

Environment and Land Use Committee Agenda
December 12, 2005
Page 2

10. **Case 521-AT-05**
Petitioner: **Zoning Administrator**
Request: **Extension of interim amendments regarding: 59 thru 66**
 - A. **Exemptions from the requirement for establishment of a Rural Residential Overlay District in the CR, AG-1 and AG-2 Districts.**
 - B. **Maximum lot size in CR, AG-1 and AG-2 Districts.**
11. **Approval of 2006 Champaign County Zoning calendar 67**
12. **Staff Report**
 - A. **Monthly Report (To be distributed at meeting)**
13. **Other Business**
14. **Determination of Items to be placed on the County Board Consent Agenda**
15. **Closed session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance, or dismissal of an employee.**
16. **Adjournment**

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MINUTES OF REGULAR MEETING

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

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

MEMBERS ABSENT: None

STAFF PRESENT: John Hall, Connie Berry, Susan Monte, Jamie Hitt, Joel Fletcher, Susan McGrath

OTHERS PRESENT: Debra Griest, Pam Wilken, Mark Dixon, Norman Stenzel, Dorothy Shiley, Richard Shiley, Eric Thorsland, David Borchers, Neil Malone, Hal Barnhart, Herb Schildt, Bill Sheridan, Andy Busch, Christine Des Garennes

1. Call to Order, Roll Call

The meeting was called to order at 7:04 p.m.

2. Approval of Agenda

Ms. Greenwalt moved, seconded by Mr. Schroeder to approve the agenda. The motion carried by voice vote.

3. Minutes of Previous Meeting (October 11, 2005)

Ms. Greenwalt moved, seconded by Mr. Doenitz to approve the October 11, 2005, minutes as submitted. The motion carried by voice vote.

4. Public Participation

Mr. Neil Malone, Government Affairs Director for the Champaign County Association of Realtors stated that he would like to address agenda item #7. He said that the Champaign County Association of Realtors represents over 500 Realtors in the area and are involved in nearly every land transaction in the County. He said that if the recommendations are approved they would severely limit land uses in the County. He

1 said that the housing industry contributes approximately 2.5 trillion dollars to the U.S. Economy on an
2 annual basis and based on the limitations that are proposed Champaign County would miss out on almost
3 their entirety of their portion of that economic boost. He said that the prohibition of development on Best
4 Prime Farmland would take approximately 80% of the land in Champaign County out of the equation for
5 homes or businesses. He said that they believe that this process has proceeded with very little input from
6 the development community and the average Champaign County homeowner or home buyer. He said that
7 in many cases the purchase of a home is the single biggest investment anyone makes in their lifetime and
8 by restricting the use of land that may have already been purchased for the purpose of being developed takes
9 away the property rights of the landowner. He said that in many cases this recommendation causes
10 implications on everything from simply environmental and land use reasons to economic decisions to
11 housing affordability issues therefore they ask that the Committee not forward this proposal to the County
12 Board for ultimate approval. He noted that the 40 acre minimum provision per residential lot restricts many
13 people who have come to this area for the rural life style and will increase the value of a home substantially.
14

15 Ms. Busboom stated that the municipalities have jurisdiction within one and one-half miles of their city
16 limits therefore how much further out will this provision affect the association.
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18 Mr. Malone stated that in some cases people have purchased land in bands around the municipal limits
19 thereby controlling any growth.
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21 Mr. Moser asked Mr. Malone if he understood the infrastructure which is in place in these small townships
22 as far as farmers are concerned. He said that the problems which are created by people going out and
23 building a home in the middle of no where severely affects the farming community. He suggested that if
24 people do not like zoning that they move to a county which does not have it.
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26 Mr. Malone stated that he is not opposed to zoning but the recommendations do appear to be very
27 restrictive.
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29 Mr. Andy Busch, who resides at 2397 CR 675E, Champaign, stated that he lives in the northwest corner of
30 Hensley Township on property that his mother's family settled in the 1830's. He said that his family
31 purchased their ground from the federal government and since that time they have lived there and paid taxes
32 on the property. He said that some of things that are proposed are extremely troubling because he believes
33 in private property rights and that they are one of the most critical things that our nation has right now. He
34 said that this government would not function if it were not for private enterprise and private enterprise is
35 based on the ability of individuals to own property and use it in the best economic interest available. He
36 said that Mr. Moser speaks about the problems that farmers deal with out in the rural areas but he would
37 contend that as soon as the landowners are restricted with what they can do with their land it will affect what
38 farmers can do with their land. He said that he does not intend to sell any of his property but no one knows
39 what tomorrow will bring. He said that he owns a piece of timber which is probably the largest privately
40 owned timber in Champaign County and in the 1960's his parents fenced it off from livestock. He said that
41 he does pay taxes on this timber and the only thing that gets off of this ground is an occasional stick of deer
42 sausage or a cord of wood. He said that he enjoys these woods and they belong to him and he is opposed

1 to having his rights taken away to do whatever he desires to do with this land and this is not an issue that
2 the County should even be considering at this time.

3
4 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, IL stated that he agrees with Mr. Busch. He
5 said that he and his wife own approximately 38 acres of timber which they enjoy and they will never
6 surrender their property rights to their land.

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8 **5. Correspondence**

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10 **None**

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13 **6 County Board Chair’s Report**

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15 **None**

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17 **7. Comprehensive Zoning Review**

- 18 **A. ELUC Review of Zoning Ordinance Public Review Draft 3**
- 19 **B. Direct to staff regarding public hearings for Zoning Ordinance Public Review**
- 20 **Draft 3**
- 21 **C. Solicitation of scientific testimony regarding certain elements of Zoning Ordinance**
- 22 **Public Review Draft 3**

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24 Mr. Langenheim stated that Part A and C are included in the packet for ELUC review.

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26 **Ms. Greenwalt moved, seconded by Ms. Anderson to approve Part B: Direct staff to proceed with**
27 **public hearings at the ZBA for review of *Zoning Ordinance Public Review Draft 3*.**

28
29 **Mr. Moser moved, seconded by Ms. Busboom to amend the motion and make the proposed Stream**
30 **Protection Buffer a separate zoning case from the rest of the proposed amendment.**

31
32 Mr. McGinty requested a definition of “moving forward.” He asked what would move forward and what
33 would be delayed.

34
35 Mr. Fletcher noted that if the Stream Protection Buffer is separated from the rest of the proposed amendment
36 then there would be two separate cases which would be required to be published separately.

37
38 Mr. Hall stated that if the Committee moves forward with one case it is staff’s intent is to advertise in parts
39 so that the ZBA can make recommendations in separate parts and when this comes back to the Committee
40 you can make recommendations in parts.

41
42 Mr. McGinty stated that he would rather move the entire amendment in one case with parts. He said that

1 this is still all a process and it is best served moving everything together.
2

3 Mr. Schroeder asked if there were issues which were referenced to the Attorney General's Office and don't
4 those issues pertain to the buffer areas and whether or not they are actual text amendments or map
5 amendments.
6

7 Mr. Fletcher stated that Mr. Schroeder was correct.
8

9 **The amended motion failed.**

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11 Mr. Moser stated that he does not believe that this entire package will pass the County Board with a 3/4
12 majority vote. He said that he has four farmers in his district that own land along the Salt Fork River from
13 where the drainage district ends down to the Sidney cemetery. He said that these four individuals have
14 contracted with the Federal Government for 120 foot conservation reserve strips along the river in addition
15 to all of the timber. He said that the Supervisor of Assessments has indicated that he is going to implement
16 the Farmland 810 bill differently with timber yet he has the same problem that this Committee has because
17 there is no definition for "a farm." He said that we are going to buffer these timber areas and the Supervisor
18 of Assessments wants to go in and assess it as something other than farmland and raise the assessment on
19 it and yet we are informing people that they can't even cut a tree down on it without a permit then who are
20 they going to listen to. He said that all of the drainage districts are supposed to be exempt from buffers and
21 every one of them that he is aware of in the southeast corner of the County runs within 200 feet of the Salt
22 Fork River and then stops. He said that it is no man's land and all of those outlets could be in the buffer
23 zone therefore how will the districts be able to go in and clean out brush. He said that he knows on three
24 different occasions since he has served on the Board where there have been brush piles located in the Salt
25 Fork which have been cleaned out either by the County or private property owners.
26

27 Mr. Hall stated that Section 21.20.400.D in the 9/30/05 version; (21.20.300E. In the 11/14/05 version)
28 provides Actions Allowed Subject to Restrictions within a Stream Protection Buffer and one thing that is
29 allowed is stabilization or repair of a drainageway to preserve its function or prevent erosion. He said that
30 maybe we do not have the language there that would satisfy Mr. Moser's concern but it is the intent to
31 provide for anything related to maintaining drainage function.
32

33 Mr. Moser stated that it will not satisfy him and he will not vote for this as long as it is included.
34

35 **The original motion failed.**

36
37 Mr. Fabri asked if this complete packet moves forward will it go to the ZBA for review and
38 recommendation.
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40 Mr. Langenheim stated that it will go to the ZBA by which public hearings will be held for public input.
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42 **Mr. Fabri moved, seconded by Ms. Greenwalt to reconsider the vote for the original motion.**

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Ms. Greenwalt requested a roll call vote.

Anderson-yes	Busboom-no	Doenitz-no
Fabri-yes	Greenwalt-yes	McGinty-yes
Moser-no	Schroeder-no	Langenheim-yes

The motion to reconsider carried.

Ms. Greenwalt requested a roll call vote for the reconsidered motion which is as follows:

Ms. Greenwalt moved, seconded by Ms. Anderson to approve Part B: Direct staff to proceed with public hearings at the ZBA for review of *Zoning Ordinance Public Review Draft 3*.

Busboom-no	Doenitz-no	Fabri-yes
Greenwalt-yes	McGinty-yes	Moser-no
Schroeder-no	Anderson-yes	Langenheim-yes

Mr. Langenheim requested authorization to forward a letter from ELUC to the ZBA Chairperson authorizing the ZBA to forward a recommendation on the *Zoning Ordinance Public Review Draft 3* within two meetings of the public hearing opens, provided that the ZBA has received all the information it has requested.

The consensus of the Committee was to forward the letter.

- 8. Case 519-AM-05 Petitioner: Clinton C. Atkins d.b.a. The Atkins Group and David and Lynn Borchers. Request to amend the Zoning Map to change the zoning district designation from AG-2, Agriculture to I-1, Light Industry. Location: Part A: The north approximately 21 acres of land in the NE 1/4 of the SE 1/4 of Section 8 of Champaign Township and that is commonly known as the farm ground south of Interstate 72 and west of Staley Road and that is adjacent to and north of the house at 203 South Staley Road, Champaign. Part B: Lot 3 of the James W. Townley Subdivision that is commonly known as the house at 203 South Staley Road, Champaign.**

Mr. Schroeder moved, seconded by Ms. Anderson to recommend approval of Case 519-AM-05: Clinton C. Atkins d.b.a. The Atkins Group and David and Lynn Borchers. The motion carried by voice vote.

- 9. Enterprise Zone Expansion**

1 **Mr. Schroeder moved, seconded by Mr. Fabri to recommend approval of the Enterprise Zone**
2 **Expansion. The motion carried by voice vote.**

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6 **10. *Resolution Amending Regional Pollution Control Facility Siting Procedures***

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8 **Mr. Fabri moved, seconded by Ms. Anderson to recommend approval of the Resolution Amending**
9 **Regional Pollution Control Facility Siting Procedures. The motion carried by voice vote.**

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12 **11. Recreation and Entertainment License: Honey Bee Productions, Inc. d.b.a. Malibu Bay**
13 **Lounge, 3106 N. Cunningham Av, Urbana, IL January 1, 2006 through December 31, 2006.**

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15 **Ms. Anderson moved, seconded by Ms. Greenwalt to approve the Recreation and Entertainment**
16 **License for Honey Bee Productions, Inc. d.b.a. Malibu Bay Lounge. The motion carried by voice vote.**

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19 **12. Recreation and Entertainment License: Elmer's Club 45 Inc, d.b.a. Club 45 Banquet Hall,**
20 **3515 N. Cunningham Av, January 1, 2006 through December 31, 2006.**

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22 **Ms. Greenwalt moved, seconded by Ms. Anderson to approve the Recreation and Entertainment**
23 **License for Elmer's Club 45 Inc, d.b.a. Club 45 Banquet Hall. The motion carried by voice vote.**

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26 **13. Recreation and Entertainment License: Kams of Illinois LLC, d.b.a. Fat Daddy's, 2698 CR**
27 **1600N, Ogden, IL, January 1, 2006 through December 31, 2006.**

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29 **Ms. Greenwalt moved, seconded by Mr. McGinty to approve the Recreation and Entertainment**
30 **License for Kams of Illinois LLC, d.b.a. Fat Daddy's. The motion carried by voice vote.**

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33 **14. Recreation and Entertainment License: Tincup RV Park, Inc, 1715 E. Tincup Rd, Mahomet,**
34 **IL, January 01, 2006 through December 31, 2006.**

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36 **Mr. Doenitz moved, seconded by Ms. Greenwalt to approve the Recreation and Entertainment**
37 **License for Tincup RV Park, Inc. The motion carried by voice vote.**

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40 **15. Recreation and Entertainment License: Curtis Orchard, 3902 S. Duncan Rd, Champaign, IL**
41 **January 01, 2006 through December 31, 2006.**

1 **Mr. Schroeder moved, seconded by Ms. Busboom to approve the Recreation and Entertainment**
2 **License for Curtis Orchard. The motion carried by voice vote.**

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4 **16. Recreation and Entertainment License: Hideaway of the Woods Grill and Bar, 809 S.**
5 **Prairieview Rd, Mahomet, IL, January 01, 2006 through December 31, 2006.**

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7 **Mr. Doenitz moved, seconded by Mr. McGinty to approve the Recreation and Entertainment License**
8 **for Hideaway of the Woods Grill and Bar.**

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10 Mr. Fletcher stated this property is subject to a pre-annexation agreement therefore this license may be back
11 before this Committee within a few months to determine that this license is invalid.

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13 Mr. Doenitz asked if this was an issue because Mahomet is dry.

14
15 Mr. Fletcher stated no, it is only due to the pre-annexation agreement and a new interpretation of state law.

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

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20 **17. Recreation and Entertainment License: The Oasis of Penfield, Inc, 2705 CR 3000N, Penfield,**
21 **IL, January 01, 2006 through December 31, 2006.**

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23 **Ms. Anderson moved, seconded by Ms. Greenwalt to approve the Recreation and Entertainment**
24 **License for The Oasis of Penfield, Inc. The motion carried by voice vote.**

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27 **18. Recreation and Entertainment License: Uncle Buck's Sports Bar, Inc, 215 S. Lake of the**
28 **Woods Rd, Mahomet, IL, January 01, 2006 through December 31, 2006.**

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30 **Mr. Doenitz moved, seconded by Mr. McGinty to approve the Recreation and Entertainment License**
31 **for Uncle Buck's Sports Bar, Inc. The motion carried by voice vote.**

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34 **19. Recreation and Entertainment License: ABSP, Inc, d.b.a. Longview Tavern, 206-210 Logan**
35 **St, Longview, IL, January 01, 2006 through December 31, 2006.**

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37 **Ms. Greenwalt moved, seconded by Ms. Anderson to approve the Recreation and Entertainment**
38 **License for ABSP, Inc, d.b.a. Longview Tavern. The motion carried by voice vote.**

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41 **20. Hotel/Motel License Renewal: Ravi-Yash, Inc, d.b.a. Travelers Stay Inn, 1906 N. Cunningham**
42 **Av, Urbana, IL , January 01, 2006 through December 31, 2006.**

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Ms. Busboom moved, seconded by Mr. Doenitz to deny the Recreation and Entertainment License Renewal for Ravi-Yash, Inc, d.b.a. Travelers Stay Inn.

