

***Phone:*** *(217) 384-3708*

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## AGENDA *Old Business shown in Italics*

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
4. Public Participation
5. Correspondence  
A. Letter from Brian T. Schurter dated April 20, 2005 regarding adoption of Compromise and Rantoul Township Planning Commissions 1 thru 4
6. County Board Chair's Report
7. *Case 181-05: Bateman Subdivision. Combined Area General Plan and Final Plat approval for a two-lot minor subdivision of an existing residential lot located in the CR Zoning District in Section 18 of East Bend Township.* 5 thru 12
8. *Case 182-05: Greenwood Lake 5<sup>th</sup> Subdivision. Preliminary Plat, Engineering Drawing and Final Plat Subdivision approval for a six-lot subdivision of an existing 10.5 acre tract in the AG-1 District and RRO District located in Section 21 of East Bend Township, pursuant to Case 468-AM-04.* 13 thru 18
9. Case 459-AM-04 Petitioner: Tim and Cindy Woodard and Chris Creek 19 thru 58  
  
Request: Amend the zoning map to allow for the development of 10 single-family residential lots, (as amended on November 24, 2004) in the CR, Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.

Location: A 40 acre tract of land in the Northeast 1/4 of the Northwest 1/4 Section 36 of Newcomb Township and fronts the south side of CR 2500N and on the west side of CR 4400E at the intersection of CR 2500N and CR 550E.

10. **Case 483-FV-04: Petitioner: Dan and Mary Jenkins** **59 thru 75**

Request: **Authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance:**

- A. Authorize the construction and use of a residential garage with the following variances:**
- 1. The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
  - 2. The garage shall be 720 square feet in area instead of no more than 500 square feet in area.**
- B. Authorize the construction and use of two sheds each with the following variances:**
- 1. The floor of each shed shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
  - 2. Each shed shall be 1,320 square feet in area instead of no more than 500 square feet in area.**

Location: **A 40 acre tract located in the West ½ of the East ½ of the Northeast 1/4 of Section 10 of St. Joseph Township and that is located south of CR 1700N between the Salt Fork River and Chateau Drive.**

11. **Case 485-FV-04: Petitioner: Mayfield Builders** **76 thru 89**

Request: **Authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance.**

- A. The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
- B. The garage is 627 square feet in area instead of no more than 500 square feet in area.**

Location: **Lot 35 of The Meadows Subdivision and that is commonly known as the residence at 2502 Appaloosa Lane, Mahomet.**

12. **Planning and Zoning Report**  
**A. Monthly Report (information to be distributed at meeting)**  
**B. Enforcement (information to be distributed at meeting)**
13. **Other Business**
14. **Determination of Items to be placed on the County Board Consent Agenda**
15. **Adjournment**



**BRIAN T. SCHURTER**

ATTORNEY AND COUNSELOR AT LAW

ALSO ADMITTED IN OHIO & MICHIGAN

425 E. CHAMPAIGN AVENUE  
RANTOUL, ILLINOIS 61866

TELEPHONE (217) 893-3322

FACSIMILE (217) 893-3463

E-MAIL: [brian@schurterlaw.com](mailto:brian@schurterlaw.com)

[www.schurterlaw.com](http://www.schurterlaw.com)

April 20, 2005

Champaign County Planning & Zoning  
1776 E. Washington Street  
Urbana, IL 61802  
Attn: Connie

*Re: Compromise and Rantoul Township plan commission*

Dear Connie,

Enclosed please find a copy of the resolution from Compromise and Rantoul Townships adopting a township plan commission.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Brian T. Schurter

BTS/sl

Enclosures

**RECEIVED**

APR 22 2005

**CHAMPAIGN CO. P & Z DEPARTMENT**

4-22-05

Champaign County  
Planning & Zoning  
1776 E. Washington Street  
Urbana, Illinois 61802

COMPROMISE TOWNSHIP RESOLUTION NO. 2005-01

A RESOLUTION CREATING A COMPROMISE TOWNSHIP PLAN COMMISSION AND APPOINTING THE MEMBERS THEREOF

BE IT RESOLVED by the Township Board of Compromise Township, Champaign County, Illinois that there is hereby created the Compromise Township Plan Commission pursuant to statutory authorization set forth in 60 ILCS 1/105-35. The Compromise Township Plan Commission shall have the power to prepare and recommend to the Township Board a comprehensive plan for the present and future development or re-development of the unincorporated areas of the Township. The Compromise Township Plan Commission shall also have the power and duty to review any proposed amendment to the Champaign County Zoning Ordinance that may affect future development or re-development of the unincorporated areas of Compromise Township and to report to the Township Board any objections the Plan Commission may have to the proposed zoning amendments.

The five initial members of the Compromise Township Plan Commission who have been recommended by the Township Supervisor and who are hereby approved by the Township Board are as follows:

1. Virgil Hubs
2. Donald Crozier
3. Robin Clemente
4. Catherine Dorsey
5. Jeff Suits

Each such designated member of the Compromise Township Plan Commission shall serve without compensation until the May, 2006 Compromise Township Board Meeting.

This Resolution was passed by the affirmative votes of the following members of the Compromise Township Board at its regular meeting held on March 14, 2005.

Ayes	Nays
<u>William E Pflugmacher</u>	_____
<u>Gary Swearingen</u>	_____
<u>George Flesner</u>	_____
<u>Joe Curtis</u>	_____
_____	_____

**RECEIVED**

APR 22 2005

CHAMPAIGN CO. P & Z DEPARTMENT

RANTOUL TOWNSHIP RESOLUTION NO. 2005- 1

**A RESOLUTION CREATING A RANTOUL TOWNSHIP PLAN COMMISSION AND APPOINTING THE MEMBERS THEREOF**

BE IT RESOLVED by the Township Board of Rantoul Township, Champaign County, Illinois that there is hereby created the Rantoul Township Plan Commission pursuant to statutory authorization set forth in 60 ILCS 1/105-35. The Rantoul Township Plan Commission shall have the power to prepare and recommend to the Township Board a comprehensive plan for the present and future development or re-development of the unincorporated areas of the Township. The Rantoul Township Plan Commission shall also have the power and duty to review any proposed amendment to the Champaign County Zoning Ordinance that may affect future development or re-development of the unincorporated areas of Rantoul Township and to report to the Township Board any objections the Plan Commission may have to the proposed zoning amendments.

The five initial members of the Rantoul Township Plan Commission who have been recommended by the Township Supervisor and who are hereby approved by the Township Board are as follows:

1. John Clifford
2. Nancy Hinrichs
3. Jeff Jones
4. Fred Meek
5. Norman Uken

Each such designated member of the Rantoul Township Plan Commission shall serve without compensation until the May, 2006 Rantoul Township Board Meeting.

This Resolution was passed by the affirmative votes of the following members of the Rantoul Township Board at its regular meeting held on MARCH 7, 2005.

Ayes	Nays
<u>James A. Lusk</u>	_____
<u>Keith Barnes</u>	_____
<u>John M. Jones</u>	_____
<u>Carol Schlenker</u>	_____
<u>Norme Albens</u>	_____

RANTOUL TOWNSHIP PLAN COMMISSION

John Clifford  
1370 CR 2850 N  
Rantoul, IL 61866  
893-4509

Nancy Hinrichs  
2931 CR 1400E  
Rantoul, IL 61866  
892-9336

Jeff Jones  
319 S. Garrard  
Rantoul, Il 61866  
893-1519

Fred Meek  
307 John St.  
Thomasboro, IL 61878  
643-2835

Norman Uken  
2419 CR 1800E  
Urbana, IL 61801  
643-3615

4-18-05

**RECEIVED**

APR 22 2005

**CHAMPAIGN CO. P & Z DEPARTMENT**

**TO: Environment and Land Use Committee**

**FROM: John Hall, Associate Planner**

**DATE: April 26, 2005**

**RE: Case 181-05, Bateman Subdivision**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

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

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**STATUS**

This subdivision case was deferred from the April 11, 2005, meeting and the Preliminary Memorandum was included with materials for that meeting. Some of the subdivider's photographs that were reviewed at that meeting are attached. No other new evidence has been received regarding the combined Area General Plan and Final Plat approval for this two-lot minor subdivision of an existing residential lot located in the CR Zoning District in Section 18 of East Bend Township located on the southwest side of CR3350N at the residence at 663 CR3350N.

As previously discussed, the proposed subdivision does not meet certain of the minimum subdivision standards and Area General Plan approval (by ELUC) is required. Draft Findings are attached for the Committee's use regarding the following required waivers:

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

Draft Findings are also attached for the Committee's use in a recommendation to the full Board regarding Final Plat approval and the following waivers that are still required:

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

The following condition is also still required for subdivision approval at this time:

1. The Subdivision Officer shall hold the Final Plat and not release it to be filed with the Recorder of Deeds unless and until a variance has been authorized for this division of a lot that is five acres or less in area.

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**ATTACHMENTS**

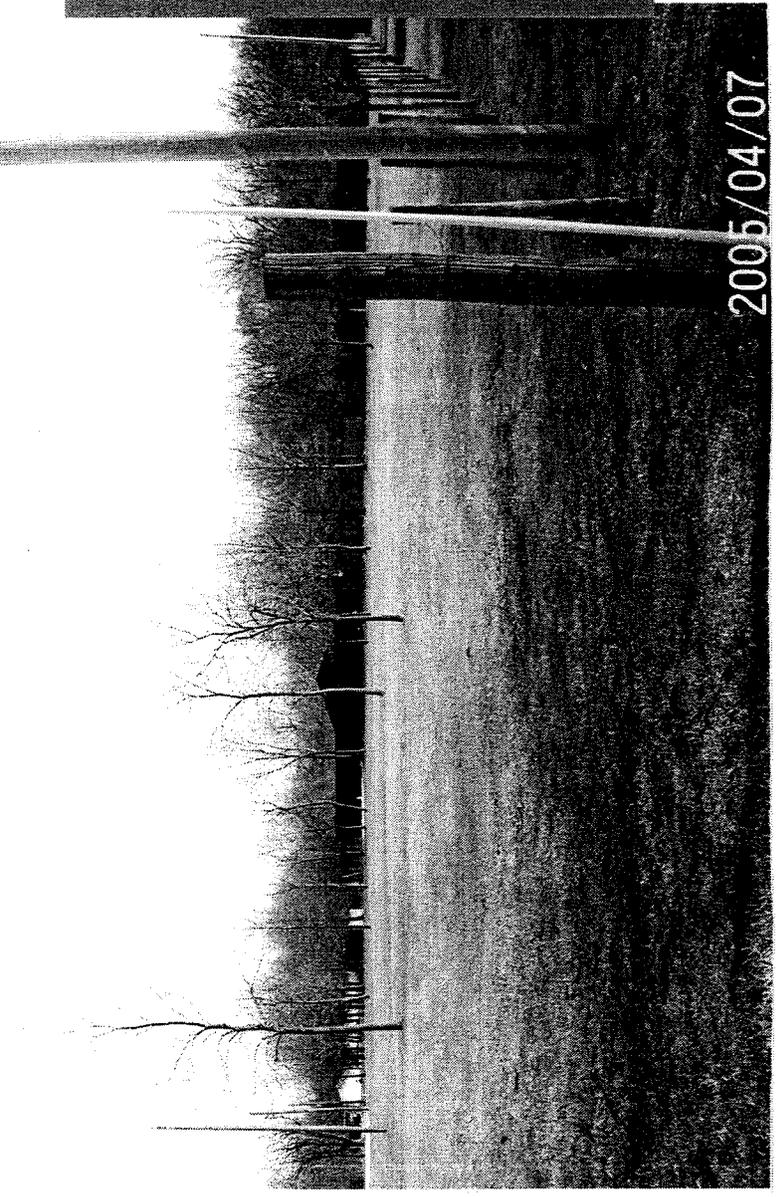
- A Subdivider's photographs of subject property
- B Draft Findings for Waiver of Minimum Subdivision Standards
- C Draft Findings for Waiver of Final Plat Requirements

Building site  
lot # 2



2005/04/07

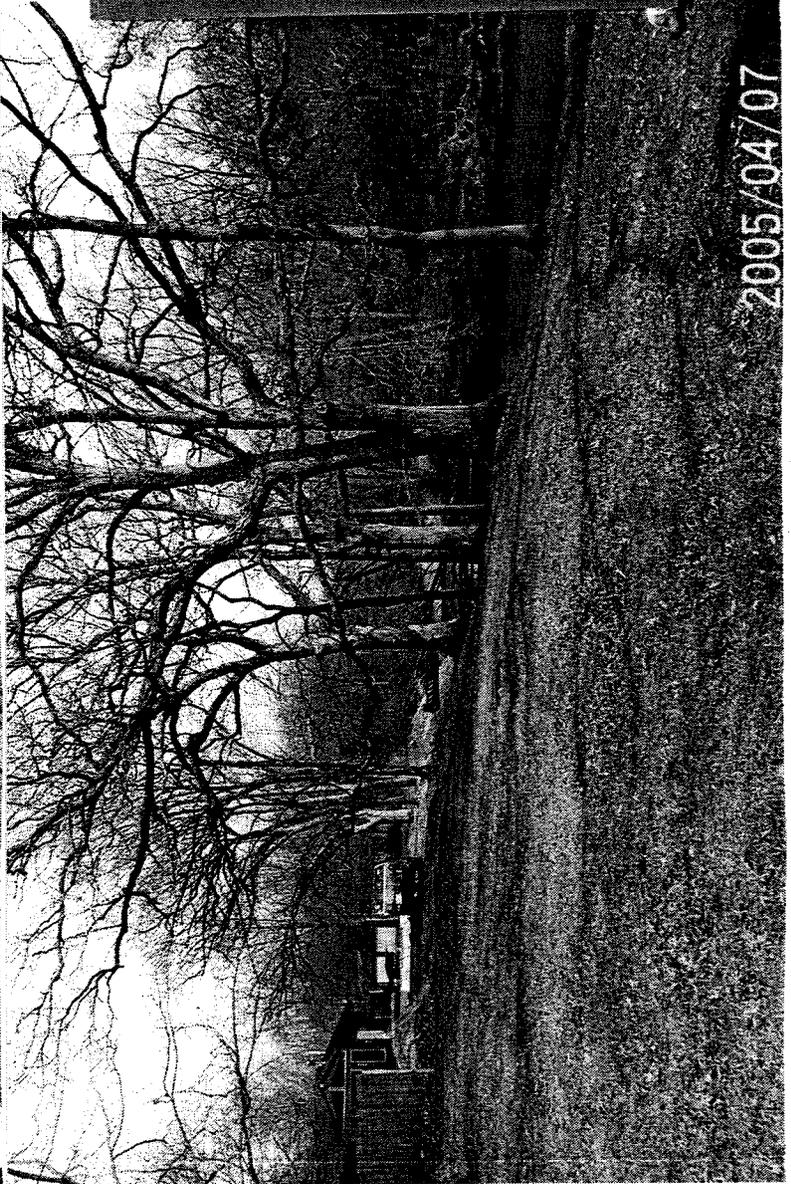
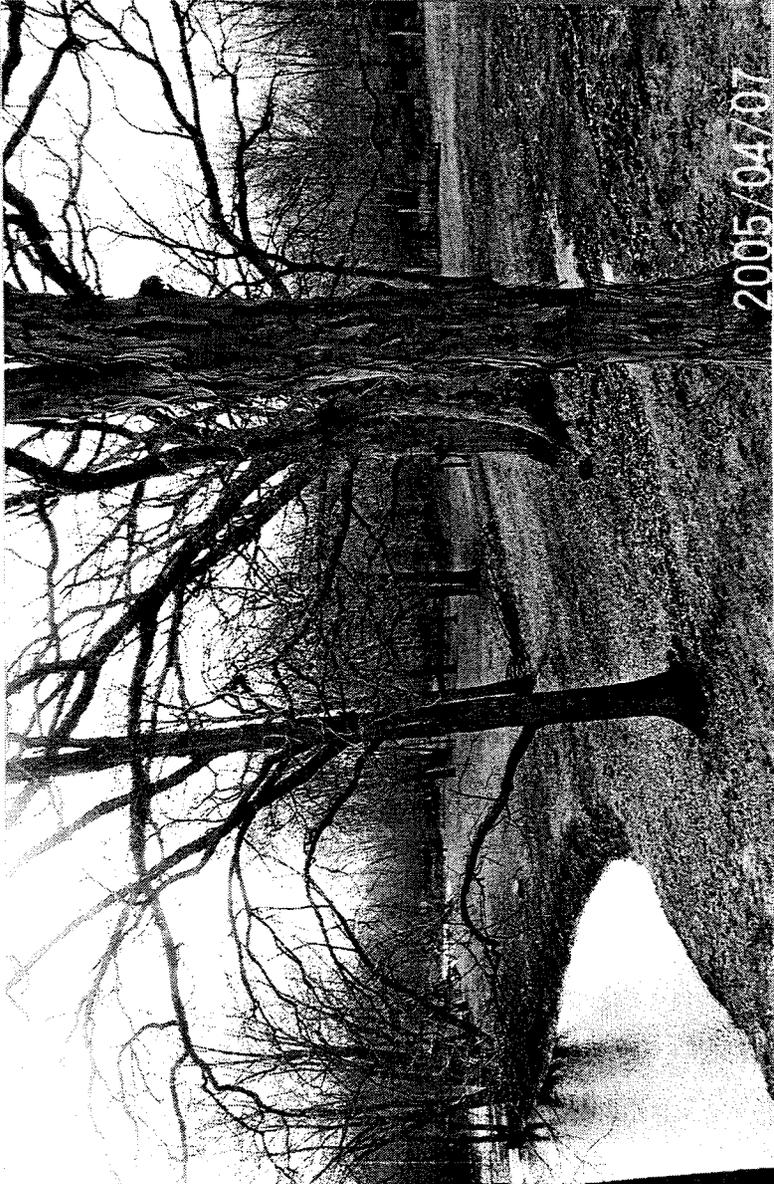
Property line  
looking towards  
lot # 2



2005/04/07

River bluff  
on both lots

Lot # 2 looking  
towards lot # 1





**DRAFT FINDINGS OF FACT FOR WAIVERS OF MINIMUM SUBDIVISION STANDARDS**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 11, 2005**, and **May 9, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of minimum subdivision standards **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:
  - A. The only new house to be constructed will be constructed on Lot 1 and Lot 1 conforms to all standards and appears to be a very attractive location for a new home.**
  - B. The proposed Lot 2 will have a very small buildable area on the north side of the river but the existing house on Lot 2 already meets all requirements of the Zoning Ordinance, the Special Flood Hazard Areas Ordinance, and the Health Code and the proposed subdivision will have no effect on that conformance.**
  - C. Allowing a new house to be built at this attractive location may prevent a home from being built at another location that is likely to either be on prime farmland or in an existing wooded area that would need to be cleared.**
  
2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of minimum subdivision standards will not confer any special privilege to the subdivider because:
  - A. This is a subdivision of an existing lot that will result in only one new lot that will conform to all minimum subdivision standards.**
  - B. The subdivider began planning the subdivision long before the Minimum Subdivision Standards were added to the Subdivision Regulations.**
  - C. The property to be subdivided is an existing lot in a wooded area that was cleared many years ago.**
  - D. The proposed lots could be revised to require a lesser waiver but that would make proposed Lot 1 a less attractive property by not fronting directly on the river.**
  - E. These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar special conditions.**

ATTACHMENT B. *DRAFT* FINDINGS FOR WAIVERS OF MINIMUM SUBDIVISION STANDARDS

*Case 181-05 Bateman Subdivision*

APRIL26, 2005

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3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision standards sought to be waived because:
- A. The proposed lots could be revised to require a lesser waiver but that would make proposed Lot 1 a less attractive property by not fronting directly on the river.**
- B. The subdivider began planning the subdivision long before the Minimum Subdivision Standards were added to the Subdivision Regulations and carrying out the strict letter of the minimum subdivision standards would prevent the subdivision after the investment in preparation of the plat of subdivision.**
4. The special conditions, circumstances, hardships, or practical difficulties **DO** result from actions of the subdivider because:
- A. The subdivider chose to subdivide his property but that was long before the Minimum Subdivision Standards were added to the Subdivision Regulations.**

ATTACHMENT C. *DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS*

*Case 181-05 Bateman Subdivision*

APRIL 26, 2005

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**DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS**

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 11, 2005**, and **May 9, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of final plat requirements **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:
  - A. The only new house to be constructed will be constructed on Lot 1 and a soil percolation test has already been conducted on Lot 1 and the County Health Department has already approved the plat.**
  - B. The existing house already meets all requirements of the Zoning Ordinance, the Special Flood Hazard Areas Ordinance, and the Health Code and the proposed subdivision will have no effect on that conformance.**
  - C. Allowing a new house to be built at this location may prevent a home from being built at another location that is likely to either be on prime farmland or in an existing wooded area that would need to be cleared.**
  
2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of final plat requirements will not confer any special privilege to the subdivider because:
  - A. This is a subdivision of an existing lot that will result in only one new lot and the Plat has been approved by the County health department.**
  - B. These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.**
  
3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because:
  - A. This is only a one lot subdivision and the County Health Department has approved the subdivision and requiring this information on the plat will only increase the subdivider's costs.**

**ATTACHMENT C. DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS**

***Case 181-05 Bateman Subdivision***

APRIL 26, 2005

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4. The special conditions, circumstances, hardships, or practical difficulties **DO** result from actions of the subdivider because:

**A. The subdivider chose to subdivide his property.**

**B. The surveyor could have prepared the plat without the required waiver.**

TO: **Environment and Land Use Committee**

FROM: **John Hall, Associate Planner**

DATE: **May2, 2005**

RE: **Case 182-05, Greenwood Lake Fifth Subdivision**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

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

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**STATUS**

This subdivision case was deferred from the April 11, 2005, meeting and the Preliminary Memorandum was included with materials for that meeting.

