

AGENDA

Champaign County Environment & Land Use Committee

Members:

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

Date: *March 13, 2006*

Time: *7:00 p.m.*

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

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Minutes (February 13, 2006 and February 23, 2006)** **1 thru 10**
- 4. Public Participation**
- 5. Correspondence**
 - A. Mahomet Aquifer Consortium Meeting No. 46, March 7, 2006, Agenda** **11**
 - B. Mahomet Aquifer Consortium Meeting No. 45, Jan. 17, 2006, minutes** **12 thru 13**
- 6. County Board Chair's Report**
- 7. Zoning Case 530-AM-05:**

Petitioner: **Fisher Farmer's Grain & Coal and Louis Schwing Jr., Mgr.** **14 thru 36**

Request: **Amend the Zoning Map to change the zoning district designation from AG-1, Agriculture to I-1, Light Industry**

Location: **Approximately 3.50 acres in the North ½ of the Northeast ¼ of the Southwest ¼ of Section 34 of East Bend Township and commonly known as land on either side of the Fisher Farmer's Grain & Coal Company.**
- 8. Subdivision Case 187-06: Wolf Creek Subdivision. Subdivision Plat approval for a three-lot minor subdivision in the CR Zoning District in Section 30 of Ogden Twp.** **37 thru 66**

Environment and Land Use Committee Agenda

March 13, 2006

Page 2

9. *Update regarding the Illinois Supreme Court decision in Village of Chatham vs. Sangamon County.*

10. **Zoning Case 517-AT-05:**

67 thru 81

Petitioner: **Zoning Administrator**

Request: **Amend the Zoning Ordinance to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between 5/17/77 and 2/18/97 and that the lot meets all other dimensional and geometric standards established by this Ordinance.**

11. *Comprehensive Zoning Review Update*

12. *Monthly Report for February, 2006 (to be distributed at meeting)*

13. **Other Business**

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

15. **Adjournment**

1 MINUTES OF REGULAR MEETING

3 Champaign County Environment
4 & Land Use Committee
5 Champaign County Brookens
6 Administrative Center
7 Urbana, IL 61802

DATE: February 13, 2006
TIME: 7:00 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

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

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16 MEMBERS ABSENT: Patricia Busboom, Steve Moser

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18 STAFF PRESENT: Connie Berry, Frank DiNovo (RPC), Joel Fletcher (Senior Asst.
19 State's Attorney), John Hall, Leroy Holliday, Susan Monte, Barbara
20 Wysocki (County Board Chair)

21
22 OTHERS PRESENT: Jeanne Gustafson, Greg Abbott, Amy Murray, Nancy Moser, Craig
23 Rost, Hal Barnhart

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27 1. Call to Order, Roll Call

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29 The meeting was called to order at 7:01 p.m. The roll was called and a quorum declared present.

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31 2. Approval of Agenda

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33 Mr. Langenheim requested that the Committee hear Item #15: Request fee waivers for Special
34 Use Permits for two METCAD towers prior to Item #11: Discussion regarding building codes and
35 regulation of rental housing.

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37 The consensus of the Committee was to hear Item #15: Request fee waivers for Special
38 Use Permits for two METCAD towers prior to Item #11: Discussion regarding building
39 codes and regulation of rental housing.

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41 Ms. Greenwalt moved, seconded by Ms. Anderson to approve the agenda as amended. The
42 motion carried by voice vote.

43
44 3. Minutes of Previous Meeting (November 2, 2004; December 12, 2005; and December
45 20, 2005)

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47 Mr. Doenitz moved, seconded by Ms. Greenwalt to approve the November 2, 2004;
48 December 12, 2005; and December 20, 2005 minutes as submitted. The motion carried by

1
2 voice vote.

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4 **4. Public Participation**

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6 None

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8 **5. Correspondence**

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10 None

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12 **6 County Board Chair's Report**

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14 None

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16 **7. Joint Champaign County-City of Champaign Enterprise Zone**

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18 **Ms. Greenwalt moved, seconded by Ms. Anderson to recommend approval of the Joint**
19 **Champaign County-City of Champaign Enterprise Zone. The motion carried by voice vote.**

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21 Mr. DiNovo cautioned the Committee that they approved Item #7 without reviewing the Ordinance.

22
23 Mr. Fletcher stated that the Committee did not approve anything in respect to the Ordinance but
24 the Committee did take a vote on the idea and its concept and made a general policy statement.
25 He said that this could be taken to the full County Board with a recommendation for approval,
26 even though the Ordinance was not reviewed by the Committee or Item #7 could be deferred to
27 next month.

28
29 Mr. Doenitz stated that forwarding Item #7 to the full County Board without reviewing the
30 Ordinance is not a good policy.

31
32 Ms. Wysocki stated that Mr. Craig Rost or Ms. Jeanne Gustafson should be contacted to discuss
33 the time sensitivity of this item. She suggested that if Item #7 is time sensitive then a Special
34 ELUC Meeting could be scheduled at 6:30 p.m., in Meeting Room 2, prior to the County Board
35 meeting on February 23, 2006. She said that the Committee could review and discuss Item #7 at
36 this time but if it is not time sensitive then Item #7 could be deferred to the March 13, 2006, ELUC
37 meeting.

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39 **The consensus of the Committee was to hold a Special ELUC Meeting on February 23,**
40 **2006, at 6:30 p.m. in Meeting Room 2, to discuss Item #7.**

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42 **8. CDAP Loan Request for ABC Learning Center (Carol Kelly)**

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Mr. Schroeder moved, seconded by Mr. Doenitz to recommend approval of the CDAP Loan request for ABC Learning Center (Carol Kelly). The motion carried by voice vote.

9. CDAP Loan Request for Alliance Resources, LLC

Mr. Doenitz moved, seconded by Ms. Anderson to recommend approval of the CDAP Loan request for Alliance Resources, LLC. The motion carried by voice vote.

10. CDAP Loan Request for Concrete Supply, Inc. (Kerry & Becky Grove)

Mr. Doenitz moved, seconded by Ms. Greenwalt to recommend approval of the CDAP Loan request for Concrete Supply, Inc. (Kerry & Becky Grove). The motion carried by voice vote.

11. Discussion regarding building codes and regulation of rental housing

Mr. Schroeder moved, seconded by Mr. Doenitz to table Item #11 until the March 13, 2006, ELUC meeting. The motion failed by voice vote.

Mr. Schroeder stated that this issue is specifically stated on the agenda as discussion. He said that as of today at 3:00 p.m. the Planning and Zoning Staff did not have any information regarding Item #11. He said that he received a telephone call from someone from the local media which asked him to comment on this issue and he was embarrassed to admit to the local media that he did not have information on this issue. He asked how the Committee can discuss this issue when they haven't received any information to review prior to tonight.

Mr. Fletcher clarified that he is responsible for the late distribution of materials regarding Item #11. He said that when the agenda was being prepared he knew that the information would not be ready for the packet and he should have informed staff to indicate that the information would be distributed at the meeting. He said that this request came from a County Board member and this was his way of getting this to the Committee so that discussion could begin on this topic. He said that his is not an item for action.

Mr. Doenitz stated that the Committee has not had adequate time to review the distributed information and asked how a discussion occurs.

Mr. McGinty requested that Mr. Fletcher provide a brief overview to the Committee regarding this issue.

Mr. Fletcher presented a brief overview of the distributed memorandum dated February 13, 2006.

He said two new statutes changed the affect of building code on private contracts. He said that one of the statutes indicates that every residential construction contract has to have a building

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2 code and if the County does not have a building code one will be set by state statute. He said that
3 the main effect of the County setting a building code is to make the County responsible for
4 enforcement of the building code. He said that if the County does not adopt a building code and if
5 there is not a specific code identified in the contract between the builder and the purchaser then
6 the Illinois Residential Building Code Act sets a default set of codes that apply.
7

8 Mr. Fletcher also explained that a second affect which is not listed in the memorandum is the
9 statute which provides the "Right of Set Off". He said that if a building is not in compliance with
10 either the County building code or the implied building code the tenant, under certain
11 circumstances, can make or pay for the repairs themselves and deduct the costs of the repair
12 from their rent. He said that he was also asked about the general power for the County to regulate
13 rental housing. He said that the County cannot set rent nor enact regulations that have the affect
14 of setting rent. He said that the County does not have the general power that the cities have to
15 cite unfair housing practices. He said that the County can consider rental housing like all other
16 structures in accordance to zoning restrictions. He said that this was not intended to be a detailed
17 discussion about everything that could come up in a building code ordinance and it was only
18 intended to begin the discussion so that he had a better idea of where he needs to focus his
19 efforts.
20

21 Ms. Greenwalt stated that a few months ago a constituent came to the Democratic Caucus to
22 speak and she recommended that this person come to the Republicans as well to discuss his
23 concerns with construction in the unincorporated areas and no building code. He said that he
24 suggested that the County adopt the State's standards to give the new homeowner's more
25 protection. She said that it seemed to make common sense to adopt the State's standards
26 because there would be no cost for inspectors or other comprehensive means. She said that she
27 was interested to see if the County could establish standards of health and safety for rental
28 properties because should the County have this in affect then the Residential Tenant's Right to
29 Repair Act comes into play.
30

31 Mr. Fletcher stated that it is not a simple matter of adopting the State's standards into a local
32 ordinance. He requested that this issue be deferred to the April 10, 2006, ELUC meeting.
33

34 Ms. Greenwalt stated that she has heard from quite a diverse group of people who have very
35 dramatic stories to tell the Committee. She said that she would like to inform these people of the
36 deferral date so that they may attend the meeting.
37

38 **The consensus of the Committee was to defer Item #11: Discussion regarding building**
39 **codes and regulation of rental housing to the April 10, 2006, ELUC meeting.**
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41 **12. Discussion regarding burning in the unincorporated areas of the County**
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43 Ms. Greenwalt stated that the Justice Committee viewed the distributed photographs. She said

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2 that it appears that this is a health issue for the lady who submitted these photos and the
3 Committee should consider her concerns.

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5 Mr. Fabri asked if the County is allowed to treat subdivisions differently than the general
6 unincorporated areas of the County or is it a one size fits all issue.

7
8 Ms. Greenwalt stated that she would imagine that there is an exemption for agriculture.

9
10 Mr. Fletcher stated that he is not aware of the County's authority to regulate in this area at all
11 specifically when it is a burning issue. He said that a burning issue could be referred to the IEPA
12 or the fire protection district, which does have some regulatory authority in the area. He said that
13 the County does have the general authority to regulate public nuisances and air contamination.

14
15 Mr. Schroeder stated that the lady also came to the last County Board meeting to present her
16 photographs. He clarified that agriculture is not totally exempt in the County and suggested that
17 the Committee members perform a little homework on the agenda items. He said that the
18 Sadorus Fire Protection District set a policy on any burning. He said that if someone within the
19 Sadorus FPD
20 burns without a permit they will be fined. He said that within a lot of the fire protection districts the
21 trustees have the authority to regulate what, when, and how much can be burned. He said that
22 the property in the photographs is located within a fire protection district and he believes that the
23 lady should contact the trustees of her fire protection district and petition that a burning policy be
24 adopted.

25
26 Ms. Anderson stated that most people believe that they can burn anything, other than buildings in
27 the unincorporated area.

28
29 Mr. DiNovo stated that the State allows the burning of yard waste and any domicile paper waste.
30 He said that anyone who burns plastic garbage in a garbage burning barrel is violating the State
31 law.

32
33 Mr. Fletcher stated that a fire protection district does have more direct authority than the County
34 does to date.

35
36 Ms. Anderson asked if everyone in the County is located in a fire protection district.

37
38 Mr. Schroeder stated yes.

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40 **13. Update regarding affects of the Illinois Supreme Court decision in Village of**
41 **Chatham vs. Sangamon County.**

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43 Mr. Fletcher stated that he addressed the Committee about this topic in December. He said that

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he wrote one of the attorneys representing one of the litigants in the case and his response was included in the packet. Mr. Fletcher stated that the City of Champaign Legal Council has been tracking this legislation and it appears that it will not pass this year. He said that he is meeting with the City of Champaign and City of Urbana’s legal council tomorrow to talk about legislative solutions to this problem.

Ms. Wysocki asked Mr. Fletcher if the County should draft a letter to its legislators indicating the County’s stand.