Mr. Fletcher stated that the Recreation and Entertainment License Ordinance is close to 30 years old and is not very well written. He said that without further review he would advise that there could be legal risk if this license were denied.

The motion failed.

Ms. Greenwalt moved, seconded by Mr. Fabri to approve the Hotel/Motel License Renewal for Ravi-Yash, Inc, d.b.a Travelers Stay Inn.

Mr. Schroeder asked if the Champaign County Department of Health has inspected this property.

Ms. McGrath stated that the issues which are shown in the submitted letters and photographs would not be under the jurisdiction of the Champaign County Department of Health. She said that the Department of Health can look at sanitation issues in regard to food preparation but there is nothing in the County’s Health Ordinance that involves the issues within these complaints.

Mr. Langenheim informed the Committee that if they object to licensing businesses under these conditions then the Ordinance governing these matters must be amended.

Mr. Fabri asked if the Attorney General’s office has taken any further action on this issue.

Mr. Hall stated that staff can investigate but to date it is unknown.

The motion carried by voice vote.

21. Staff Report

A. Monthly Report

Mr. Hall stated that he distributed copies of the Monthly Report for ELUC’s review.

B. IEPA enforcement on property in Section 30, Condit Township

Ms. Hitt, Zoning Officer informed the Committee that the IEPA has filed an Administrative Citation on the Malloch property. She said that a hearing has been held and Mr. Malloch has been requested to clean up the property along the Big Ditch and to accumulate less materials. She said that the IEPA does not want to close down Mr. Malloch’s business because if they do his customers will haul their stuff to other places

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in the County. She said that Mr. Malloch represented himself at the November 2, 2005, hearing and to date there are \$5,000 in accumulated fines. She noted that no action is required on this matter by this Committee.

22. Other Business

None

23. Determination of Items to be placed on the County Board Consent Agenda

The Consensus of the Committee was place Items #8, 9 and 10 on the County Board Consent Agenda.

24. Adjournment

The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.ftm

**Mahomet Aquifer Consortium
Meeting No. 44
November 15, 2005, 10:00 a.m.**

Illinois State Water Survey, Champaign, IL

AGENDA

1. Call to Order – Mel Pleines
2. Approval of Agenda
3. Roll Call – (Initial Attendance Sheet or sign in)
4. Minutes of – September 27, 2005 meeting (Meeting No.43)
5. Treasurer’s Report – Dorland W. Smith, Sec-Treas
6. Committee Reports
 - a) Funding – Mel Pleines
 - b) Education & Public Relations – Ed Mehnert, Chairman
 - c) Data & Scientific Assessment – George Roadcap, Chairman
7. Presentation – Digital Presentation of Low Water Conditions on the Sangamon River
By George Roadcap, ISWS
- 8 Discussion of aquifer management concepts
- 9 Old Business
- 10 New Business
- 11 Next Meeting Date – Meeting No. 45 - January ??, 2006
- 12 Adjourn -

Agenda 05-11-15

Mahomet Aquifer Consortium
Member Meeting No. 43
September 27, 2005
Minutes

1. A meeting of the members of the Mahomet Aquifer Consortium (MAC) was held on September 27, 2005 at the offices of Illinois State Water Survey (ISWS) in Champaign, IL. Chairman Mel Pleines called the meeting to order at 10:07 a.m. Thirteen members and six non-members were in attendance. (See attached attendance sheet for those present).
2. Approval of Agenda – Motion to approve the agenda was made by Al Wehrman and seconded by Ed Mehnert. The motion carried.
3. Roll Call was accomplished by signing the MAC mailing list and is attached to the official minutes for the record. Thirteen members and six non-members for a total of seventeen (17) people were in attendance.
4. Minutes of the May 10, 2005 meeting (Meeting No. 41) and the Field Trip, July 12, 2005 (Meeting No. 42) were e-mailed and distributed to all in attendance. Members were asked to look them over for a few minutes. Motion to accept and approve the minutes of the previous meeting was made by Paul DuMontellille and seconded by Al Wehrman. Motion carried.
5. Treasurer's Report by Dorland W. Smith, Secretary-Treasurer for the period ending August 31, 2005 (green sheet) was distributed showing a balance in the amount of \$811.46. (The report is attached to these minutes). Motion to approve the Treasurer's report was made by Susan Adams and seconded by Sharon Martin. Motion carried. Ellis Sanderson moved that Ed Mehnert be reimbursed \$180.00 for the annual payment to Prairienet for the hosting of the MAC Web Site. Seconded by Sharon Martin. Motion carried.
6. The presentation was made by Dr. Derek Winstanley on Regional Water Supply Planning. He discussed drought preparedness planning and posed the question 'Is Illinois Prepared?' He is on the State Drought Task Force and stated that they are updating the State Drought Plan of 1983. Much of the information is available on the ISWS web site. Dr. Winstanley then presented the final question as to what we thought the MAC's role should be.
7. Committee Reports
 - a) Funding – The Board will be having extra meetings just to address the funding issue.
 - b) Education and Public Relations – See web site for information and definitions on ground water terminology.



**STATE OF ILLINOIS
COUNTY OF CHAMPAIGN**

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

**No. 2006-ENT-02
\$100.00**

ALTO VINEYARDS

License is hereby granted to **JAMES P. DUBNICEK** to provide Recreation/Entertainment at 4210 Duncan Rd., Champaign IL in Champaign County from January 1, 2006 thru December 31, 2006. This License expires the 1st day of January 2007 at 12:01am.

Witness my Hand and Seal this 12th day of December, A.D. 2006.

Mark Sheldon

MARK SHELDEN
County Clerk
Champaign County

Chairman, Champaign County License Commission



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

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

For Office Use Only

License No. 2006-ENT-02

Date(s) of Event(s) 1-1-06 - 12-31-06

Business Name: Alto Vineyards

License Fee: \$ 100.00

Filing Fee: \$ 4.00

TOTAL FEE: \$ 104.00

Checker's Signature: MS

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

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

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

- A.
1. Name of Business: ALTO VINEYARDS CHAMPAIGN
 2. Location of Business for which application is made: 4216 N. DUNCAN RD. CHAMPAIGN, IL. 61822
 3. Business address of Business for which application is made: SAME
 4. Zoning Classification of Property: B
 5. Date the Business covered by Ordinance No. 55 began at this location: 11-30-01
 6. Nature of Business normally conducted at this location: RETAIL WINE SHOP
 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): WEEKEND BANQUETS AND PRIVATE PARTIES (5 mo. SEASON)
 8. Term for which License is sought (specifically beginning & ending dates): 12-31-05 - 12-31-06
- (NOTE: All annual licenses expire on December 31st of each year)
9. Do you own the building or property for which this license is sought? YES
 10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: _____
 11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE AND WILL BE RETI APPLICANT

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

Name: JAMES P. DUBNICEK Date of Birth: _____
Place of Birth: CHICAGO ILLINOIS Social Security No.: _____
Residence Address: 375 C.R. 2425 N. MAHOMET IL 61853
Citizenship: YES If naturalized, **place and date** of naturalization: _____

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

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

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

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

C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): JAMES P. DUBNICEK
Date of Birth: _____ Place of Birth: CHICAGO IL.
Social Security Number: _____ Citizenship: YES
If naturalized, state **place and date** of naturalization: _____
2. Residential Addresses for the past three (3) years: 375 C.R. 2425 N.
MAHOMET IL 61853
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: ALTO VINEYARDS - GENERAL MGR. CHAMPAIGN
LOCATION.

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

D. Answer **only** if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:
ALTO VINEYARDS LTD.
2. Date of Incorporation: 4-11-88 ate wherein incorporated: ILLINOIS

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

Give first date qualified to do business in Illinois: _____

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

P.O. Box 51 Hwy 127
ACTO PASS, IL. 62905

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

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

Name of Officer: JAMES DUBNICEK Title: OWNER/GEN. MGR. CHAMPAIGN
Date elected or appointed: 11-01-01 Social Security No.: _____
Date of Birth: _____ Place of Birth: CHICAGO IL.
Citizenship: U.S.
If naturalized, **place and date** of naturalization: _____

Residential Addresses for past three (3) years: 375 C.R. 2425 N.
MAHOMET IL. 61853

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

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

AFFIDAVIT

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

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

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

James P. Dubnick

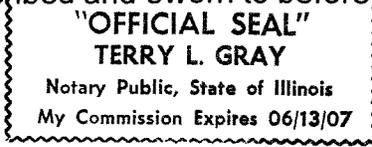
Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

James P. Dubnick

Signature of Manager or Agent

Subscribed and sworn to before me this 10 day of November, 2005.



Terry L. Gray
Notary Public

AFFIDAVIT

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

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

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

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

Signature of President

Signature of Secretary

Signature of Manager or Agent

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

Notary Public

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



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

FOR ELUC USE ONLY

County Clerk's Office

- 1. Proper Application Date Received: 11-11-05
- 2. Fee Amount Received: 10400

Sheriff's Department

- 1. Police Record Approval: TV542 Date: 11-23-05
 - 2. Credit Check Disapproval: _____ Date: _____
- Remarks: _____ Signature: J. Vogel #542

Planning & Zoning Department

- 1. Proper Zoning Approval: [Signature] Date: 12/06/05
 - 2. Restrictions or Violations Disapproval: _____ Date: _____
- Remarks: B-A ZONING W/CONDITIONS Signature: [Signature] INTERIM ZONING ADMIN.
& CONFIRMS W/CONDITIONS

Environment & Land Use Committee

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

Remarks and/or Conditions: _____

PAUL RENZABLIA

11-15-90

PRESIDENT-ALTO VINEYARDS LTD.

COLUMBIA, MO.

U.S.

87 HARRIS LAKE, ALTO PASS, IL. 62905

ALTO VINEYARDS LTD.

P.O. Box 51 Hwy 127

ALTO PASS, IL. 62905

GUY RENZABLIA

11-15-90

VICE PRESIDENT-ALTO VINEYARDS LTD.

VIRGINIA MN.

U.S.

325 LAKE RD. MURPHYSBORO, IL. 62966

RETIRED

ADELLE RENZABLIA

11-15-90

SECRETARY-ALTO VINEYARDS LTD.

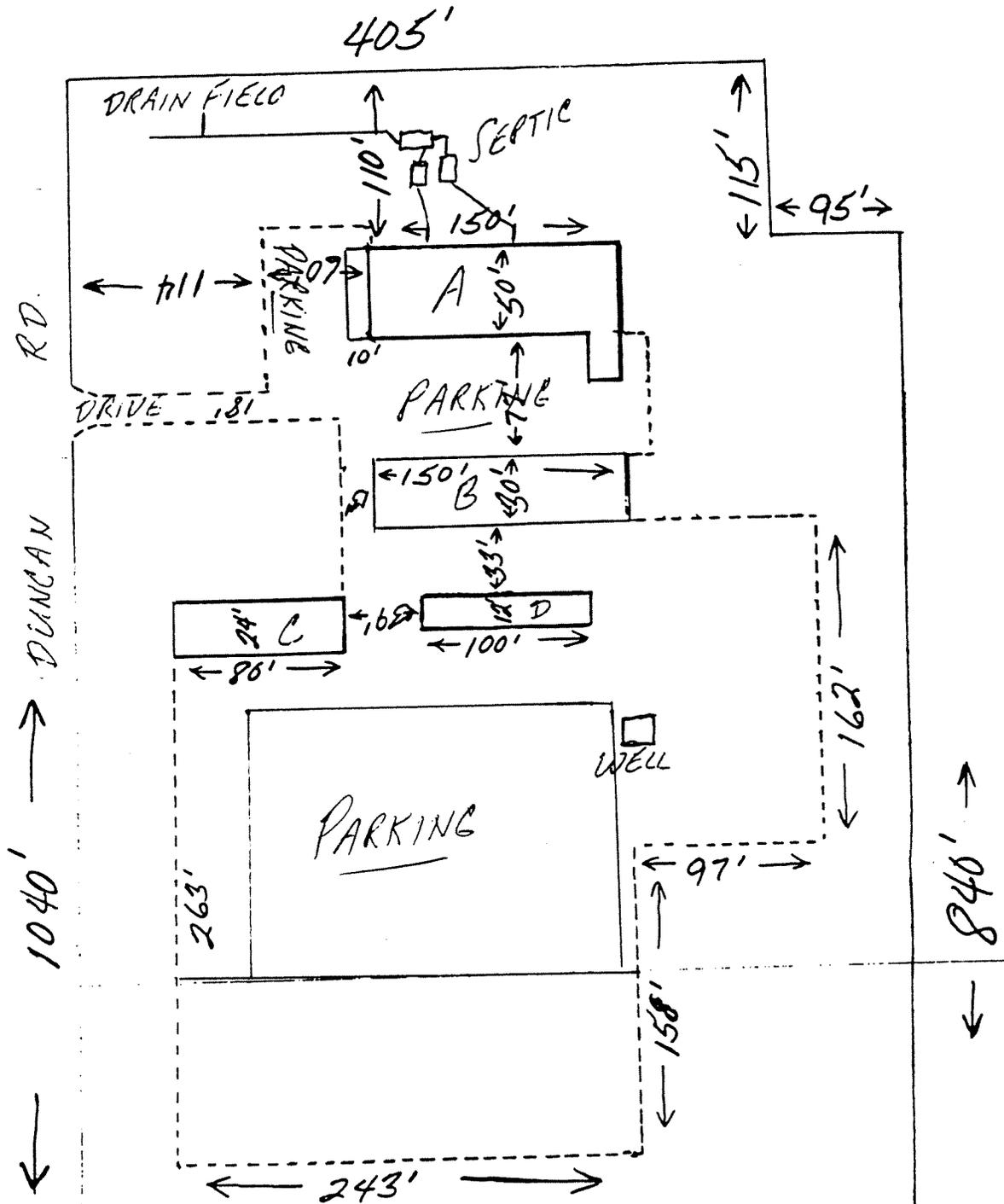
CALGARY CANADA

U.S.

375 C.R. 2425 N. MAHOMET IL. 61853

UNIVERSITY OF ILLINOIS

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



SITE PLAN N. 3 VINEYARDS CHAMPAIGN

BOOK 48 PAGE 201

File Number 5503-920-8

STATE OF ILLINOIS } ss
UNION COUNTY }
This instrument was filed for record
7378
APR 21 1989



Whereas, ARTICLES OF INCORPORATION OF
ALTO VINEYARDS, LIMITED
INCORPORATED UNDER THE LAWS OF THE STATE OF ILLINOIS HAVE BEEN
FILED IN THE OFFICE OF THE SECRETARY OF STATE AS PROVIDED BY THE
BUSINESS CORPORATION ACT OF ILLINOIS, IN FORCE JULY 1, A.D. 1984.

Now Therefore, I, Jim Edgar, Secretary of State of the State of Illinois, by virtue of the powers vested in me by law, do hereby issue this certificate and attach hereto a copy of the Application of the aforesaid corporation.