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

The proposed improvement to the existing street has been revised (received on May 2, 2005) but has not yet been reviewed by the County Engineer, East Bend Township Highway Commissioner, nor the Sangamon Valley- Dewey Fire Protection District.

Draft Findings are attached for the Committee's use in Preliminary Plat review (by ELUC) regarding the following required waivers:

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

Draft Findings are also attached for the Committee's use in a recommendation to the full Board regarding Final Plat approval and the following waiver that is still required:

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

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

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

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**ATTACHMENTS**

- A Draft Findings for Waiver of Preliminary Plat Requirements
- B Draft Findings for Waiver of Final Plat Requirements
- C Street Construction Greenwood Lake Fifth Subdivision received May 2, 2005

**DRAFT FINDINGS FOR WAIVER OF PRELIMINARY PLAT REQUIREMENTS**

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 11, 2005**, and **May 9, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of preliminary plat requirements **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:
  - A. All known underground facilities are within easements indicated on the plat.**
  - B. Most man-made features are separated from the proposed subdivision by existing streets.**
  - C. Topography is indicated 200 feet from the property for upstream areas.**
  - D. The elevation information provided seems to indicate little chance for drainage problems to arise.**
  - E. An Open Title Commitment was submitted for the previous subdivision (Case 172-03) and that was only about two years ago.**
  
2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of preliminary plat requirements will not confer any special privilege to the subdivider because:
  - A. All known underground facilities are within easements indicated on the plat.**
  - B. Most man-made features are separated from the proposed subdivision by existing streets.**
  - C. An Open Title Commitment was submitted for the previous subdivision (Case 172-03) and that was only about two years ago.**
  - D. This is an area that has recently been subdivided and much is already known.**
  - E. These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.**
  
3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because:
  - A. This is an area that has recently been subdivided and much is already known and carrying out the strict letter of the regulations in this instance will only increase the subdivider's costs.**

**ATTACHMENT A. DRAFT FINDINGS FOR WAIVER OF PRELIMINARY PLAT REQUIREMENTS**

**Case 182-05 Greenwood Lake Fifth Subdivision**

APRIL 26, 2005

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4. The special conditions, circumstances, hardships, or practical difficulties **DO** result from actions of the subdivider because:

**A. The subdivider chose to subdivide his property.**

**B. The surveyor could have prepared the plat without the required waivers.**

ATTACHMENT B. *DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS*

*Case 182-05 Greenwood Lake Fifth Subdivision*

APRIL 26, 2005

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**DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS**

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 11, 2005**, and **May 9, 2005**, the Environment and Land Use Committee of the Champaign County Board finds that:

1. The requested subdivision waiver(s) of final plat requirements **WILL NOT** be detrimental to the public health, safety, or welfare or injurious to other property located in the area because:
  - A. The existing road conditions came about because the residents of the Greenwood Lake Subdivision were opposed to the installation of a new bridge over the Sangamon River and at that time were satisfied with the road network that still exists today.**
  - B. The subdivider is improving the existing street by providing a turnaround.**
  
2. Special conditions and circumstances **DO** exist which are unique to the property involved and are not applicable generally to other property and granting the subdivision waiver(s) of final plat requirements will not confer any special privilege to the subdivider because:
  - A. The public road (CR3200N) was closed for safety reasons and there is no other location in Champaign County where a public road has been closed for safety reasons.**
  - B. This subdivision and the previous subdivision have added 11 lots to what previously was a total of 41 lots which is an increase of only about 27%.**
  - C. This is the last phase of subdivision on these existing streets. Any further subdivision at this location will require new streets to be constructed.**
  - D. These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision.**
  
3. Particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because:
  - A. This is the last phase of subdivision on these existing streets and allows full benefit of all existing streets.**

**ATTACHMENT B. DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS**

***Case 182-05 Greenwood Lake Fifth Subdivision***

APRIL 26, 2005

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4. The special conditions, circumstances, hardships, or practical difficulties **DO** result from actions of the subdivider because:

**A. The subdivider chose to subdivide the property but CR3200N was closed for safety reasons that have nothing to do with the proposed subdivision.**



Champaign  
County  
Department of

**PLANNING &  
ZONING**

To: **Environment and Land Use Committee**

From: **John Hall, Associate Planner**

Date: **April 26, 2005**

RE: **Case 459-AM-04 Rural Residential Overlay Map Amendment for  
proposed Summerfield Subdivision**

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**Zoning Case 459-AM-04**

Request: **Amend the Zoning Map to allow for the development of 10 single family residential lots (as amended on November 24, 2004) in the CR Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Tim and Cindy Woodard and Chris Creek**

Location: **A 40 acre tract of land located in the Northeast ¼ of the Northwest ¼ of Section 36 of Newcomb Township and fronts on the south side of CR2500N and on the west side of CR550E at the intersection of CR2500N and CR550E.**

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**STATUS**

A motion to approve the proposed map amendment failed on a vote of 3 affirmative votes versus 3 votes against at the Zoning Board of Appeals meeting on April 14, 2005. Section 8.6 of the ZBA Bylaws deems such a vote to be a vote to "RECOMMEND DENIAL". The Final Determination is the last page of the attached Summary of Evidence, Finding of Fact, and Final Determination.

Relevant maps have been excerpted from the Documents of Record and are attached. Note that the petitioner amended the request on November 24, 2004, by reducing the scope of the proposed map amendment from the original request of 12 lots to a total of only 10 lots.

The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact on pp. 26 and 27 of the attached Summary of Evidence, Finding of Fact, and Final Determination.

Note that the ZBA adopted four conditions of approval that would have been included in a recommendation to enact the map amendment. See p. 28 of the of the attached Summary of Evidence, Finding of Fact, and Final Determination.

The subject property is located within the extraterritorial jurisdiction of the Village of Mahomet but no village protest is anticipated. Newcomb Township also has established a Plan Commission since this public hearing opened but no Township protest is anticipated.

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## REQUIRED FINDINGS

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

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

The proposed RRO is not on best prime farmland. The required findings on pages 26 and 27 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

### ATTACHMENTS (excerpted from the Documents of Record)

- A Zoning Case Maps (Location, Land Use, Zoning)
- B Area General Plan of Summerfield Subdivision received November 24, 2004
- C Area General Plan of Summerfield Subdivision received January 10, 2005
- D Soil Map from the Natural Resource Report received June 14, 2004
- E Surface Water Flow Map from the Natural Resource Report received June 14, 2004
- F Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on April 14, 2004 (UNSIGNED)

**Required Finding 1. Regarding Whether the Site “Is Suited or Is Not Suited” for the Development of the Specified Maximum Number of Residences:**

1. The proposed site **IS SUITED** for the development of 10 residences because:
  - A. **The property is not in the area with limited groundwater availability and there is no reason to suspect an impact on surrounding wells** (Summary of Evidence item 19. C. on p. 16); and
  - B. **it is suitable for wastewater systems with 90% of the site having a high potential for septic tank leach fields** (Summary of Evidence items 18. B. & C. on pp. 14 & 15); and
  - C. **each lot has at least one acre of buildable area above the 100-year flood** (Summary of Evidence item 21.C. on p. 17); and
  - D. **the site is located within five miles of emergency services and there will be a dry basin nearby in the near future** (Summary of Evidence items 20. D. on p. 16); and
  - E. **the site is not close to any man-made or natural hazard** (Summary of Evidence item 22. on 17); and
  - F. **the site is bordered on only two sides by row crop agriculture which is in smaller fields than usual for our county** (Summary of Evidence item 23.C. on p. 18); and
  - G. **the soils are not Best Prime Farmland soils** (Summary of Evidence item 15.B.(2) on p. 6); and
  - H. **the traffic generated by the proposed RRO is generally no more than 10% of existing traffic volume** (Summary of Evidence item 16. F.6. on p. 9); and
  - I. **less than half of the property has wet soils** (Summary of Evidence item 17.F. (2) on p. 14);and despite:
  - J. **that emergency services response time will be slower when CR2500N is flooded** (Summary of Evidence items 17. F. on p. 13 and item 20. C. on p. 16); and
  - K. **there is heavy farm traffic on the public roads in certain times of the year** (Summary of Evidence item 16. K. on p. 10); and
  - L. **the LESA score of 208 to 212 that indicates a “High” rating for protection as compared to typical urban development that has scores between 180 and 200** (Summary of Evidence item 24 on pp. 18 and 19); and
  - M. **that some of the roads appear to carry more traffic than is recommended** (Summary of Evidence item 16. F.6. on p. 9); and
  - N. **that traffic guidelines do not adequately address delivery service traffic;** and
  - O. **a large area of apparent stormwater ponding** (Summary of Evidence item 17. D. on p. 12); and
  - P. **that Land Use Regulatory Policy 1.5 states that a site is considered unsuited for development if its features or location would detract from the proposed use; and that a site is also unsuitable if development there would create a risk to the health, safety, or property of the occupants, the neighbors or the general public; and that a site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.**

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

**Required Finding 2. Whether the Proposed Residential Development Will or Will Not Be Compatible with Surrounding Agriculture:**

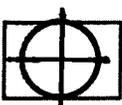
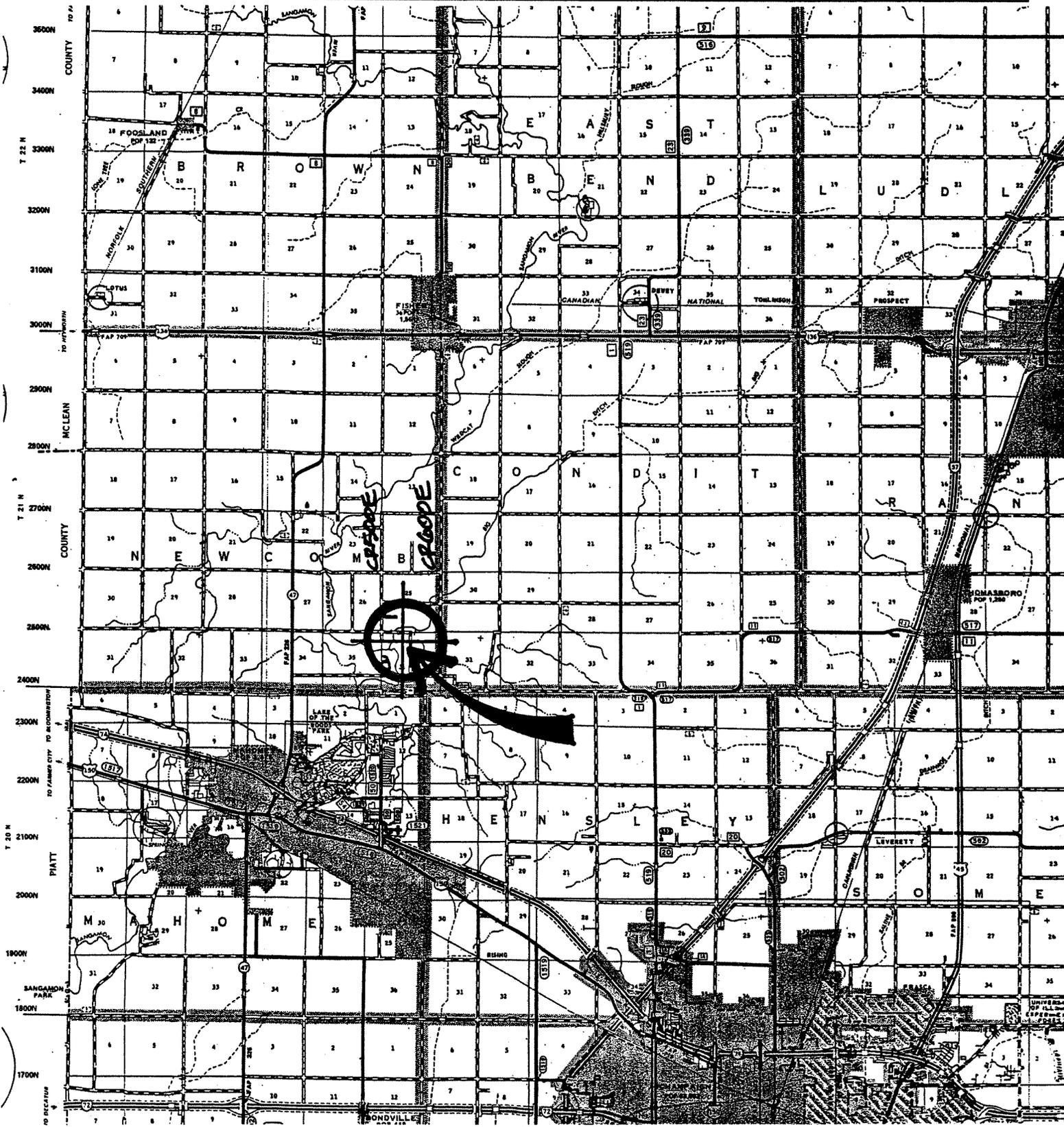
2. Development of the proposed site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
- A. **the site is bordered on only two sides by row crop agriculture which are small fields** (Summary of Evidence item 23.C. on p. 18); and
  - B. **the effects on drainage and the LE score are nearly the same either with or without the RRO;** and
  - C. **it is unlikely that drainage of dry weather flows from the proposed development will effect any adjacent farmland** (Summary of Evidence item 33. A.(4) on p. 21); and
  - D. **Champaign County has passed a right to farm resolution that prevents nuisance complaints against agricultural activities;** and
  - E. **the petitioner has agreed to reduce the number of separate driveways and agreed to locate mail boxes off of the road so as not to impede agricultural traffic** (Summary of Evidence item 35 A. on p. 23); and
- and despite:
- F. **that the right to farm resolution adopted by Champaign County does not prevent private lawsuits;** and
  - G. **the traffic safety effects on farming will increase approximately 150% with the RRO compared to without the RRO** (Summary of Evidence item 33. A. on p. 20); and
  - H. **seasonal heavy agricultural traffic** (Summary of Evidence item 16. K. on p. 10).

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

# ATTACHMENT A. LOCATION MAP

Case 459-AM-04

OCTOBER 8, 2004



Area of Concern

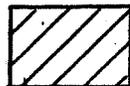
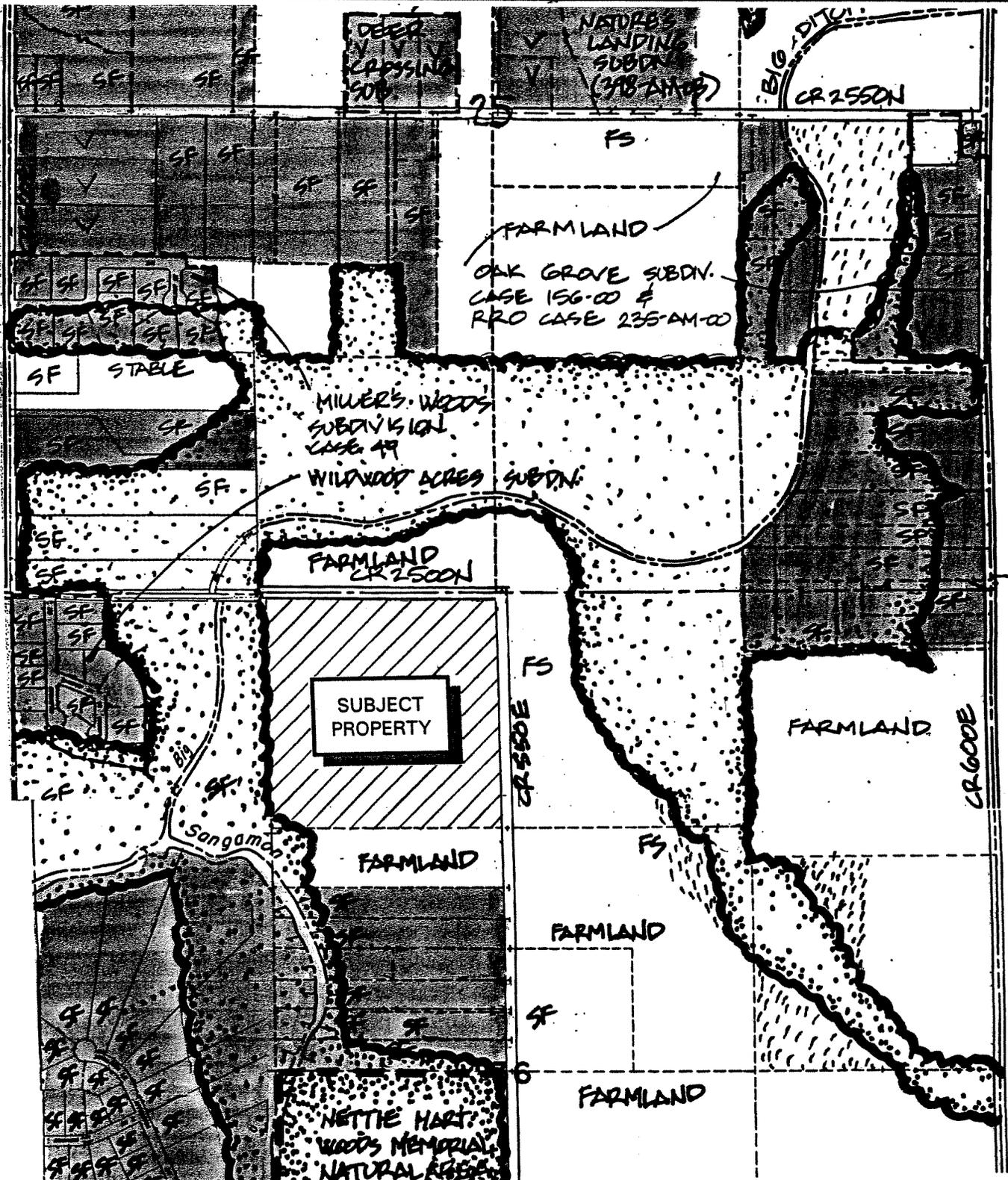


NORTH

ATTACHMENT A. LAND USE MAP

Case 459-AM-04

OCTOBER 8, 2003



Area of Concern



Single Family\*



Farmstead



VACANT SUBDIVISION LOT\*



WOODED AREA



STORE

hading indicates lots that re 5 acres or less in area



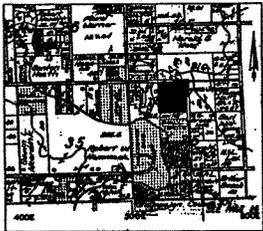
NORTH

Champaign County Department of

PLANNING & ZONING



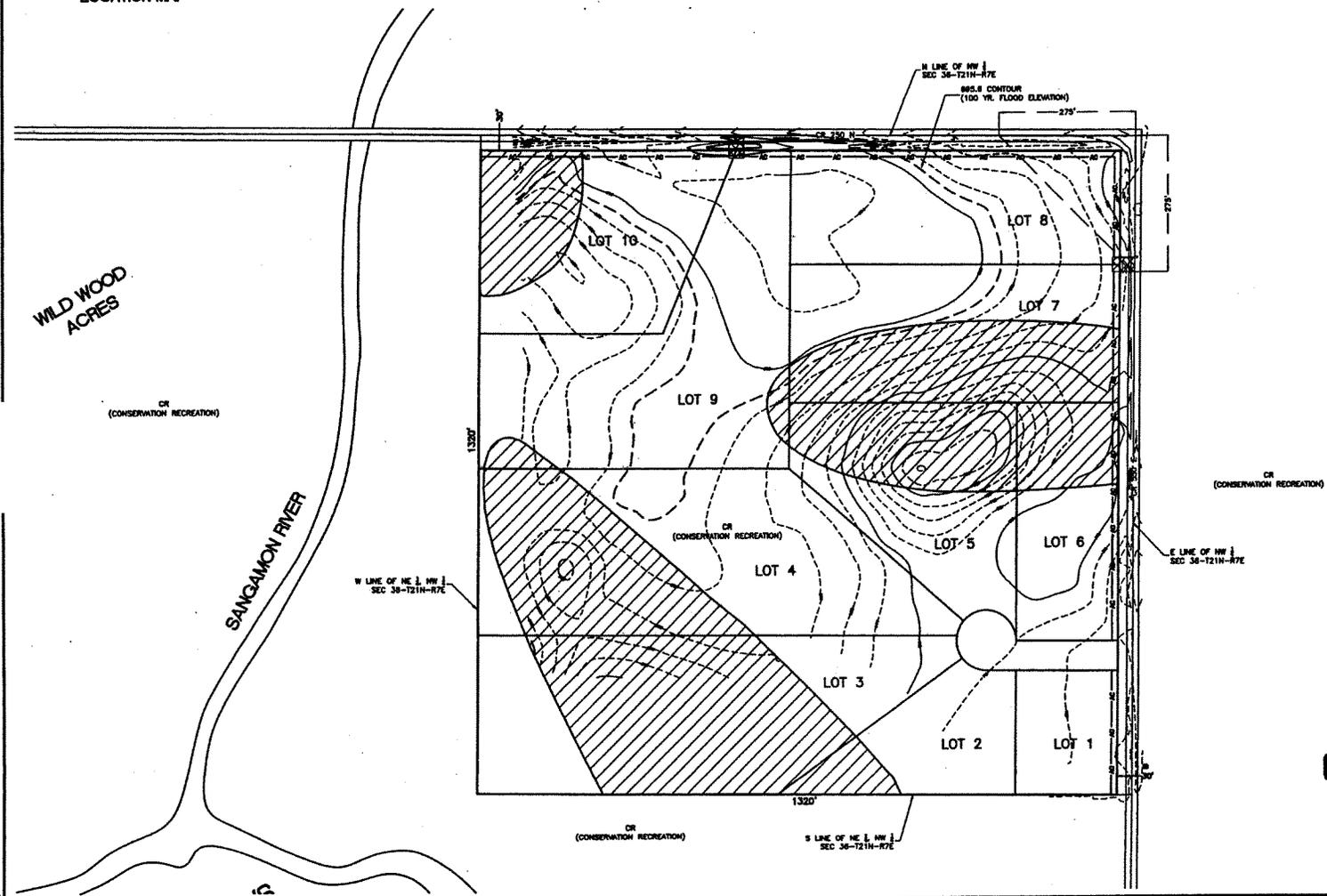
AREA GENERAL PLAN  
 SUMMERFIELD SUBDIVISION  
 THE NE 1/4 OF THE NW 1/4  
 OF SECTION 36-T21N-R7E  
 CHAMPAIGN COUNTY, ILLINOIS