Mr. Fletcher stated that this was the consensus of the Committee in December. He said that one of the goals during his meeting with the City of Champaign and the City of Urbana is to see if there is a consensus between the cities and the County on this issue and to present that consensus in one letter to the legislators.

14. Monthly Reports for December, 2005 and January, 2006.

Mr. Doenitz moved, seconded by Mr. Fabri to accept and place on file the December, 2005 and January, 2006, monthly reports. The motion carried by voice vote.

15. Request fee waivers for Special Use Permits for two METCAD towers

Mr. Doenitz moved, seconded by Ms. Greenwalt to approve the requested fee waivers for Special Use Permits for two METCAD towers.

Ms. Anderson asked if the Committee had approved such waivers for other government entities in the past.

Mr. Hall stated that the Committee has approved such waiver requests in the past.

The motion carried by voice vote.

16. Comprehensive Zoning Review Update

Ms. Monte stated that on January 31, 2006, the Zoning Board of Appeals continued the public hearing for Case 522-AT-05 to a Special Meeting to be held on March 2, 2006. She said that the ZBA requested that a Study Session be provided to review questions that they may have during their preparation of the Findings of Fact.

Ms. Wysocki asked if the Special Meeting on March 2, 2006 would only be a Study Session for the entire meeting or just the beginning portion of the meeting.

Ms. Monte stated that the intent is to hold a Study Session at the beginning portion of the meeting

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2 followed by a resumption of the public hearing.

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4 Ms. Wysocki asked if staff anticipates action during the regular meeting.

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6 Ms. Monte stated that the ZBA has 8 Findings of Fact to consider and there are many members of
7 the public which continue to provide testimony. She said that it may be very ambitious to believe
8 that the ZBA would be able to move through all of the Findings on March 2nd.

9
10 Mr. Hall agreed. He said that Ms. Wysocki raised questions regarding the relationship between a
11 Study Session and a Regular Meeting that staff needs to investigate. He said that he was only
12 expecting the Study Session to be periods in the meeting where the Board will make the public
13 aware that they do not desire to hear testimony and intend to take time to hash the issues out and
14 after that time resume the public hearing. He said that staff will need to discuss this with Mr.
15 Fletcher to determine if there are any significant issues raised by a Study Session. He said that in
16 the 15 years that he has been on staff the ZBA has not held a Study Session and he is not aware
17 of any special protocols that may be required.

18
19 Mr. Fletcher stated that he would need to review the ZBA By-Laws.

20
21 Mr. Hall stated that Study Sessions are not discussed in the By-Laws. He said that as Ms. Monte
22 stated staff is working on 8 Findings of Fact documenting all of the testimony and issues which
23 have come to light in the public hearings to date. He said that there is a lot of information to insert
24 into the findings but there should be very little new information. He said that it is ambitious to
25 believe that final action could be taken March 2nd but it is not impossible.

26
27 Ms. Greenwalt suggested that the Study Session for the ZBA could be held at 6:30 p.m. and the
28 Regular Meeting could begin at 7:00 p.m.

29
30 Mr. Schroeder stated that it is very difficult for the ZBA to not receive testimony. He said that
31 perhaps the ZBA should move through the findings as quickly as possible and then close the
32 public hearing. He said that at this point perhaps the ZBA could go into a Quasi Study Session
33 where the members could hash and rehash issues and staff could answer their questions.

34
35 Mr. Doenitz stated his disappointment in the lack of attendance to the public hearings by the
36 ELUC members. He said that ELUC will be expected to vote on Case 522-AT-05 and the majority
37 of the Committee has not been attendance.

38
39 Mr. Langenheim stated that he has attended all of the public hearings and sympathizes with those
40 who have not attended.

41
42 Mr. Doenitz stated that it is frustrating since the members of this Committee are the ones who will
43 be expected to vote and move this forward to the County Board yet many of them have not
44 attended the hearings to hear the public comment.

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17. Other Business

None

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

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

19. Adjournment

Mr. Doenitz moved, seconded by Mr. Fabri to adjourn the February 13, 2005, ELUC meeting. The motion carried by voice vote.

The meeting adjourned at 7:44 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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DRAFT

MINUTES OF SPECIAL MEETING

Champaign County Environment & Land Use Committee Champaign County Brookens Administrative Center Urbana, IL 61802	DATE: TIME: PLACE:	February 23, 2006 6:45 p.m. Meeting Rm. 2 Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802
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MEMBERS PRESENT: Jan Anderson, Chris Doenitz, Nancy Greenwalt (VC), Brendan McGinty, Jon Schroeder, Steve Moser, Ralph Langeheim (C)

MEMBERS ABSENT: Tony Fabri, Patricia Busboom

STAFF PRESENT: John Hall (Director of Planning & Zoning)

OTHERS PRESENT: Casey Rooney (Regional Planning EDC); Craig Rost (City of Champaign Deputy City Manager for Development); Barbara Wysocki (County Board Chair)

1. Call to Order, Roll Call

The meeting was called to order at 6:45pm.

2. Approval of Agenda

Mr. Moser moved, seconded by Mr. McGinty to approve the agenda. Motion carried by voice vote.

3. Public Participation

None

4. *Amendment to Joint Champaign County-City of Champaign Enterprise Zone*

Mr. Doenitz moved, seconded by Mr. Schroeder to approve the amendment to the Joint Champaign County-City of Champaign Enterprise Zone. Motion carried by voice vote.

Ms. Wysocki asked that Mr. Rooney attend this meeting to give an overview of the proposed amendment.

Ms. Greenwalt asked if Mr. Rooney will be at the full board meeting.

Mr. Rooney answered he would be at the full board meeting.

1 Ms. Wysocki stated when she attended the caucus there were some questions asked about where
2 the enterprise zone is, what are the benefits of having an enterprise zone and is there a
3 downside to having an enterprise zone.
4

5 Mr. Rooney stated that he is the County Board Enterprise Zone Administrator. Mr. Rooney said the
6 amendment proposed a 100% abatement if at least twenty jobs are retained and this will make the county
7 more competitive with other communities. Mr. Rooney said right now, we have about 50% abatement on
8 sales tax and property tax. We are asking for 100% abatement. Mr. Rooney said it is easier to retain a
9 company than to try to bring in a new company in a community. Mr. Rooney said this is an economic
10 development incentive that we're asking the County Board to approve. He also explained that the purpose
11 for this incentive is to encourage existing companies in the community to grow.
12

13 Craig Rost, Deputy City Manager for Development for the City of Champaign stated that often times a
14 company will relocate rather than expand which means job erosion in the community. With this incentive we
15 hope to retain these jobs. Mr. Rost went on to say that about 70% of our job growth comes from business
16 expansion. He also explained that the incentive we presently have is 50% on building material sales tax and
17 property tax and increasing the incentive to 100% will make us more competitive with other communities.
18

19 Mr. Rost said that most of the enterprise zone businesses are located in the City of Champaign however there
20 was one that was outside the city.
21

22 Mr. Rooney said we had approved the expansion on the enterprise zone on Staley Road. so some things will
23 affect the county.
24

25 Mr. Langeheim asked if there was less incentive for companies with less than 20 employees.
26

27 Mr. Rost answered for less than 20 employees the incentive will be 50%.
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29 **5. Other Business**

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31 None
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33 **16. Adjournment**

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35 Mr. Langeheim declared the meeting adjourned at. 6:57pm.
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37 Respectfully submitted,
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39 Secretary to the Environment and Land Use Committee
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Mahomet Aquifer Consortium
Meeting No. 46
March 7, 2006, 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 – January 17, 2006 meeting (Meeting No.45)
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 – The status of the Governor's Executive Order of January 9, 2006 on developing several regional water planning areas - by Al Wehrmann, ISWS
8. How do we get the MAC Membership involved in a regional planning area?
9. Old Business
10. New Business
11. Next Meeting Date – Meeting No. 47 - May 10, 2006
12. Adjourn -

Agenda 06-03-07

Mahomet Aquifer Consortium
Member Meeting No. 45
January 17, 2006
Minutes

1. A meeting of the members of the Mahomet Aquifer Consortium (MAC) was held on January 17, 2006 at the offices of Illinois State Water Survey (ISWS) in Champaign, IL. Chairman Mel Pleines called the meeting to order at 10:05 a.m. Fifteen members and seven non-members were in attendance. (See attached attendance sheet for those present).
2. Approval of Agenda – Motion to approve the agenda was made by Ralph Langenheim and seconded by Susan Adams. The motion carried.
3. Roll Call was accomplished by signing the MAC mailing list and is attached to the official minutes for the record. Fifteen members and seven non-members for a total of twenty-two (22) people were in attendance.
4. Minutes of the November 15, 2005 meeting (Meeting No. 44) 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 as corrected was made by Paul DuMontelle and seconded by Kelly Warner. Motion carried.
5. Treasurer's Report by Dorland W. Smith, Secretary-Treasurer for the period ending December 31, 2005 (green sheet) was distributed showing a balance in the amount of \$622.12. (The report is attached to these minutes). Motion to approve the Treasurer's report was made by Nancy Erickson and seconded by Ed Mehnert. Motion carried.
6. Committee Reports
 - a) Funding – The Governor's Executive Order may get us funds to do the studies for the Regional Water Supply Planning.
 - b) Education and Public Relations – A new RFP has been submitted for funds to do an educational program in the schools.
 - c) Data & Scientific Assessment – Nothing new at the present
7. Presentation - Jack Whittman gave a presentation on the Cooperative Management in the Ozark Aquifer. This is a regional plan to assure sustainability of the aquifer. This presentation shows what can be done on a regional basis and might be something that the MAC could undertake.
8. There was no old business to come before the meeting.

9. There was no new business

10. The next meeting will be held on Tuesday, March 7, 2006 at 10:00 a.m. at Illinois State Water Survey, 2204 Griffith Dr., Champaign, IL.

11. Kelly Warner moved the meeting adjourn and George Roadcap seconded the motion. Meeting adjourned at 11:45 a.m.

Respectfully submitted,

Dorland W. Smith
Secretary-Treasurer

Champaign
County
Department of



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

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

To: **Environment and Land Use Committee**
From: **John Hall, Director**
J.R. Knight, Temp Planner
Date: **March 8, 2006**
RE: **Case 530-AM-06**

Zoning Case 530-AM-06

Request: **Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture to I-1 Light Industry**

Petitioners: **Fisher Farmers Grain & Coal and Louis Schwing, Jr., Manager**

Location: **Approximately 3.50 acres in the North ½ of the Northeast 1/4 of the Southwest ¼ of Section 34 of East Bend Township and commonly known as land on either side of the Fisher Farmers Grain and Coal Company located One Main Street in Dewey.**

STATUS

The Zoning Board of Appeals voted that the proposed amendment in this Case "BE ENACTED" (recommended approval) at their meeting on February 16, 2006. The ZBA found that the proposed amendment was in conformance with all relevant land use goals and policies as well as the Land Use Regulatory Policies

There are no frontage protests at this time and none are anticipated.

FINDING OF FACT

The Finding of Fact (see attached) is organized as follows:

- Items 1 through 5 review the basic background information regarding the petitioner, the location and legal description of the subject property, petitioner comments.
- Items 6 through 8 review land use and zoning in the vicinity of the subject property and previous zoning cases.
- Item 9 is a brief comparison of the existing AG-1 Agriculture Zoning District and the proposed I-1 Light Industry Zoning District.
- Item 10 establishes that the subject property is not within a municipal or village extra-territorial jurisdictional area.

- Item 11 reviews the relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies.
- Items 12 through 19 review conformance with the relevant industrial land use policies from the Land Use Goals and Policies. The ZBA found that the proposed amendment is in conformance with all relevant industrial land use policies.
- Items 20 and 21 review conformance with the relevant agricultural land use policies and goals from the Land Use Goals and Policies. The ZBA found that the proposed amendment is in conformance with all relevant agricultural land use policies and achieved all relevant agricultural land use goals.
- Items 22 and 23 review conformance with the relevant agricultural land use goals from the Land Use Goals and Policies. The ZBA found that the proposed amendment achieved all relevant agricultural land use goals.
- Items 24 through 26 review conformance with the relevant industrial land use goals from the Land Use Goals and Policies. The ZBA found that the proposed amendment achieved all relevant industrial land use goals. In particular,
- Items 27 and 28 review the conformance with the general land use policies from the Land Use Goals and Policies. The ZBA found that the proposed amendment was in conformance with all relevant general land use policies.
- Items 29 through 31 review the conformance with the general land use goals from the Land Use Goals and Policies. The ZBA found that the proposed amendment achieved all relevant general land use goals.
- Items 32 through 39 review conformance with the Land Use Regulatory Policies. The ZBA found that the proposed amendment was in conformance with all relevant policies.