In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, at the City of Springfield, this 11TH day of APRIL AD 1988 and of the Independence of the United States the two hundred and 12TH



Jim Edgar
SECRETARY OF STATE

ARTICLE SIX OPTIONAL

The number of directors constituting the initial board of directors of the corporation is _____ and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify are:

Name	Residential Address

ARTICLE SEVEN OPTIONAL

- (a) It is estimated that the value of all property to be owned by the corporation for the following year wherever located will be: \$ _____
- (b) It is estimated that the value of the property to be located within the State of Illinois during the following year will be: \$ _____
- (c) It is estimated that the gross amount of business which will be transacted by the corporation during the following year will be: \$ _____
- (d) It is estimated that the gross amount of business which will be transacted from places of business in the State of Illinois during the following year will be: \$ _____

ARTICLE EIGHT OTHER PROVISIONS

Attach a separate sheet of this size for any other provision to be included in the Articles of Incorporation, e.g., authorizing pre-emptive rights; denying cumulative voting; regulating internal affairs; voting majority requirements; fixing a duration other than perpetual; etc.

NAMES & ADDRESSES OF INCORPORATORS

The undersigned incorporator(s) hereby declare(s), under penalties of perjury, that the statements made in the foregoing Articles of Incorporation are true.

Dated March 30, 1988

Signatures and Names	Post Office Address
1. <u>[Signature]</u> Signature <u>Guy A. Renzaglia</u> Name (please print)	1. <u>Route 6, Box 353</u> Street <u>Murphysboro, IL 62966</u> City/Town State Zip
2. _____ Signature _____ Name (please print)	2. _____ Street _____ City/Town State Zip
3. _____ Signature _____ Name (please print)	3. _____ Street _____ City/Town State Zip

(Signatures must be in ink on original document. Carbon copy, zero or rubber stamp signatures may only be used on conformed copies.)

NOTE: If a corporation acts as incorporator, the name of the corporation and the state of incorporation shall be shown and the execution shall be by its President or Vice-President and verified by him, and attested by its Secretary or an Assistant Secretary.

Form BCA-2.10

File No. _____

ARTICLES OF INCORPORATION

FILED

APR 11 1988

CORPORATION FEE SCHEDULE
SECRETARY OF STATE

The fee to be paid at the time of issuing the Certificate of Incorporation:
FILING FEE \$75.00; INITIAL LICENSE FEE of 1/20th of 1% of the consideration to be received for initial issued shares (See Art. 5); MINIMUM \$50; INITIAL FRANCHISE TAX of 1/10 of 1% of the consideration to be received for initial issued shares (see Art. 5); MINIMUM \$25.00.

EXAMPLES OF TOTAL DUE

Consideration to be Received	TOTAL
up to \$1,000	\$100.50
\$ 5,000	\$175.50
\$ 10,000	\$190.50
\$ 25,000	\$205.50
\$ 50,000	\$220.50
\$100,000 or more	\$275.00

Includes Filing Fee + License + Franchise Tax

RETURN TO:

Corporation Department
Secretary of State
Springfield, Illinois 62756
Telephone: (217) 782-6961

5-1023

BCA-2.10 (Rev. Jul. 1984)

1101 Y8 TAB 200

File #

Submit in Duplicate
 Payment must be made by Certified
 Check, Cashier's Check, Illinois
 Attorney's Check, Illinois C.P.A.'s
 Check or Money order, payable to
 "Secretary of State"
DO NOT SEND CASH!

JIM EDGAR
 Secretary of State
 State of Illinois

ARTICLES OF INCORPORATION

This Space For Use By
 Secretary of State
 Date 6/11/88
 License Fee \$ 5.00
 Franchise Tax \$ 25.00
 Filing Fee \$ 75.00
 Clerk C 105.00

Pursuant to the provisions of "The Business Corporation Act of 1983", the undersigned incorporator(s) hereby adopt the following Articles of Incorporation.

ARTICLE ONE The name of the corporation is Alto Vineyards, Limited
(Shall contain the word "corporation", "company", "incorporated",
 "limited", or an abbreviation thereof)

ARTICLE TWO The name and address of the initial registered agent and its registered office are:

Registered Agent Paul A. Renzaglia
First Name Middle Name Last Name

Registered Office Route 1 Box 51
Number Street Suite # (A.P.O. Box alone is not acceptable)
Alto Pass, IL 62905 Union
City Zip Code County

ARTICLE THREE The purpose or purposes for which the corporation is organized are:
If not sufficient space to cover this point, add one or more sheets of this size.

The transaction of any or all lawful business for which corporations may be incorporated under the Business Corporation Act of the State of Illinois

ARTICLE FOUR Paragraph 1: The authorized shares shall be:

Class	*Par Value per share	Number of shares authorized
Common	N/A	50,000

Paragraph 2: The preferences, qualifications, limitations, restrictions and the special or relative rights in respect of the shares of each class are:
If not sufficient space to cover this point, add one or more sheets of this size.

ARTICLE FIVE The number of shares to be issued initially, and the consideration to be received by the corporation therefor, are:

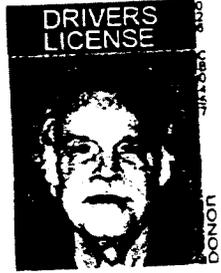
Class	*Par Value per share	Number of shares proposed to be issued	Consideration to be received therefor
Common	N/A	10,000	\$ 10,000
			\$
			\$
			\$
TOTAL			\$ 10,000

* A declaration as to a "par value" is optional. This space may be marked "n/a" when no reference to a par value is desired.

Illinois
NUMBER ISSUED

Jesse White - Secretary of State

EXPIRES
-14-06



GUY A RENZAGLIA
325 LAKE DRIVE
MURPHYSBORO IL 62966

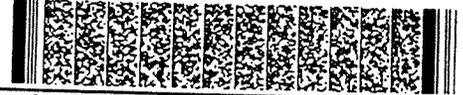
Birthdate 01-14-18
Male 5'11" 196 lbs BRN Eyes
Restrictions Type Class
..... ORG D

Jesse White

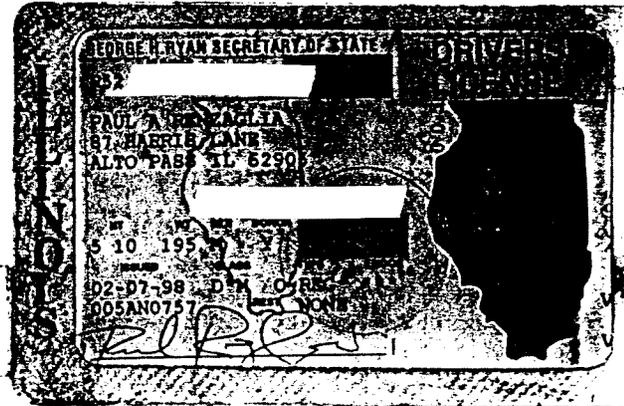
THIS IS A LEGAL DOCUMENT UNDER THE UNIFORM ANATOMICAL GIFT ACT OR SIMILAR LAWS. I hereby make an anatomical gift, effective upon my death.

Any organ or tissue DATE _____
 Only the following _____
Signature of donor _____
WITNESS _____
WITNESS _____

Blood Type
Rh Factor
Medical Information
Living Will
Seal Area



Class Single Veh GVWR 16000 or Less Except Cycles
Restrictions



THIS IS A LEGAL DOCUMENT UNDER THE UNIFORM ANATOMICAL GIFT ACT OR SIMILAR LAWS. I hereby make an anatomical gift, effective upon my death.

Any organ
 Specific organs
DATE 12-12-05
Signature of donor *Jesse White*
WITNESS _____
WITNESS _____

Blood Type
Rh Factor
Emergency Medical Information
Seal Area

DRIVER LICENSE CLASSIFICATIONS

ILLINOIS EXPIRES 12-12-2005 DONOR Y
PAUL A RENZAGLIA
87 HARRIS LANE
ALTO PASS IL 62905

Illinois

Jesse White, Secretary of State

EXPIRES
07-29-08

DRIVERS
LICENSE

ADELLE M RENZAGLIA
375 COUNTY RD 2425 N
MAHOMET IL 61853



Birthdate 07-29-49
Female 5'08" 150 lbs BRN Eyes
Restrictions Type Class
ORG D

Adelle M. Renzaglia



THIS IS A LEGAL DOCUMENT UNDER THE UNIFORM ANATOMICAL GIFT ACT OR SIMILAR LAWS. I hereby make an anatomical gift, effective upon my death.

All organs or tissue
 Only the following _____
Signature of donor _____
WITNESS _____
WITNESS _____

Blood Type
RHI Factor

Medical Information
Living Will
Seal Area



Class Single Veh GVWR 16000 or Less Except Cycles
Restrictions

Illinois

Jesse White - Secretary of State

JAMES P DUBNICEK
375 CR 2425 NORTH
MAHOMET IL 61853

EXPIRES
01-28-09



Birthdate 01-28-50
Male 5'09" 160 lbs BLUE Eyes
Restrictions Type Class
ORG D

James Dubnicek

THIS IS A LEGAL DOCUMENT UNDER THE UNIFORM ANATOMICAL GIFT ACT OR SIMILAR LAWS. I hereby make an anatomical gift, effective upon my death.

Any organ or tissue
 Only the following

Signature of donor _____ DATE _____
 WITNESS _____
 WITNESS _____

Blood type _____
 Sex _____
 Marital status _____
 Medical insurance _____
 Living will _____
 See also _____

Class Single Veh GVWR 16000 or Less Except Cycles
 Restrictions _____

S.S.#

ID#

TO: **Environment and Land Use Committee**

FROM: **John Hall, Associate Planner**

DATE: **December 7, 2005**

RE: **Case 185-05 Wolken Subdivision**

Champaign
County
Department of

**PLANNING &
ZONING**

REQUESTED ACTION

Plat approval for a one-lot minor subdivision of a 2.396 acre farmstead out of an existing 38.5 acre parcel in the AG-1 Zoning District in Section 35 of Rantoul Township located on the south side of County Highway 11 (CH11, equivalent to CR2500N) and approximately 1,0750 east of the intersection of CH11 and CR1600E.

This is a subdivision to divide off an existing farmstead with an existing septic system and the County Health Department has waived their right to comment. The Champaign County Engineer is the relevant highway authority and is currently reviewing the plat.

The proposed subdivision appears to conform to all of the minimum subdivision standards.

Because there is an existing dwelling with septic system there have been no percolation tests conducted and the results are not on the Final Plat and approval at this time requires the following waivers:

- 1. Waive requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**
- 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.**

Subdivider

Lester and Beverly Wolken
1621 CR2500N
Thomasboro IL 61878

Engineer/Surveyor

Moore Surveying & Mapping
101 West Ottawa Street
Paxton IL 60957

Location, Roadway Access, and Land Use

The subject property is part of a 38.50 acre parcel in the Northeast ¼ of Section 35 of Rantoul Township (T21N, R9E 3rd PM) and is an established farmstead at 1621 CR2500N, Thomasboro. See the Location Map.

The proposed subdivision is an existing farmstead off of a 38.50 parcel. See the Land Use Map.

Applicable Zoning Regulations

The subject property is zoned AG-1 Agriculture. See the attached Zoning Map. The proposed lot meets all *Zoning Ordinance* requirements. See Table 1 for a summary.

Creation of new lots less than 35 acres in area is limited in the AG-1 District (as well as AG-2 and CR) without first rezoning to the Rural Residential Overlay (RRO) District. Parcels of between 25 and 50 acres in area that existed on January 1, 1998, are limited to no more than four lots plus a farmland remainder on best prime farmland.

Table 1. Review Of Minimum Lot Requirements

Lot Characteristic	Requirement (or Limit)	Proposed Lot	Notes
Lot Area (acres)	Minimum: 1.00 acre	2.396 acres	MEETS OR EXCEEDS MINIMUM REQUIREMENT
	Maximum ² : 3.00 acres		
Lot Frontage (feet)	20.00 (minimum)	269.00 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	417.0 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	269 feet ¹	MEETS MINIMUM REQUIREMENT
Lot Depth to Width	3.00 : 1.00 (maximum)	1.550 : 1.00	LESS THAN MAXIMUM ALLOWED
ALL LOTS MEET ALL REQUIREMENTS			
<p>NOTES</p> <p>NR = No Requirement (or limit)</p> <p>1. Average lot width for Lot 1 determined by lot area divided by lot depth.</p>			

The subject property was part of two separate parcels that existed on 1/1/98 and that have since been combined. The proposed subdivision will be the first small lot created since 1/1/ 98 and is within the limit on creation of new lots.

Minimum Subdivision Standards

Minimum subdivision standards were added to the *Subdivision Regulations* on July 8, 2004. Table 2 reviews the conformance of the proposed subdivision with those standards. The proposed subdivision appears to meet all of the standards and there appear to be no required waivers.

Soil Conditions / Natural Resource Report

A Section 22 Natural Resource Report was not prepared for this site by the Champaign County Soil and Water Conservation District because this is an existing farmstead. However, this soils on this proposed are all best prime farmland soils. The *Soil Survey of Champaign County, Illinois* indicates that the Proposed Subdivision consists of the following soil:

- **Dana silt loam**, 2% to 5% slope (map unit 56B; Agriculture Value Group 3) makes up most of the proposed lot. Dana silt loam has moderate to severe wetness characteristics. Depth to a seasonal high water table is a limiting factor for septic systems in this soil.

- **Drummer silty clay loam**, 0% to 1% slope (map unit 152A; Agriculture Value Group 2) makes up about one-quarter of the proposed lot. Drummer silty clay loam and severe wetness and ponding characteristics.

Drainage, Stormwater Management Policy, and Flood Hazard Status

The subject property is located in the Raup Drainage District. The drainage district was notified of the proposed subdivision.

The Subsidiary Plat indicates only the centerline of the adjacent public street. The home itself appears to be on a knob of Dana silt loam soil with positive drainage towards a natural drainage swale on the southern half of the lot. There are no areas of stormwater ponding on the proposed lot and there are no changes proposed to the existing drainage.

The County’s consulting engineer was not asked to review this proposed subdivision because it is an existing farmstead that is outside of the mapped Special Flood Hazard Area (100-year floodplain) and not near any significant source of flooding.

Public Improvements

No public improvements are indicated or required in this subdivision.

Water Wells and Soil Suitability For Septic Systems

The subject property does not have access to either a public water supply or a public sanitary sewer system. The existing farmstead already has a private water well and a working wastewater system. The County Health Department does not review subdivision plats for existing farmsteads.

NECESSARY WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

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

The proposed lot is a farmstead that already has a septic system and percolation test data has not been provided. If the test data was on the plat any new wastewater system on proposed Lot 1 would still have to have additional soil tests in order to received County Health Department approval of a new wastewater system.

DECEMBER 7, 2005

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

The existing farmstead has a working septic system.

Draft Findings for these waivers are attached for the Committee's review.