LOCATION MAP

**LEGEND**

	BOUNDARY OF SUBDIVISION
	PROPOSED LOT LINE
	EXISTING CONTOURS
	ARCHAEOLOGICAL FIND AS DELINEATED PER ARCHAEOLOGICAL SURVEY SHORT REPORT PSAP PROJECT No. 04-164
	LOT DIMENSION
	COMMON ACCESS
	ACCESS CONTROL
	SET BACK LINE (NO BUILDINGS)



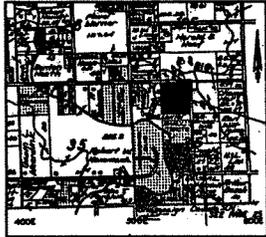
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NOV 24 2004

**CHAMPAIGN CO. P & Z DEPARTMENT**

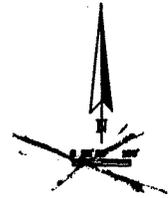
NO. F04152 Date: 10/07/04 REV. 11/24/04  
 HOB 221 West Northgate, Suite 205  
 Champaign, IL 61820  
 Professional Design Firm License No. 004-001213  
 Expires 1/29/2005

26



LOCATION MAP

AREA GENERAL PLAN  
 SUMMERFIELD SUBDIVISION  
 THE NE 1/4 OF THE NW 1/4  
 OF SECTION 36-T21N-R7E  
 CHAMPAIGN COUNTY, ILLINOIS



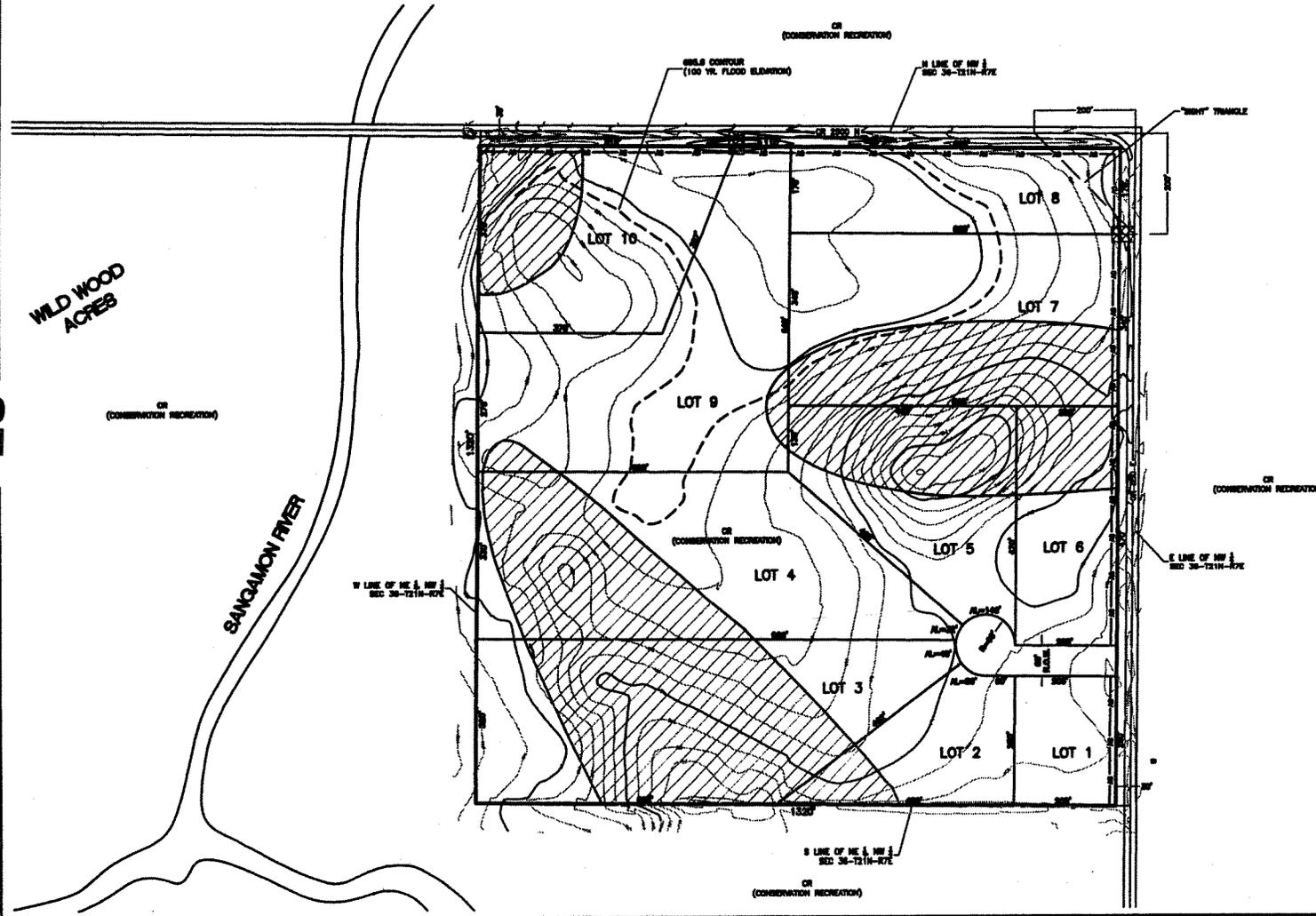
**LEGEND**

- BOUNDARY OF SUBDIVISION
- PROPOSED LOT LINE
- EXISTING CONTOURS
- ARCHAEOLOGICAL FIND AS DELINEATED PER  
PSP PROJECT NO. 04-104
- 100.00' LOT DIMENSION
- COMMON ACCESS
- ACCESS CONTROL
- SET BACK LINE (NO BUILDINGS)
- 100 YEAR FLOOD LINE

**BUILDABLE LOT AREA**

LOT #	SQ. FT.
1	51280
2	43187
3	46705
4	136721
5	72686
6	61794
7	47233
8	67172
9	94241
10	67380

27



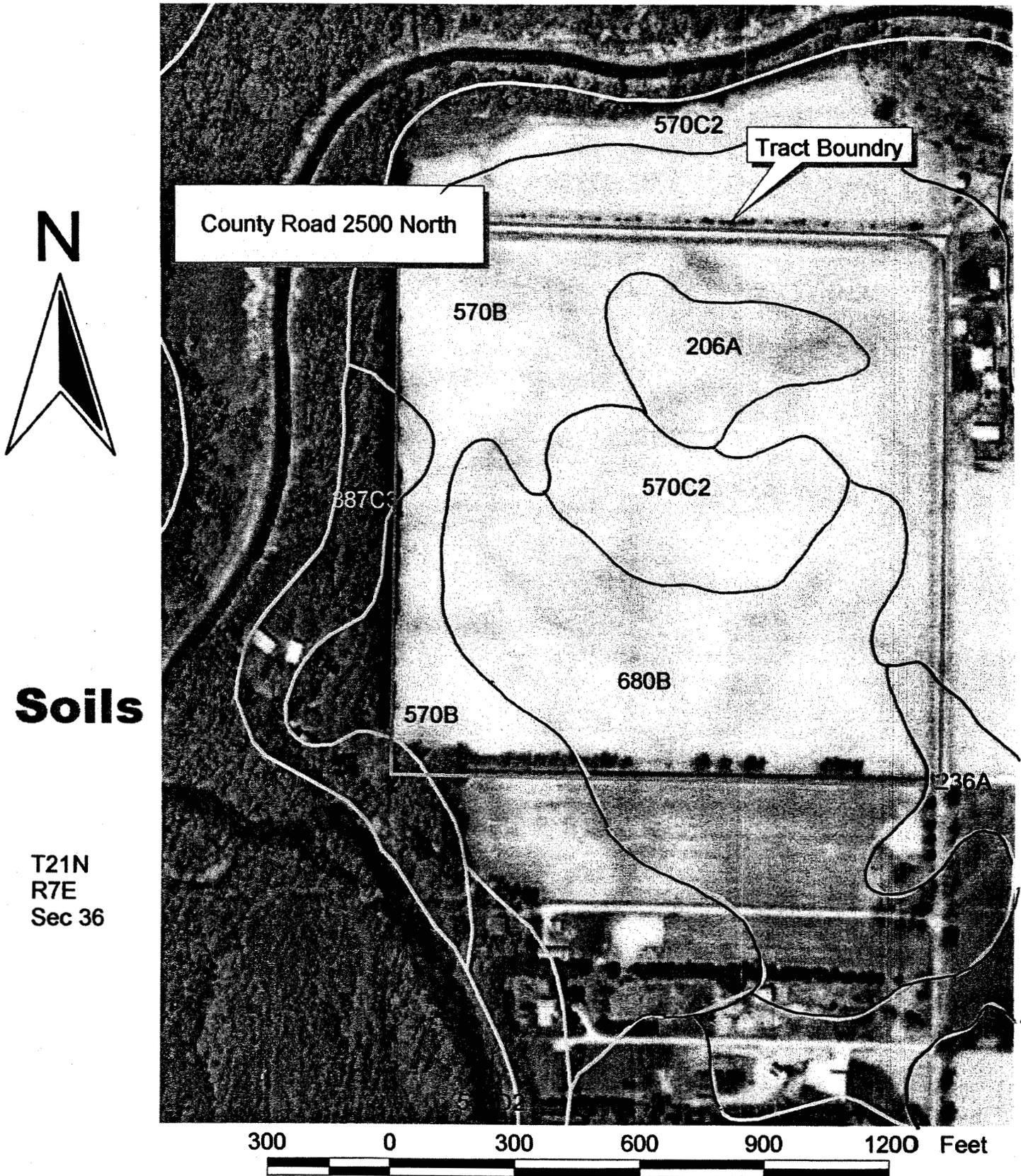
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JAN 10 2005

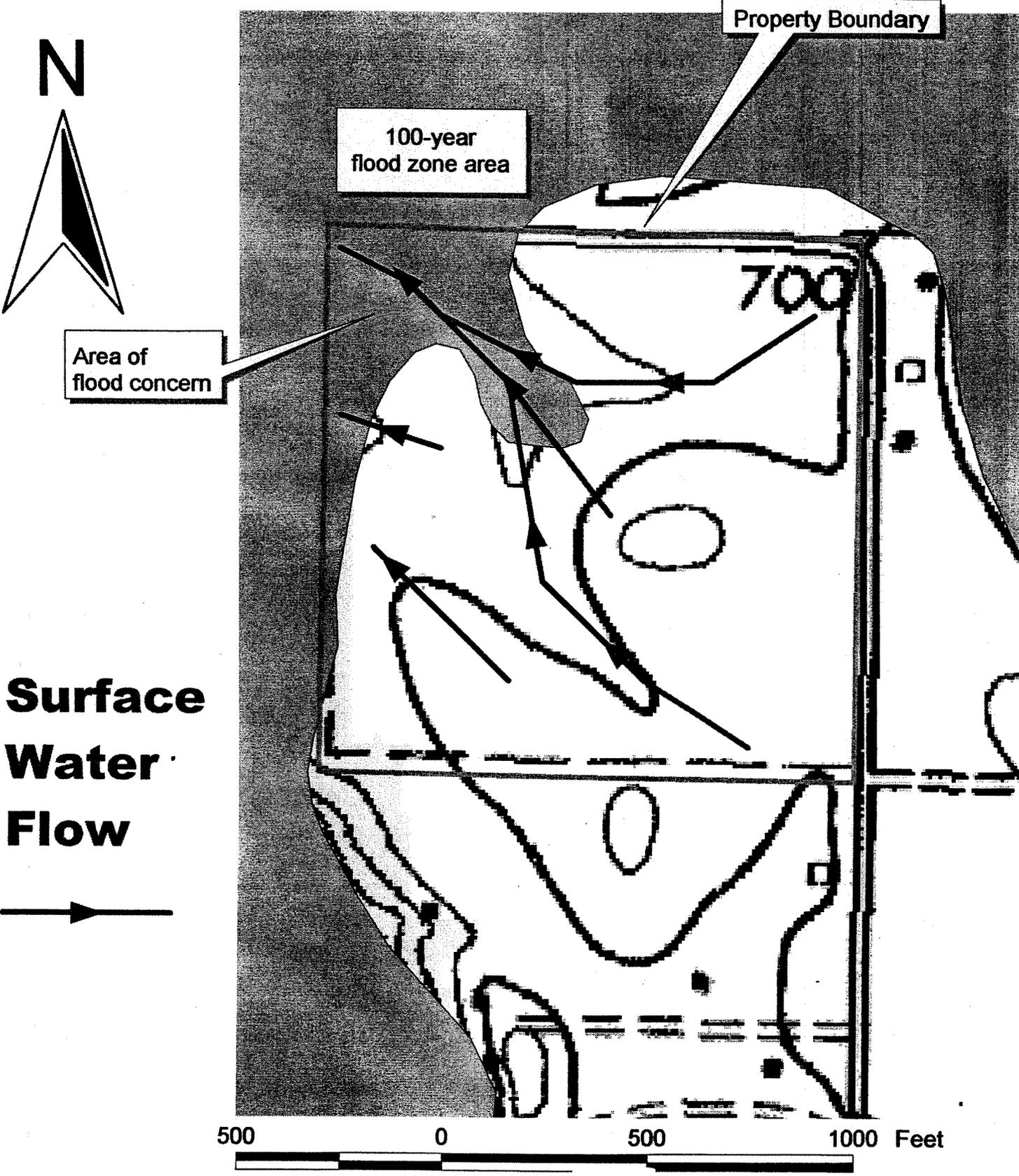
CHAMPAIGN CO. P & Z DEPARTMENT



# Creek Development



# Creek Development



**AS-APPROVED SUMMARY OF EVIDENCE & FINDING OF FACT (DENIAL RECOMMENDED)**

**459-AM-04**

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

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Final Determination: **DENIED**  
(Motion to approve failed with only 3 affirmative votes versus 3 votes against)

Date: April 14, 2005

Petitioners: Tim and Cindy Woodard; and Chris Creek

Request: Amend the Zoning Map to allow for the development of 10 (as amended on November 24, 2004) single family residential lots in the CR Conservation Recreation Zoning District, by adding the Rural Residential Overlay (RRO) Zoning District to a 40 acre tract of land located in the Northeast ¼ of the Northwest ¼ of Section 36 of Newcomb Township and fronts on the south side of CR2500N and on the west side of CR550E at the intersection of CR2500N and CR550E.

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on October 14, 2004; January 13, 2005; February 12, 2005; and April 14, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Tim and Cindy Woodard are the owners of the subject property and Chris Creek is the developer.
2. The subject property is an approximately 40 acre tract of land located in the Northeast ¼ of the Northwest ¼ of Section 36 of Newcomb Township and fronts on the south side of CR2500N and on the west side of CR550E at the intersection of CR2500N and CR550E.
3. On the Petition, when asked what error in the present Ordinance is to be corrected by the proposed change, the Petitioners indicated the following:  

“Applying for RRO.”
4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is zoned CR Conservation Recreation and is currently in agricultural use.

- B. Land adjacent to and located north, east, and south of the subject property is zoned CR Conservation Recreation and is currently in agricultural use.
  - C. Land adjacent to and located west of the subject property is zoned CR Conservation Recreation and is currently a wooded residential property.
5. The subject property is located within the mile-and-a-half extraterritorial planning jurisdiction of the Village of Mahomet and the Village has received notice of this request.
- A. Municipalities have protest rights on all Map Amendments. In the event of a municipal protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority.
  - B. The subject property appears to be indicated as both “AG Agriculture” and “AC Conservation” on the Village of Mahomet Comprehensive Land Use Plan dated January, 2003.
  - C. Within the mile-and-a-half extraterritorial planning jurisdiction the Village is the relevant subdivision jurisdiction and any division of the subject property (including any plat of subdivision pursuant to the requested RRO amendment) will be subject to review and approval by the Village under the Village subdivision ordinance.

***GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT***

6. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning.
7. The RRO District is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
8. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
- A. That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
  - B. That the proposed residential development will or will not be compatible with surrounding agriculture.
9. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
- A. Adequacy and safety of roads providing access to the site
  - B. Effects on drainage both upstream and downstream

- C. The suitability of the site for onsite wastewater systems
- D. The availability of water supply to the site
- E. The availability of emergency services to the site
- F. The flood hazard status of the site
- G. Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat
- H. The presence of nearby natural or man-made hazards
- I. Effects on nearby farmland and farm operations
- J. Effects of nearby farm operations on the proposed residential development
- K. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated
- L. The LESA (Land Evaluation and Site Assessment) score of the subject site

***GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES***

- 10. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies- Rural Districts were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- 11. Land Use Regulatory Policies that are relevant to any proposed RRO District are the following:
  - A. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
    - (1) the conversion of prime farmland is minimized;
    - (2) the disturbance of natural areas is minimized;
    - (3) the sites are suitable for the proposed use;
    - (4) infrastructure and public services are adequate for the proposed use;
    - (5) the potential for conflicts with agriculture is minimized.
  - B. Land Use Regulatory Policy 1.2 states that on the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.
  - C. Land Use Regulatory Policy 1.3.3 provides that development beyond the basic development right will be permitted if the use, design, site and location are consistent with County policy regarding:
    - (1) the efficient use of prime farmland;
    - (2) minimizing the disturbance of natural areas;
    - (3) suitability of the site for the proposed use;
    - (4) adequacy of infrastructure and public services for the proposed use; and
    - (5) minimizing conflict with agriculture.

- D. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.
- E. Land Use Regulatory Policy 1.5.1 states that on less productive farmland, development will not be permitted if the site is unsuited, overall, for the proposed land use. The supporting narrative for this policy explains that a site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.
- F. Land Use Regulatory Policy 1.5.3 states that development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.
- G. Land Use Regulatory Policy 1.5.4 states that development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

**GENERALLY REGARDING THE MAXIMUM ALTERNATIVE DEVELOPMENT WITHOUT AN RRO**

- 12. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
  - A. As amended on February 19, 2004, by Ordinance No. 710 that was based on Case 431-AT-03 Part A, the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
  - B. The subject property could be divided into four parcels without authorization for the RRO Zoning District.

**GENERALLY REGARDING THE PROPOSED RRO DISTRICT**

- 13. The plan that was received on May 27, 2004, in fulfillment of the Schematic Plan requirement has been amended during the public hearing by a plan received on October 8, 2004, and later plans received on November 24, 2004, and January 10, 2005. The plans received on November 24, 2004, and January 10, 2005, indicates the following:
  - A. The RRO District is proposed to occupy the entire subject property.

- B. There are 10 proposed residential lots that range in area from a little more than one acre to approximately six acres.
  - D. Six of the 10 proposed lots have frontage on a new street that accesses CR550E. Two lots have frontage onto CR550E and two lots have direct frontage onto CR550E.
  - E. Lots 7, 8, 9, and 10 are partially in the 100-year floodplain which is indicated to be more extensive than the mapped Special Flood Hazard Area based on actual ground elevations. Each of these lots are oversized and has at least one acre of area that is above the 100-year flood elevation and not subject to flooding. Access to lots 9 and 10 is at a point indicated to be above the Base Flood Elevation (the 100-year floodplain).
  - F. Lots 2, 3, 4, 5, 5, 7, and 10 are all oversized and contain areas suspected to have significant archaeological resources based on the results of a Phase I archaeological survey required by the Illinois Historic Preservation Agency. The lots have been arranged and sized so as to provide at least one acre of buildable area outside of the areas of significant archaeological resources.
14. Regarding compliance of the proposed lots with County land use regulations:
- A. Based on the Revised Preliminary Plan was received on November 24, 2004, all of the lots in the requested RRO District meet or exceed all of the minimum lot standards in the Zoning Ordinance.
  - B. The Champaign County Subdivision Regulations are not applicable to this RRO. All lots also meet the maximum "lot depth to width ratio" in the Subdivision Regulations.