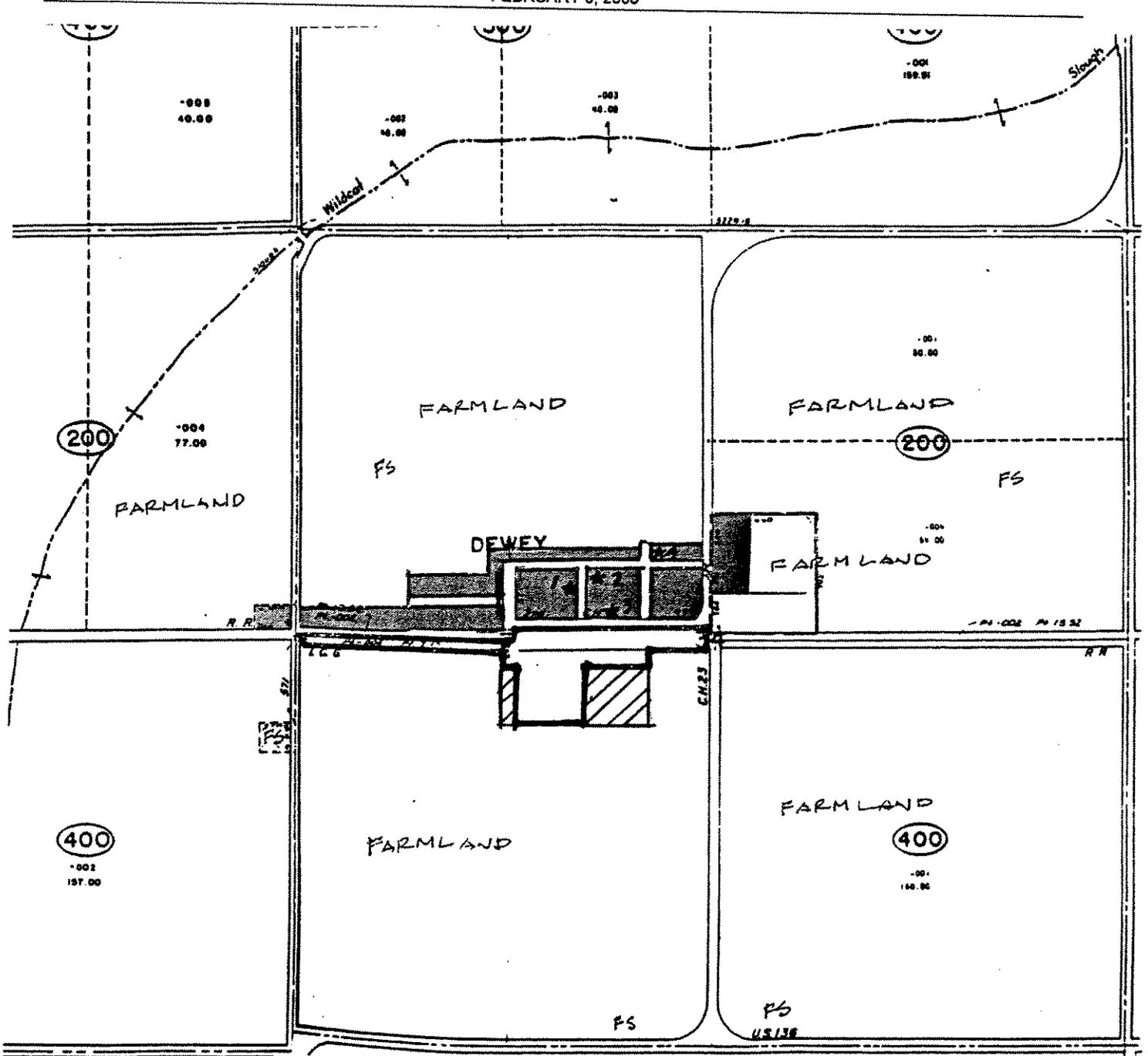
ATTACHMENTS

- A Zoning Case Maps (Location, Land Use, Zoning)
- B Aerial photo from Natural Resource Report
- C Finding of Fact and Final Determination of the Champaign County Zoning Board of Appeals as approved on February 16, 2006 (UNSIGNED)

ATTACHMENT A. LAND USE MAP

Case 530-AM-05

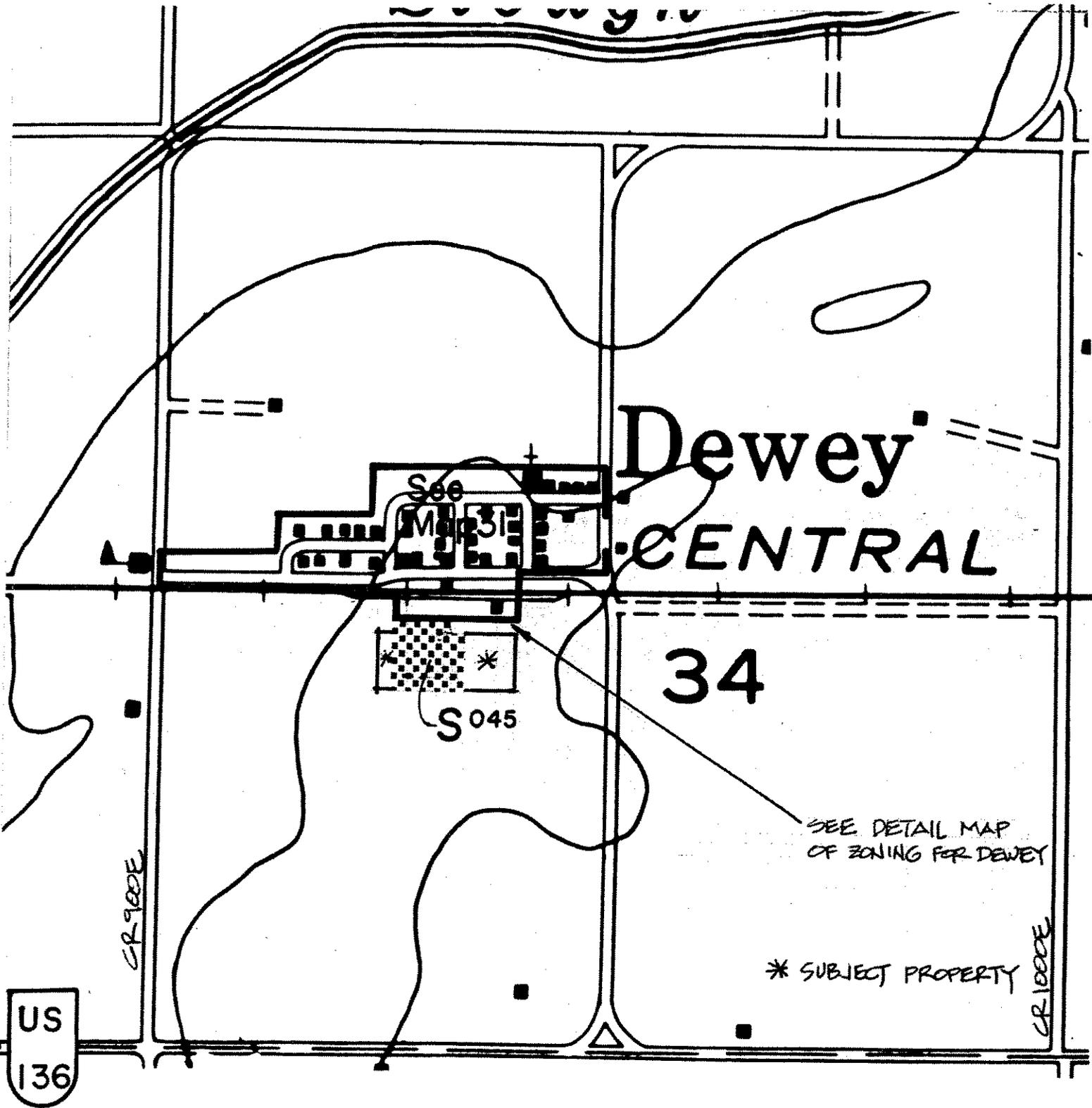
FEBRUARY 9, 2006



	Area of Concern		1. Fire Station	Champaign County Department of	
	Single Family		2. Well		PLANNING & ZONING
	Farmstead		3. Post Office 4. Church		

NORTH

ATTACHMENT A. ZONING MAP
 Case 530-AM-05
 FEBRUARY 9, 2006

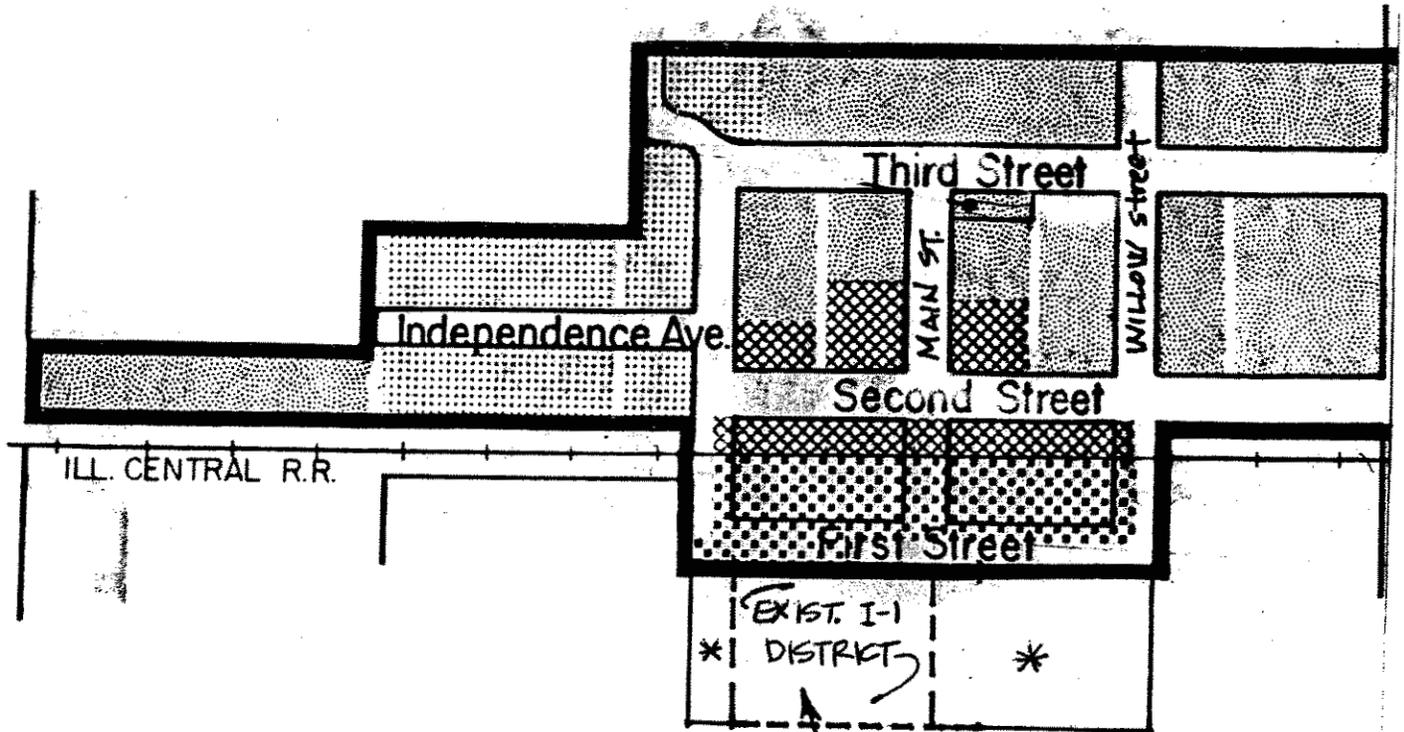


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation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

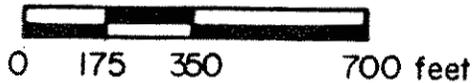
ATTACHMENT A, DETAIL ZONING MAP

Case 530-AM-05

FEBRUARY 9, 2006



DEWEY
(Unincorporated)