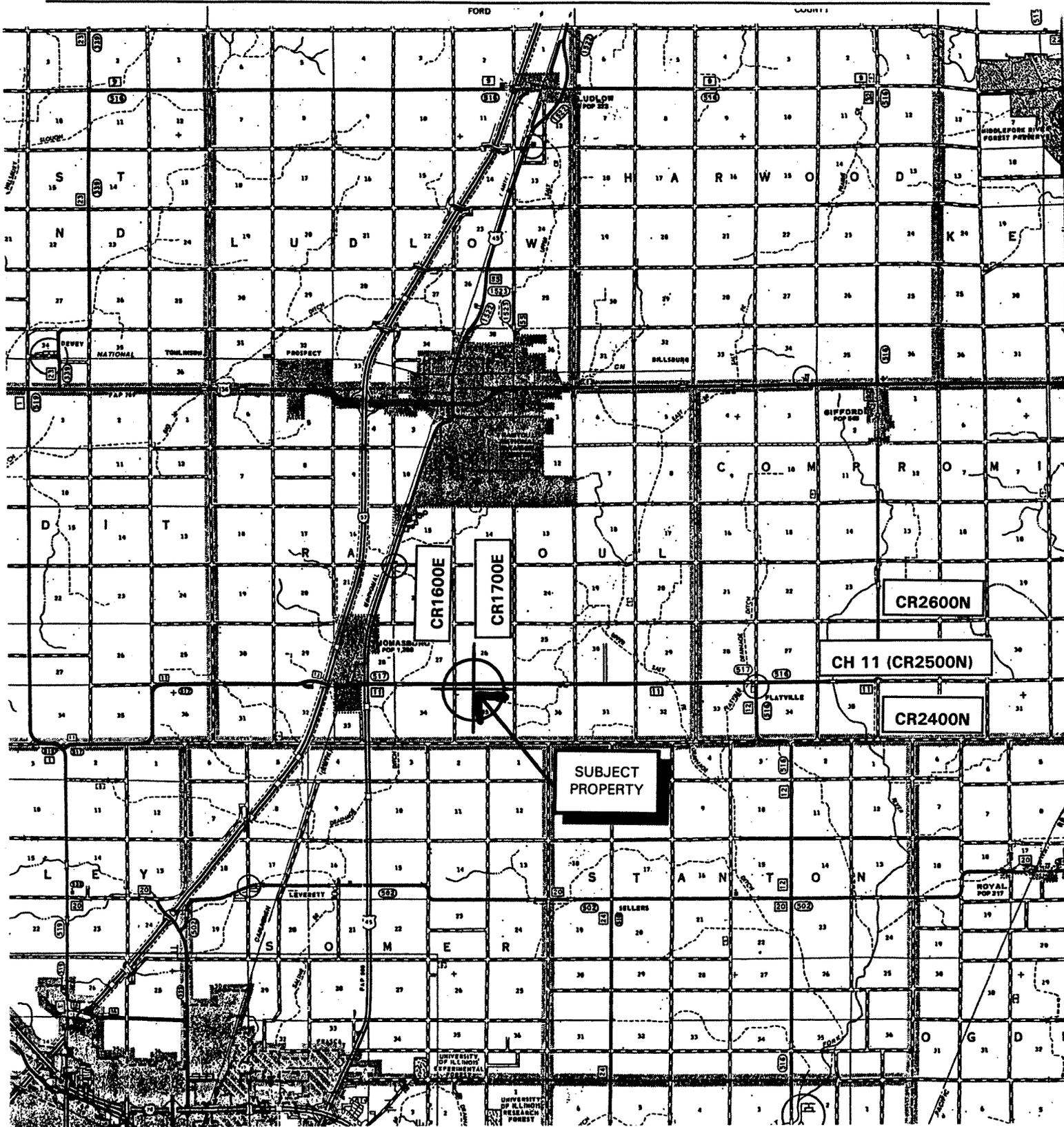
ATTACHMENTS

- A Subdivision Case Maps (Location, Land Use, Zoning)**
- B Subsidiary Plat of Wolken Subdivision received November 18, 2005**
- C Final Plat of Wolken Subdivision received November 18, 2005**
- D Preliminary Assessment Of Compliance With Minimum Subdivision Standards**
- E Draft Findings for Waivers of Final Plat Requirements**

ATTACHMENT A. LOCATION MAP

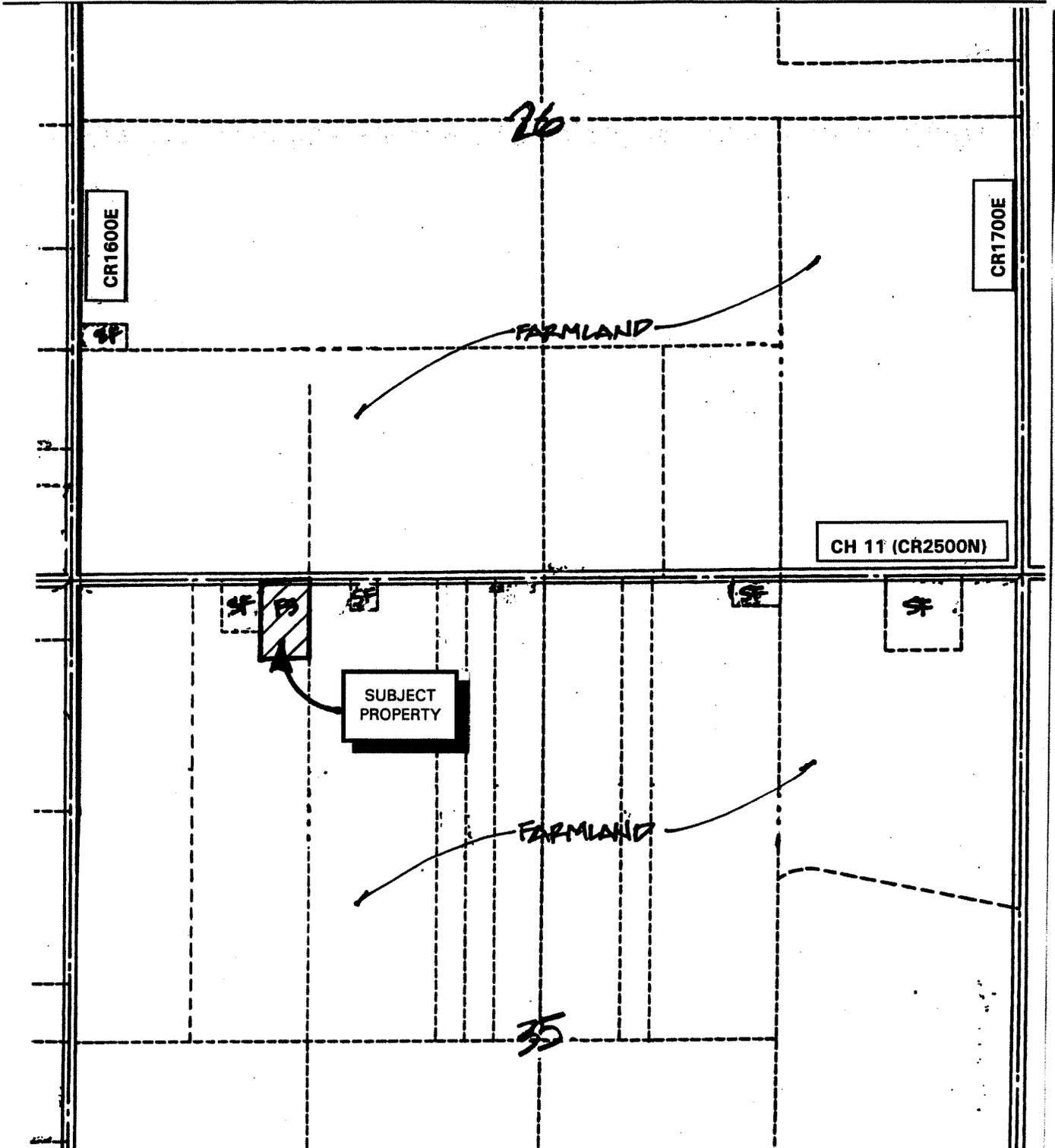
Case 185-05 Wolken Subdivision

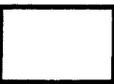
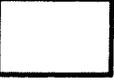
DECEMBER 7, 2005



Champaign
County
Department of
PLANNING &
ZONING

ATTACHMENT A. LAND USE MAP
Case 185-05 Wolken Subdivision
 DECEMBER 7, 2005



	Area of Concern	
	Single Family	
	Farmstead	

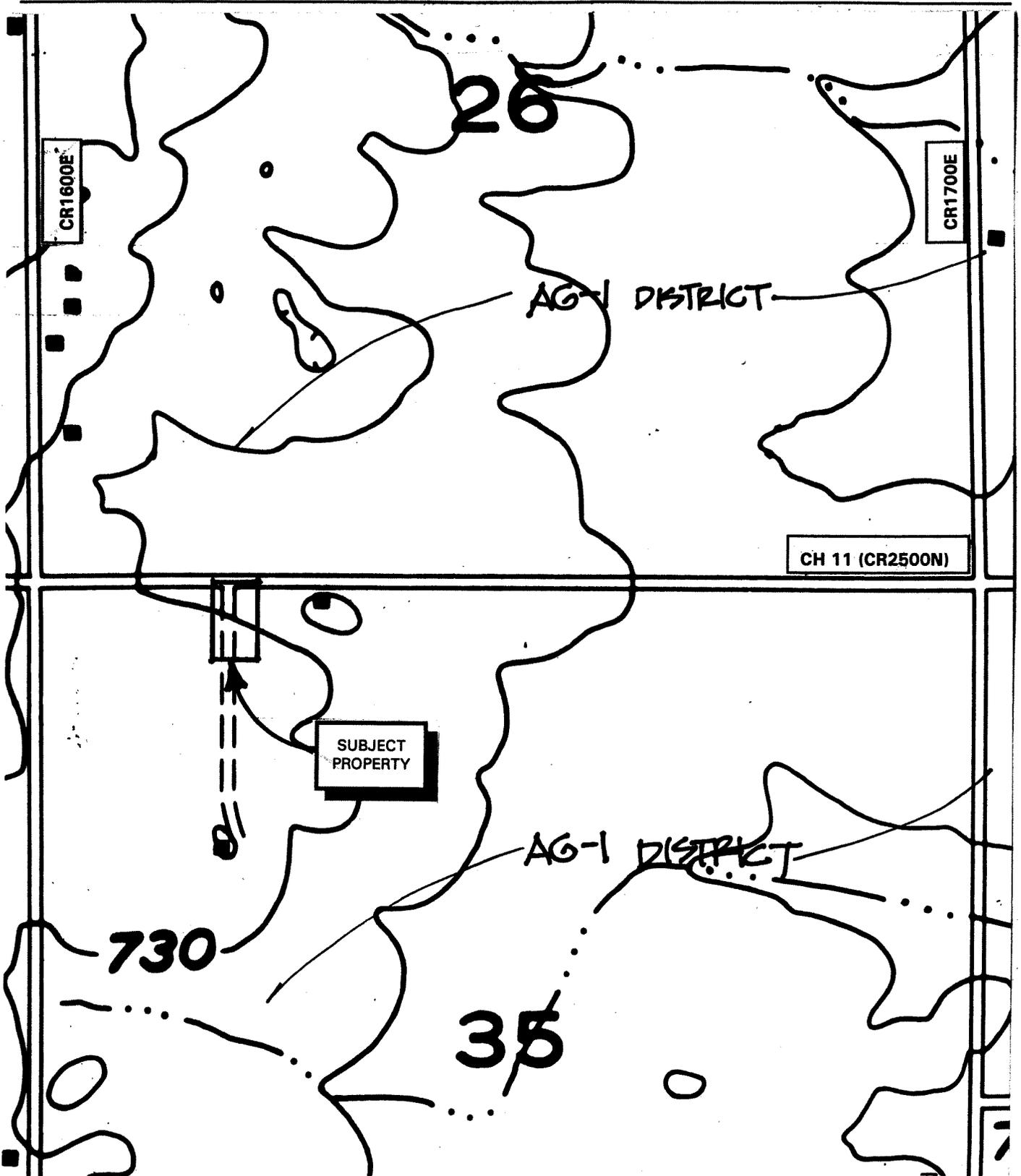


Champaign
 County
 Department of
**PLANNING &
 ZONING**

ATTACHMENT A. ZONING MAP

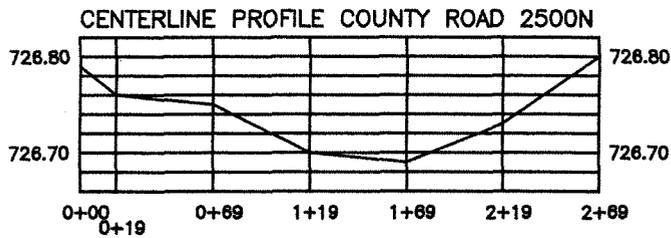
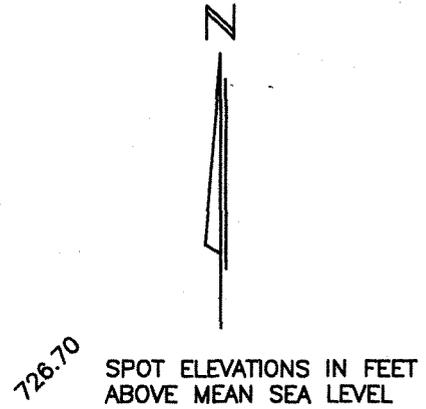
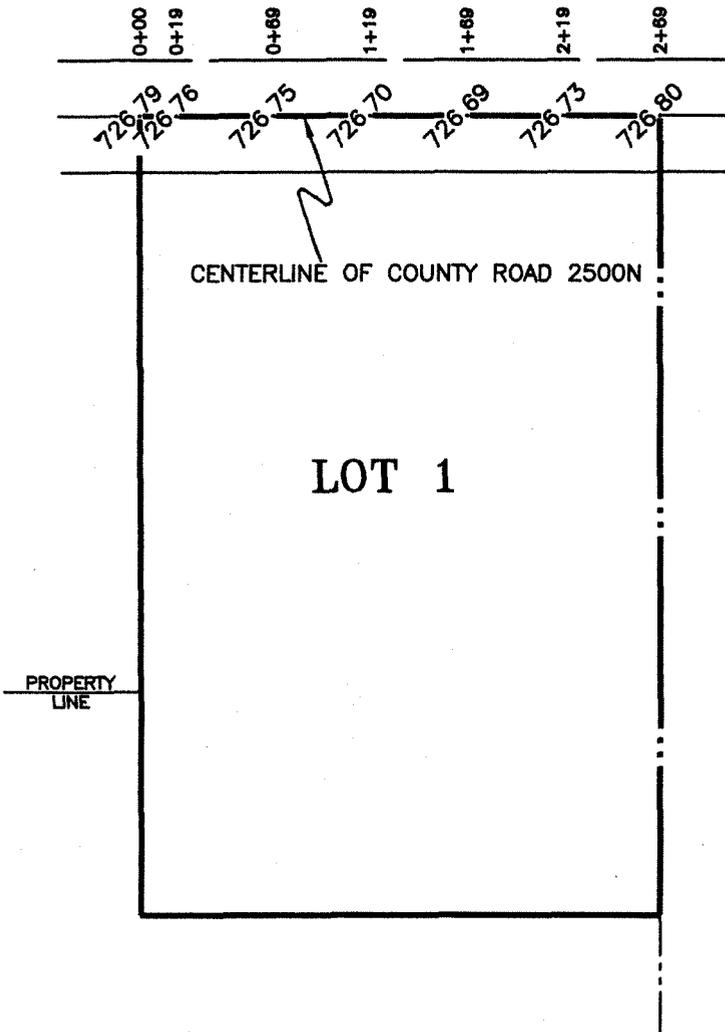
Case 185-05 Wolken Subdivision

DECEMBER 7, 2005



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

SUBSIDIARY PLAT OF
WOLKEN SUBDIVISION
 IN W1/2 NW1/4 SEC. 35 T21N R9E 3RD P.M.
 CHAMPAIGN COUNTY, ILLINOIS



NOTE:
 NO CHANGE IN DRAINAGE IS ANTICIPATED AT THIS SITE.