**GENERALLY REGARDING THE SOILS ON THE PROPERTY**

15. A Section 22 Natural Resource Report was prepared for the proposed RRO by the Champaign County Soil and Water Conservation District and can be summarized as follows:
- A. Regarding the types of soils on the subject property, their relative extent, and the relative values:
    - (1) Only about one-half acre (1.25%) of the subject property is Best Prime Farmland and consists of Sabina silt loam, 0 to 3% slopes (map unit 236A).
    - (2) Most of the subject property consists of soils that are Agriculture Value Group 5 and are the following:
      - (a) Martinsville silt loam, 2% to 5% slopes (map unit 570B), makes up about 42.75% (about 17.1 acres) of the subject property; and
      - (b) Campton silt loam, 2% to 5% slopes(new map unit 680B and formerly St. Charles silt loam with 1% to 5% slopes, map unit 243 B), makes up about 33.5% (about 13.4 acres) of the subject property.

- (3) The only soil in Agriculture Value Group 6 on the subject property is Thorp silt loam (map unit 206A) makes up about 8.75% (about 3.5 acres).
  - (4) Soils on the subject property that are in Agriculture Value Group 7 are the following:
    - (a) Martinsville silt loam, 5% to 10% slopes (map unit 570C2), makes up about 12.5% (about 5.0 acres) of the subject property; and
    - (b) Ockley clay loam, 5% to 12% slopes (map unit 387C3) makes up only about 1.25% (about one-half acre) of the subject property.
- B. The subject property is not Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:
- (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies-Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the *Champaign County, Illinois Land Evaluation and Site Assessment System*.
  - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates that the overall Land Evaluation factor for the soils on the subject property is only 76.
- C. Site specific concerns stated in the Section 22 Natural Resource Report are the following:
- (1) A portion of the tract is in the 100-year floodplain.
  - (2) Several natural drainageways are present that should not have homes built in them.
  - (3) The area that is to be developed has 6 soil types, some severe wetness and ponding characteristics. This will be especially important for the septic systems that are planned.

**GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS**

16. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
  - A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.
  - B. The Staff report *Locational Considerations for Rural Residential Development In Champaign County, Illinois*, that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.

- C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT and the Revised Preliminary Plan received on November 24, 2004, the 10 residences in the requested RRO District are estimated to account for an increase of approximately 100 ADT in total. Only two of the lots have access directly onto CR2500N but it is unclear if all of that traffic will be in the same direction or if the traffic will be split between the south and the west. The plan received on January 10, 2005, did not change the estimated traffic load.
- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
- (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
  - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
  - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
  - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- F. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). Pavement width, design capacity, and the most recent (2001) AADT data in the vicinity of the subject property is as follows:
- (1) The Area General Plan received on November 24, 2004, indicates two lots fronting on CR2500N on the north side of the subject property and eight lots that access CR550E on the east side of the property. For CR2500N the pavement widths are as follows:
    - (a) Immediately adjacent to the subject property the pavement width is approximately 19 feet with a maximum recommended traffic volume of between 250 ADT and 400 ADT (based only on pavement width) but there is no known AADT. The traffic assumed to be generated by the two lots that front onto CR2500N (20 ADT) is less than 10% of the maximum recommended traffic volume based on pavement width.

- (b) Approximately one mile west of the subject property the pavement width is approximately 20 feet wide with a maximum recommended traffic volume that is assumed to be between 250 ADT and 400 ADT (based only on pavement width) and the AADT for 2001 was 650. The traffic assumed to be generated by the two lots that front onto CR2500N (20 ADT) is less than 10% of the maximum recommended traffic volume and is about a 3% increase over the AADT for 2001.
  - (c) Approximately two miles west of the subject property the pavement width is approximately 21 feet wide with a maximum recommended traffic volume more than 400 ADT (based only on pavement width) and the AADT for 2001 was 650. The traffic assumed to be generated by the two lots that front onto CR2500N (20 ADT) is less than 5% of the maximum recommended traffic volume and about 3% of the AADT for 2001.
- (2) CR550E on the west side of the subject property has a pavement width of approximately 18½ feet but no known AADT and a recommended maximum ADT of about 250 vehicle trips. The traffic assumed to be generated by the eight lots that front onto CR550E (80 ADT) is about 32% of the maximum recommended traffic volume.
  - (3) About ¾ mile south of the subject property CR550E intersects CR2425N and the pavement width is 20 feet with a maximum recommended traffic volume between 250 ADT and 400 ADT but there is no known AADT. The traffic assumed to be generated by the eight lots that front onto CR550E (80 ADT) is less than 32% of the maximum recommended traffic volume.
  - (4) CR2425N intersections CR600E about 1¼ mile southeast of the subject property and at about 2¾ south the subject property on CR600E the pavement width is 24 feet with a maximum recommended traffic volume greater than 400 ADT and the AADT for 2001 was 1,050. The traffic assumed to be generated by the eight lots that front onto CR550E (80 ADT) is less than 20% of the maximum recommended traffic volume and about 7.6% of the AADT for 2001. The traffic assumed to be generated by the entire proposed RRO is about 9.6% of the 2001 AADT.
  - (5) For all of the locations near the subject property where the pavement width is known and assuming that direction of travel for traffic from the proposed RRO is determined by the street frontage of the proposed lots, the traffic assumed to be generated by the proposed RRO does not exceed the maximum recommended traffic volume (based only on pavement width).
  - (6) For all of the locations near the subject property where the pavement width is known and where IDOT has AADT data:

- (a) At all such locations west of the proposed RRO on CR2500N the existing traffic exceeds the maximum recommended traffic volume (based only on pavement width) without the proposed RRO. In general, the traffic assumed to be generated by the two lots proposed to front onto CR2500N is never more than 10% of the maximum recommended traffic and only about 3% of the 2001 AADT measured by IDOT.
  - (b) At all such locations south of the proposed RRO it is unknown whether the existing traffic exceeds the maximum recommended traffic volume (based only on pavement width) without the proposed RRO. In general, the traffic assumed to be generated by the eight lots proposed to front onto CR550E is never more than 32% of the maximum recommended traffic and generally less than 20% of the maximum recommended traffic and is less than 10% of the 2001 AADT measured by IDOT.
- G. The relevant geometric standards for visibility are found in the *Manual Of Administrative Policies Of The Bureau Of Local Roads And Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to “minimum stopping sight distance”. Design speed determines what the recommended distance is. In regards to the proposed RRO there are no concerns related to stopping sight distance.
- H. Testimony regarding traffic received at the October 14, 2004, meeting was as follows:
- (1) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he was concerned with the increased traffic that would result from the proposed development and that the intersection of CR550E and CR2500N is a dangerous intersection and that there is a hill on CR550E that should be investigated. Mr. Lawlor also gave testimony regarding other concerns.
  - (2) Lisa Haynes who resides at 480 CR2550N, Mahomet stated that she lives up the street from the proposed RRO and roads are a huge issue in the area with continuing development and that CR550E and CR2500N are heavily traveled roads and the addition of homes will only make it worse. She also suggested that the developer pay for required road improvements and she suggested that turn lanes should be required on Illinois Route 47 for the subdivision and she requested that traffic studies be completed on these roads. Ms. Haynes also gave testimony regarding other concerns.
  - (3) Eric Thorsland who resides at 480 CR2550N, Mahomet stated that he is concerned with not only the existing traffic but the anticipated traffic generated by the proposed RRO and that it would be a burden on the township. Mr. Thorsland explained that he was aware of many instances when his neighbor Mr. Warner nearly had accidents moving farm equipment from one field to the next and that the ADT was already over the recommended amount and the proposed RRO would only increase the dangers. Mr. Thorsland also gave testimony regarding other concerns.

- I. A letter dated January 13, 2005, was received from Dr. John Schmale and Mrs. Joyce Schmale who reside at 505C CR2500N, Mahomet. The Schmales expressed a concern with the existing level of traffic on CR2500N and the effects of further housing development.
- J. Testimony regarding traffic received at the February 3, 2005, meeting was as follows:
  - (1) Eric Thorsland who resides at 480 CR2550N, Mahomet testified that in his opinion the traffic on CR2500N has increased and the road is currently capable of handling the existing traffic but the traffic which will be generated from the proposed subdivision will require road improvements and the incurred costs will be passed along to the taxpayers and the increased traffic will impact farming operations which currently make up about 1/4 of the area.
  - (2) Lisa Haynes who resides at 480 CR2550N, Mahomet testified that in her opinion the 10 homes in the proposed RRO District would make a large impact on the traffic.
  - (3) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he owns land on two sides of the proposed development and is concerned about traffic among other concerns.
- K. In a letter dated February 22, 2004, Chief John Jay of the Cornbelt Fire Protection District commented on various concerns including traffic, summarized as follows:
  - (1) Both CR550E and CR2500N receive heavy farm traffic at certain times of the year.
  - (2) CR550E is a narrow road and mailboxes and driveways are problems and Chief Jay encourages mailboxes and access to be set back off the roadway.
  - (3) The entrances to proposed lots 9 and 10 should be out of the 100-year floodplain.
  - (4) There should be an adequate visibility triangle at the northeast corner of Lot 8.
  - (5) All driveways should have an entrance width of 30 feet with a radius.
- L. Based on the Revised Area General Plan received on December 10, 2004, the subject property is comparable to "more or less typical" conditions in terms of common conditions for road safety for rural residential development in Champaign County because of the following:
  - (1) assuming that direction of travel for traffic from the proposed RRO is determined by the street frontage of the proposed lots, the traffic assumed to be generated by the proposed RRO will not exceed the maximum recommended traffic volume (based only on pavement width) even though it is difficult to evaluate how the existing traffic level compares to the existing street capacity.

**GENERALLY REGARDING DRAINAGE**

- 17. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
  - A. The engineer's explanation of general drainage conditions is the letter of May 27, 2004, from David Atchley, P.E. which can be summarized as follows:

- (1) The area is gently rolling and varies in elevation from 703 feet on the east to 690 feet at the northwest corner.
  - (2) Approximately 6 acres in the northwest corner and western edge of the site is located within the mapped 100-year floodplain.
  - (3) Most of the site drains westerly and northwesterly to the Big Ditch. The site also drains easterly into a roadside ditch which then drains into the Big Ditch.
  - (4) Storm water detention is not required due to the low percent of impervious area.
  - (5) The permanent grass and vegetation will reduce the long term erosion.
- B. Topographic contours at five feet intervals are indicated on the excerpt from the USGS 7.5 Topographic Map for the Rising Quadrangle. Review of those contours indicates the following:
- (1) The topographic map does not indicate any areas of significant storm water ponding on the subject property. The Thorp silt loam soil indicated by the Soil Survey occurs in shallow depressions and has a characteristic of ponding. This soil type occurs near the northern edger of the property.
  - (2) Surface drainage for most of the subject property is via a natural drainageway that drains towards the northwest corner of the subject property. A few acres drain directly onto adjacent land to the west at the southwest corner of the subject property and another few acres drain directly onto the same adjacent land to the west via a second minor drainageway south of the northwest corner of the subject property. The drainageways are indicated on the Surface Water Flow illustration in the Natural Resource Report prepared by the Champaign County Soil and Water Conservation District.
- C. Testimony received at the October 14, 2004, meeting regarding drainage was as follows:
- (1) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he owns land on the west and south sides of the proposed development and he was very concerned with the drainage from the proposed RRO particularly at the southwest corner of the Woodard property that was near a cottage on Mr. Lawlor's land. Mr. Lawlor also gave testimony regarding other concerns.
  - (2) Eric Thorsland who resides at 480 CR2550N, Mahomet stated that he was aware of the same drainage concerns as Mr. Harold Lawlor. Mr. Thorsland travels CR550E when returning from work and frequently finds the road flooded for as much as a week in the spring. Mr. Thorsland also gave testimony regarding other concerns.

- (3) David Kunde who resides at 550F CR2500N, Mahomet in the Wildwood Subdivision stated that he has serious concerns with respects to drainage of the proposed RRO. Mr. Kunde explained that in 1993 CR2500N was and a good part of the surrounding land was flooded including the subject property and the 100-year floodplain was exceeded by five feet. Mr. Kunde also explained that even with recent improvements CR2500N still experiences flooding during heavy rains and that if more development is allowed in the area then the rest of the properties in the area will experience more drainage impacts.
  - (4) Joyce Schmale who resides at 505C CR2500N, Mahomet stated that she is concerned with drainage and the addition of homes will add to the amount of natural runoff. Ms. Schmale also gave testimony regarding other concerns.
- D. The Area General Plan received on November 24, 2004 indicated actual ground contours for most of the subject property and indicated the following:
- (1) Ground slope varies between 1% and 10% but there may be small areas with less ground slope. The Champaign County Zoning Ordinance does not contain minimum acceptable ground slope but 1% is normally considered a minimum desirable ground slope for residential development.
  - (2) A depressional area appears to be located on lots 7, 8, 9, and 10 and storm water ponding may occur in this area. This appears to be the approximate area where Thorp silt loam soil is indicated by the Soil Survey. Each of these lots has an acre of buildable area outside of this apparent area of ponding.
  - (3) Based on the ground elevations, portions of lots 7, 8, 9, and 10 are within the 100-year floodplain. Each of these lots appears to have an acre of buildable area outside of the floodplain.
  - (4) The plan received on January 10, 2005, did not change the proposed drainage or provide new drainage information.
- E. A letter dated January 13, 2005, was received from Dr. John Schmale and Mrs. Joyce Schmale who reside at 505C CR2500N, Mahomet. The Schmales expressed a concern with an increase in the frequency of flooding in the area caused in their opinion by loss of farmland and an increase in surrounding development.
- F. Testimony received at the February 3, 2005, meeting regarding drainage was as follows:
- (1) Carl Breedlove who resides at 2474 CR550E, Dewey testified at the February 2, 2005, meeting that he lives across the road from and somewhat to the south of the subject property and he has lived there for 40 years and the drainage at CR550E ponds and has no outlet.

- (2) Eric Thorsland who resides at 480 CR2550N, Mahomet testified and among other things that he observed the flooding of CR2500N on January 13, 2005, and the ten homes in the proposed RRO District would have been cut off from access which raises safety aspects because the fire protection department is located in Mahomet and traveling via CR600E instead of Route 47 more than doubles the travel time.
  - (3) Petitioner Tim Woodard, owner of the subject property, submitted several photographs near to and of the subject property that were taken on January 13, 2005, on the day of a winter storm. One photograph was taken near the southeast corner of the property looking north on CR550E and there is no storm water runoff crossing CR550E.
  - (4) Lisa Haynes who resides at 480 CR2550N, Mahomet testified that she took a photograph of storm water flowing over CR550E on January 13, 2005. Ms Haynes later submitted a photograph that is looking south on CR550E some distance south of the subject property and storm water runoff appears to be ponding on CR550E at a very shallow depth and for a very short distance along CR550E.
  - (5) Harold Lawlor who resides at 2471 CR550E, Mahomet stated that he owns land on two sides of the proposed development and is concerned about flooding among other concerns.
  - (6) David and Carolyn Kunde who reside at 505F CR2500N submitted a letter dated February 2, 2005 regarding their drainage observations since moving to that property in April of 1991. In their letter the Kunde's state the following:
    - (a) In their opinion, in the last two years it has taken much less rain over saturated ground to produce partial property flooding.
    - (b) The Kundes are experiencing near constant low ground flooding, loss of established trees, and a horrific mosquito problem in the warm months.
    - (c) The Kundes are very much concerned that continued development of agricultural ground will exasperate the problem and the development of the property in question will accentuate the problem unless holding ponds are required.
- G. In a letter dated February 22, 2004, Chief John Jay of the Cornbelt Fire Protection District commented on various concerns related to fire protection. He also agreed with John and Joyce Schmale that it seems that this area floods more often now than it had in the past but Chief Jay was not sure how much of the flooding was due to subdividing.
- H. Based on the Revised Area General Plan received on December 10, 2004, the subject property and proposed RRO are comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:

- (1) each lot has adequate buildable area outside of the areas of ponding and takes best advantage of natural topography; and
- (2) less than half of the property has wet soils compared to the typical condition in which 90% of a site has wet soils; and
- (3) the site drains to road ditches that appear to be adequate for the drainage needs.

**GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS**

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

- A. No actual soil investigations or soil percolation test results are required as a submittal for an RRO rezoning.
- B. The pamphlet *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the soil types on the subject property can be summarized as follows:
  - (1) Thorp silt loam (map unit 206A) has a low suitability for septic tank leach fields with a soil potential index of 49. Thorp has severe wetness problems due to both flooding and a high groundwater level similar to Drummer soil. The typical corrective measures are fill and subsurface drainage improvements (underground drain tiles) to lower the groundwater level. There are 14 soil types in Champaign County that have lower suitability potential than Drummer. Thorp soil makes up about 8.75% (about 3.5 acres) of the subject property and is likely to make up a significant portion of proposed lots 4 and 5.
  - (2) Sabina silt loam, 0 to 3% slopes (map unit 206A), has a medium suitability for septic tank leach fields with a soil potential index of 79. Only about one-half acre (1.25%) of the subject property is Sabina and it is unlikely to be used for a septic tank leach field.
  - (3) Campton silt loam, 2% to 5% slopes (new map unit 680B and formerly St. Charles silt loam with 1% to 5% slopes, map unit 243 B) has a high suitability for septic tank leach fields with a soil potential index of 93. However, the soil potential index requires the installation of a curtain drain as a corrective measure to lower the groundwater level. This map unit makes up about 33.5% of the subject property.

- (4) About 13.75% of the subject property consists of soils that have a high suitability for septic tank leach fields and those soil types are the following:
    - (a) Martinsville silt loam, 5% to 10% slopes (map unit 570C2), has a soil potential index of 95. No corrective measures are required.
    - (b) Ockley clay loam, 5% to 12% slopes (map unit 387C3), has a soil potential index of 98. No corrective measures are required.
  - (5) Martinsville silt loam, 2% to 5% slopes (map unit 570B), has a very high suitability for septic tank leach fields with a soil potential index of 100. This map unit makes up about 42.75% (about 17.1 acres) of the subject property. There are no corrective measures required.
- C. Soil investigation results for the proposed lots have been received as follows:
- (1) There are no limiting layer for septic systems on 8 of the 10 proposed lots.
  - (2) Lots 7 and 8 have a seasonal high water table at depths of 44 inches and 53 inches respectively but this should pose no significant problem for subsurface discharge of septic tank effluent.
- D. Based on the Revised Area General Plan received on December 10, 2004, the suitability of the soils on the subject property for septic systems is comparable to the “much better than typical” conditions for Champaign County in terms of common conditions for the septic suitability of soils for the proposed RRO District because of the following:
- (1) based on actual soil investigations all of the lots appear to meet the minimum conditions for subsurface disposal.

***GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE***

19. Regarding the availability of water supply to the site:
- A. The Staff report *Locational Considerations And Issues For Rural Residential Development In Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County. A copy of the map from the Staff report was included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
  - B. Copies of water well logs from vicinity of the subject property have been submitted from the Illinois State Water Survey have been submitted.

- C. Based on the Revised Area General Plan received on December 10, 2004, groundwater availability of the subject property for the proposed RRO District is comparable to the “typical” condition for Champaign County in terms of common conditions for groundwater availability and the impact on neighboring wells because of the following:
- (1) the property is not in the area with limited groundwater availability; and
  - (2) there is reasonable confidence of water availability; and
  - (3) there is no reason to suspect an impact on neighboring wells.

***GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE***

20. Regarding the availability of emergency services to the site:
- A. The subject property is located about 5½ road miles from the Cornbelt Fire Protection District station on Main Street in the Village of Mahomet. The Fire District chief has been notified of this request.
  - B. The nearest ambulance service is in Champaign.
  - C. In a letter dated February 22, 2004, Chief John Jay of the Cornbelt Fire Protection District commented on various concerns including emergency services, summarized as follows:
    - (1) The Newcomb Township Highway Commissioner keeps Cornbelt FPD advised when the Big Ditch is closed due to floods.
    - (2) When the Big Ditch floods the Cornbelt FPD uses Pairieview Road to get to the vicinity of CR550E and that route takes longer than the usual route.
    - (3) The Cornbelt Fire Protection District can use water out of the Big Ditch for firefighting if need be.
    - (4) Cornbelt FPD is an Advanced Life Support (ALS) Rescue Service with a paramedic on staff 24/7. ALS begins as soon as Cornbelt FPD arrives on the scene but Cornbelt FPD does not provide transport.
  - D. Based on the Revised Preliminary Plan received on December 15, 2004, the emergency services conditions on the subject property are comparable to the “typical” conditions for Champaign County because of the following:
    - (1) the proposed RRO District is about five road miles from the Cornbelt Fire Station via Illinois Route 47 compared to a typical condition of being about five road miles from a fire station within the district.

***GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS***

21. Regarding the flood hazard status of the site:

- A. Pursuant to Federal Emergency Management Agency Panel Number 170894- 0100C, part of the subject property is located within the Special Flood Hazard Area.
- B. The revised Area General Plan received on November 24, 2004, indicates that based on actual ground elevations a much larger portion of the property is located within the 100-year floodplain. The revised plan indicates that each proposed lot has at least one acre of buildable area located outside of the 100-year floodplain. The plan received on January 10, 2005, did not change the floodplain information.
- C. Based on the Revised Area General Plan received on December 10, 2004, the proposed RRO District is comparable to “typical” conditions in terms of common conditions for flood hazard for rural residential development in Champaign County because of the following.
  - (1) Four of the proposed lots (lots 7, 8, 9, &10) are partially in the 100-year floodplain based on ground elevation. but each lot has at least one acre of buildable area above the 100-year flood elevation.