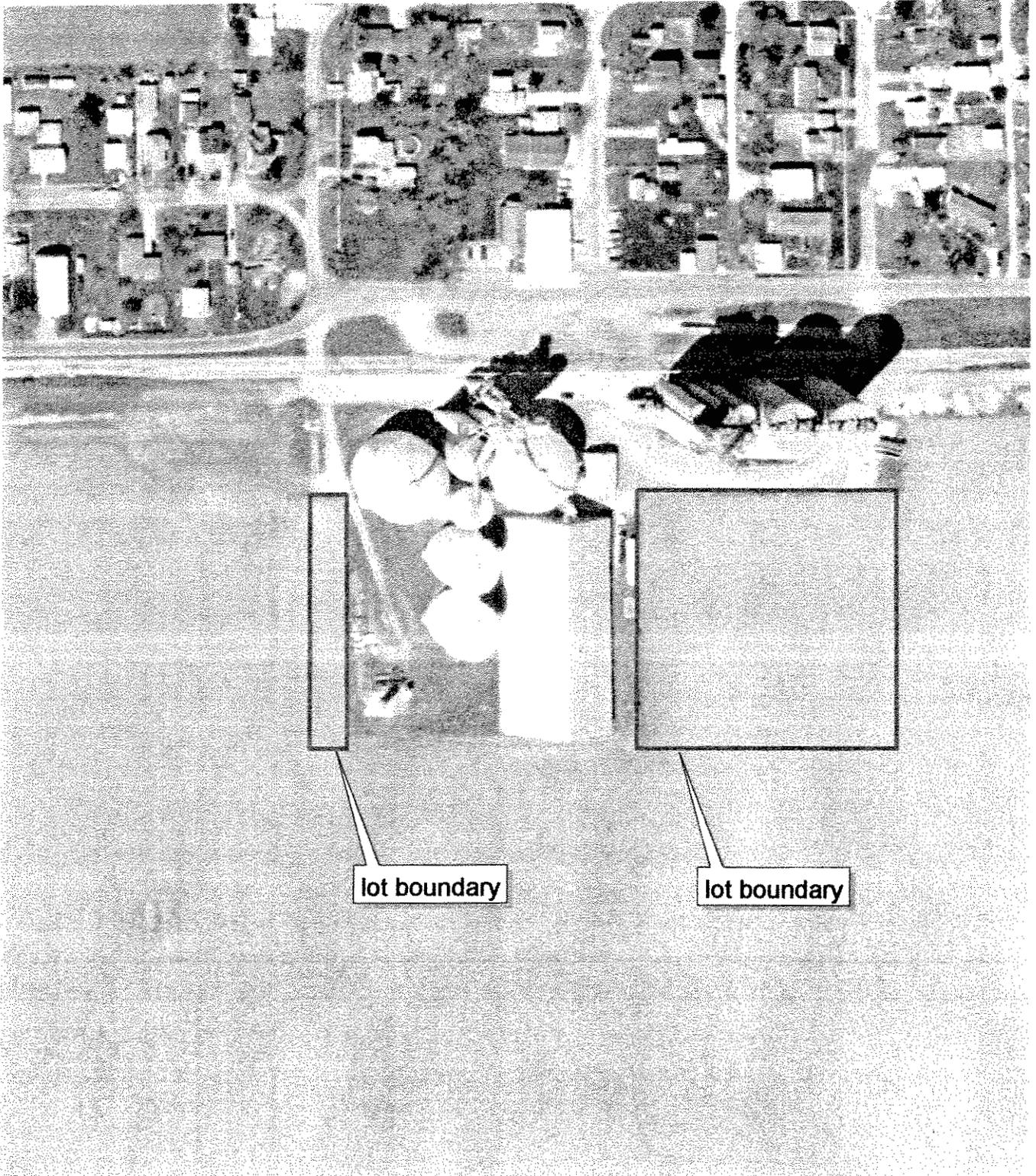
* SUBJECT PROPERTY

SEE EAST BEND TWP.
PANEL OF ZONING MAP
FOR THIS AREA

See Map 9 (East Bend Twp.)

AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH
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 Tri- Center	B-4 General Business	I-2 Heavy Industry	

Fishers Farmers Grain & Coal



AS APPROVED

530-AM-05

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

Final Determination: **GRANTED**

Date: February 16, 2006

Petitioners: Fisher Farmers Grain & Coal Co. (FFG) and Louis Schwing, Jr., Manager

Request: Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture to I-1 Light Industry

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on February 16, 2006, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners are Fisher Farmers Grain & Coal Co. and Louis Schwing, Jr., Manager
2. The subject property is approximately 3.50 acres in the North ½ of the Northeast 1/4 of the Southwest ¼ of Section 34 of East Bend Township and commonly known as land on either side of the Fisher Farmers Grain and Coal Company located at One Main Street in Dewey.
3. None of the subject property is located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioners indicated the following:
No error.
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the amendment the petitioners indicated the following:
 - A. **Fisher Farmers Grain and Coal needs to expand storage. We have been putting grain on the ground. This causes spoilage and loss.**
 - B. **With harvest coming in at record speed and the railroads not being able to supply cars, more storage is necessary.**

GENERALLY REGARDING ZONING AND LAND USE IN THE IMMEDIATE VICINITY

6. The subject property is zoned AG-1 Agriculture. There has never been any zoning activity on the subject property. The subject property is now proposed to be rezoned so FFG can expand their storage.
7. Land use and zoning in the vicinity and adjacent to the subject property are as follows:
 - A. Land west, south, and east of the subject property is zoned AG-1 Agriculture and is used for agriculture.
 - B. Land north of the subject property is in the Original Town of Dewey. The parcels immediately north of the subject property are zoned R-2 Single Family Residence and B-5 Central Business.
8. Previous zoning cases in the vicinity are the following:
 - A. Case 123-AM-75 was a request (approved) to rezone 3.73 acres in the AG-1 Agriculture district to I-1 Light Industrial. It was approved by the County Board on Oct. 21, 1975 and the public hearing was held on Sept. 11 & 25, 1975.
 - B. Case 045-S-96 was a SUP request (approved) in 1996 to allow a 40,000 gallon bulk fuel storage facility, and to waive the minimum lot area requirements, as well as requirements for distance from residential or commercial uses.
 - C. Case 510-S-05 was a request (approved) in 2005 to replace and expand a nonconforming government building owned by the Dewey Public Water District that contained water treatment facilities in the R-2 Single FAMILY Residence Zoning District. This facility is north of the subject property.
 - D. Case 518-V-05 was a request (approved) in 2005 for several variances with regards to setbacks and parking requirements for the Special Use authorized in case 510-S-05. The subject property in this case was the same as in 510-S-05 above.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1 Agriculture zoning DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The I-1 Light Industry Zoning DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.

GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA

10. The subject property is not located with the One and a Half Mile Extraterritorial Jurisdiction Area of any municipality.

REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES

11. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies- Rural Districts were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). Even though the proposed rezoning involves a parcel that is small and has not been farmland for many years the Land Use Regulatory Policies- Rural Districts should still be considered. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
 - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
 - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

GENERALLY REGARDING POLICIES FOR INDUSTRIAL LAND USE

12. There are seven industrial land use policies in the Land Use Goals and Policies. In addition, there are two utilities policies (7.3 and 7.3a) that are relevant.
13. Policy 4.1 of the Land Use Goals and Policies states that the Environment and Land Use Committee will encourage the development of industrial uses consistent with job objective goals based on existing and projected labor force surpluses.

CONFORMS because this map amendment is necessary to accommodate an existing business and for that reason can be considered consistent with this goal.

14. Policy 4.2 of the Land Use Goals and Policies states that the Environment and Land Use Committee will review those existing undeveloped areas zoned industrial to determine the probability of development within the next five years and recommend appropriate zoning actions to the County Board.

All portions of the subject property currently zoned industrial are developed so this policy is not relevant.

15. In regards to the adequacy of utilities and fire protection at the subject property for the proposed map amendment:
- A. The following policies relate to adequacy of utilities and fire protection:
- (1) Policy 4.3 of the Land Use Goals and Policies states that the County Board and the Environment and Land Use Committee will encourage the development of new industrial sites only in those areas having access to sewer, water, gas and electric utilities, adequate fire protection and to paved roads or major arterials, and rail lines, if necessary. Mass transit facilities will also be considered.
 - (2) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
 - (3) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
- B. Regarding the availability of a connected public water supply system:
- (1) The proposed development should not place any demand on current public water systems.
 - (2) The County Health Ordinance requires connection to a public water system when the subject property is located within 200 feet of a public water system and when such connection is practical and when such connection is authorized.
 - (3) Any significant new construction and industrial use on the property would be required to have County Health Department approval for potable water. Any industrial use established in the existing structure would require a Change of Use Permit that would also review cursory review by the County Health Department.
 - (4) Policy 7.3 states that development may occur only if it is determined that water supply systems are adequate to meet the needs of the proposed development. Regarding the water supply on the subject property vis-à-vis rezoning the subject property to the I-1 Light Industry District and the proposed development should not place any demand on nearby public water systems so this policy may not be directly relevant.

Item 15B (continued)

- (5) In regards to the availability of a connected public water system, the proposed map amendment **CONFORMS** because there is no reason to suspect an inadequate water supply or that the proposed development will conflict with the goals and policies of this Plan.
- C. Regarding the availability of a connected public sanitary sewer system:
- (1) No part of the subject property is currently serviced by a connected public sanitary sewer system.
 - (2) The County Health Ordinance requires any new industrial use that generates more than 1,500 gallons per day of wastewater to connect to any public sewer system that is located within 1,000 feet.
 - (3) There is no public sanitary sewer within 1,000 feet of the subject property. The proposed expansion will not require any wastewater treatment.
 - (4) Policy 7.3 states that development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards and that requests for development should demonstrate that wastewater disposal systems are adequate to meet the needs of the proposed development. Regarding wastewater treatment and disposal on the subject property vis-à-vis rezoning the subject property to the I-1 Light Industry District; the proposed development will not place any demands on current public water systems, so this policy may not be relevant.
 - (5) In regards to the availability of a connected public sanitary sewer system the proposed map amendment **CONFORMS** because no new wastewater treatment and disposal system is required for the proposed expansion.
- D. Regarding the adequacy of fire protection at this location for the proposed map amendment:
- (1) The subject property is located within the response area of the Dewey Fire Department of the Sangamon Valley Protection District. The Fire District chief has been notified of this request but no comments have been received.
 - (2) In regards to adequate fire protection, the proposed map amendment appears to **CONFORM** to Policy 4.3 because there have been no concerns raised by the Dewey Fire Department of the Sangamon Valley Protection District.
- E. There is no evidence to suggest that demand for gas or electric by an industrial use on this parcel would cause any problem or costs for the public at large.

- F. Regarding access to paved roads, the subject property has direct access to streets that are paved. In regard to access to paved roads, the proposed map amendment based on the proposed development appears to **CONFORM** to Policy 4.3.
 - G. In regards to mass transit, there is no service in the vicinity of the subject property, but the proposed map amendment appears to **CONFORM** based on the proposed development.
 - H. In regards to overall conformance with 4.3 and 7.3 and 7.3A the proposed map amendment **CONFORMS** based on the proposed amendment.
16. Policy 4.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will urge the County Board to discourage new industrial development from intruding into productive agricultural areas.
- A. Regarding productive agricultural use of the subject property:
 - (1) The property is currently farmland.
 - (2) The proposed development is an expansion of an existing business that serves the surrounding farmland.
 - B. Regarding land use on land that abuts the subject property:
 - (1) Farmland borders the subject property to the east, to the west, and to the south.
 - (2) Residential and commercial land use in the unincorporated Village of Dewey borders the subject property on north.
 - C. In regards to policy 4.4 the proposed map amendment **CONFORMS** because the amendment and the proposed development will not result in industrial development intruding further into productive agricultural areas.
17. Policy 4.5 of the Land Use Goals and Policies states that the County Board will discourage development of new industrial uses where such development will overburden existing sewer or water facilities. The following is relevant to this policy:
- A. The subject property is not currently served by public sewer.
 - B. Use of the subject property as proposed by the petitioner would not require extension of public sewer or public water to the subject property.
 - C. The proposed map amendment **CONFORMS** to Policy 4.5 based on the proposed development.