MOORE SURVEYING & MAPPING PAXTON, ILLINOIS		PROF. DESIGN FIRM I.C. 184-002424		
		CLIENTS	DATE	SCALE
LESTER & BEVERLY WOLKEN		NOV. 3, 2005	1" / 100'	4108S

**ATTACHMENT D. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 185-05 Wolken Subdivision

DECEMBER 7, 2005

Standard	Preliminary Assessment ¹
SUITABILITY STANDARDS (Section 6.1.5 a.)	
1) No part of a minimum required LOT AREA ² shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A)	APPEARS TO CONFORM. There is no Natural Resource Report because this is an existing farmstead but none of these soils appear on this property in panel 45 in the Champaign County Soil Survey.
2) No part of a minimum required LOT AREA ² shall contain an EASEMENT for an interstate pipeline	APPEARS TO CONFORM. No pipeline is included in the area proposed for subdivision.
3) No part of a minimum required LOT AREA ² shall be within a runway primary surface or runway clear zone	APPEARS TO CONFORM. No runway is known to be in the vicinity of the subject property.
4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA ² shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).	APPEARS TO CONFORM. The proposed lot is outside of the mapped Special Flood Hazard Area (100-year floodplain) and not near any significant source of flooding.
5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.	APPEARS TO CONFORM. The location of the subdivision is determined by the existence of the farmstead. The County Health Department does not review plats of existing farmsteads.
6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each LOT must be minimized as much as possible.	APPEARS TO CONFORM. The soils on this lot are best prime farmland soils and the proposed lot area is less than the maximum lot size of 3 acres.
7) A minimum required LOT AREA ² 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.	APPEARS TO CONFORM. The Subsidiary Plat indicates only the centerline of the adjacent public street. The home itself appears to be on a knob of Dana silt loam soil with positive drainage towards a natural drainage swale on the southern half of the lot.
8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.	APPEARS TO CONFORM. This is an existing farmstead with an established driveway with no apparent visibility problems.

**ATTACHMENT D. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 185-05 Wolken Subdivision

DECEMBER 7, 2005

Standard	Preliminary Assessment ¹
AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)	
1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good engineering practice.	APPEARS TO CONFORM. This is an existing farmstead with an established driveway.
2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from: i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves	APPEARS TO CONFORM. This is an existing farmstead that has been sized such that all outbuildings are included on the proposed lot.
3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.	APPEARS TO CONFORM. The subdivision is as compact as possible given that this is an existing farmstead.
<p>Notes</p> <p>1. This preliminary assessment is subject to review by the Environment and Land Use Committee. A waiver is required for any Minimum Subdivision Standard to which the Committee determines that the Plat does not conform.</p> <p>2. The minimum required lot area is one acre (43,560 square feet).</p>	

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

Case 185-05 Wolken Subdivision

DECEMBER 7, 2005

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 **December 12, 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 farmstead house on the proposed Lot 1 already has a septic system.**
 - B. There will be no new dwelling established as a result of this subdivision.**

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 one lot subdivision of an existing farmstead that will not result in any new dwelling or the need for a new septic system.**
 - 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 a one lot subdivision of an existing farmstead that will not result in the need for a new septic system and requiring percolation test data and the statement regarding suitability would increase the subdividers costs and slow down the approval process with no gain to public health or safety.**

4. The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the subdivider because:
 - A. The farmstead needs to be separated from the rest of the farm property.**

TO: Environment and Land Use Committee

FROM: John Hall, Associate Planner

DATE: December 7, 2005

RE: Case 186-05 McFarland Meadows Subdivision

Champaign
County
Department of

**PLANNING &
ZONING**

REQUESTED ACTION

Minor Plat approval for a one-lot minor subdivision out of an existing 5.689 acre parcel in the AG-1 Zoning District in Section 34 of Pesotum Township located on the west side of CR1000E and approximately 400 feet south of the intersection with CR100N.

The County Health Department has approved this subdivision and the Pesotum Township Highway Commissioner has signed the plat.

The proposed subdivision appears to conform to all of the minimum subdivision standards.

The contractor for the proposed septic system performed his own percolation tests and submitted the results directly to the County Health Department which has approved the subdivision. However, the test results and certification are not on the Final Plat and approval at this time requires the following waivers:

- 1. Waive requirement of paragraph 9.1.2 q. for percolation test data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field.**
- 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.**

Subdivider

Pam York
75 CR1000E
Pesotum IL 61863

Engineer/Surveyor

Moore Surveying & Mapping
101 West Ottawa Street
Paxton IL 60957

Location, Roadway Access, and Land Use

The subject property is the northern 200 feet of an approximately 5.68 acre parcel in the Northeast ¼ of Section 34 of Pesotum Township (T17N, R8E 3rd PM). The subject property is located on the west side of CR1000E and approximately 400 feet south of the intersection with CR100N. See the Location Map.

The proposed subdivision is bordered by the remainder of the 5.68 acre parcel to the south. The current landowner (the subdivider) received authorization for a boarding kennel on this property in Case 364-S-02 and the landowner's residence is accessory to that kennel. The landowner is proposing to create this new lot as a homesite for a family member. See the discussion below regarding minimum required separation between outdoor exercise areas for kennels and adjacent residential properties.

The proposed subdivision is bordered by farmland on all other sides. See the Land Use Map.

Applicable Zoning Regulations

The subject property is zoned AG-1 Agriculture. See the attached Zoning Map. The current landowner's existing residence is accessory to a boarding kennel that was authorized in case 364-S-02 on February 13, 2003. The approved site plan for Case 364-S-02 is included as an attachment. The Zoning Ordinance requires that outdoor exercise areas for any kennel be separated from any adjacent residential lot by a minimum of 200 feet. As authorized in Case 364-S-02 there was 748 feet from the outdoor exercise area to the north lot line and the proposed subdivision will reduce that separation to 548 feet which will still greatly exceed the minimum required separation.

The proposed lot meets all *Zoning Ordinance* requirements. See Table 1 for a summary. The 4.558 acre remainder of the existing 5.689 acre parcel is also a good zoning lot and is in compliance with the *Illinois Plat Act*.

Creation of new lots less than 35 acres in area is limited in the AG-1 District (as well as AG-2 and CR) without first rezoning to the Rural Residential Overlay (RRO) District. Parcels of less than 25 acres in area that existed on January 1, 1998, are limited to no more than three lots in total plus a farmland remainder on best prime farmland. The subject property existed on 1/1/98 and is indicated as the "parent parcel" on the Land Use Map.

Table 1. Review Of Minimum Lot Requirements

Lot Characteristic	Requirement (or Limit)	Proposed Lot	Notes
Lot Area (acres)	Minimum: 1.00 acre	1.00 acre	MEETS MINIMUM REQUIREMENT
	Maximum ² : 3.00 acres		
Lot Frontage (feet)	20.00 (minimum)	200.00 feet	MEETS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	217.8 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	200.00 feet ¹	MEETS MINIMUM REQUIREMENT
Lot Depth to Width	3.00 : 1.00 (maximum)	1.089 : 1.00	LESS THAN MAXIMUM ALLOWED
LOT MEETS ALL REQUIREMENTS			
<p>NOTES</p> <p>NR = No Requirement (or limit)</p> <p>1. Average lot width for Lot 1 determined by lot area divided by lot depth.</p>			

Minimum Subdivision Standards

Minimum subdivision standards were added to the *Subdivision Regulations* on July 8, 2004. Table 2 reviews the conformance of the proposed subdivision with those standards. The proposed subdivision appears to meet all of the standards and there are no required waivers.

Soil Conditions / Natural Resource Report

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

1. **The area that is to be developed has one soil that has severe wetness and one that has severe ponding characteristics. This will be especially important for the septic system that is planned.**
2. **The site contains some of the most productive farmland in the county.**

Drainage, Stormwater Management Policy, and Flood Hazard Status

The subject property appears to be located in the Pesotum Consolidated Drainage District. The drainage district was notified of the proposed subdivision.

At this time there is nothing to indicate that the property does not have positive surface drainage nor is there any indication of significant areas of ponding. However, the Subsidiary Plat indicates only the centerline of the adjacent public street which is not very informative about drainage on the proposed lot. The soils on the property are typical Drummer and Flanagan soils with 0% to 2% slope so any positive slope may be very slight. The USGS topographic map indicates that the land slopes towards the west.

Public Improvements

No public improvements are indicated or required in this subdivision.

Water Wells and Soil Suitability For Septic Systems

The subject property does not have access to either a public water supply or a public sanitary sewer system.

The County Health Department has approved an application for the septic system. A copy of the permit is attached.

NECESSARY WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

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

The County Health Department has already approved a permit for a septic system on the proposed lot (a copy of the permit is attached) and so the County Health Department has approved this subdivision based upon the submission of the test results but those results have not been included on the plat.

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

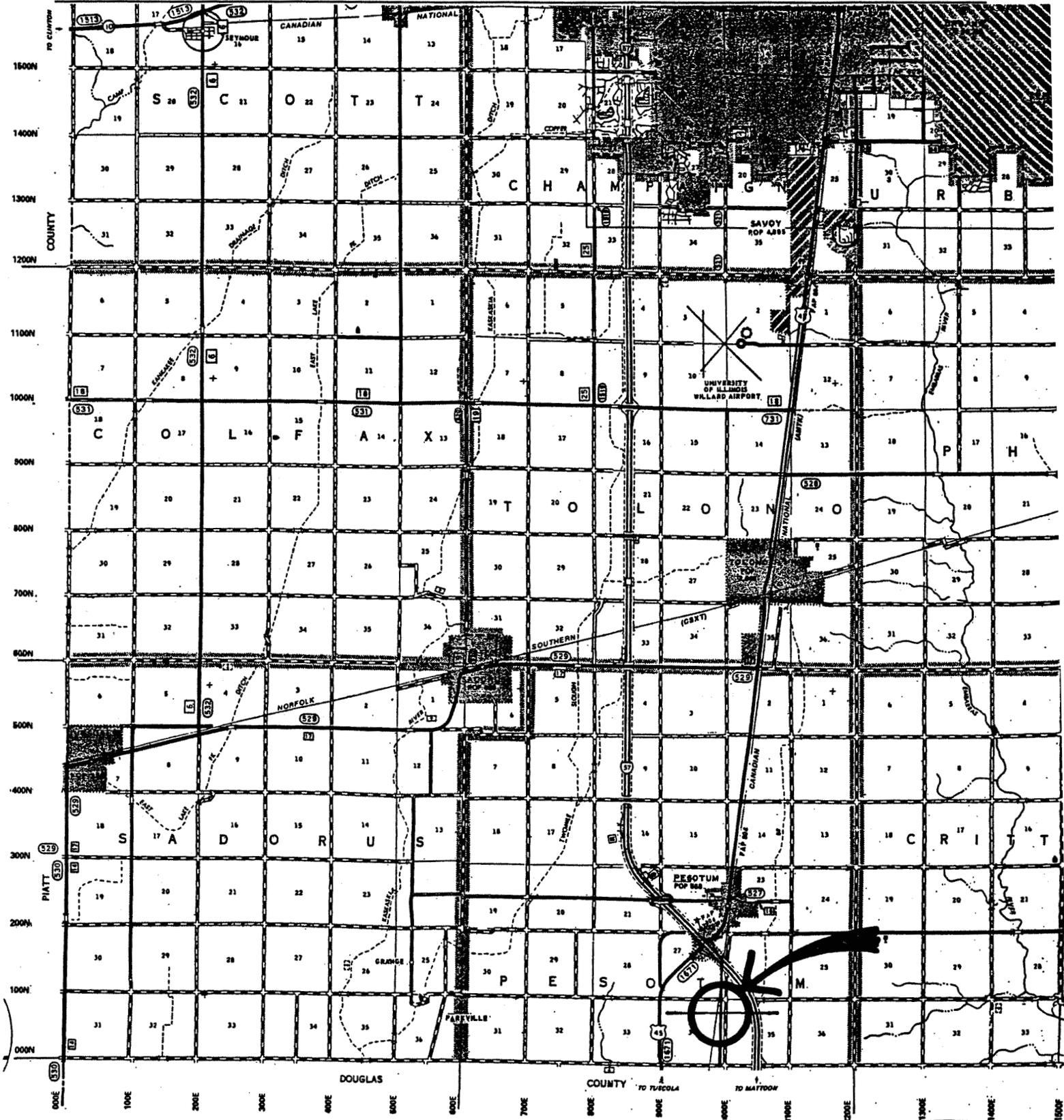
The subdivision has been approved by the County Health Department even though the plat does not contain any such certification.

Draft Findings for these waivers are attached for the Committee's review.

ATTACHMENTS

- A Subdivision Case Maps (Location, Land Use, Zoning)**
- B Subsidiary Plat of McFarland Meadows Subdivision received November 18, 2005**
- C Final Plat of McFarland Meadows Subdivision revised November 28, 2005**
- D Approved site plan for Case 364-S-02**
- E Natural Resource Report received December 5, 2005**
- F Copy of permit from the County Health Department**
- G Preliminary Assessment Of Compliance With Minimum Subdivision Standards**
- H Draft Findings for Waivers of Final Plat Requirements**

ATTACHMENT A. LOCATION MAP
Case 186-05 McFarland Meadows Subdivision
 DECEMBER 7, 2005

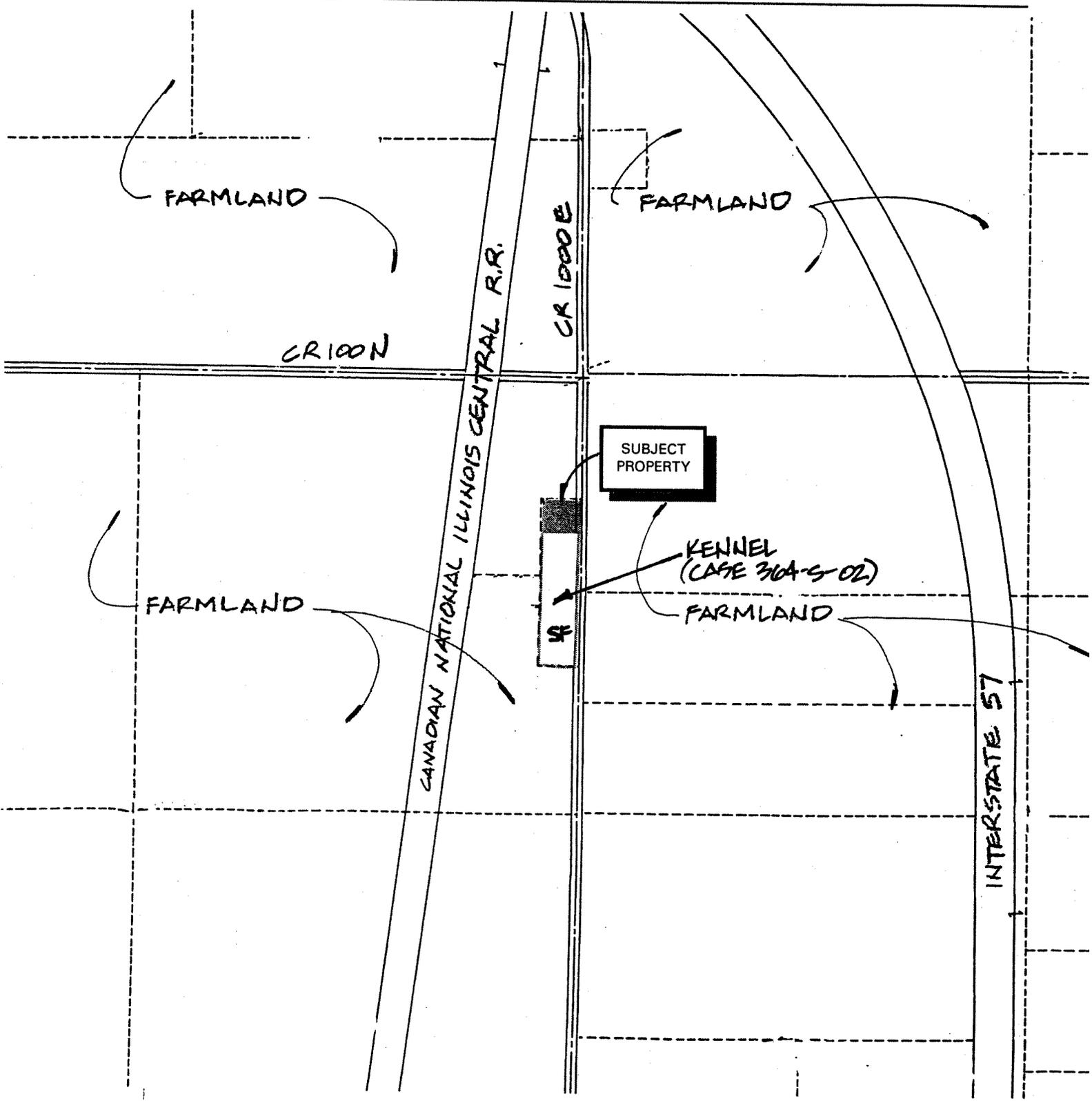


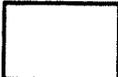
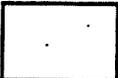
Area of Concern