22. Regarding the presence of nearby natural or man-made hazards:

- A. The subject property is not close to any man-made hazard.
- B. Based on the Revised Area General Plan received on December 10, 2004, the proposed RRO District is comparable to “much better than typical” conditions in terms of common conditions for natural and man-made hazards for rural residential development in Champaign County because of the following:
  - (1) the property is not close to any man-made hazard and it is not unusual for a site to be close to some kind of hazard such as a pipeline, high tension electrical transmission lines, or railroad tracks; and
  - (2) the property has access to a public street that gets better than typical maintenance and there is less chance for snow drifts or flooding to block access from a fire protection station.

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

23. Regarding the likely effects of nearby farm operations on the proposed development:

- A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:

- (1) Row crop production agriculture occupies less than 1/4 of the land area within the immediate vicinity of the proposed RRO District but does occur on three sides of the proposed RRO.
  - (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
- B. Mr. Carl Breedlove who resides at 2474 CR550E, Dewey testified at the February 3, 2005, meeting that he lives across the road from and somewhat to the south of the subject property and he at times has anywhere between 30 and 50 head of cattle. Mr. Breedlove testified that he is not opposed to the proposed development of housing but if it is going to effect his livelihood then his opinion may change.
- C. Overall, the effects of nearby farm operations on the subject property is comparable to “much better than typical” conditions for Champaign County because of the following:
- (1) the proposed RRO District is bordered on no more than two sides by row crop agriculture under different ownership and the fields are much smaller than typical for Champaign County.

**GENERALLY REGARDING THE LESA (LAND EVALUATION AND SITE ASSESSMENT) SCORE**

24. Regarding the LESA (Land Evaluation and Site Assessment) score of the proposed RRO District:
- A. The Champaign County, Illinois Land Evaluation and Site Assessment (LESA) System is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
- (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
  - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
  - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
  - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.
  - (5) For comparison purposes, development on prime farmland soils but in close proximity to built up areas and urban services typically has scores between 180 and 200.
- B. The LESA worksheets are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
- (1) The Land Evaluation component rating for the proposed RRO District is 76.
  - (2) The Site Assessment component rating for the proposed RRO District is 132 to 136 depending upon the impact on cultural (archaeological) resources.

- (3) The total LESA score is 208 to 212 and indicates a “High” rating for protection but is close to the LESA score for typical development on prime farmland soils but in close proximity to built up areas and urban services which generally has scores between 180 and 200.
- C. Based on the Revised Area General Plan received on December 10, 2004, the LE score for the subject property is 76 which is comparable to “much better than typical conditions” for Champaign County which indicates that the quality of farmland on the subject property is much better than the overall average for the county which is 92.

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

- 25. Regarding the effects on wetlands, endangered species, and natural areas:
  - A. An application to the Illinois Department of Natural Resources for endangered species consultation was made on May 27, 2004, but no results have been received.
- 26. Regarding the effects on archaeological resources:
  - A. The subject property is within the area with a high probability of archaeological resources.
  - B. The engineer has reported that a Phase I archaeological survey has been completed and that resources were found and that a Phase II survey will be required but no documentation has been received to date.
- 27. The subject property is currently farmed and so contains no significant wildlife habitat.
- 28. Testimony received at the October 14, 2004, meeting regarding wildlife and natural areas was as follows:
  - A. Harold Lawlor who resides at 2471 CR550E, Mahomet stated that his property west of the proposed development is heavily wooded and might be an attractive nuisance to the public and wondered if a fence could be considered to prevent trespass onto his property. Mr. Lawlor also gave testimony regarding other concerns.
  - B. Lisa Haynes who resides at 480 CR2550N, Mahomet testified that she is concerned with the impact on wildlife from changing the use of the land from agricultural to residential and requested that an intensive study be completed on the environmental impact. Ms. Haynes also gave testimony regarding other concerns.
  - C. Joyce Schmale who resides at 505C CR2500N, Mahomet stated that she is concerned with the impact of continued development on wildlife and she requested that the Board consider the environmental impacts to the area. Ms. Schmale also gave testimony regarding other concerns.

29. The proposed RRO District at this location is comparable to “much better than typical” conditions in terms of common conditions for wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat for rural residential development in Champaign County because as proposed the areas of possible significant resources are not proposed to be disturbed.

***GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT***

30. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
- (1) “Much Better Than Typical” conditions for seven factors (septic suitability; hazards; effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat; effects of farms; LESA score; drainage): and
  - (2) “More or Less Typical” conditions for four factors (availability of water; flood hazard status; emergency services; and adequacy of roads).
31. At the public hearing on April 14, 2005, a petition of opposition was submitted by Dr. John Schmale and included signatures of various neighbors.

***GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND***

32. The soils on the subject property are not best prime farmland.

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

33. Regarding the likely effects of the proposed development on nearby farm operations:
- A. The surrounding land use on two sides of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
    - (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles.  
  
As reviewed under adequacy and safety of roads, some of the roads already appear to carry more traffic than is recommended. The 10 homes in the proposed RRO will generate 150% more traffic than the non-RRO alternative development of only 4 homes. The increase in traffic caused by the proposed RRO is generally less than 20% of the maximum recommended traffic and no more than 10% of the 2001 Average Annual Daily Traffic measured by IDOT in certain locations in the vicinity.
    - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.

The proposed RRO of 10 homes is about 150% more homes than the non-RRO alternative development of only 4 homes and will probably result in more trespass.

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

The proposed RRO of 10 homes is about 150% more homes than the non-RRO alternative development of only 4 homes and will likely result in more litter.

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

It is unlikely that drainage from the proposed development would effect any adjacent farmland.

- (5) If trees are planted close to the perimeter of the property, they can be expected to interfere with some farming operations (such as harvesting) and may contribute to blockage of underground tiles (if any exist). Perimeter fencing, if installed, could also interfere with farming operations.

It is unlikely that either trees or fencing on the proposed development would effect any adjacent farmland.

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

- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.

The proposed RRO of 10 homes is about 150% more non-agricultural homes than the non-RRO alternative development of only 4 homes and could result in more complaints.

- (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.
- (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 animal units, which is equivalent to 125 hogs) can be located in relation to populated areas (10 or more non-farm residences) and public assembly uses (churches, for example). The separation distances between larger

livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility and the number of non-farm residences in the vicinity.

The smallest setback distance is for livestock management facilities of between 50 and 1,000 animal units and is 1/4 mile from any non-farm residence and 1/2 mile from any populated area.

The only known nearby livestock operation is southwest of the proposed RRO District but the proposed RRO District will have no effect on the requirements of the Livestock Management Facilities Act for that livestock operation.

The proposed RRO of 10 homes is about 150% more non-agricultural homes than the non-RRO alternative development of only 4 homes and could result in more complaints about the livestock operation.

- C. Testimony received at the February 3, 2005, meeting regarding compatibility with agriculture and the effects on agriculture was as follows:
- (1) Mr. Carl Breedlove who resides at 2474 CR550E, Dewey testified at the February 3, 2005, meeting that he lives across the road from and somewhat to the south of the subject property and he at times had anywhere between 30 and 50 head of cattle. Mr. Breedlove testified that he is not opposed to the proposed development of housing but if it is going to effect his livelihood then his opinion may change.
  - (2) John Hall, Associate Planner, testified as follows:
    - (a) The Breedlove farm is already within 1/4 mile of several non-farm residences to the west and within 1/2 mile of at least two subdivisions with 10 or more homes and so the proposed RRO District will have no effect on expansion of the numbers of livestock on the Breedlove farm.
    - (b) The proposed RRO District will increase the number of neighbors who may complain about odor from the Breedlove farm.
  - (3) Lisa Haynes who resides at 480 CR2550N, Mahomet testified that this subdivision will be damaging to agriculture and is a conflict with agriculture because despite the protection provided to farmers the neighbors complain about odors, etc.

**GENERALLY REGARDING POSSIBLE CONDITIONS OF APPROVAL**

34. The following special conditions will ensure that the areas identified by the Phase I archaeological survey as areas likely to contain significant archaeological resources are protected from disturbance in the proposed RRO District:

- A. **In those areas indicated by the Phase I archaeological survey as areas likely to contain significant archaeological resources, any plat of subdivision shall include (1) recorded easements in favor of the Illinois Historic Preservation Agency; and (2) indications on the plat indicating where those easements apply; and (3) restrictive covenants that prohibit future landowners from disturbing those areas by construction or earth moving activities without prior consultation with the Illinois Historic Preservation Agency to ensure that any significant archaeological resources that may be present on the subject property are not unknowingly disturbed by private activities or construction.**
  
  - B. **The Zoning Administrator shall not issue a Zoning Use Permit Application for areas indicated by the Phase I archaeological survey to contain significant archaeological resources unless evidence is provided by the applicant verifying that the application conforms with the advice and consultation of the Illinois Historic Preservation Agency to ensure that the provisions of Condition 1 are met while providing that future lot owners are not unnecessarily prevented from enjoying the use of their property if reasonable care is taken to prevent disturbance to any significant archaeological resources that may be present.**
35. The following special conditions will minimize the encroachment of driveways and mailboxes in the proposed RRO District into the right of way:
- A. **All lots fronting on CR2500N and CR550E that have centralized driveways shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate to ensure that mail boxes do not unnecessarily impede agricultural traffic.**
  
  - B. **All driveway entrance widths shall be 30 feet wide with a radius or as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate to ensure that emergency services vehicles have adequate access to all properties.**

**DOCUMENTS OF RECORD**

1. Petition received May 27, 2004
2. Preliminary Memorandum dated October 8, 2004, with attachments:
  - A Zoning Case Maps (Location, Land Use, Zoning)
  - B List of Petitioner Submittals
  - C Preliminary Plan of Creek Subdivision dated 5/04/04
  - D Excerpt from the Village of Mahomet Comprehensive Land Use Plan dated January, 2003.
  - E Excerpt from USGS 7.5 Topographic Map for Rising Quadrangle (received May 27, 2004)
  - F Storm Water Drainage Letter of May 27, 2004, from David Atchley, Illinois Professional Engineer.(received May 27, 2004)
  - G Champaign County Land Use Regulatory Policies
  - H Natural Resource Report received June 14, 2004
  - I Illinois Department of Transportation Map of Street Names
  - K Illinois Department of Transportation Map of Annual Average Daily Traffic (AADT)
  - L Excerpted worksheets from *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*
  - M Land Evaluation and Site Assessment (LESA) System Worksheet
  - N Table Of Common Conditions Influencing The Suitability Of Locations For Rural Residential Development In Champaign County
  - O Comparing The Proposed Site Conditions To Common Champaign County Conditions
  - P Summary Of Site Comparison For Factors Relevant To Development Suitability
  - Q Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
  - R DRAFT Summary of Evidence (included separately)
3. Supplemental Memorandum dated January 7, 2005, with attachments:
  - A Minutes of ZBA meeting of October 14, 2004
  - B Area General Plan of Summerfield Subdivision received 11/24/04
  - C REVISED Comparing The Proposed Site Conditions To Common Champaign County Conditions
  - D REVISED Summary Of Site Comparison For Factors Relevant To Development Suitability
  - E Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
  - F REVISED DRAFT Summary of Evidence
4. Supplemental Memorandum dated January 27, 2005, with attachments:
  - A Supplemental Memorandum of January 7, 2005, with attachments (except for Summary of Evidence)
  - B Area General Plan of Summerfield Subdivision received January 10, 2005
  - C Soil investigation results dated January 12, 2005
  - D Summary Of Most Important Aspects Of Soil Suitability For Septic Disposal
  - E Letter of January 13, 2005, from Dr. John Schmale and Joyce Schmale
  - F REVISED Comparing The Proposed Site Conditions To Common Champaign County Conditions
  - G REVISED Summary Of Site Comparison For Factors Relevant To Development Suitability
  - H REVISED DRAFT Summary of Evidence

5. Supplemental Memorandum dated February 3, 2005, with attachments:
  - A Letter of February 1, 2005, from the Champaign County Fire Chiefs Association
  - B Summary of Illinois Livestock Management Facilities Act General Requirements Related to Size of Facility
  
6. Evidence submitted at the February 3, 2005, meeting consisting of the following:
  - A Letter dated February 2, 2005, from David and Carolyn Kunde with attachments
  - B Six photographs taken by Tim Woodard on 1/13/05
  - C January 28, 2005, edition of *Illinois Agrinews* submitted by Lisa Haynes
  
7. Supplemental Memorandum dated February 3, 2005, with attachments:
  - A. Draft minutes from the February 3, 2005, meeting
  - B Letter dated February 2, 2005, from David and Carolyn Kunde with attachments
  - C Article from the January 28, 2005, edition of *Illinois Agrinews* submitted by Lisa Haynes
  - D Photograph taken by Tim Woodard on 1/13/05 looking north on CR550E from the southeast corner of the subject property
  - E Photograph taken by Lisa Haynes on 1/13/05 looking south on CR550E some distance south of the southeast corner of the subject property
  - F Letter dated February 22, 2005, from Chief John Jay, Cornbelt Fire Protection District
  - G REVISED DRAFT Summary of Evidence
  
8. Supplemental Memorandum dated April 7, 2005, with attachments:
  - A. Draft minutes from the February 3, 2005, meeting
  - B Letter dated February 2, 2005, from David and Carolyn Kunde with attachments
  - C Article from the January 28, 2005, edition of *Illinois Agrinews* submitted by Lisa Haynes
  - D Photograph taken by Tim Woodard on 1/13/05 looking north on CR550E from the southeast corner of the subject property
  - E Photograph taken by Lisa Haynes on 1/13/05 looking south on CR550E some distance south of the southeast corner of the subject property
  - F Letter dated February 22, 2005, from Chief John Jay, Cornbelt Fire Protection District
  - G REVISED DRAFT Summary of Evidence
  
9. Supplemental Memorandum dated April 14, 2005, with attachments:
  - A. Revised Summary of Evidence item 16 F.
  - B A Comparison Of Evidence In Support Of Suitability With Evidence Against Suitability
  - C Revised Summary of Evidence items 33 A. and B.
  - D Revised Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
  - E Proposed conditions regarding mail boxes and driveway entrance width
  
10. Undated petition of opposition from Dr. John Schmale with various neighbor's signatures received April 14, 2005

## FINDINGS OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on October 14, 2004; January 13, 2005; February 12, 2005; and April 14, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site **IS SUITED** for the development of 10 residences because
  - A. The property is not in the area with limited groundwater availability and there is no reason to suspect an impact on surrounding wells; and
  - B. it is suitable for wastewater systems with 90% of the site having a high potential for septic tank leach fields; and
  - C. each lot has at least one acre of buildable area above the 100-year flood; and
  - D. the site is located within five miles of emergency services and there will be a dry basin nearby in the near future; and
  - E. the site is not close to any man-made or natural hazard; and
  - F. the site is bordered on only two sides by row crop agriculture which is in smaller fields than usual for our county; and
  - G. the soils are not Best Prime Farmland soils; and
  - H. the traffic generated by the proposed RRO is generally no more than 10% of existing traffic volume; and
  - I. less than half of the property has wet soils;

and despite:

- J. that emergency services response time will be slower when CR2500N is flooded; and
- K. there is heavy farm traffic on the public roads in certain times of the year; and
- L. the LESA score of 208 to 212 that indicates a “High” rating for protection as compared to typical urban development that has scores between 180 and 200; and
- M. that some of the roads appear to carry more traffic than is recommended; and
- N. that traffic guidelines do not adequately address delivery service traffic; and
- O. a large area of apparent stormwater ponding; and
- P. that Land Use Regulatory Policy 1.5 states that a site is considered unsuited for development if its features or location would detract from the proposed use; and that a site is also unsuitable if development there would create a risk to the health, safety, or property of the occupants, the neighbors or the general public; and that a site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.

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

- A. the site is bordered on only two sides by row crop agriculture which are small fields; and
- B. the effects on drainage and the LE score are nearly the same either with or without the RRO; and
- C. it is unlikely that drainage of dry weather flows from the proposed development will effect any adjacent farmland; and
- D. Champaign County has passed a right to farm resolution that prevents nuisance complaints against agricultural activities; and
- E. the petitioner has agreed to reduce the number of separate driveways and agreed to locate mail boxes off of the road so as not to impede agricultural traffic; and

and despite:

- F. that the right to farm resolution adopted by Champaign County does not prevent private lawsuits; and
- G. the traffic safety effects on farming will increase approximately 150% with the RRO compared to without the RRO; and
- H. seasonal heavy agricultural traffic.

3. **THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE FINDING OF FACT FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**
- A. **In those areas indicated by the Phase I archaeological survey as areas likely to contain significant archaeological resources, any plat of subdivision shall include (1) recorded easements in favor of the Illinois Historic Preservation Agency; and (2) indications on the plat indicating where those easements apply; and (3) restrictive covenants that prohibit future landowners from disturbing those areas by construction or earth moving activities without prior consultation with the Illinois Historic Preservation Agency**  
to ensure that  
**any significant archaeological resources that may be present on the subject property are not unknowingly disturbed by private activities or construction.**
  - B. **The Zoning Administrator shall not issue a Zoning Use Permit Application for areas indicated by the Phase I archaeological survey to contain significant archaeological resources unless evidence is provided by the applicant verifying that the application conforms with the advice and consultation of the Illinois Historic Preservation Agency**  
to ensure that  
**the provisions of Condition 1 are met while providing that future lot owners are not unnecessarily prevented from enjoying the use of their property if reasonable care is taken to prevent disturbance to any significant archaeological resources that may be present.**
  - C. **All lots fronting on CR2500N and CR550E that have centralized driveways shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate**  
to ensure that  
**mail boxes do not unnecessarily impede agricultural traffic.**
  - D. **All driveway entrance widths shall be 30 feet wide with a radius or as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate**  
to ensure that  
**emergency services vehicles have adequate access to all properties.**

**FINAL DETERMINATION**

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

The Map Amendment requested in Case 459-AM-04 should **NOT BE ENACTED** by the County Board.

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

SIGNED:

\_\_\_\_\_  
Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

\_\_\_\_\_  
Secretary to the Zoning Board of Appeals

\_\_\_\_\_  
Date

To: **Environment and Land Use Committee**

From: **John Hall, Associate Planner**

Date: **April 26, 2005**

RE: **Floodplain variance Case 483-V-04**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

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

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**Zoning Case 483-V-04**

Request: **A. Authorize the construction and use of a residential garage with the following variances:**

- 1. The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
- 2. The garage shall be 720 square feet in area instead of no more than 500 square feet in area.**

**B. Authorize the construction and use of two sheds each with the following variances:**

- 1. The floor of each shed shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
- 2. Each shed shall be 1,320 square feet in area instead of no more than 500 square feet in area.**

Petitioners: **Dan and Mary Jenkins**

Location: **A 40 acre tract located in the West ½ of the East ½ of the Northeast ¼ of Section 10 of St. Joseph Township and that is located south of CR1700N between the Salt Fork River and Chateau Drive.**

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**STATUS**

Variances to the Special Flood Hazard Areas Ordinance must be approved by the full County Board but begin with a public hearing at the Zoning Board of Appeals (ZBA). The ZBA voted to "RECOMMEND APPROVAL" of this floodplain variance at their meeting on April 14, 2005.

Relevant maps have been excerpted from the Documents of Record and are attached.