18. Policy 4.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the use of zoning techniques such as special use permits and planned industrial development to permit and regulate new development. The Environment and Land Use Committee will examine existing lands zone for industrial uses to determine the desirability of retaining such industrial zoning.

This policy does not appear to be relevant to any specific map amendment.

19. Policy 4.7 of the Land Use Goals and Policies states that the Environment and Land Use Committee will actively seek involvement of all units of government with zoning and comprehensive planning jurisdiction in a process of industrial site review and recommend appropriate amendments to the Zoning Ordinance maps.

This policy does not appear to be relevant to any specific map amendment.

GENERALLY REGARDING POLICIES FOR AGRICULTURAL LAND USE IN THE LAND USE GOALS AND POLICIES

20. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-1 District. The following agricultural land use policies do not appear to be relevant to any specific map amendment:

- A. Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.
- B. Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
- C. Policy 1.4 of the Land Use Goals and Policies states that the Environment and land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
- D. Policy 1.5 of the Land Use Goals and Policies states that the Environment and land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.
- E. Policy 1.6 of the Land Use Goals and Policies states that the Environment and land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.

21. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
- i. those areas served by
 - adequate utilities,
 - transportation facilities and
 - commercial services or
 - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

The proposed map amendment **CONFORMS** to Policy 1.2 based on the following:

- A. **CONFORMS** in regards to the following:
 - (1) transportation facilities the same as for Policy 4.3 (see item 15.F.)
 - (2) commercial services the same as for Policy 4.3 (see item 15.D.)
- B. In regards to Policies 4.3, 7.3, and 7.3A and overall adequacy of utilities (FOF item 15.E.), the proposed map amendment **CONFORMS** based on the proposed development.
- C. **CONFORMS** in regards to compatibility with existing agricultural uses.
- D. In regards to overall conformance with policy 1.2 the proposed map amendment **CONFORMS** based on the proposed development.

REGARDING GOALS FOR AGRICULTURAL LAND USES IN THE LAND USE GOALS AND POLICIES

22. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-1 District. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

- A. Based on the proposed development the proposed map amendment **ACHIEVES** this goal because the amendment will not result in industrial development intruding further into productive agricultural areas.

23. The second agricultural land use goal of the Land Use Goals and Policies is as follows:

Establishment of an agricultural land classification system based on productivity. Improvement of rural drainage systems.

This policy does not appear to be relevant to relevant to any specific map amendment.

REGARDING GOALS FOR INDUSTRIAL LAND USE IN THE LAND USE GOALS AND POLICIES

24. There are three goals for industrial land use in the Land Use Goals and Policies. The third industrial land use goal calls for industrial development controls that will maintain the existing environmental quality and be sufficiently flexible to encourage types of industrial uses that will meet the needs of the labor market located in Champaign County. The third industrial land use goal is not specific to any proposed map amendment.

25. The first industrial land use goal of the Land Use Goals and Policies is as follows:

Location of industrial development

- i. in areas served by utilities and transportation facilities as well as
- ii. close to a local labor market throughout the County.

A. The proposed map amendment conforms to the following policies as follows:

- (1) **CONFORMS** to Policy 4.1 (FOF item 13) regarding development consistent labor force surpluses based on the proposed development.
- (2) **CONFORMS** to Policy 4.3 regarding paved roads or major arterials, and rail lines (FOF item 15.F.).
- (3) **CONFORMS** to Policy 4.5 regarding overburdening existing sewer or water facilities (FOF item 17.) based on the proposed development.

B. In regards to Policies 4.3, 7.3, and 7.3A and overall adequacy of utilities (FOF item 15.H.), the proposed map amendment **CONFORMS** based on the proposed development.

C. In regards to overall achievement of this goal, the first industrial land use goal will **BE ACHIEVED** based on the proposed development.

26. The second industrial land use goal of the Land Use Goals and Policies is as follows:

Location and design of industrial development in a manner compatible with nearby non-industrial uses.

There are no policies regarding land use compatibility but the following is relevant to this goal:

A. The unincorporated Village of Dewey is located directly north of the subject property.

B. The Department of Planning and Zoning has no record of having received any complaint from the neighboring Village of Dewey about operations at the subject property.

C. Testimony at the February 26, 2006, meeting regarding land use compatibility was as follows:

- (1) Louis Schwing Jr., manager testified that the bins will be permanent storage bins that will have a new type of fan with silencer.

Item 26.C. (continued)

- (2) Warren Gerdes, Representative for GrainFlo Incorporated testified that the new bin will be shorter than the existing concrete bin which would provide some sound buffering and the new bin will have a low RPM, centrifugal fans and these types of fans have been successful at the new Thomasboro facility with no complaints received to date.

- D. Based on the proposed development, the second industrial land use goal and this goal will **BE ACHIEVED** by the proposed map amendment.

REGARDING GENERAL LAND USE POLICIES IN THE LAND USE GOALS AND POLICIES

- 27. There are two general land use policies in the Land Use Goals and Policies. The second general land use policy is not relevant to any specific map amendment.

- 28. The first general land use policy in the Land Use Goals and Policies is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant industrial land use policies and goals, the proposed map amendment conforms to this policy as follows:

- A. **CONFORMS** because as proposed, the map amendment encourages new development near to the unincorporated Village of Dewey in order to allow the expansion of an existing business that serves the surrounding farmland (FOF item 16).

- B. In regards to optimizing the use of water and sewer, the map amendment apparently **CONFORMS** because there is no evidence to suggest that such utilities would be poorly utilized by the proposed development.

- C. Overall, based on the proposed development the proposed map amendment **CONFORMS** to this general land use policy.

REGARDING GENERAL LAND USE GOALS OF THE LAND USE GOALS AND POLICIES

- 29. There are five general land use goals for all land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
 - A. The first and fourth general land use goals are not relevant to any specific map amendment.

Item 29 (continued)

- B. The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.

30. The third general land use goal is as follows:

Land uses appropriately located in terms of

- i. utilities, public facilities,
- ii. site characteristics and
- iii. public services.

Considerations of the proposed map amendment related to this goal are as follows:

- A. There are no subsidiary industrial land use policies and goals or general policies that are specific to site characteristics but the following considerations are relevant to site characteristics:

- (1) The unincorporated village of Dewey borders the subject property to the north and farmland borders it on all other sides. The aerial photo in the Natural Resources Report illustrates the separation provided by the existing bins between the subject property and the residential area to the north.
- (2) A Natural Resource Report was received from the Champaign County Soil and Water Conservation District, which indicated that the subject property is Best Prime Farmland and that the following site specific concerns exist:
 - (a) The area has existing farm drainage tile that will need to be addressed.
 - (b) The site has two soils that have severe wetness characteristics and one that has severe ponding characteristics.
 - (c) Louis Schwing testified at the February 16, 2006, meeting that existing tiles will be kept so that elevator drainage will not burden the tiles.
- (3) There are no known drainage problems at this location. Louis Schwing testified at the February 16, 2006, meeting that there is sufficient surface drainage capacity for the elevator expansion.
- (4) Septic suitability is not an issue for the proposed development.
- (5) Pursuant to Flood Insurance Rate Map Panel 170894-0050B, the subject property is not located within the Special Flood Hazard Area.
- (6) In regards to site characteristics, the proposed map amendment *ACHIEVES* this goal.

Item 30 (continued)

- B. Based on the review of the relevant industrial land use policies and goals and the general policies, the map amendment:
- (1) **ACHIEVES** this goal in regards to the following:
 - (a) public facilities (FOF item 15.F. & 25), based on the proposed development;
 - (b) public services (FOF item 15.D.), based on the proposed development;
 - (c) site characteristics (see above)
 - (2) In regards to utilities and based on the degree of conformance with industrial land use policy 4.3 (FOF item 17); and the degree of achievement of both the first industrial land use goal (FOF item 27) and the first general policy (FOF item 30), the map amendment **ACHIEVES** this goal based on the proposed development.
- C. Overall the proposed map amendment **ACHIEVES** the third general land use goal.

31. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Overall, the fourth general goal will **BE ACHIEVED** by the proposed map amendment based on the degree of achievement of the second industrial land use goal (FOF item 26).

REGARDING LAND USE REGULATORY POLICIES THAT ARE RELEVANT TO AGRICULTURAL LAND USES

32. Land Use Regulatory Policy 1.4.1 states that non-agricultural land uses will not be permitted unless they are of a type that is not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative affect caused by agricultural activities.

The proposed map amendment **CONFORMS** to this policy because the uses are compatible with agriculture, and serve surrounding agriculture.

33. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.

The proposed map amendment **CONFORMS** to this policy because based on the proposed development, the proposed map amendment is necessary for the expansion of an existing business that serves surrounding agriculture.

34. Land Use Regulatory Policy 1.5.1 states that on less productive farmland, development will not be permitted if the site is unsuited, overall, for the proposed land use. The supporting narrative for this policy explains that a site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.

Item 34. (continued)

The proposed map amendment *CONFORMS* to this policy because the map amendment achieves the third general land use goal regarding development appropriately located in terms of site characteristics (see FOF item 30.C.)

35. Land Use Regulatory Policy 1.5.3 states that development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.

The proposed map amendment *CONFORMS* to this policy because it conforms to Policy 4.3 regarding roads and other utilities (see FOF item 15).

36. Land Use Regulatory Policy 1.5.4 states that development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The proposed map amendment *CONFORMS* to this policy because it conforms to Policy 4.3 regarding adequate fire protection (see FOF items 15. D.).

37. Land Use Regulatory Policy 1.6.1 states that in all rural areas, businesses and other non-residential uses will be permitted if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

The proposed map amendment *CONFORMS* to this policy because the proposed development does support agriculture.

38. Land Use Regulatory Policy 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be permitted if they take any best prime farmland out of production unless:
- (1) they also serve surrounding agricultural uses or an important public need, and cannot be located in an urban area or on a less productive site, or
 - (2) the uses are otherwise appropriate in a rural area and the site is very well suited to them.

The proposed map amendment *CONFORMS* to this policy because the proposed development is an expansion of an existing business that serves surrounding agriculture.

39. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
- the conversion of prime farmland is minimized;
 - the disturbance of natural areas is minimized;
 - the sites are suitable for the proposed use;
 - infrastructure and public services are adequate for the proposed use;

Item 39. (continued)

- the potential for conflicts with agriculture is minimized.

The proposed map amendment *CONFORMS* to this policy.

DOCUMENTS OF RECORD

1. Petition received December 29, 2005 with attachment:
 - A Plat of Survey received December 30, 2005

2. Preliminary Memorandum for Case 530-AM-05 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey of subject property received December 30, 2005
 - C Plat of Survey from Zoning Case 123-AM-75
 - D Summary Comparison Table
 - E Draft Finding of Fact for Case 530-AM-05

3. Supplemental Memorandum dated February 16, 2006
 - A Natural Resources Report received February 13, 2006
 - B Revised Finding of Fact

FINAL DETERMINATION

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

The Map Amendment requested in Case 530-AM-05 should **BE ENACTED** by the County Board.

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

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

TO: **Environment and Land Use Committee**
FROM: **John Hall, Director & Subdivision Officer**
DATE: **March 7, 2006**
RE: **Case 187-06 Wolf Creek Subdivision**

REQUESTED ACTION

Final Plat approval for a three-lot minor subdivision of an existing 6.076 acre residential lot located in the CR Zoning District in Section 30 of Ogden Township located on the north side of County Highway 14 approximately one-half mile east of the intersection with CR2550E.

The proposed lots meet all Zoning Ordinance requirements and the proposed subdivision appears to meet all of the minimum subdivision standards.

Soil investigations have been conducted on each lot and the County Health Department has reviewed the results and authorized the subdivision to proceed. However, the soil investigation sites are not indicated on the plat and there is no statement of certification in regards to septic suitability. Plat approval at this time requires the following waivers (see Draft Findings at Attachment G):

- 1. Waive requirement of paragraph 9.1.2 q. for percolation test holes and data at a minimum frequency of one test hole for each lot in the approximate area of the proposed absorption field to be indicated on the face of the Final Plat**
- 2. Waive requirement of paragraph 9.1.2 r. for certification on the Final 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

Colorado Avenue, L.L.C.
c/o Paul Cole
411 West University Avenue
Champaign IL 61820

Engineer/Surveyor

HDC Engineering
201 West Springfield Avenue, Suite 300
Champaign IL 61924-0140

Location, Roadway Access, and Land Use

The subject property is an approximately 6.076 acre parcel in the Southeast 1/4 of the Northeast 1/4 of Section 30 of Ogden Township. See the Location Map. The existing parcel is a vacant lot located on the north side of County Highway 14 approximately one-half mile east of the intersection with CR2550E.