Champaign
 County
 Department of
**PLANNING &
 ZONING**

ATTACHMENT A. LAND USE MAP
Case 186-05 McFarland Meadows Subdivision
 DECEMBER 7, 2005

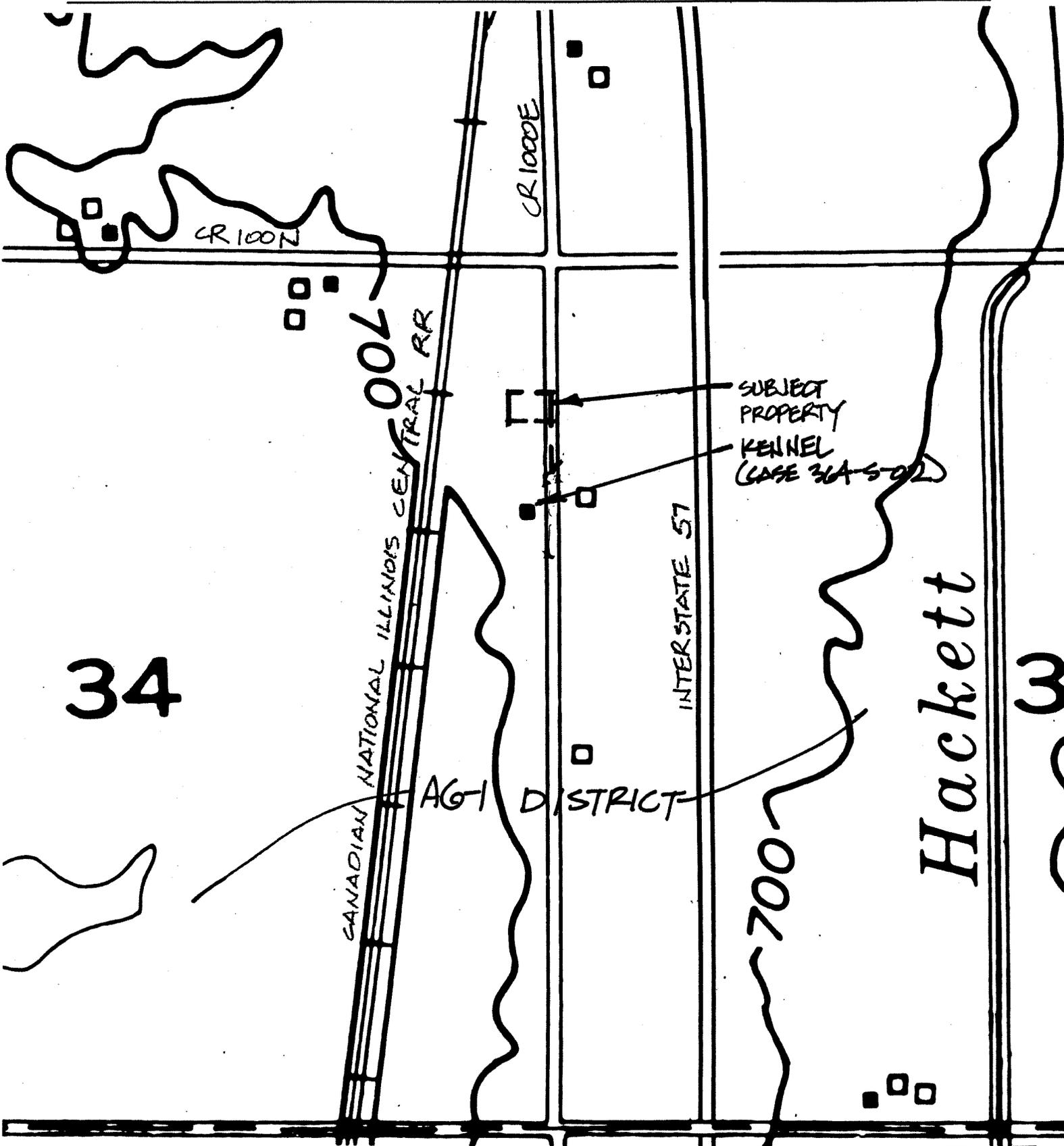


	Area of Concern	
	Single Family	
	Farmstead	



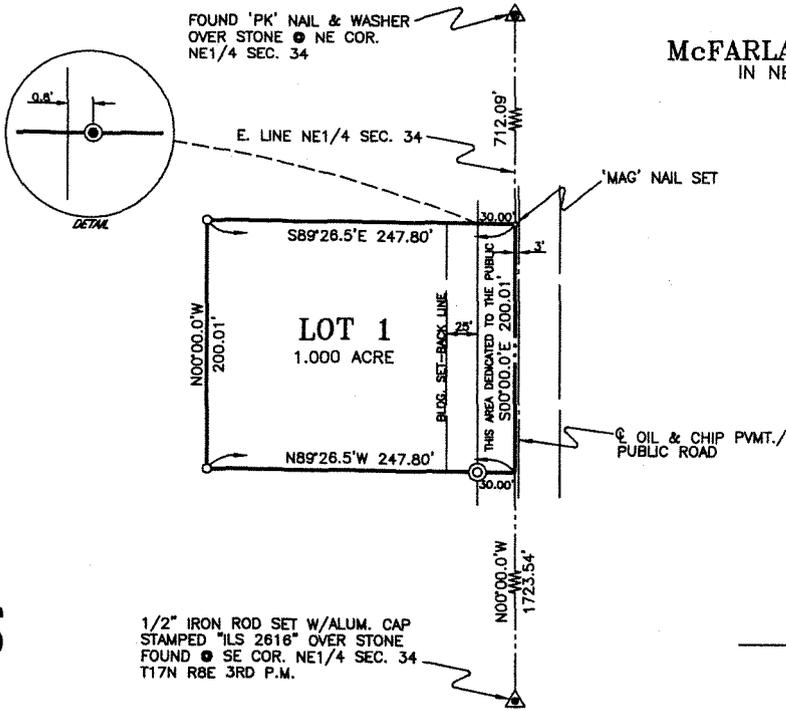
Champaign
 County
 Department of
**PLANNING &
 ZONING**

ATTACHMENT A. ZONING MAP
 Case 186-05 McFarland Meadows Subdivision
 DECEMBER 7, 2005



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

FINAL PLAT
OF
McFARLAND MEADOWS SUBDIVISION
IN NE1/4 SEC. 34 T17N R8E 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS



1/2" IRON ROD SET W/ALUM. CAP
STAMPED "ILS 2616" OVER STONE
FOUND @ SE COR. NE1/4 SEC. 34
T17N R8E 3RD P.M.

- 1/2" IRON ROD SET W/ORANGE PLASTIC CAP STAMPED "ILS 2616"
 - ⊙ 1/2" IRON ROD SET W/ORANGE PLASTIC CAP STAMPED "ILS 2616" IN CONCRETE
 - 1/2" IRON ROD FOUND; SET IN CONCRETE
- ||—||— FORESHORTENED LINE

OWNER'S CERTIFICATION

I, Pamela York, do hereby certify that I am the owner of the tract of land described hereon and do hereby acknowledge and adopt this plat under the style and title given. The area not designated as a lot is hereby dedicated to the public for travel and public utilities.

Pamela York 12/1/05
Pamela York Date

SURVEYOR'S CERTIFICATION

I, Robert A. Moore, Professional Illinois Land Surveyor No. 2616, do hereby certify that, at the request of Pamela York, I have made a survey of a tract of land described as:

Beginning on the East Line of the Northeast Quarter of Section 34, Township 17 North of the Base Line, Range 8 East of the Third Principal Meridian a distance of 1723.54 feet north of the Southeast Corner of said Northeast Quarter; thence North 89 degrees 26.5 minutes West (N89°26.5'W) 247.80 feet; thence North 00°00.0'W 200.01 feet parallel with said East Line; thence S89°26.5'E 247.80 feet; and thence S00°00.0'E 200.01 feet on said East Line to the point of beginning; encompassing 1.138 acres, situated in Champaign County, Illinois

for the purpose of subdividing said tract as shown hereon.

I further certify as follows:

1. This tract is not within 500 feet of a surface drain or waterway serving a tributary area of 640 acres or more.
3. The property covered by this plat is not within a flood hazard area identified by the Federal Emergency Management Agency.
4. The tract, as subdivided, is to be known as McFARLAND MEADOWS SUBDIVISION.

Robert A. Moore 11-28-05
Robert A. Moore Date
Illinois Land Surveyor No. 2616
License expires 11/30/2006

**PESOTUM TOWNSHIP HIGHWAY
COMMISSIONER'S CERTIFICATE**

I have examined this plat, and to the best of my knowledge and belief find it to be in compliance with the highway requirements as set forth in the regulations governing plats of subdivided land adopted by the County Board of Champaign County, Illinois.

Approved the 29 day of Nov.
A.D. 2005

Steven P. Miller
Pesotum Township Highway Commissioner

ENGINEER/SURVEYOR
MOORE SURVEYING & MAPPING
101 W. OTTAWA ST.
PAXTON, ILL. 60957
217-379-2212

OWNER/DEVELOPER
PAMELA YORK
75 COUNTY RD. 1000E
PESOTUM, ILL. 61863

DRAINAGE CERTIFICATION

To the best of our knowledge and belief reasonable provisions have been made for the collection and diversion of surface waters into public areas or drains which the subdividers have the right to use, and such surface waters have been planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of McFARLAND MEADOWS SUBDIVISION, Champaign County, Illinois.

Vail H. Moore 11-29-05
Vail H. Moore, I.R.P.E. Date
Pamela York 12/1/05
Owner Date

APPROVED
Approved the _____ day of _____ A.D. 2005
CHAMPAIGN COUNTY, ILLINOIS

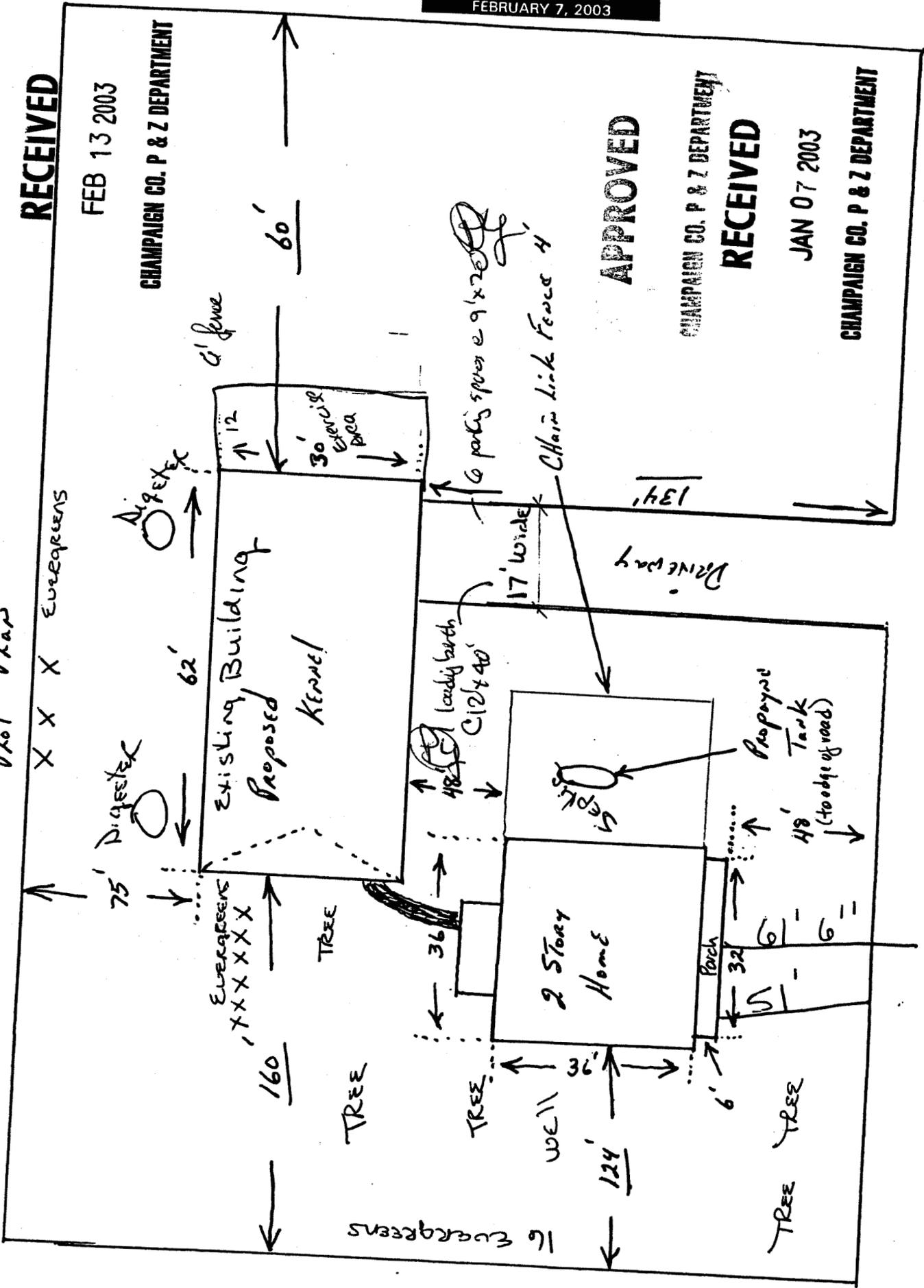
Chairman
CHAMPAIGN COUNTY ENVIRONMENT AND LAND USE COMMITTEE

Chairman Subdivision officer

DRAWN BY: BRUCE L. DOWSE			
MOORE SURVEYING & MAPPING			
PAXTON, ILLINOIS			
CLIENTS	DATE	SCALE	JOB NO.
DONALD & LAURIE McFARLAND	NOV. 3, 2005	1"=100'	4107

REV. NOV. 28, 2005
REV. NOV. 21, 2005

Plot Plan



Address - County Rd 75 1000 East
 Pam York
 Contractor TEARY Scott Remodeling
 1613 E. Lake of Woods Ct

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

NATURAL RESOURCE REPORT

Development Name: McFarland Meadows Subdivision

Date Reviewed: November 29, 2005

Requested By: Pamela York

Address: 75 County Road 1000 East
Pesotum, IL 61863
Pesotum, IL 61863

RECEIVED

DEC 05 2005

CHAMPAIGN CO. P & Z DEPARTMENT

Location of Property: The Northeast quarter of the Northeast Quarter of Section 34, T17N, R8E, Pesotum Township, Champaign County, IL. This is on County Road 1000 East just south of county Road 100 North.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract November 29, 2005.