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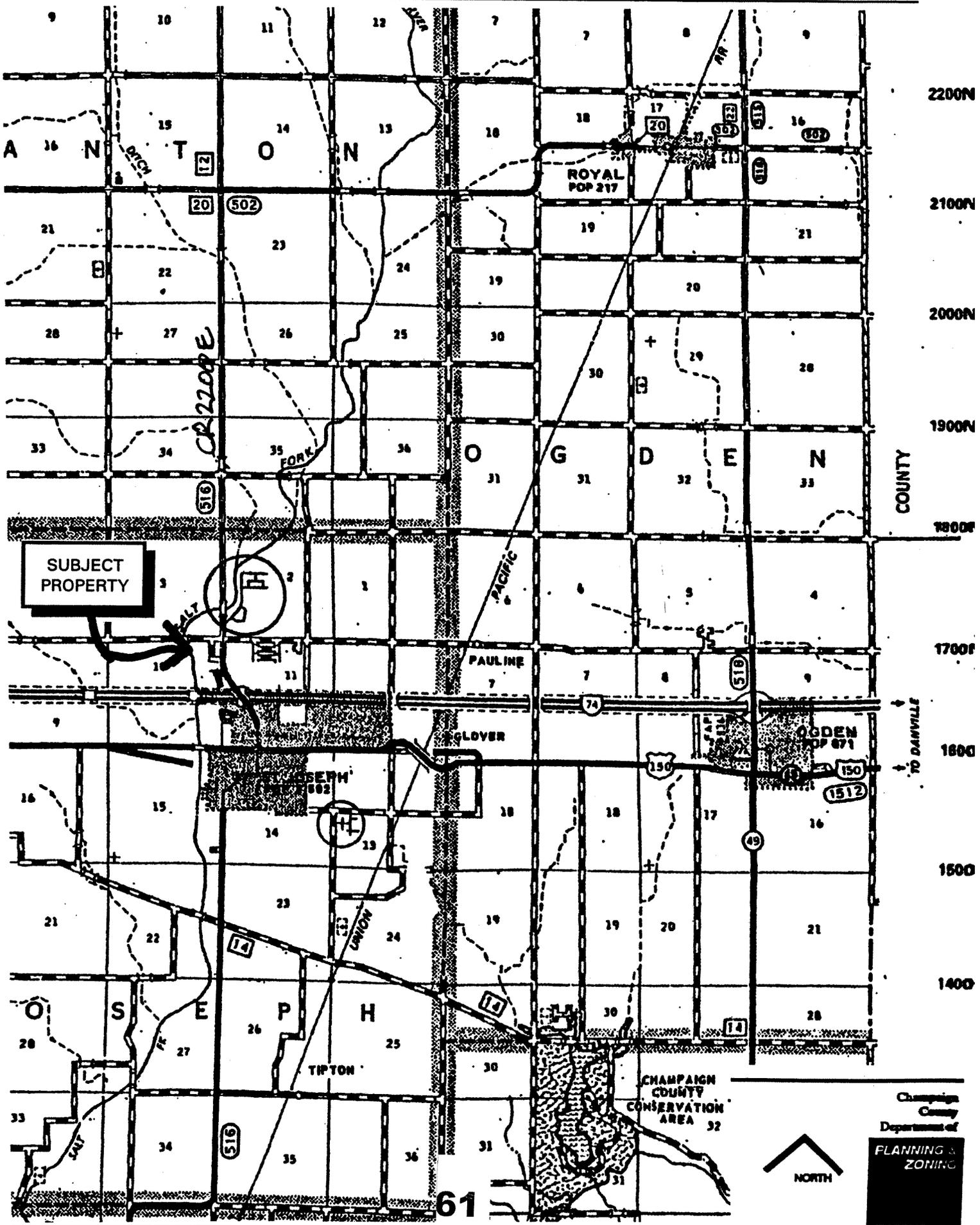
**ATTACHMENTS**

- A Location Map**
- B Excerpt of Flood Insurance Rate Map 170894 0205 B**
- C Revised site plan for Floodplain Development Permit 154-04-04 FP received February 1, 2005 (also the approved site plan for ZUPA 32-05-01 and proposed site plan for Case 483-FV-04) received 2/28/05**
- D Crawl space plan received 2/18/05**
- E Wall section through crawl space received 2/18/05**
- F Approved Summary of Evidence, Finding of Fact, and Final Determination**

# ATTACHMENT A. LOCATION MAP

Case 483-FV-04

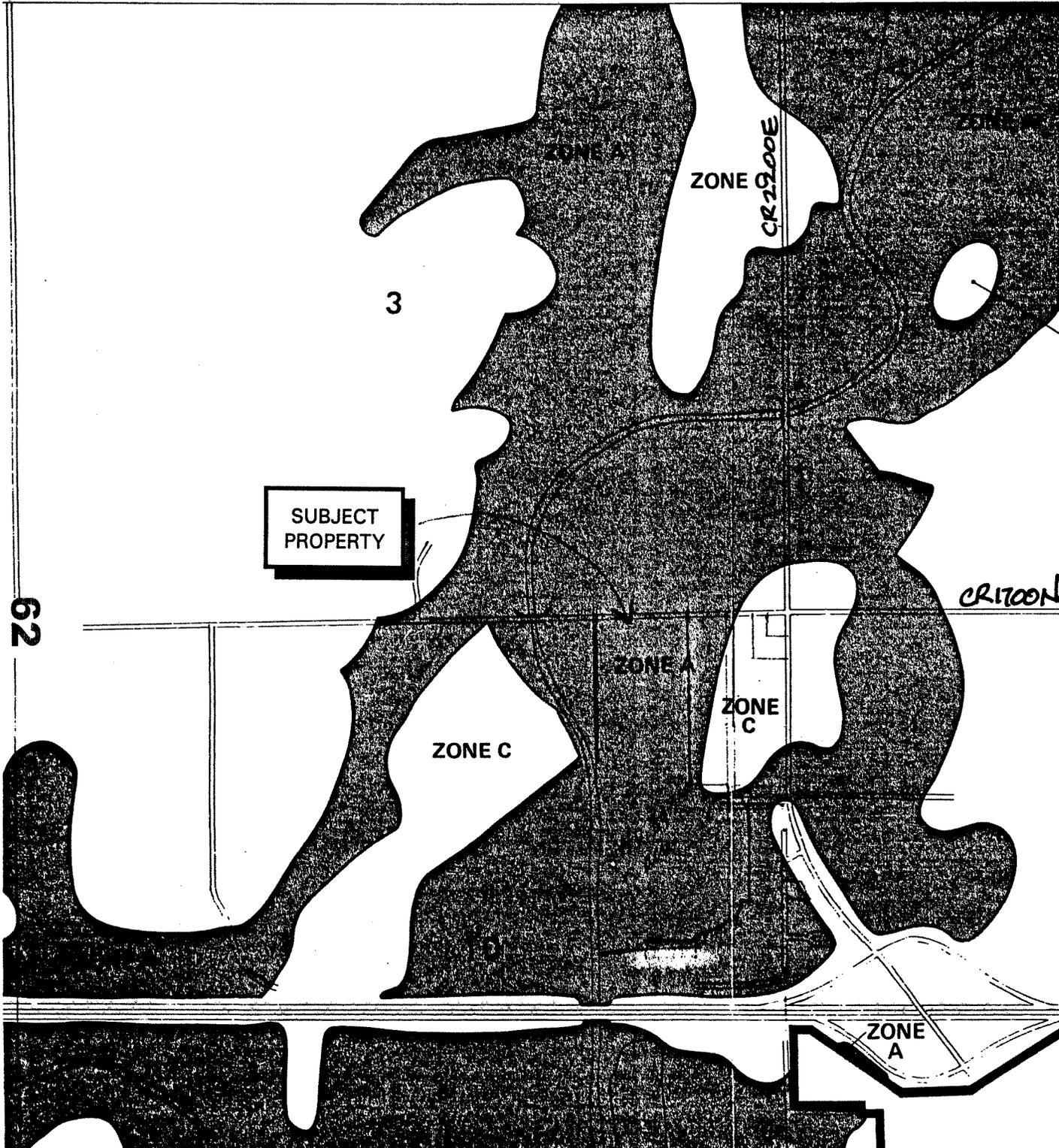
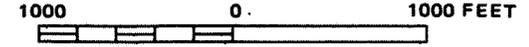
APRIL 8, 2005



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



APPROXIMATE SCALE



NATIONAL FLOOD INSURANCE PROGRAM

# FIRM FLOOD INSURANCE RATE MAP

COUNTY OF  
CHAMPAIGN,  
ILLINOIS  
(UNINCORPORATED AREAS)

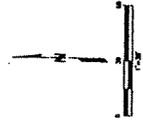
PANEL 205 OF 300

COMMUNITY PANEL NUMBER

RECEIVED

FEB 20 2005

CHAMPAIGN CO. P & Z DEPARTMENT



- LEGEND**
- TELEPHONE POLE/STAKE
  - ELECTRIC POLE/STAKE
  - CABLE TELEVISION POLE/STAKE
  - MICROCHANNEL CABLE TELEVISION LINE
  - VARD LIGHT
  - △ ELECTRIC TRANSFORMER
  - ELECTRIC CONDUIT SERVICES BY FARMINGTON GROUP, INC. OR EQUIVALENT
  - ==== BUILDING USE

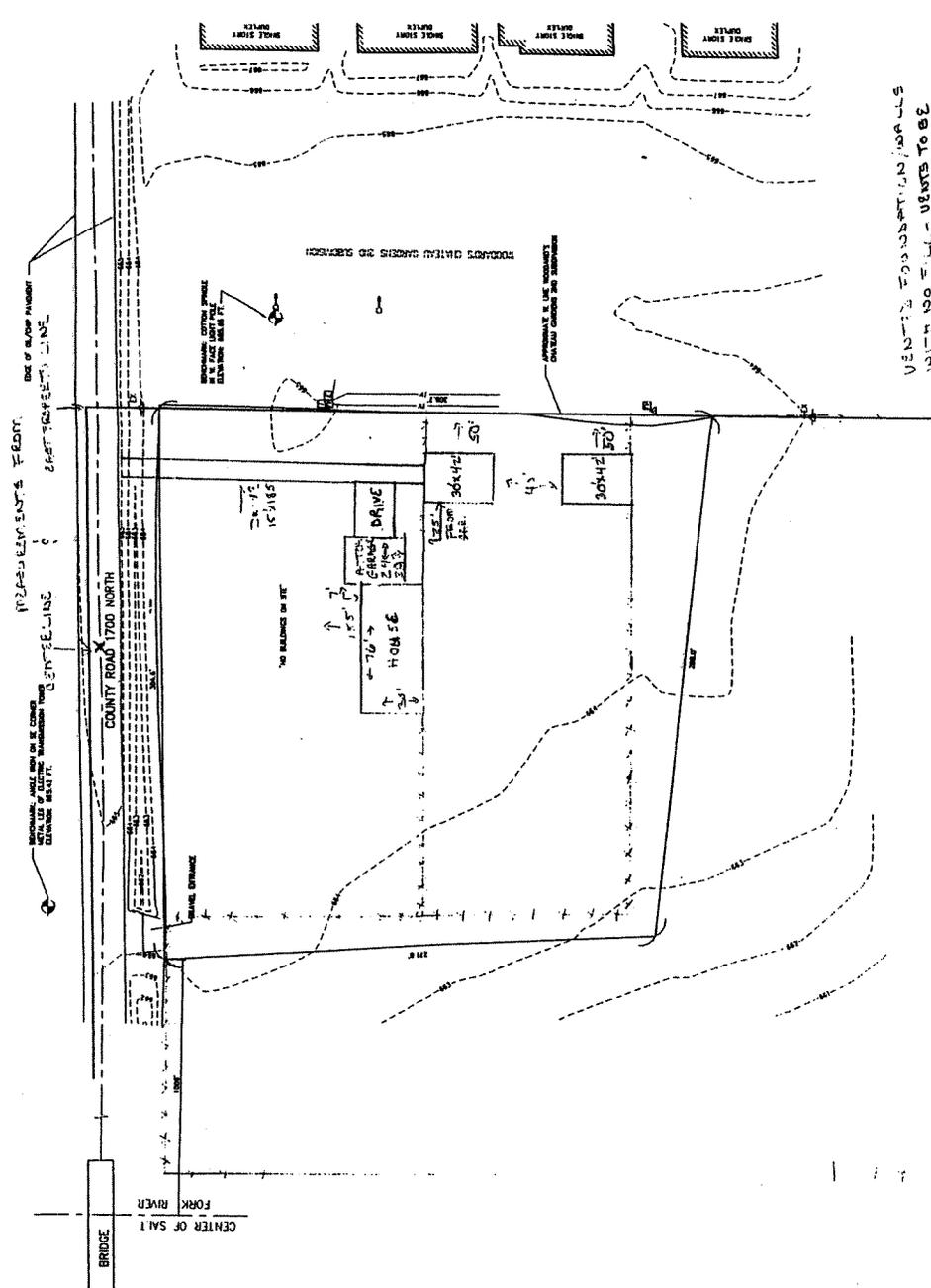
UNLICENSED SURVEYOR  
 I, GARY WALLACE, LICENSED PROFESSIONAL LAND SURVEYOR NO. 2031, DO HEREBY STATE THAT I HAVE  
 PREPARED THE ABOVE ELEVATIONS OF A PORTION OF A 6.62 ACRE PARCEL OF LAND IN THE  
 COUNTY OF CHAMPAIGN, ILLINOIS, CHAMPAIGN COUNTY, ILLINOIS. THE PROPERTY IS REFERRED TO AS  
 PARCELS IDENTIFIED BY PARCELS IDENTIFICATION NUMBER 20-22-00-01-01-001.

PROFESSIONAL LAND SURVEYOR NO. 2031  
 GARY WALLACE  
 CHAMPAIGN, ILLINOIS



**NOTES:**

1. THE SURVEY IS NOT A PRELIMINARY SURVEY OR PART OF A SURVEY. THE PROPERTY LINES  
 SHOWN THEREON ARE NOT TO BE USED FOR ANY PURPOSES OF BOUNDARY ADJUSTMENT,  
 CONVEYANCE, EASEMENT, TITLE OR PLATTED LAND, OR FOR THE CONSTRUCTION OF ANY  
 IMPROVEMENTS.
2. THE CONTOUR ELEVATIONS SHOWN ARE BASED UPON THE HIGH WATER DATUM.
3. THE SURVEY BASE POINT ELEVATION FOR SUBJECT SITE IS REPORTED BY THE CHAMPAIGN  
 COUNTY PLANNING AND ZONING DEPARTMENT TO BE 245.7 FEET.

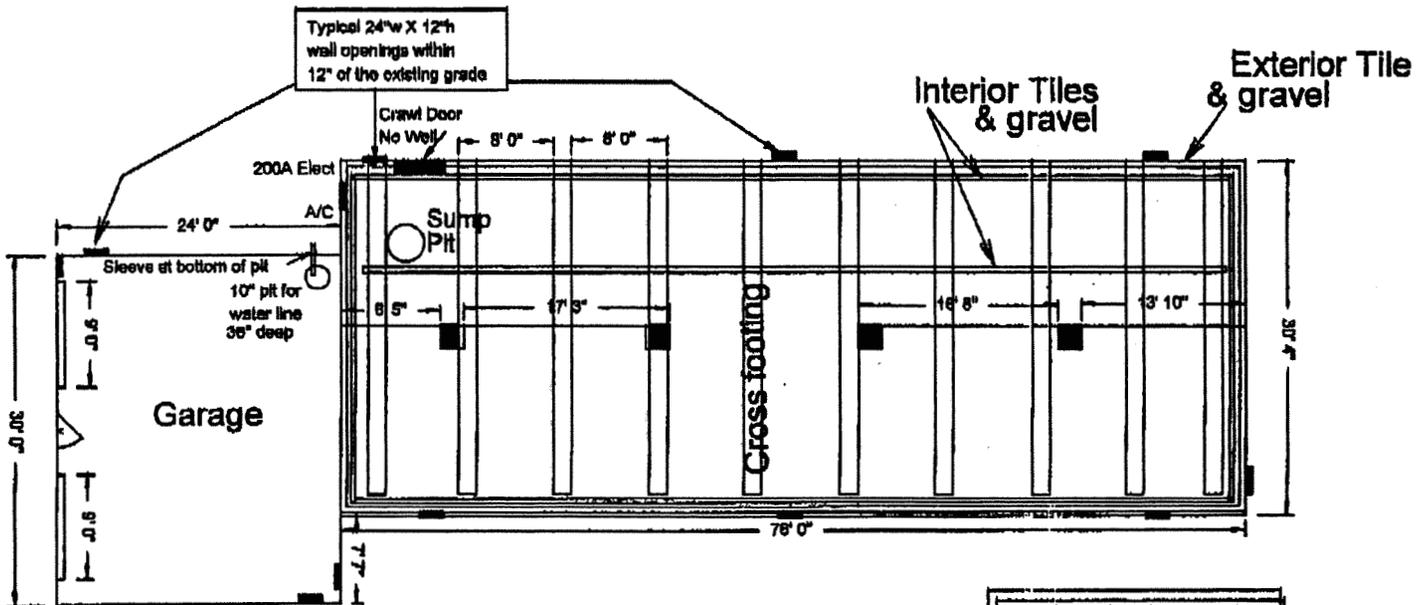


PROPERTY LINES TO BE EXTENDED TO WEST PROPERTY LINE  
 WITH 100' BUFFER ZONES TO BE  
 CONSOLIDATED WITH NEIGHBORHOOD  
 DEVELOPMENT TO BE 300' BUFFER  
 ZONES TO BE 100' (SUBJECTS ONLY X)  
 TO EXTEND ALONG ENTIRE E & W PROPERTY  
 WEST PROPERTY LINES AND TO BE  
 100' FROM PROPERTY LINES FROM FARM  
 TO WEST PROPERTY LINES.

**Fairsworth Group**  
 DAN AND MARY JENKINS  
 ELEVATION SURVEY  
 ST. JOSEPH TOWNSHIP  
 CHAMPAIGN COUNTY, ILLINOIS  
 1000 S. 10TH STREET  
 CHAMPAIGN, ILLINOIS 62601  
 (314) 426-7000 / (314) 426-7000 Fax

Client:	Dan & Mary Jenkins	Sheet No.:	001 of 001
Drawn by:	Gary Wallace	Scale:	As Shown
Checked by:	Gary Wallace	Date:	1/20/05

DATE: JAN 20, 2005, 10:45 AM  
 WORK CONTINUED TO LAST  
 SHEET: 001 OF 001  
 4.5, 1/4 SEC. 10, T.10N., R.10E., S.14N.



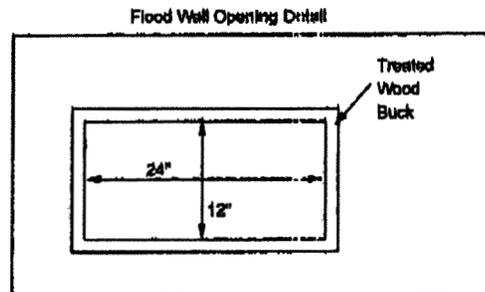
**General Notes:**

- 3" perforated Tile inside
- Form-a-drain outside
- Tile will be covered with 3/4" washed rock
- Overdig in interior filled with 3/4" washed rock
- Tile through center under cross footings covered with 3/4" washed rock
- Eight 24" x 12" flow through openings as shown. Leave treated bucks in place
- No Crawl Well
- Client will install hinged doors for flow through openings
- No Found. vents other than flood openings
- Cross footings 8" x 18" at top of crawl floor
- Sump pit 60" x 24"

**Sleeves:**

- 2" A/C 12" below top of wall
- 4" Septic 12" below grade
- 2" well in garage wall into crawl
- 2" well under garage footing into pit
- 2" sump at grade

Riley Homes, Inc. The Jenkins Home  
 Urbana, Illinois St. Joseph, IL  
 NORTH 2-18-05





**AS APPROVED**  
**Zoning Case 483-FV-04**

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

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Final Determination: **GRANTED**

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Date: **April 14, 2005**

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Petitioners: **Dan and Mary Jenkins**

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Request: **Authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance:**

- A. Authorize the construction and use of a residential garage with the following variances:**
- 1. The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
  - 2. The garage shall be 720 square feet in area instead of no more than 500 square feet in area.**
- B. Authorize the construction and use of two sheds each with the following variances:**
- 1. The floor of each shed shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
  - 2. Each shed shall be 1,320 square feet in area instead of no more than 500 square feet in area.**
-

**SUMMARY OF EVIDENCE**

1. The petitioners are the owners of the property in unincorporated Champaign County.
2. The subject property is split zoned R-1 Single Family Residence and R-3 Two Family Residence.

**GENERALLY REGARDING THE REQUESTED VARIANCE AND THE PROPOSED SITE PLAN**

3. The proposed site plan indicates the following:
  - A. The construction of a home at the Flood Protection Elevation and above a crawl space with flood vents and no fill. The Base Flood Elevation is 665.2 feet Mean Sea Level (MSL).
  - B. A garage with the floor below the level of the Base Flood Elevation (BFE) and no more than one foot of fill. A crawl space plan received 2/18/05 and a wall section through the crawl space received 2/18/05 provide supplemental information regarding the proposed elevation of the garage floor. The original grade in the vicinity of the garage is approximately 664.50 feet Mean Sea Level (MSL). The approval allows up to one foot of fill under the garage floor for drainage purposes. The builder has never proposed an exact garage floor elevation and so the garage floor could be as low as 664.50 which is .7 foot (about eight inches) below the BFE.

The petitioner stated in a telephone conversation with the Zoning Officer on April 12, 2005, that the garage has an estimated value of \$20,600.

- C. Two sheds also with floors below the level of the Base Flood Elevation. The sheds are intended to house horses and so the floor is likely to be the existing grade of approximately 664.50 which is about .7 foot (about eight inches) below the BFE.

The petitioner stated in a telephone conversation with the Zoning on April 12, 2005, that each shed has an estimated value of \$10,500.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

4. *Special Flood Hazard Areas Ordinance* requirements that are directly relevant to this case are the following:
  - A. Paragraph 7 f. establishes the following relevant requirements for garages or sheds ancillary to a residential use:
    - (1) the garage or shed must be located outside of the floodway; and
    - (2) below the base flood elevation the garage or shed must be built of materials not susceptible to flood damage; and

- (3) the garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area; and
- (4) the garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet; and
- (5) the structure shall be anchored to resist flotation and overturning; and
- (6) the lowest floor elevation should be documented and the owner advised of the flood insurance implications.

B. The following definitions from the *Special Flood Hazard Area Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):

- (1) “Base Flood” is the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
- (2) “Base Flood Elevation” (BFE) is the elevation in relation to mean sea level of the crest of the base flood.
- (3) “Flood” is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- (4) “Floodplain” and “Special Flood Hazard Area (SFHA)” are synonymous. Those lands lying within the jurisdiction of the county that are subject to inundation by the base flood.