The proposed subdivision is bordered by other residential lots on the west and north sides and by farmland on the east and south sides. See the Land Use Map.

Applicable Zoning Regulations

The subject property is zoned CR Conservation Recreation. See the attached Zoning Map. All proposed lots meet the minimum lot requirements. See Table 1 for a summary.

Table 1. Review Of Minimum Lot Requirements

Lot Characteristic	Requirement (or Limit)	Proposed Lots			Notes
		Proposed Lot 1	Proposed Lot 2 ¹	Proposed Lot 3	
Lot Area (acres)	Minimum: 1.00 acre	1.596 acres	2.481 acres	1.596 acres	MEETS OR EXCEEDS MINIMUM REQUIREMENT
	Maximum ² : 3.00 acres				
Lot Frontage (feet)	20.00 (minimum)	207.47 feet	24.00 feet	207.47 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth (feet)	80.00 (minimum)	335.09 feet	270.00 feet	335.09 feet	EXCEEDS MINIMUM REQUIREMENT
Average Lot Width (feet)	200.00 (minimum)	207.47 feet	250 feet ³	207.47 feet	EXCEEDS MINIMUM REQUIREMENT
Lot Depth to Width	3.00 : 1.00 (maximum)	1.62 : 1.00	1.08 : 1.00	1.62 : 1.00	LESS THAN MAXIMUM ALLOWED

NOTES

NR= No Requirement (or limit)

1. Proposed Lot 2 is a flag lot.

2. The maximum lot size only applies when the new lots are Best Prime Farmland overall and when the tract to be divided was larger than 12 acres on 1/1/98. The subject property existed on 1/1/98 and so the maximum lot size does not apply.

3. Average lot width for Lot 2 determined by the largest diameter circle that fits within the lot lines.. Average lot width may also be determined by lot area divided by lot depth but that is only 187 feet.

Minimum Subdivision Standards And Area General Plan Approval

The Minimum Subdivision Standards were added to the Area General Plan section of the *Subdivision Regulations* on July 8, 2004, in Subdivision Case 175-04, Part B, which also added the requirement that any subdivision needed Area General Plan approval except for subdivisions pursuant to a Rural Residential Overlay (RRO) map amendment. Area General Plan approval is only by ELUC. The subject subdivision is not pursuant to an RRO amendment and so Area General Plan requirements are applicable.

Table 2 reviews the conformance of the proposed subdivision with those standards and the proposed subdivision appears to meet all of the minimum subdivision standards and so appears to comply with the Area General Plan requirements.

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. This tract is Best Prime Farmland for Champaign County.**
- 2. The area that is to be developed has 2 soil types that have severe wetness characteristics. This will be especially important for the septic systems that are planned.**
- 3. The tracts are located very close to the Homer Lake Forest Preserve so homeowners need to be aware that wildlife (especially deer) from the preserve may come onto their property.**

Drainage, Stormwater Management Policy, and Flood Hazard Status

The subject property is located in the Conkey Branch Drainage District. The drainage district was notified of the proposed subdivision. No part of the proposed lots contain any portion of the right of way of the drainage ditch.

The Subsidiary Drainage Plat indicates topographic contours. The northern half of Lot 3 appears to be nearly level but there are no areas of apparent ponding. There appears to be little or no tributary area under different ownership that drains through the proposed subdivision.

No part of the existing property is in Zone A (the 100-year floodplain and Special Flood Hazard Area, or SFHA) on the Flood Insurance Rate Map (FIRM) Panel No. 170894 0225 B dated March 1, 1984.

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

Public Improvements

No public improvements are indicated or required in this subdivision.

Water Wells and Soil Suitability For Septic Systems

The County Health Department has approved this subdivision (see attached letter).

NECESSARY FINAL PLAT WAIVERS AND REQUIRED FINDINGS

Article 18 of the Champaign County Subdivision Regulations requires four specific findings for any waiver of the Subdivision Regulations. The Required Findings are generally as follows:

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

- **Required Finding 4. Do the special conditions or practical difficulties result from actions of the subdivider?**

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

1. **The Final Plat does not indicate percolation test holes or 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.**

Soil investigations have been conducted on each lot and the County Health Department has reviewed the results and authorized the subdivision to proceed. However, the soil investigation sites are not indicated 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.**

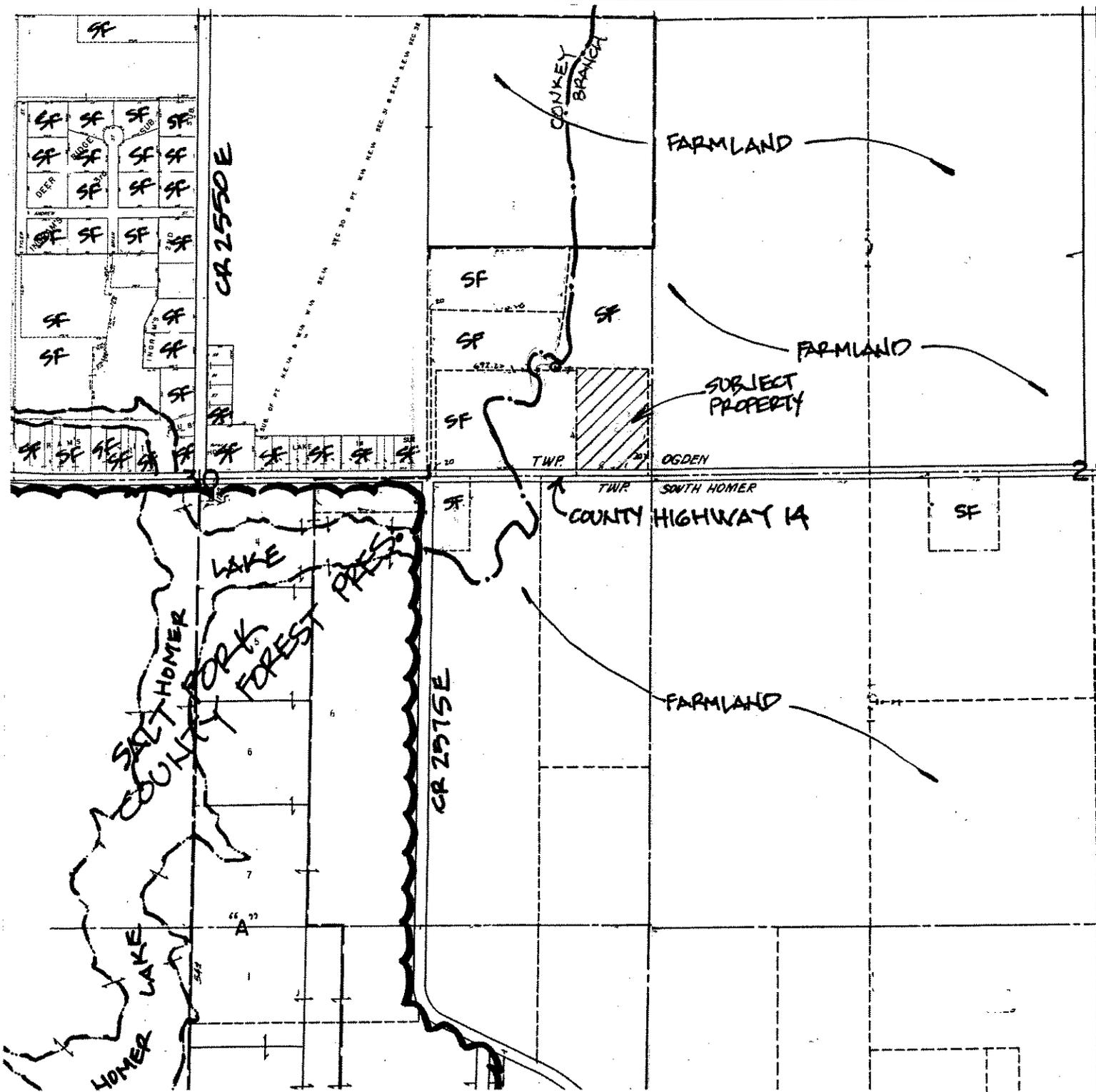
Soil investigations have been conducted on each lot and the County Health Department has reviewed the results and authorized the subdivision to proceed. However, the soil investigation sites are not indicated on the plat (see waiver above) nor is there a statement of certification. .

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

ATTACHMENTS

- A **Subdivision Case Maps (Location, Land Use, Zoning)**
- B **Subsidiary Drainage Plat of Wolf Creek Subdivision received March 7, 2006**
- C **Final Plat of Wolf Creek Subdivision received March 7, 2006**
- D **Section 22 Natural Resource Report by The Champaign County Soil and Water Conservation District**
- E **Preliminary Assessment Of Compliance With Minimum Subdivision Standards**
- F **Letter dated June 7, 2005, from Sarah Michaels of the Champaign County Health Department**
- G **Draft Findings for Waivers of Final Plat Requirements**
- H **Owners Certificate & Covenants**

ATTACHMENT A. LAND USE MAP
Case 187-06 Wolf Creek Subdivision
 MARCH 7, 2006

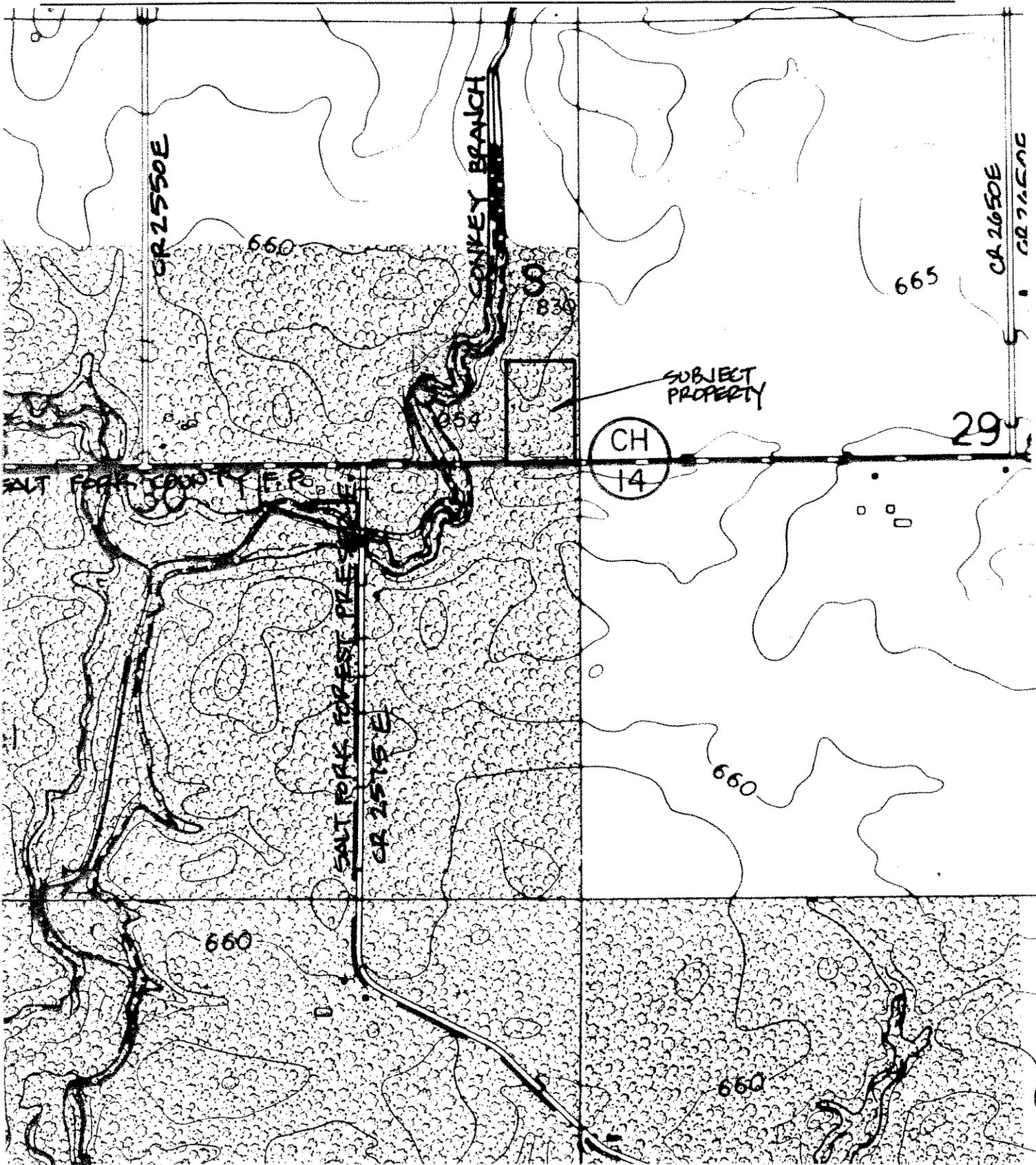


	Area of Concern	
	Single Family	
	Farmstead	



Champaign
 County
 Department of
**PLANNING &
 ZONING**

ATTACHMENT A. ZONING MAP
 Case 187-06 Wolf Creek Subdivision
 MARCH 7, 2006



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 Tri Center	B-4 General Business	I-2 Heavy Industry	