SITE SPECIFIC CONCERNS

- 1. The area that is to be developed is has one soil that has severe wetness and one that has severe ponding characteristics. This will be especially important for the septic system that is planned.**
- 2. The site contains some of the most productive farmland in the county.**

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 99. See the attached worksheet for this calculation.

b) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is currently chiseled corn stalks and is subject to erosion. The topography is relatively flat.

c) Sedimentation:

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

d) Soil Characteristics:

There are two (2) soil types on this site. See the attached soil map. The soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include severe ponding on Drummer (152A) and severe wetness on Flannigan (154A).

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

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding
154A	Flannigan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness

a) Surface Drainage:

The site and surrounding area are relatively flat. The water flows from the site to the road ditch on the east. A minimal amount of water may flow onto the property from the field to the west.

b) Subsurface Drainage:

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

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

c) Water Quality:

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

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Plant:

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

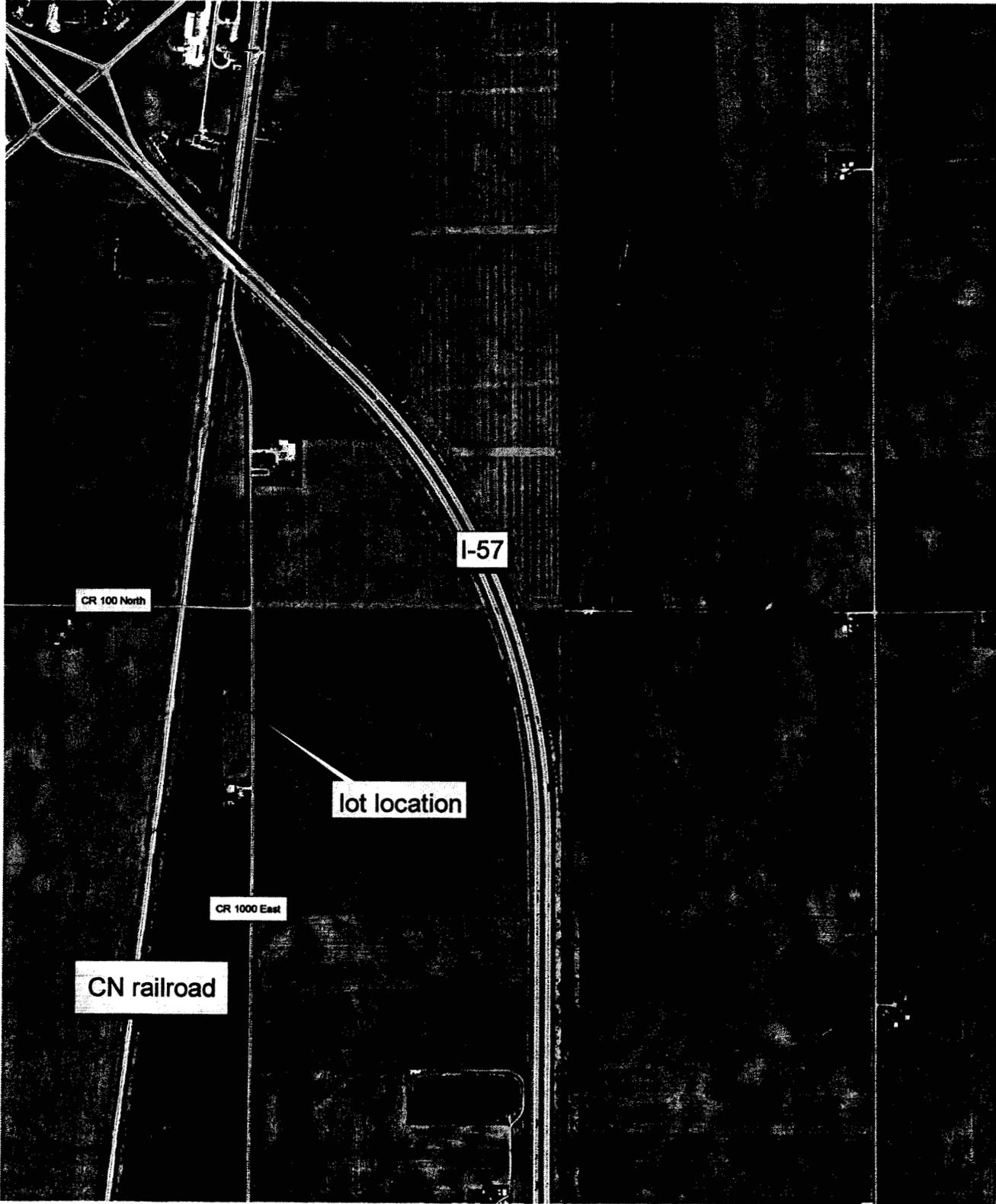
b) Cultural:

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

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

Signed by Steve Stierwalt Prepared by Bruce Stickers
Steve Stierwalt Bruce Stickers
Board Chairman Resource Conservationist

McFarland Meadows



LAND EVALUATION WORKSHEET

<u>Soil Type</u>	<u>Ag Group</u>	<u>Relative Value</u>	<u>Acres</u>	<u>L.E.</u>
152A	2	98	0.6	58.80
154A	1	100	0.4	40.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00

Total LE factor= 98.80

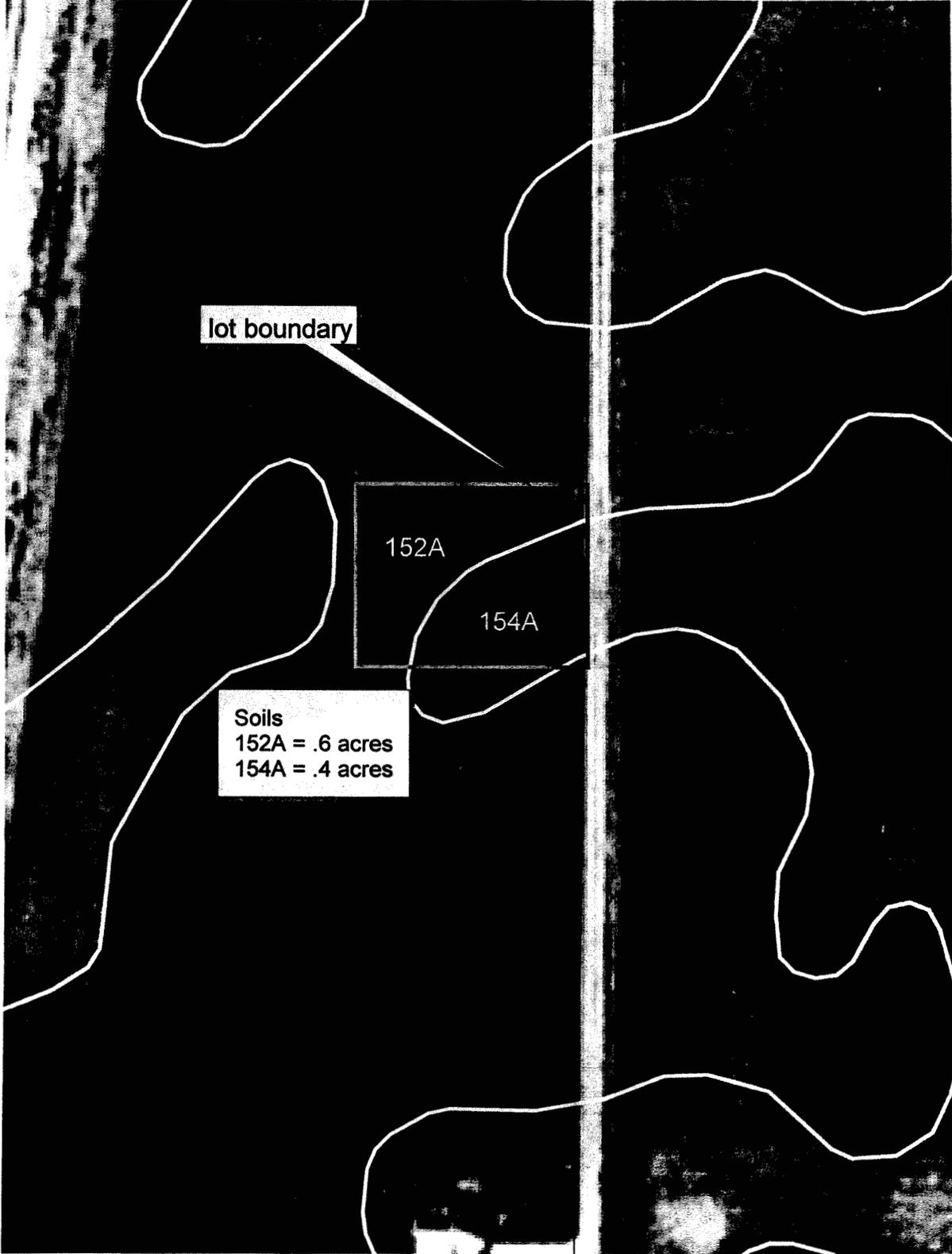
Acreage= 1

Land Evaluation Factor for site = 99

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

Data Source: Champaign County Digital Soil Survey
Revised fall 2002

McFarland Meadows Subdivision



lot boundary

152A
154A

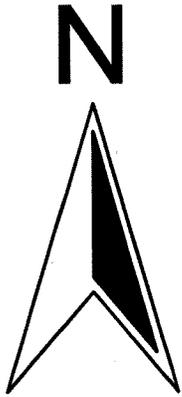
Soils
152A = .6 acres
154A = .4 acres

Soils

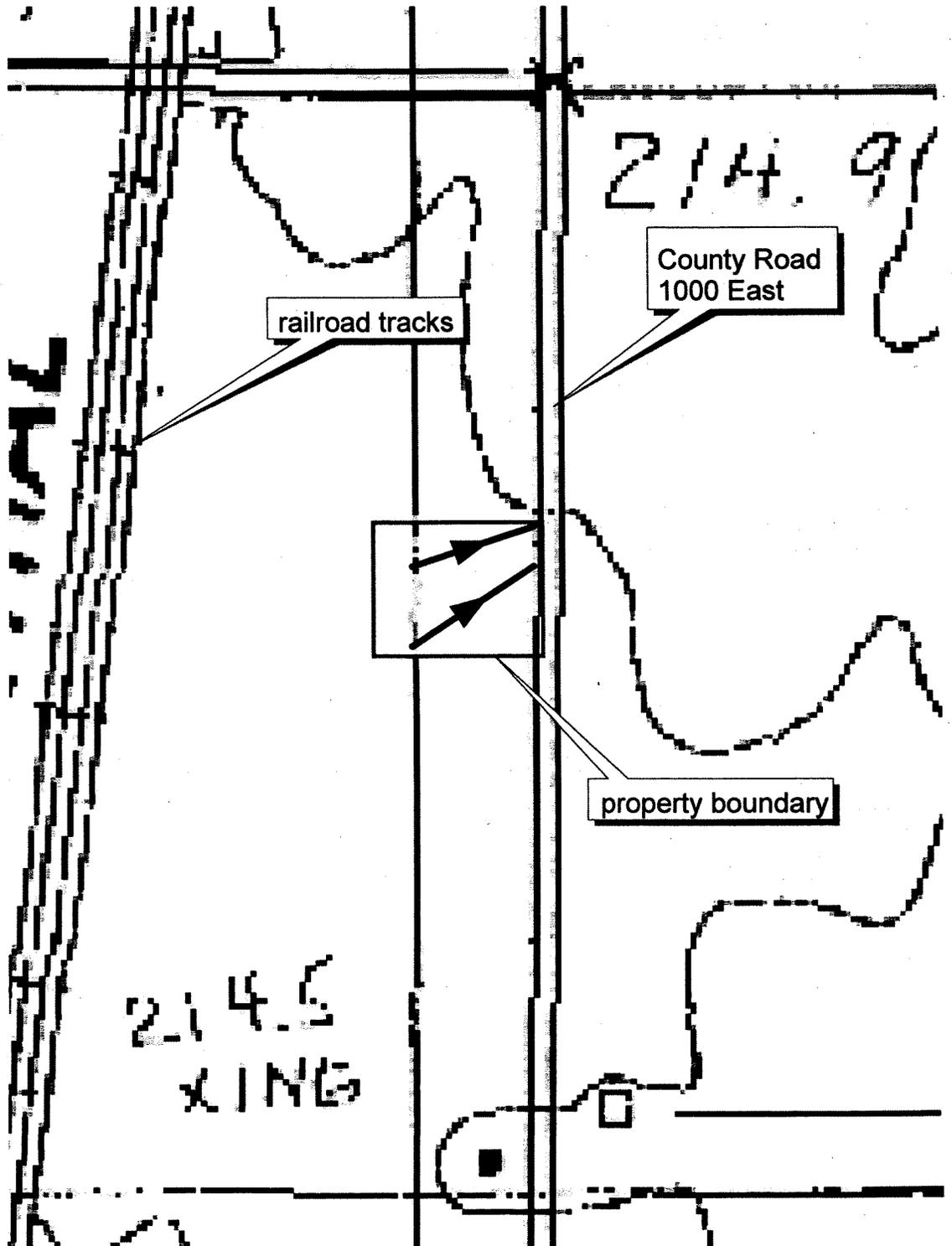
T17N
R8E
Sec 34



McFarland Meadows Subdivision



**Surface
Water
Flow**



PERMIT

PRIVATE SEWAGE DISPOSAL SYSTEM CONSTRUCTION APPROVAL

05-196-19
Approval Number
Champaign
County

Based on the Plan Review Application to construct a private sewage disposal system, filed by

Rob Williamson
Applicant

309-473-3239
Fax

1496 CR 550 East Road
Street

Heyworth
City

IL
State

61745
Zip Code

On December 2 2005

Approval is hereby issued for a New Renovated Private Sewage Disposal System
which is to be constructed at:

Laurie McFarland

County Road 1000 E.
Street

Pesotum
City

The private disposal system is to be constructed as specified by the plan review application and as noted under special conditions of this Approval.

The private sewage disposal system construction approval is null and void if a) conditions are changed from those shown on the application b) if construction has not commenced within 12 months of date of issuance.

The Champaign County Health Dept. does not guarantee length of service or trouble free operation of this private sewage disposal system by the issuance of this approval. The contractor and property owner are responsible for an installation that is in compliance with the Illinois Private Sewage Disposal Licensing Act and Code. The property owner assumes full responsibility for any nuisance or health hazard that might result from its use.