5. Subsection 10 a. of the *Special Flood Hazard Areas Ordinance* states that a variance from the terms of the *Champaign County Special Flood Hazard Areas Ordinance* shall not be granted by the Board unless the applicant demonstrates that all of the following conditions are met:

- A. The development activity cannot be located outside of the floodplain.
- B. An exceptional hardship would result if the variance were not granted.
- C. The relief requested is the minimum necessary.
- D. There will be no additional threat to public health or safety or creation of a nuisance.

- E. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
- F. The applicant's circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program.
- G. All other required state and federal permits have been obtained.

**GENERALLY REGARDING WHETHER THE DEVELOPMENT ACTIVITY COULD BE LOCATED OUTSIDE OF THE FLOODPLAIN**

- 6. Generally regarding the SFHA Ordinance requirement that the development activity cannot be located outside of the floodplain:
  - A. The petitioners have testified on the application that **"The entire property is located in the area."**
  - B. An Excerpt of Flood Insurance Rate Map 170894 0205 B was attached to the Preliminary Memorandum and the subject property has been drawn at the proper scale and appears to be entirely within the SFHA.

**GENERALLY REGARDING WHETHER AN EXCEPTIONAL HARDSHIP WOULD RESULT IF THE FLOODPLAIN VARIANCE WERE NOT GRANTED**

- 7. Generally regarding the SFHA Ordinance requirement that an exceptional hardship would result if the floodplain variance were not granted:
  - A. On the application the petitioners have testified that **"We will be unable to build our home."**
  - B. The IDNR/OWR permit allows only a limited amount of fill on the property.
  - C. The only alternative to the variance is that the petitioners could build a smaller and less expensive garage and could reduce the size and value of the sheds. A smaller garage and smaller sheds would likely not have as much utility and could actually increase the total building investment depending upon how many smaller structures are required. The SFHA Ordinance has no limit on the total number of ~~small~~ outbuildings that can be erected.

**GENERALLY REGARDING WHETHER THE RELIEF REQUESTED IS THE MINIMUM NECESSARY**

- 8. Generally regarding the SFHA Ordinance requirement that the relief requested is the minimum necessary:

- A. On the application the petitioners have testified **“We are only requesting the variance for garage and sheds which we are unable to put on block foundations per state request.”**

***GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL THREAT TO PUBLIC HEALTH AND SAFETY OR CREATION OF A NUISANCE***

- 9. Generally regarding the SFHA Ordinance requirement that there will be no additional threat to public health or safety or creation of a nuisance:
  - A. On the application the petitioners have testified **“We need the variance to avoid adding the fill to the area.”**
  - B. IDNR/ OWR has limited the amount of fill on the property so as to minimize any increases in flood elevation that would arise from placement of fill. The restriction on fill material also eliminates the possibility of nuisance drainage conditions arising for neighbors.
  - C. In enforcement case ZN 04-45/22 the petitioners were cited for placing a large amount of earth fill on the subject property in the 100-year floodplain (Special Flood Hazard Area) without proper approval. One of the conditions of ZUPA 32-05-01 and 145-4-4FP is that the finished grade of the property must be returned to the pre-fill elevations as indicated on a topographic survey dated 5/21/04, revised 6/08/04, by Chad E. Wallace of the Farnsworth Group.

***GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL PUBLIC EXPENSE***

- 10. Generally regarding the SFHA Ordinance requirement that there be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities:
  - A. On the application the petitioners have testified **“All structures will be vented per state regulations to ensure proper flood water flow.”**
  - B. IDNR/ OWR has limited the amount of fill on the property so as to minimize any increases in flood elevation that would arise from placement of fill.
  - C. The depth below the Base Flood Elevation for the garage and each shed is no more than one foot and at that shallow depth there are no concerns related to rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  - D. The following conditions were included with the approval of ZUPA 32-05-01 and 145-4-4FP (for the dwelling and garage) intended to minimize flood damage and associated costs:

**AS APPROVED**

- (1) All structural and non-structural building materials at or below the BFE must be flood resistant so as to minimize damage from flooding; and
  - (2) An as-built elevation certificate from an Illinois Licensed Surveyor or Engineer is required prior to the issuance of a Zoning Compliance Certificate for the following:
    - (a) the lowest adjacent grade;
    - (b) the elevation of the bottom of the flood vents;
    - (c) the elevation of the top of the finished garage floor;
    - (d) the elevation of the top of the finished first floor of the proposed new dwelling.
- E. A Zoning Use Permit Application has not yet been submitted for the proposed sheds. Any approval of a Zoning Use Permit for the proposed sheds will include conditions similar to those for ZUPA 32-05-01.

**GENERALLY REGARDING WHETHER THE CIRCUMSTANCES ARE UNIQUE**

- 11. Generally regarding the SFHA Ordinance requirement that the applicant's circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program:
  - A. This is only the fourteenth flood variance that has ever been applied for in the history of the *Champaign County Special Flood Hazard Areas Ordinance* and in the same amount of time there have been over 1,700 Zoning Use Permits authorized.

**GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED**

- 12. Generally regarding the SFHA Ordinance requirement that all other required state and federal permits have been obtained:
  - A. The only state or federal permit required was received from the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) in IDNR/OWR Permit DS2004174 on December 30, 2004 and amended in a letter of approval dated March 16, 2005. See the Preliminary Memorandum.
  - B. A condition of ZUPA 32-05-01 and 145-4-4FP (for the dwelling and garage) is that after construction is completed the petitioners must provide written notification to IDNR/OWR that the project has been completed in accordance with the approved plans and conditions of the permit.

**DOCUMENTS OF RECORD**

1. Application for Floodplain Development Permit 154-04-04 FP dated May 24, 2004
2. Application for SFHA Variance received December 7, 2004
3. Zoning Use Permit Application 32-05-01 dated February 1, 2005
4. Revised site plan for Floodplain Development Permit 154-04-04 FP received February 1, 2005 (also the approved site plan for ZUPA 32-05-01 and proposed site plan for Case 483-FV-04) received 2/28/05
5. Letter dated March 16, 2005, from Joel Brunsvold, Director of Illinois Department of Natural Resources with IDNR OWR Permit DS2004174 dated December 30, 2004, with conditions
6. Preliminary Memorandum with attachments:
  - A Location Map
  - B Excerpt of Flood Insurance Rate Map 170894 0205 B
  - C Revised site plan for Floodplain Development Permit 154-04-04 FP received February 1, 2005 (also the approved site plan for ZUPA 32-05-01 and proposed site plan for Case 483-FV-04) received 2/28/05
  - D Crawl space plan received 2/18/05
  - E Wall section through crawl space received 2/18/05
  - F Letter dated March 16, 2005, from Joel Brunsvold, Director of Illinois Department of Natural Resources with IDNR OWR Permit DS2004174 dated December 30, 2004, with conditions
  - G Conditions of approval of ZUPA 32-05-01
  - H DRAFT Summary of Evidence
7. Supplemental Memorandum of April 14, 2004, with attachments:
  - A DRAFT Summary of Evidence

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 14, 2005**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity **CANNOT** be located outside of the floodplain because **there is no suitable ground available above the floodplain on which to build the house and garage and sheds.**
2. An exceptional hardship **WOULD** result if the floodplain variance were not granted because **the petitioners would be unable to build on property they own.**
3. The relief requested **IS** the minimum necessary because **the only required variance is for the garage and sheds which per State approval cannot be placed on block foundations.**
4. The requested floodplain variance **WILL NOT** result in no additional threat to public health or safety or creation of a nuisance because **IDNR has reduced the amount of fill to be placed on the property which would otherwise hinder upstream drainage.**
5. The requested floodplain variance **WILL NOT** result in additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities because **the land is only one foot below the floodplain and public expense for rescue operations should not be necessary all structures will be vented as per FEMA requirements.**
6. The applicant's circumstances **ARE** unique and **DO NOT** establish a pattern inconsistent with the National Flood Insurance Program because **there have only been 14 other floodplain variances in Champaign County.**
7. All other required state and federal permits **HAVE** been obtained.

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 10 a. of the Special Flood Hazard Areas Ordinance **HAVE** been met and determines that:

The Floodplain Variance requested in Case **483-FV-04** is hereby **GRANTED** to the petitioners, **Dan and Mary Jenkins**, to authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance:

- A. Authorize the construction and use of a residential garage with the following variances:**
  - 1. The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
  - 2. The garage shall be 720 square feet in area instead of no more than 500 square feet in area.**
  
- B. Authorize the construction and use of two sheds each with the following variances:**
  - 1. The floor of each shed shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
  - 2. Each shed shall be 1,320 square feet in area instead of no more than 500 square feet in area.**

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

SIGNED:

---

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

---

Secretary to the Zoning Board of Appeals

---

Date

To: **Environment and Land Use Committee**

From: **John Hall, Associate Planner**

Date: **April 26, 2005**

RE: **Floodplain variance Case 485-V-04**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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**Zoning Case 485-V-04**

Request: **Authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance:**

- A. **The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
- B. **The garage is 627 square feet in area instead of no more than 500 square feet in area.**

Petitioners: **Mayfield Builders**

Location: **Lot 35 of The Meadows Subdivision and that is commonly known as the residence at 2502 Appaloosa Lane, Mahomet.**

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**STATUS**

Variances to the Special Flood Hazard Areas Ordinance must be approved by the full County Board but begin with a public hearing at the Zoning Board of Appeals (ZBA). The ZBA voted to "RECOMMEND APPROVAL" of this floodplain variance at their meeting on April 28, 2005.

Relevant maps have been excerpted from the Documents of Record and are attached.

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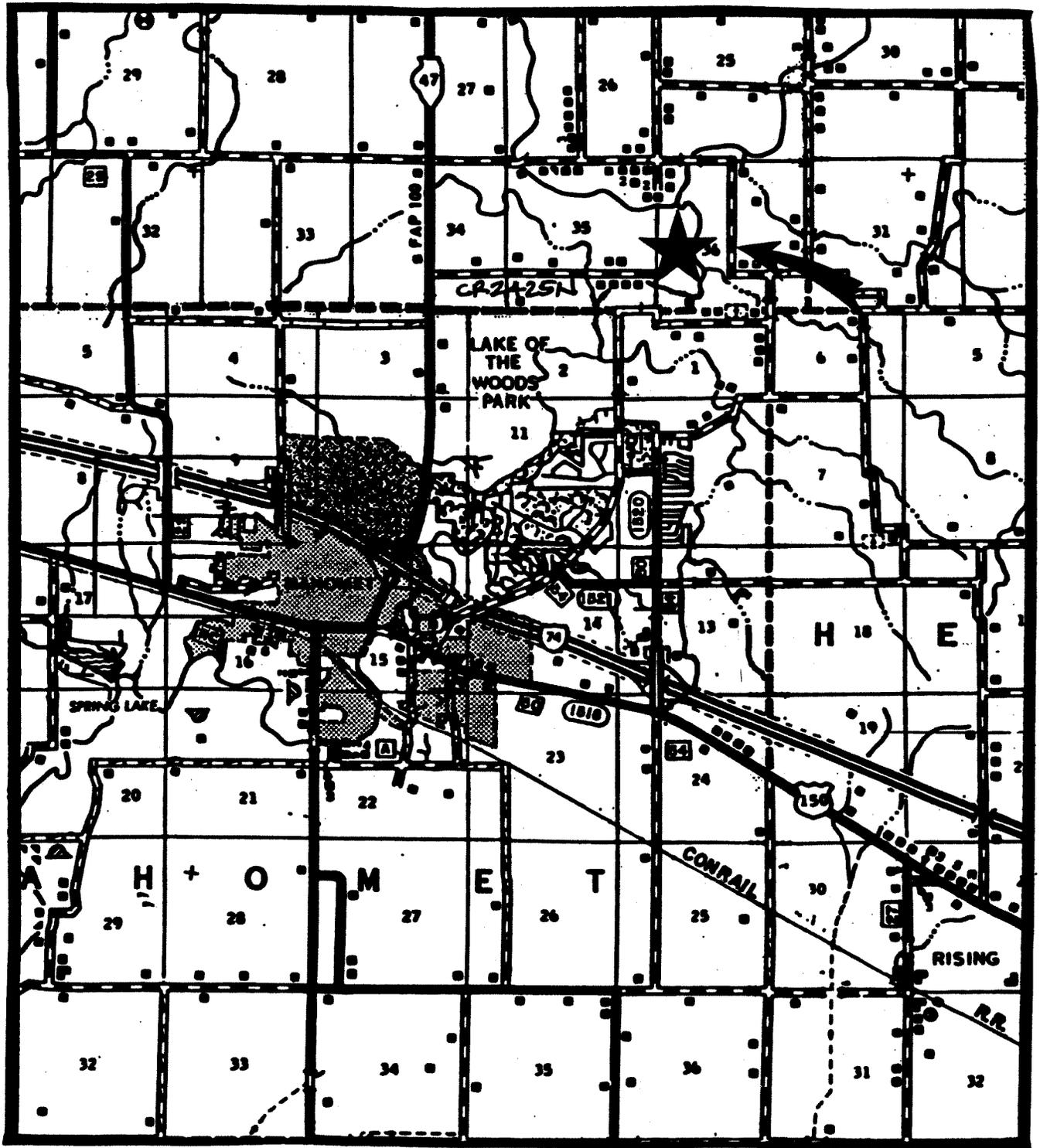
**ATTACHMENTS**

- A Location Map
- B Excerpt of Flood Insurance Rate Map 170894 0100 C
- D Site plan for Floodplain Development Permit 254-04-01 FP
- E Wall section through crawl space received 12/22/04
- F Right side elevation received January 14, 2005
- G DRAFT Summary of Evidence

ATTACHMENT A. LOCATION MAP

Case 485-FV-04

APRIL 22, 2005

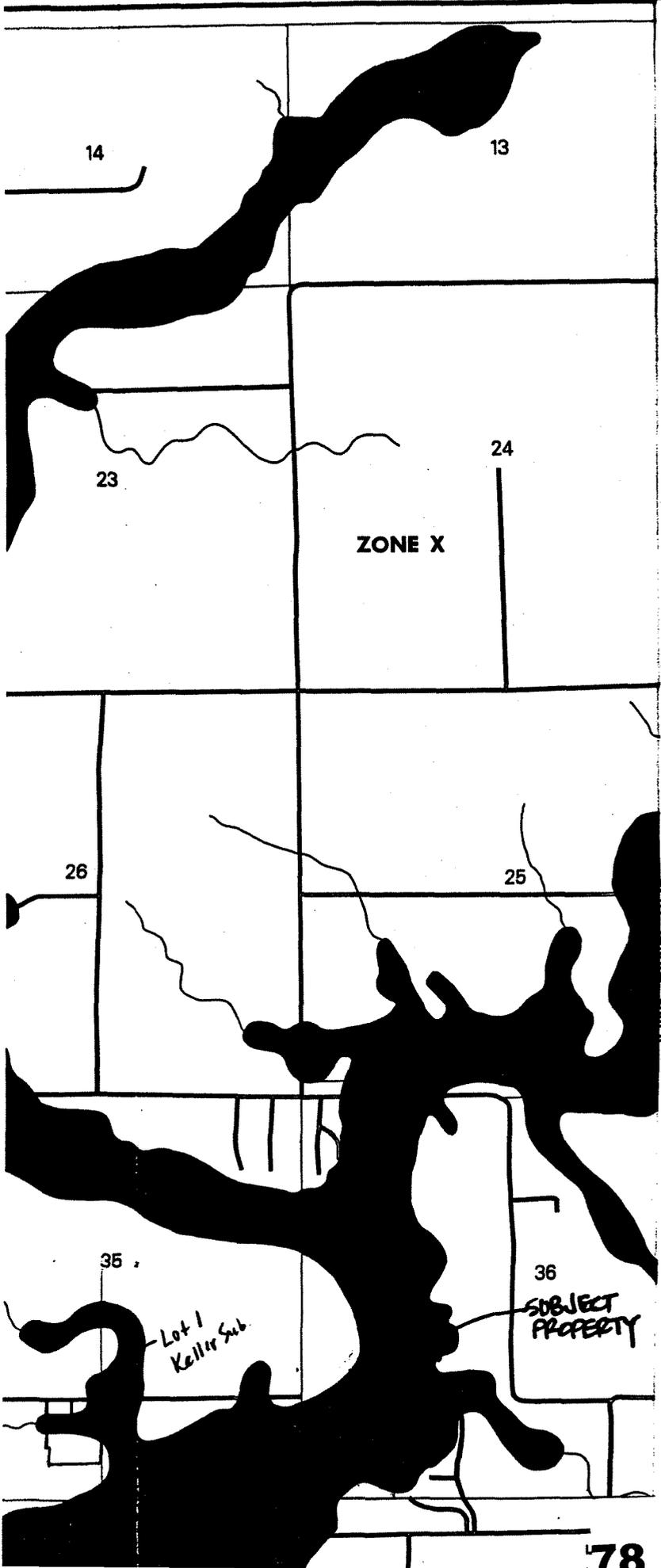


Area of Concern



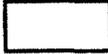
NORTH

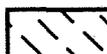
Champaign  
County  
Department of  
PLANNING &  
ZONING

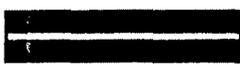
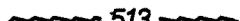
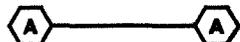
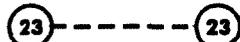


# LEGEND

-  SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD
- ZONE A** No base flood elevations determined.
- ZONE AE** Base flood elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE A99** To be protected from 100-year flood by Federal flood protection system under construction; no base flood elevations determined.
- ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.

-  FLOODWAY AREAS IN ZONE AE
-  OTHER FLOOD AREAS
- ZONE X** Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.
-  OTHER AREAS
- ZONE X** Areas determined to be outside 500-year floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.

- UNDEVELOPED COASTAL BARRIERS\*
-  Identified 1983
  -  Identified 1990 or Later
  -  Otherwise Protected Areas Identified 1991 or Later

- \* Coastal barrier areas are normally located within or adjacent to Special Flood Hazard Areas.
-  Floodplain Boundary
  -  Floodway Boundary
  -  Zone D Boundary
  -  Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flooding Elevations Within Special Flood Hazard Zones.
  -  Base Flood Elevation Line Elevation in Feet\*\*
  -  Cross Section Line
  -  Transect Line
  -  Base Flood Elevation in Feet Where Uniform Within Zone\*\*  
Elevation Reference Mark  
River Mile

\*\*Referenced to the National Geodetic Vertical Datum of 1929

## NOTES TO USERS

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas. The community map repository should be consulted for possible updated flood hazard information prior to use of this map for property purchase or construction purposes.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' National Geodetic Vertical Datum of 1929 (NGVD29). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction, and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Areas of special flood hazard (100-year flood) include Zones A, AE, AH, AO, A99, V, and VE.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

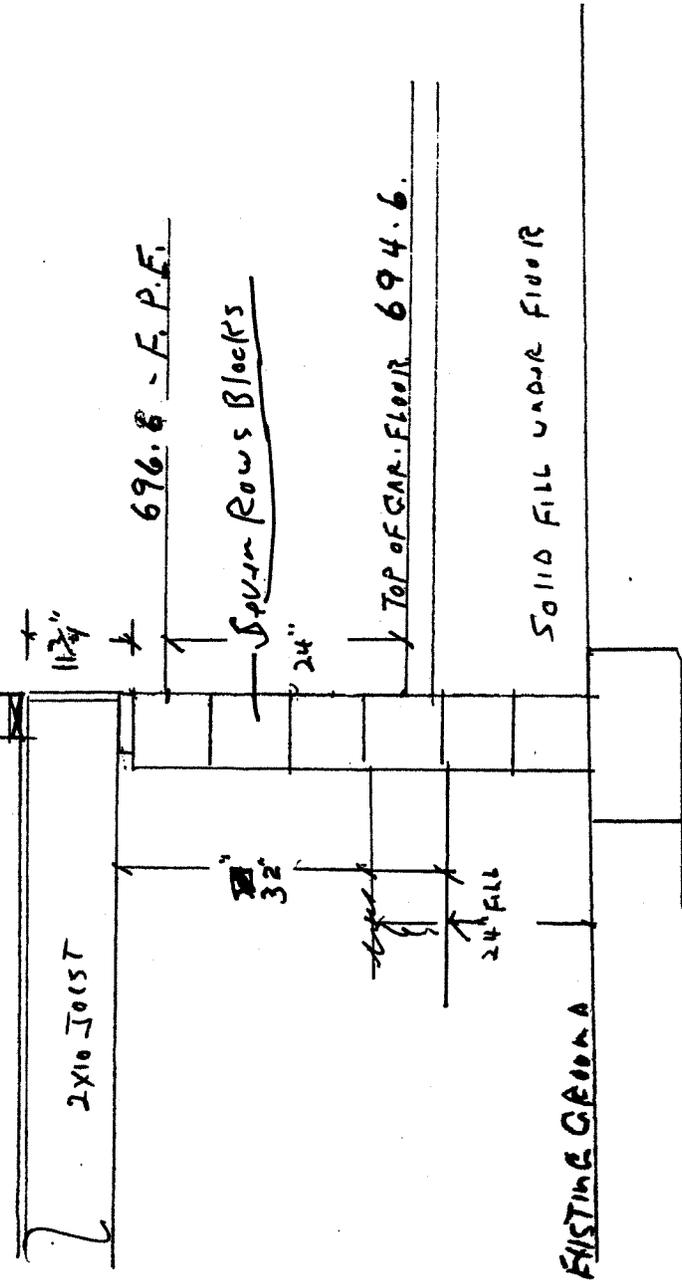
Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Emergency Management Agency.