**SUBSIDIARY DRAINAGE FLAT OF
WOLF CREEK SUBDIVISION
CHAMPAIGN COUNTY, ILLINOIS
PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 30, T8N, R14W OF THE 2nd PM**

OWNER/DEVELOPER
BOSS ENGINEERING, LLC
201 W. SPRINGFIELD AVE.
CHAMPAIGN, IL 61824

DESIGNER/ENGINEER
BOSS ENGINEERING, LLC
201 W. SPRINGFIELD AVE.
CHAMPAIGN, IL 61824

LAKE PLACEMENT AND FLOOR EASEMENT FOR AREA
ADJACENT TO THE SOUTHWEST CORNER OF THE
COUNTY LAKE IN FAVOR OF STATE OF ILLINOIS
RECORDED BOOK 848, PAGE 321

- LEGEND**
- SET 1/2" x 3/4" IRON ROD WITH PLASTIC CAP 1/8" DIA FROM "11213"
 - ⊗ SET ROD IN CONCRETE
 - FOUND IRON ROD
 - BOUNDARY OF LOT
 - EASEMENT FOR PUBLIC UTILITIES
 - STRUCK LINE
 - EXISTING CONTOURS ON NOWD



- SURVEYOR'S NOTES**
- Field work was completed for this project on February 6, 2006.
 - This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.
 - The subdivision is in the boundaries of the Cobler Branch Drainage District.
 - This tract of land is located in "Zone 10" on the Special Flood Hazard Map identified for the County of Champaign, Illinois by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Paper Number 17084 0225 B, dated March 1, 1984.
 - Part of the tract of land covered by this plat is within 500 feet of a surface drain or watercourse having a tributary area of 600 acres or more.
 - Current zoning for this subdivision is Champaign County "CR - Conservation Recreation".
 - Boundary survey lines for this subdivision shall be as follows:
 - 7. Front yard set back = 25 feet
 - 8. Side yard = 15 feet
 - 9. Rear yard = 25 feet
 - The subdivision is not located within one and one-half (1 1/2) miles of the corporate limits of any city, village or town which has an adopted master plan.
 - All measurements are horizontal distances and are between adjacent monument unless otherwise noted.
 - Sewerage disposal shall be by private disposal systems in accordance with Champaign County Public Health District Regulations.
 - Water supply shall be by private wells in accordance with Champaign County Public Health District regulations.

DRAINAGE STATEMENT

We hereby state that to the best of our knowledge and belief the drainage of surface waters of the tract of land shown on this plat is as shown on this plat. We warrant that the drainage plan shown on this plat is a true and correct representation of the drainage of surface waters of the tract of land shown on this plat. We warrant that the drainage plan shown on this plat is a true and correct representation of the drainage of surface waters of the tract of land shown on this plat. We warrant that the drainage plan shown on this plat is a true and correct representation of the drainage of surface waters of the tract of land shown on this plat.

David L. Achary
Professional Engineer
License Expires 11-30-07
Date: _____
Date: _____
OWNER: BOSS ENGINEERING, LLC
C/O BOB COOK

BN #1 NW/4 IN BRIDGE GUARD POST = 850.24
BN #2 E/4 IN NE CORNER BRIDGE SIDE WALL ON TOWNSHIP ROAD = 857.73
BN #3 CL ON END SE WING BRIDGE AT NW CORNER SITE = 853.04

BOSS ENGINEERING, LLC
Professional Engineer License # 0225 B
Professional Engineer License # 0225 B
Professional Engineer License # 0225 B
Professional Engineer License # 0225 B

Champaign County Soil and Water Conservation District

2110 W. Park Court, Suite C

Champaign, IL. 61821

(217) 352-3536, Ext. 3

NATURAL RESOURCE REPORT

Development Name: None given- 3 lots.

Date Reviewed: February 9, 2006

Requested By: Paul Cole

Address: Colorado Ave. LLC
411 W. University
Champaign, IL 61820

Location of Property: The Southeast quarter of the Northeast Quarter of Section 30, T19N, R14W, South Ogden Township, Champaign County, IL. This is on Homer Lake Road ¼ mile east of the forest preserve.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract February 7, 2006.

SITE SPECIFIC CONCERNS

- 1. The area that is to be developed is has 2 soil types that have severe wetness characteristics. This will be especially important for the septic systems that are planned.**
- 2. The tracts are located very close to the Homer Lake Forest Preserve, so homeowners need to be aware that wildlife (especially deer) from the preserve may come on to their property.**

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 98. See the attached worksheet for this calculation.

The tract is in grass that has not been farmed for a number of years. The tract has a road on the south, drive on the east and lot lines on the north and west that would make it of minimal value for agricultural production.

b) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with grass, which should minimize any erosion until construction begins. Care should be taken when construction begins because water from the site moves to Homer Lake.

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. Care should be taken when construction begins because water from the site moves to Homer Lake. The lake has been silting in and any sediment from this site will move toward the lake.

d) Soil Characteristics:

There are three (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 wetness that will adversely affect septic fields on the site. The tract has a dirt pile on it that is not taken into consideration. The report covers the underlying soils.

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
154A	Flannigan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness
56B	Dana Silt Loam	2-5%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness

a) Surface Drainage:

Some water from the tract to the north flows on to the property. The water then flows to the south and the west off the property. The tract is covered with grass which minimizes runoff from the property.

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. Care does need to be taken due to the proximity to the drainage ditch to the west that drains into Homer Lake.

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.

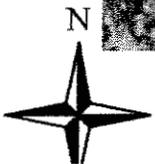
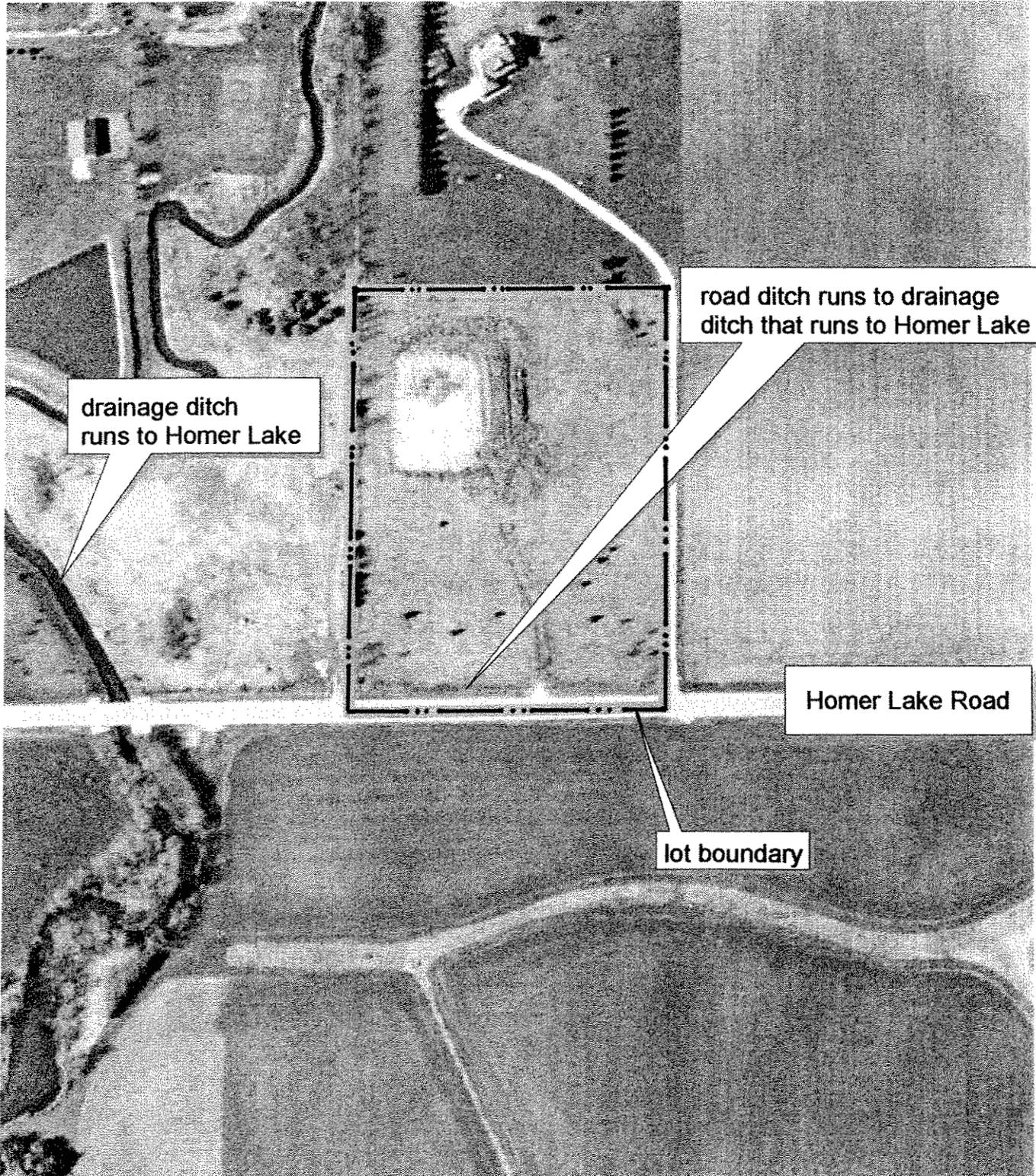
b) Cultural:

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

Colorado Ave. LLC



LAND EVALUATION WORKSHEET

<u>Soil Type</u>	<u>Ag Group</u>	<u>Relative Value</u>	<u>Acres</u>	<u>L.E.</u>
154A	1	100	5.2	520.00
56B	3	87	0.8	69.60
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00
				0.00