Issued by: Sarah Michaels

Date 12-2-05

Special Conditions/Comments/Approved Variances/

THE DEPARTMENT REQUIRES 48 HOURS NOTIFICATION PRIOR TO COMMENCING CONSTRUCTION. CONTACT THE OFFICE LISTED BELOW:

Champaign County Health Department
815 N. Randolph St.
Champaign, IL 61820

Phone: (217) 363-3269
Fax: (217) 373-7905

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DEC 02 2005

**ATTACHMENT G. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 186-05 McFarland Meadows Subdivision

DECEMBER 7, 2005

Standard	Preliminary Assessment ¹
SUITABILITY STANDARDS (Section 6.1.5 a.)	
1) No part of a minimum required LOT AREA ² shall be located on the following soils: Ross silt loam soil (No. 3473A), Ambraw silty clay loam soil (No. 3302A), Peotone silty clay loam soil (No. 330A), or Colo silty clay loam soil (3107A)	APPEARS TO CONFORM. None of these soils are reported in the Natural Resource Report.
2) No part of a minimum required LOT AREA ² shall contain an EASEMENT for an interstate pipeline	APPEARS TO CONFORM. No pipeline easement is included in the area proposed for subdivision. The nearest pipeline is a 12 inch diameter interstate petroleum, pipeline located approximately 1000 feet to the southwest.
3) No part of a minimum required LOT AREA ² shall be within a runway primary surface or runway clear zone	APPEARS TO CONFORM. No runway is known to be in the vicinity of the subject property.
4) Prior to the commencement of any change in elevation of the land, no part of a minimum required LOT AREA ² shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).	APPEARS TO CONFORM. The proposed lot is outside of the mapped Special Flood Hazard Area (100-year floodplain) and not near any significant source of flooding.
5) When a connected public sanitary sewer is not available, the septic suitability of the soils occupied by each proposed LOT must be the most suitable soils on the larger tract from which the SUBDIVISION is proposed.	APPEARS TO CONFORM. The proposed lot is the minimum allowable lot size and is located at one end of the subject property and includes most of the better soils for septic suitability (154A) that exist on the subject property. The County Health Department has approved the subdivision plat.
6) The amount of farmland with a Land Evaluation score of 85 or greater that is occupied by each LOT must be minimized as much as possible.	APPEARS TO CONFORM. The soils on this lot are best prime farmland soils and the proposed lot area is less than the maximum lot size of 3 acres. The amount of the best soil (154A) on the subject property occupied by the proposed lot has been minimized.
7) A minimum required LOT AREA ² 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.	APPEARS TO CONFORM. At this time there is nothing to indicate that the property does not have positive surface drainage nor is there any indication of significant areas of ponding. However, the Subsidiary Plat indicates only the centerline of the adjacent public street which is not very informative about drainage on the proposed lot. The soils on the property are typical Drummer and Flanagan soils with 0% to 2% slope so any positive slope may be very slight. The USGS topographic map indicates that the land slopes towards the west.

**ATTACHMENT G. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 186-05 McFarland Meadows Subdivision

DECEMBER 7, 2005

Standard	Preliminary Assessment ¹
8) Possible driveway locations on each LOT must comply with the Minimum Stopping Sight Distance standards based on lawful speed limits at that location.	APPEARS TO CONFORM. There are no apparent sight distance problems.
AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)	
1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as much as possible consistent with good engineering practice.	APPEARS TO CONFORM. The Zoning Ordinance requires that outdoor exercise areas for the existing kennel (Case 364-S-02) be separated from any adjacent residential lot by a minimum of 200 feet and so the driveways cannot be centralized. As proposed, there will be 548 feet of separation between the new lot and the existing kennel.
2) The location of a SUBDIVISION on the larger tract from which the SUBDIVISION is proposed must maximize the separation of the proposed SUBDIVISION from: i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves	APPEARS TO CONFORM. The proposed lot has been located such that it is the maximum possible distance from the existing kennel (Case 364-S-02) and so it is adjacent to farmland that is under different ownership.
3) The SUBDIVISION LOT arrangement must minimize the perimeter of the SUBDIVISION that borders adjacent agriculture and must be located next to adjacent residential LOTS whenever possible.	APPEARS TO CONFORM. The Zoning Ordinance requires that the existing kennel (Case 364-S-02) be separated from any adjacent residential lotline by a minimum distance of 200 feet. The proposed lot has been located such that it is the maximum possible distance from the existing kennel (Case 364-S-02).
<p>Notes</p> <p>1. This preliminary assessment is subject to review by the Environment and Land Use Committee. A waiver is required for any Minimum Subdivision Standard for which the Committee determines that the proposed Plat does not conform.</p> <p>2. The minimum required lot area is one acre (43,560 square feet).</p>	

ATTACHMENT H. DRAFT FINDINGS FOR WAIVER OF FINAL PLAT REQUIREMENTS

Case 186-05 McFarland Meadows Subdivision

DECEMBER 7, 2005

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 **December 12, 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 County Health Department has already approved the only new septic system.

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 one lot subdivision and the prospective lot purchase has already submitted an application and received a County Health Department permit for the only new septic system.

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 a one lot subdivision and the County Health Department has already approved the only new septic system that could result and requiring strict compliance will add costs for no public benefit.

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

A. The prospective lot purchaser has already received County Health Department approval.

Champaign
County
Department of

**PLANNING &
ZONING**

DATE: December 2, 2005
TO: Environment and Land Use Committee
FROM: Susan Monte, Associate Planner
RE: ELUC Review of Zoning Case 521-AT-05

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

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

STATUS

The Zoning Board of Appeals unanimously recommended approval of the Case 521-AT-05 Zoning Ordinance text amendment at their November 22, 2005 meeting.

This is the Committee's initial review of the recommended Zoning Ordinance text amendment (Case 521-AT-05). The Committee's recommendation regarding this Case will be requested at the December ELUC meeting so that this Case may proceed to the County Board on December 22, 2005. Text amendment cases typically are held at ELUC for a one-month period to allow additional time for municipalities and townships to consider a protest vote. On November 7, 2005 municipal and township plan commission representatives were notified regarding the tentative schedule for this Case. To date, no municipal or township protest of Case 521-AT-05 has been received.

BACKGROUND

This is a text amendment request to adopt on a permanent basis (with no 'sunset clause') the interim *Zoning Ordinance* provisions. Interim provisions regarding Rural Residential Overlay (RRO) requirements have been in place since February 19, 2004; interim provisions regarding a maximum lot size on best prime farmland have been in place since July 22, 2004. A brief description of all interim zoning provisions presently in place follows:

- ▶ **increases the size of lots that are exempt from the RRO requirements from 10 acres to 35 acres;**
- ▶ **allows for the creation of 4 lots on parcels that are equal to or greater than 25 acres and less than 50 acres;**
- ▶ **allows no further division of parcels that are 5 acres or less**
- ▶ **limits lot size to a maximum of 3 acres on best prime farmland.**

Ordinance 729 adopted on August 19, 2004 (see attached) extended the period that the interim amendments are applicable until the effective date of the Champaign County Board action on Cases 414-AT-03 and 415-AT-03. (Cases 414-AT-05 and 415-AT-05 are pending text amendment proposals previously associated with Phase One of the Comprehensive Zoning Review.)

-(cont.) -

The Zoning Administrator intends to withdraw Cases 414-AT-03 and 415-AT-03 because the Phase One text amendment proposal is now significantly modified since the last public hearing at which Cases 414-AT-03 and 415-AT-03 were considered. The Zoning Administrator will propose new text amendment Case 522-AT-05 as part of Phase One of the Comprehensive Zoning Review. The public hearing for Case 522-AT-05 is scheduled to open January 4, 2006.

One projected schedule is that the County Board may consider a final action on Case 522-AT-05 during March, 2006 or soon thereafter. In the event that the proposed Phase One text amendments are adopted, the provisions under consideration in this text amendment would be replaced as a part of the Comprehensive Zoning Review. Alternately, the proposed Phase One text amendments of Case 522-AT-05 may not be adopted. In that event the provisions under consideration in this text amendment would remain in place indefinitely.

PROPOSED AMENDMENT

This amendment will make the interim zoning provisions as described in Ordinance 729 permanent, that is, until such future time that the Zoning Ordinance text may be further amended, as mentioned above.

A Strikeout Version of the proposed text of the amendment is provided as part of the Draft Finding of Fact and Final Determination for Case 521-AT-05 as Attachment A.

ATTACHMENT

- A Case 521-AT-05 Champaign County Zoning Board of Appeals Finding of Fact and Final Determination dated November 22, 2005, as approved (unsigned)

AS APPROVED (UNSIGNED)

CASE 521-AT-05

**Finding of Fact and Final Determination
Champaign County Zoning Board of Appeals**

Final Determination: Recommend Adoption**Date:** November 22, 2005**Petitioner:** Zoning Administrator**Request: Adopt interim zoning provisions on a non-interim basis, to include:**

- Rural Residential Overlay restrictions in Section 2, Footnote 9 and Subsection 5.4.2 to
 - increase the size of lots exempt from the RRO requirements from 10 acres to 35 acres;
 - allow for the creation of 4 lots on parcels which are equal to or greater than 25 acres and less than 50 acres;
 - allow no further division of parcels which are 5 acres or less
 - Maximum lot size restriction in Section 5.3, Footnote 13 that limits lot size to a maximum of 3 acres on best prime farmland;
- and
- Average maximum lot size restriction in Subsection 5.4.4 that limits the size of RRO lots located on best prime farmland to an average of 2 acres.
-

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on November 22, 2005, the Champaign County Zoning Board of Appeals finds that:

1. Interim provisions regarding Rural Residential Overlay (RRO) requirements have been in place since February 19, 2004. These zoning requirements: increase the size of lots exempt from the RRO requirements from 10 acres to 35 acres; allow for the creation of 4 lots on parcels which are equal to or greater than 25 acres and less than 50 acres; and allow no further division of parcels which are 5 acres or less.
2. Interim provisions regarding a maximum lot size on best prime farmland have been in place since July 22, 2004. These zoning requirements: generally limit lot size to a maximum of 3 acres on best prime farmland; and limit the size of RRO lots located on best prime farmland to an average of 2 acres.

Case 521-AT-05 Finding of Fact and Final Determination -- *as approved (unsigned)*

3. Ordinance 729 was adopted by the Champaign County Board on August 19, 2004 in order to extend the period that the interim amendments are applicable until the effective date of the Champaign County Board action on Cases 414-AT-03 and 415-AT-03. Cases 414-AT-05 and 415-AT-05 are pending text amendment proposals previously associated with Phase One of the Comprehensive Zoning Review.
4. The Zoning Administrator intends to withdraw Cases 414-AT-03 and 415-AT-03 because the Phase One text amendment proposal is now significantly modified since the last public hearing at which Cases 414-AT-03 and 415-AT-03 were considered.
5. The Zoning Administrator will propose new text amendment Case 522-AT-05 as part of Phase One of the Comprehensive Zoning Review. The public hearing for Case 522-AT-05 is scheduled to open January 4, 2006. One projected schedule is that the County Board may consider a final action on Case 522-AT-05 during March, 2006 or soon thereafter. In the event that the proposed Phase One text amendments are adopted, the provisions under consideration in this text amendment would be replaced as a part of the Comprehensive Zoning Review. Alternately, the proposed Phase One text amendments of Case 522-AT-05 may not be adopted. In that event, the provisions under consideration in this text amendment would remain in place indefinitely.
6. The amendment proposed in Case 521-AT-05 will make the interim zoning provisions as described in Ordinance 729 permanent, that is, until such future time that the Zoning Ordinance text may be further amended.
7. Since the interim amendments have been in place, the *Champaign County Land Use Regulatory Policies- Rural Districts* have been further amended. On September 22, 2005, the *Land Use Regulatory Policies - Rural Districts* were revised to include Policy 1.3.4 which indicates that landowners' as-of-right allowance is generally proportionate to tract size, with one single-family residence allowed per 40 acres. This as-of-right allowance is intended to allow limited residential development and at the same time to further minimize the conversion of farmland. At this time, the revised *Land Use Regulatory Policies* are only intended to guide the Comprehensive Zoning Review and the existing Ordinance is not expected to conform with these policies to a high degree.
8. Since adoption of the maximum lot size provision on July 22, 2004, staff has fielded inquiries regarding the dividing off of farmsteads with an existing dwelling from a larger parcel. In some instances, a farmstead dwelling, structures and associated yards may be situated on or encompass an area of greater than 3 acres. Variance request from the maximum lot size requirement would be necessary should a landowner wishing to divide off such a farmstead from the larger parcel areas if the farmstead and original parcel are located on best prime farmland (defined as land with a Land Evaluation score of 85 or more based on the County's *Land Evaluation and Site Assessment* system).

DOCUMENTS OF RECORD:

1. Ordinance 729, Ordinance Amending Zoning Ordinance, effective August 19, 2004
2. Strikeout Version of Existing Zoning Ordinance with Amended Text
3. Preliminary Memorandum dated November 17, 2005

DETERMINATION

Pursuant to the authority granted by Section 9.1.6. B of the Champaign County Zoning Ordinance, the Champaign County Zoning Board of Appeals determines that the Zoning Ordinance text amendment requested in Case 521-AT-05 **should** be enacted by the County Board in the form attached hereto.

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

SIGNED:

ATTEST:

Debra Griest, Chairperson
Champaign County Zoning Board of
Appeals

Secretary to the Zoning Board of Appeals

Date

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE

<u>NN</u>	NEW TEXT
NN	DELETED TEXT

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

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

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

2) Change existing Subsection 5.4.2 to read as follows:

5.4.2 Exemptions

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

1. The creation of any number of LOTS greater than 35 acres in area.
2. The creation of the first three LOTS less than 35 acres in area created out of any parcel of land existing in the same dimensions and configurations as on January 1, 1998, provided, however that any such parcel that is greater than or equal to 25 acres in area and less than 50 acres may be divided into four LOTS.
3. No lot that is 5 acres or less in area may be further divided.
4. The creation of any number of LOTS contained in a subdivision having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.

- ~~B. Thereafter, the following may be permitted in the CR, AG-1 and AG-2 Districts without the creation of a Rural Residential Overlay District:~~

- ~~1. The creation of any number of LOTS greater than 10 acres in area;~~
- ~~2. The creation of the first three LOTS less than 10 acres in area created out of any parcel of land existing in the same dimensions and configurations as on January 1, 1998; or~~
- ~~3. The creation of any number of LOTS contained in a subdivision having received preliminary plat approval prior to June 22, 1999 for which preliminary plat approval remains in effect.~~

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

5.3 Schedule of Area, Height and Placement Regulations by District

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

Footnotes

13. ~~On an interim basis until the effective date of the Champaign County Board final action on Cases 414-AT-03 and 415-AT-03~~ The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
- A. LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 1. The LOT is RRO-exempt;
 2. The LOT has a Land Evaluation score greater than or equal to 85 on the County's Land Evaluation and Site Assessment System; and
 3. The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
 - B. LOTS that meet both of the following criteria may not exceed an average maximum LOT AREA of two acres:
 1. The LOT is located within a Rural Residential Overlay DISTRICT; and
 2. The LOT has a Land Evaluation score of greater than or equal to 85 on the County's *Land Evaluation and Site Assessment System*.
 - C. The following LOTS are exempt from the three-acre maximum LOT AREA requirement indicated in Paragraph A:
 1. A 'Remainder Area Lot'

A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998

Footnote 13 (cont.)

and that is located outside of the boundaries of a RRO-exempt LOT less than 35 acres in LOT AREA. No CONSTRUCTION or USE that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot'.

2. Any LOT greater than or equal to 35 acres in LOT AREA.

~~Thereafter, no maximum LOT AREA zoning restrictions are required.~~

4) **Create Subsection 5.4.4 to add an interim average maximum lot size restriction for development in a Rural Residential Overlay**

5.4.4 Average Maximum LOT AREA Requirement

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

~~Thereafter, no average maximum LOT AREA zoning restriction is required within a Rural Residential Overlay DISTRICT.~~

Champaign
County
Department of

**PLANNING &
ZONING**

2006 Champaign County Planning & Zoning Calendar

Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
(217) 384-3708
TDD (217) 384-3864
FAX (217) 328-2426

County Holiday 
OFFICE CLOSED

Zoning Board of Appeals 
April - October : 7:00 p.m.
November - March : 6:30 p.m.

**Environment & Land
Use Committee** 
7:00 p.m.

Agenda Item Deadline:
1st Monday of the month
Note: Earlier deadlines apply for
certain matters. Check with the
Planning & Zoning Department

Champaign County Board 
7:00 p.m.

All meetings are held in
Meeting Room 1 at the
Brookens Administrative Center

Use North Parking Lot via
Art Bartell Drive. Enter
building through North
entrance. Meeting Room 1 is
to the right and down the
hall

**ALL MEETING DATES AND
TIMES ARE SUBJECT TO
CHANGE**

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