9-30-04

CROSS SECTION OF GAR. FLOOR - MAYKLE BUILDINGS.

LOT. 35 - MYRADOWS SUB. DIV.  
2502 - APPALUOSA LANE - MATTHEW ILL.



UNDISTURBED SOIL

RECEIVED

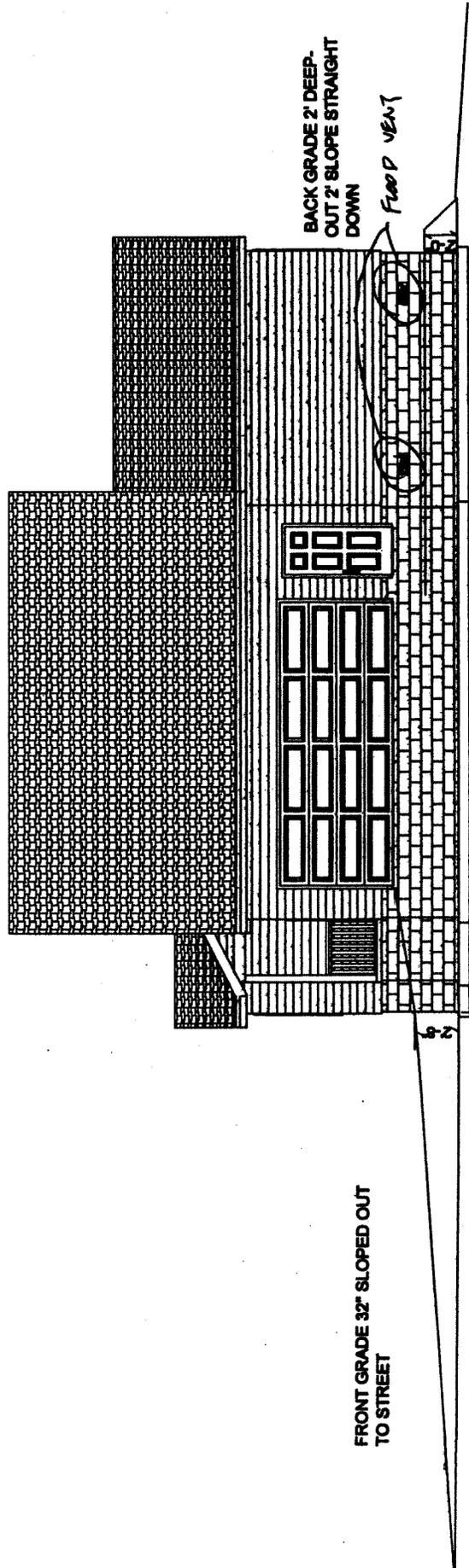
SEP 30 2004

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

DEC 22 2004

CHAMPAIGN CO. P & Z DEPARTMENT



Scale 1/8" = 1'

**RECEIVED**

JAN 14, 2005

CHAMPAIGN CO. P & Z DEPARTMENT

**AS APPROVED**  
**Zoning Case 485-FV-04**

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

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Final Determination: **GRANTED**

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Date: **April 28, 2005**

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Petitioners: **Harold Mayfield d.b.a. Mayfield Builders**

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Request: **Authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance:**

- A. **The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
  - B. **The garage is 627 square feet in area instead of no more than 500 square feet in area.**
- 

**SUMMARY OF EVIDENCE**

1. The petitioner is the current owner of the property in unincorporated Champaign County but the house is being built on contract.
2. The subject property is zoned CR Conservation Recreation.

***GENERALLY REGARDING THE REQUESTED VARIANCE AND THE PROPOSED SITE PLAN***

3. The proposed wall section received on 12/22/04 indicates the following:
  - A. The garage floor is proposed to be at elevation 694.60 Mean Sea Level (MSL). The Base Flood Elevation at this location is 695.6 feet Mean Sea Level (MSL) and the Flood Protection Elevation is 696.6. MSL.

***GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES***

4. *Special Flood Hazard Areas Ordinance* requirements that are directly relevant to this case are the following:

- A. Paragraph 7 f. establishes the following relevant requirements for garages or sheds ancillary to a residential use:
- (1) the garage or shed must be located outside of the floodway; and
  - (2) below the base flood elevation the garage or shed must be built of materials not susceptible to flood damage; and
  - (3) the garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area; and
  - (4) the garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet; and
  - (5) the structure shall be anchored to resist flotation and overturning; and
  - (6) the lowest floor elevation should be documented and the owner advised of the flood insurance implications.

- B. The following definitions from the *Special Flood Hazard Areas Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):

- (1) “Base Flood” is the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
- (2) “Base Flood Elevation” (BFE) is the elevation in relation to mean sea level of the crest of the base flood.
- (3) “Flood” is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- (4) “Floodplain” and “Special Flood Hazard Area (SFHA) are synonymous. Those lands lying within the jurisdiction of the county that are subject to inundation by the base flood.

5. Subsection 10 a. of the *Special Flood Hazard Areas Ordinance* states that a variance from the terms of the *Champaign County Special Flood Hazard Areas Ordinance* shall not be granted by the Board unless the applicant demonstrates that all of the following conditions are met:

- A. The development activity cannot be located outside of the floodplain.

- B. An exceptional hardship would result if the variance were not granted.
- C. The relief requested is the minimum necessary.
- D. There will be no additional threat to public health or safety or creation of a nuisance.
- E. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
- F. The applicant's circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program.
- G. All other required state and federal permits have been obtained.

***GENERALLY REGARDING WHETHER THE DEVELOPMENT ACTIVITY COULD BE LOCATED OUTSIDE OF THE FLOODPLAIN***

- 6. Generally regarding the SFHA Ordinance requirement that the development activity cannot be located outside of the floodplain:
  - A. The petitioners have testified on the application that **“The height of the garage floor is 44” above original grade, making driveway very steep. ”**
  - B. An Excerpt of Flood Insurance Rate Map 170894 0100 C was attached to the Preliminary Memorandum and the subject property has been drawn at the proper scale and appears to be entirely within the SFHA.

***GENERALLY REGARDING WHETHER AN EXCEPTIONAL HARDSHIP WOULD RESULT IF THE FLOODPLAIN VARIANCE WERE NOT GRANTED***

- 7. Generally regarding the SFHA Ordinance requirement that an exceptional hardship would result if the floodplain variance were not granted:
  - A. On the application the petitioners have testified that **“Driveway will be so steep that it would be very hard to use in wintertime.”**
  - B. At this time the only alternative to the variance is that the garage floor would be at or above the Base Flood Elevation. This would require modifying the openings and relocating both the overhead garage door and the man door and the builder knew that the variance might not be granted and those changes might have to be made.

**GENERALLY REGARDING WHETHER THE RELIEF REQUESTED IS THE MINIMUM NECESSARY**

8. Generally regarding the SFHA Ordinance requirement that the relief requested is the minimum necessary:
  - A. On the application the petitioners have testified **“By dropping garage floor 24” it would flatten drive so it would make driveway usable in wintertime.”**

**GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL THREAT TO PUBLIC HEALTH AND SAFETY OR CREATION OF A NUISANCE**

9. Generally regarding the SFHA Ordinance requirement that there will be no additional threat to public health or safety or creation of a nuisance:
  - A. On the application the petitioners have testified **“I cannot see how this could be any threat to the public health and safety or create a nuisance.”**
  - B. IDNR/ OWR has limited the amount of fill on the property. The restriction on fill material also eliminates the possibility of nuisance drainage conditions arising for neighbors.

**GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL PUBLIC EXPENSE**

10. Generally regarding the SFHA Ordinance requirement that there be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities:
  - A. On the application the petitioners have testified **“The driveway to garage is not close to the road. All utilities will be 46” above garage floor.”**
  - B. The depth below the Base Flood Elevation for the garage is no more than one foot and at that shallow depth there are no concerns related to rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  - C. The garage has been constructed such that all structural and non-structural building materials at or below the BFE are of flood resistant materials so as to minimize damage from flooding.
  - D. Zoning Use Permit 245-04-01 FP requires an as-built elevation certificate from an Illinois Licensed Surveyor or Engineer is required prior to the issuance of a Zoning Compliance Certificate for the lowest basement opening.

**GENERALLY REGARDING WHETHER THE CIRCUMSTANCES ARE UNIQUE**

11. Generally regarding the SFHA Ordinance requirement that the applicant's circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program:
  - A. This is only the sixteenth flood variance that has ever been applied for in the history of the *Champaign County Special Flood Hazard Areas Ordinance* and in the same amount of time there have been over 1,700 Zoning Use Permits authorized.

**GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED**

12. Generally regarding the SFHA Ordinance requirement that all other required state and federal permits have been obtained:
  - A. The only state or federal permit required was received from the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR) and documented in letters received on November 18, 2004, and January 13, 2005, from Robert Geising, Senior Permit Engineer, Director of Illinois Department of Natural Resources with IDNR/ OWR.

**DOCUMENTS OF RECORD**

1. Application for Floodplain Development Permit 245-04-01 FP received September 1, 2004, with site plan
2. Application for SFHA Variance received December 22, 2004
3. Wall section through crawl space received 11/19/04
4. Elevations received January 14, 2005
5. Letter received November 18, 2004, from Robert Geising, Senior Permit Engineer, Director of Illinois Department of Natural Resources with IDNR/ OWR
6. Letter received January 13, 2005, from Robert Geising, Senior Permit Engineer, Director of Illinois Department of Natural Resources with IDNR/ OWR
7. Preliminary Memorandum with attachments:
  - A Location Map
  - B Excerpt of Flood Insurance Rate Map 170894 0100 C
  - C Preliminary Plat of The Meadows Subdivision
  - D Site plan for Floodplain Development Permit 254-04-01 FP
  - E Wall section through crawl space received 12/22/04
  - F Left side elevation received January 14, 2005
  - G Right side elevation received January 14, 2005
  - H Letter received November 18, 2004, from Robert Geising, Senior Permit Engineer, Director of Illinois Department of Natural Resources with IDNR/ OWR
  - I Letter received January 13, 2005, from Robert Geising, Senior Permit Engineer, Director of Illinois Department of Natural Resources with IDNR/ OWR
  - J Zoning Use Permit 254-04-01 FP with conditions of approval
  - K DRAFT Summary of Evidence
8. Photos of existing home

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 28, 2005**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity **CAN** be located outside of the floodplain because **the garage floor can be above the Base Flood Elevation but the resulting slope would be unsafe in winter conditions.**
2. An exceptional hardship **WOULD** result if the floodplain variance were not granted because **without the variance extreme modifications would have to be made to the garage door and walk-through door and the driveway would be steep and unsafe in winter conditions.**
3. The relief requested **IS** the minimum necessary because **it is the minimum required to make the driveway more usable in winter time and safe and keep the grade closer to normal.**
4. The requested floodplain variance **WILL NOT** result in no additional threat to public health or safety or creation of a nuisance because **the utilities will be located at about 46 inches above the floor and doing this will not increase any water flow onto neighbors because there will be less fill.**
5. The requested floodplain variance **WILL NOT** result in additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities because **building materials at or below the Base Flood Elevation (BFE) are flood resistant and electrical outlets and panel are 46 inches above the floor and the will be no increase in runoff onto neighbors because there is less fill and at only one foot below the BFE there should be no hampering of relief efforts.**
6. The applicant's circumstances **ARE** unique and **DO NOT** establish a pattern inconsistent with the National Flood Insurance Program because **there have been over 1,700 Zoning Use Permit Applications and this is only the sixteenth floodplain variance.**
7. All other required state and federal permits **HAVE** been obtained.

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 10 a. of the Special Flood Hazard Areas Ordinance **HAVE** been met and determines that:

The Floodplain Variance requested in Case **485-FV-04** is hereby **GRANTED** to the petitioners, **Harold Mayfield d.b.a. Mayfield Builders**, to authorize the following variances from the Champaign County Special Flood Hazard Area Ordinance:

- A. The floor of the garage shall be no more than one foot below the Base Flood Elevation and no more than two feet below the required Flood Protection Elevation instead of at the required Flood Protection Elevation which is one foot above the Base Flood Elevation; and**
- B. The garage is 627 square feet in area instead of no more than 500 square feet in area.**

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

SIGNED:

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Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

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Secretary to the Zoning Board of Appeals

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Date

**TO:** Environment & Land Use Committee

**FROM:** Frank DiNovo

**DATE:** May 5, 2005

**RE:** Comprehensive Zoning Review

**REQUESTED ACTION:** Direct staff to revise the pending Zoning Ordinance amendments in as outlined.

**STAFF RECOMMENDATION:** None

## **BACKGROUND**

At the instigation of the County Board Chair an *ad hoc* bi-partisan working group has met twice to discuss ways the current Zoning Ordinance proposal could be changed to attract broad support. This group consisted of Chair Wysocki, Steve Moser, and Ralph Langenheim and included Hal Barnhart, Chris Hausman and Eric Freyfogle. John Dimit and Frank DiNovo were also present.

This bi-partisan group agreed on a set of changes outlined in the attachment. These would involve changes in both the proposed text and map amendments. The principal features of the revision would be:

1. elimination of the Resource Protection Overlay (RPO);
2. addition of a "Natural Area Impact Assessment" for rural developments;
3. reduction of the extent and effect of the Stream Protection Buffer; and
4. reductions in the amount of permitted rural residential development.

The proposed changes in the RPO and Stream Protection Buffer requirements are also illustrated on the attached maps.

## **RECOMMENDATION**

If the Committee concurs with the recommendation of the bi-partisan working group it should direct the Planning & Zoning Director to do the following:

1. Withdraw Case 428-AM-04 (this is the RPO map);
2. Revise the Text in Case 415-AT-03 to reflect the changes outlined on the attachment; and
3. Revise the boundaries of the CR District in Cases 421-AM-04 and 422-AM-04 to reflect the elimination of the RPO.

# REVISED ZONING ORDINANCE PROPOSAL

Per *ad hoc* bi-partisan working group discussions held on April 20, and May 4, 2005

1. The ***Resource Protection Overlay District*** will be dropped entirely from the zoning map and text. Its homesite and lot location limits on by right lots are eliminated. No restrictions will be imposed on existing residences or other uses except in the Stream Protection and Public Resource Buffers. Existing lots will not have to comply with a buildable area requirement. No rules will apply to vegetation or landscaping except in the Stream Protection Buffer.
  
2. Natural area protections will be retained for projects located in the CR District that require ZBA or County Board approval. Special uses, planned developments and rezonings will have to have a “Natural Area Impact Assessment”, a revised version of the proposed “Natural Area Assessment and Conservation Report”. If sensitive areas are identified on a development site, rules would apply to minimize impacts on these areas.
  
3. The ***Stream Protection Buffer*** remains but its extent is much reduced.
  - A. The buffer would apply only in the CR District and only to:
    - the main channels of the Sangamon, Middlefork, Saline Branch and Salt Fork Rivers; and
    - areas where the streams are substantially lined with well developed woodland vegetation on the perennially flowing tributaries of the streams noted above and the lower parts of the Kaskaskia and Embarras Rivers.
  
  - B. These areas will be shown on the Zoning Map.
  
  - C. The buffer includes only areas that are also in the floodplain (upland areas are excluded).
  
  - D. Within the buffer certain activities are prohibited:
    - construction, excavation and fill (already generally prohibited by State floodplain regulations);
    - planting non-native plants including lawns; and
    - removing a tree with a diameter greater than 6" but removing the following would be **exempt**:
      - an invasive non-native species (we would develop a specific list),
      - a commercially valuable tree if it is harvested as part of a managed forestry program and the area is replanted,
      - a tree that presents a hazard due to disease or damage,
      - a tree that extends over the stream channel whose trunk leans at angle of 45 degrees or more from vertical, or
      - a tree removed by a drainage district or other government entity.
  
4. The ***Drainageway Protection Buffer*** is reconfigured as a Drainageway Setback focused only on preventing the obstruction of surface drainage.
  - A. It sets minimum setbacks for construction and fill from the centerlines of drainage features with the width decreasing as you move upstream. The specific dimensions will be worked out with the

Soil and Water Conservation District, NRCS and drainage districts.

- B. Road and driveway crossings can cross drainageways if they are designed and inspected by an engineer to pass at least the 5 year maximum runoff for the watershed (this standard needs to be confirmed with SWCD, NRCS and the County's engineering consultant).
- C. The affected drainage features will be shown on the Zoning Map.

5. The **Buildable Area** provision is changed to apply only to newly created lots and is focused on ensuring that new lots have an area of minimum size that is free of problems and suitable to build on. The provisions would apply only to construction of structures that require permits.

6. The **Public Resource Buffer** remains with simpler standards for small existing lots.

### 7. **Basic Development Rights**

Overall development rights will be reduced in line with the practice in other counties like DeKalb and McLean.

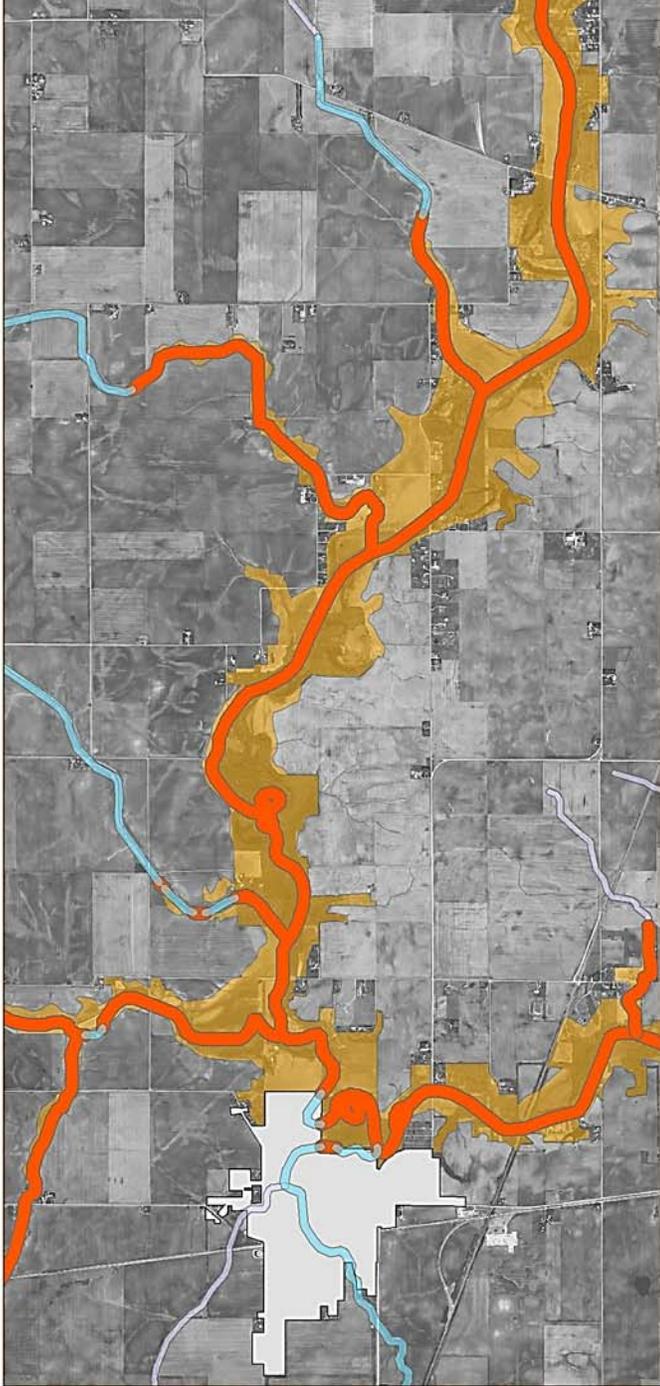
- A. Development rights will be changed from the schedule in Sec. 15.20 to:
  - Tracts\* under 40 acres: one dwelling, including any existing dwelling
  - Tracts\* of 40 or more acres: one dwelling per 40 acres of tract area in addition to any existing dwelling

\* Individual tracts of land in existence on January 1, 1998.

- B. A maximum of four by rights lots would be permitted from a single tract
- C. There would be no 35 acre tract exemptions. The undeveloped remainder of the tract would have to remain in agricultural use.
- D. No additional lots would be permitted by Special Use permit.
- E. The maximum lot size would apply in the entire AG District but not in the CR District.
- F. Legitimate farm dwellings would be exempt. A clear cut rule defining this will be worked out with FSA, Farm Bureau and the States Attorney's Office.

### 8. **Rural Planned Developments**

- A. No Rural Planned Developments would be permitted on a best prime farmland tracts (Land Evaluation score of 85 or higher).
- B. The maximum number of lots permitted would be reduced from one per five acres to one per 10 acres.



**PROPOSED DRAFT 2**  
**RPO**  
**Stream Protection Buffer**  
**Drainageway Protection Buffer**

**Legend**

- Stream Protection Buffer
- Drainageway Protection Buffer (Perennial)
- Drainageway Protection Buffer (Intermittent)
- RPO Zoning District



**REVISED PROPOSAL**  
**Stream Protection Buffer**  
**Drainageway Setback**

**Legend**

- Stream Protection Buffer
- Drainageway Setback (Perennial)
- Drainageway Setback (Intermittent)