Total LE factor= 589.60

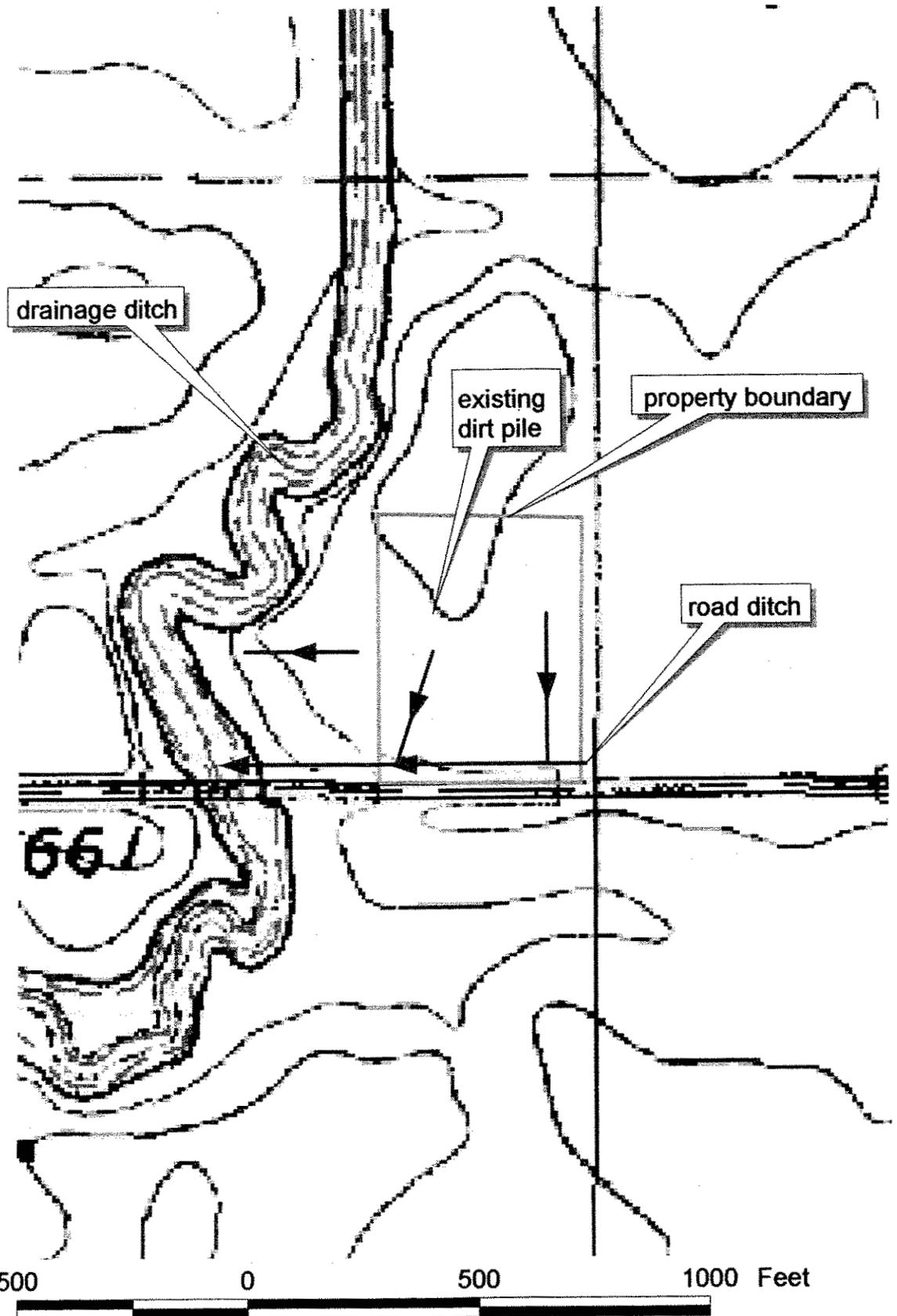
Acreage= 6

Land Evaluation Factor for site = 98

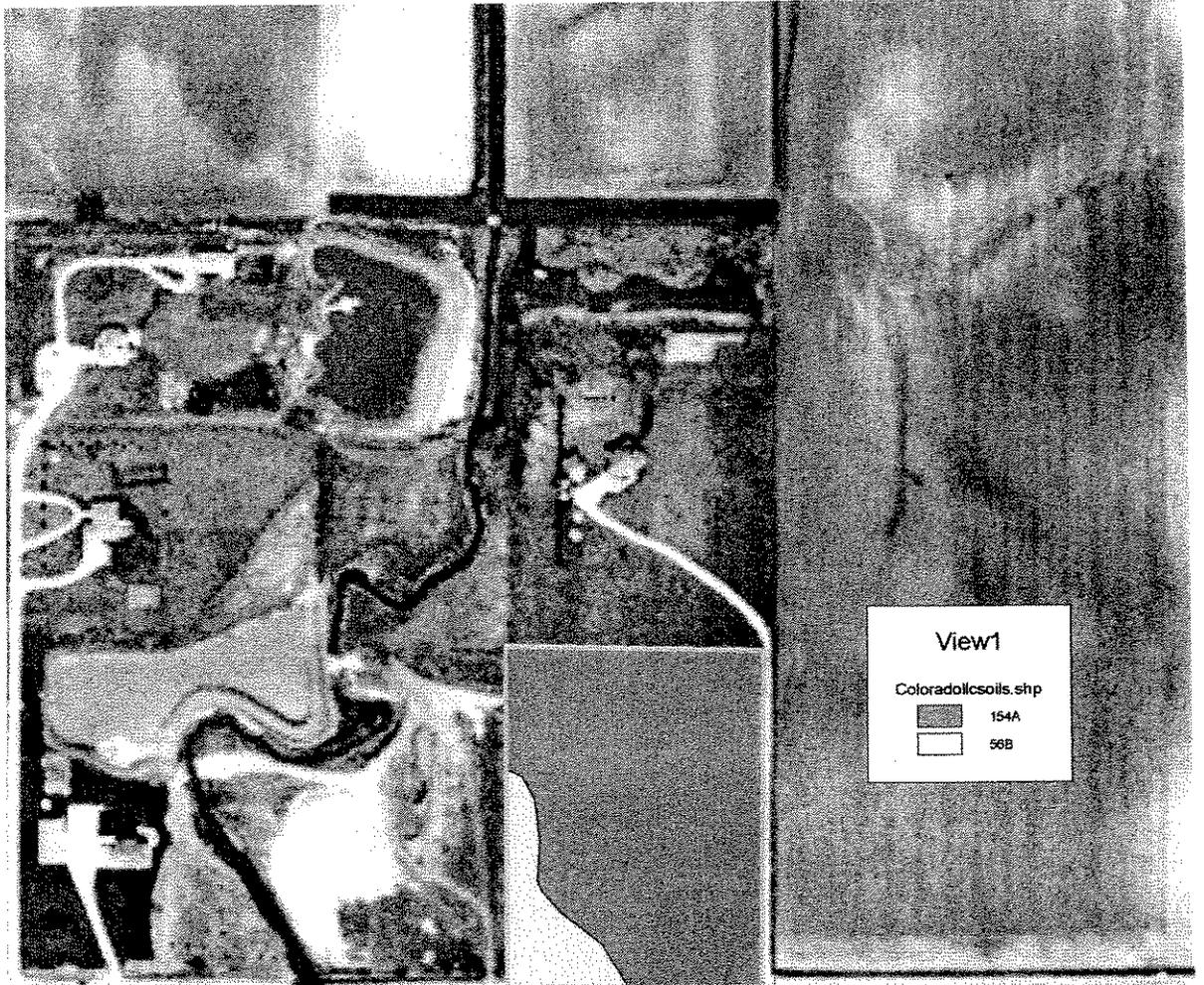
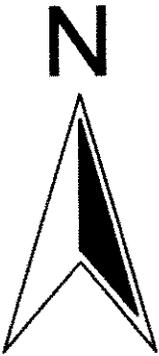
Note: A Soil Classifier could be hired for additional accuracy if necessary.

Data Source: Champaign County Digital Soil Survey
Revised fall 2002

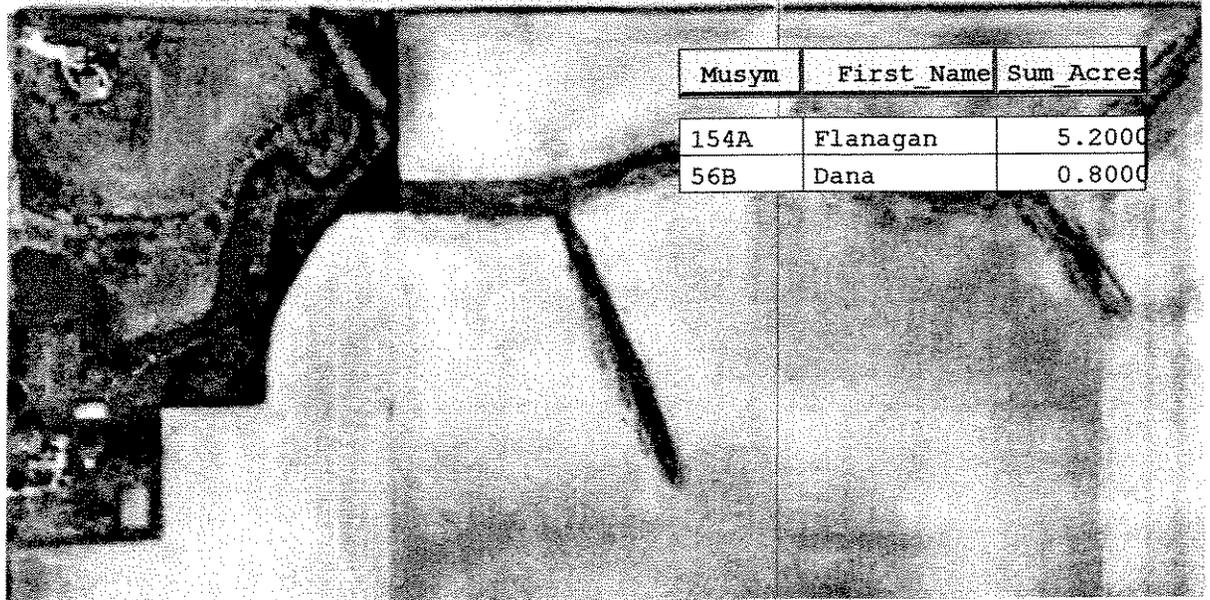
Colorado Ave. LLC



Colorado Ave. LLC



Soils



Musym	First Name	Sum Acres
154A	Flanagan	5.2000
56B	Dana	0.8000

T19N
R14WE
Sec 30



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

Case 187-06 Wolf Creek Subdivision

MARCH 7, 2006

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. This is a subdivision of an entire lot that almost all the same soil type.
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 all lots comply with the maximum lot size limitation.
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 topography of all lots. There are no apparent significant areas of stormwater ponding.
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.
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. Each of the proposed lots has frontage on the existing public street, County Highway No. 4, but the covenants require the three lots to have a shared driveway over the middle lot (Lot 2).

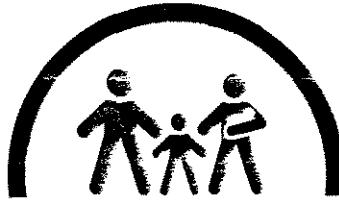
**ATTACHMENT E. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM
SUBDIVISION STANDARDS**

Case 187-06 Wolf Creek Subdivision

MARCH 7, 2006

Standard	Preliminary Assessment ¹
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: <ul style="list-style-type: none"> i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and ii. adjacent public parks, natural areas, or nature preserves 	APPEARS TO CONFORM. The existing lot is only a little larger than six acres and the subdivision involves the entire lot. The lots is bordered by other residential properties to the west and north.
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 lot.
<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>	

1000 East St.
Champaign, IL 61820



Champaign County Public
Health Department

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

February 17, 2006

Paul Cole
411 W. University Avenue
Champaign, IL 61820

Dear Mr. Cole:

This letter is in regard to the plat review for Wolf Creek Subdivision located East of the intersection of 1350 North and South Homer Lake Road, South Homer Township, Champaign County, Illinois. According to the *Plat Act* (765 ILCS 205/2), we are authorized to review the plat with respect to sewage disposal systems.

Based upon the soil evaluation report submitted for Wolf Creek Subdivision, a septic system could be designed to serve each lot. Since a seasonal high water table was discovered, it would be strongly recommended that homeowners utilize a drainage tile system before the installation of an individual subsurface disposal system. If an alternative disposal system was to be installed on the property, some type of provision should be added to the subdivision covenants regarding the discharge of effluent from this system.

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

Sincerely,

Sarah A. Michaels

Sarah A. Michaels
Senior Sanitarian

RECEIVED

FEB 22 2006

CHAMPAIGN CO. P & Z DEPARTMENT

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 **March 13, 2006**, 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. **Soil investigations have been conducted to determine soil suitability for septic systems and the County Health Department has authorized the subdivision plat to proceed.**
 - B. **Additional soil investigations will have to be made for each septic system as part of the permitting process with the County Health Department.**

2. Conditions **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. **Soil investigations have been conducted to determine soil suitability for septic systems and the County Health Department has authorized the subdivision plat to proceed. Soil investigations may be superior to percolation tests.**
 - B. **These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.**

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, particular hardships **WILL** result to the subdivider by carrying out the strict letter of the subdivision requirements sought to be waived because:
 - A. **The subdivider would have to have percolation tests conducted in addition to the soil investigations.**

4. Special conditions and circumstances **DO NOT** result from actions of the subdivider because:
 - A. **Soil investigations have been conducted to determine soil suitability for septic systems.**
 - B. **The County Health Department has authorized the subdivision plat to proceed.**
 - C. **The public health, safety, and welfare will not be damaged nor will other property located in the area be injured as a result of the waiver.**
 - D. **These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.**

WOLF CREEK SUBDIVISION
Champaign County, Illinois

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

OWNER'S CERTIFICATE

COLORADO AVENUE, L.L.C., as the record and legal owner of certain real estate (hereinafter "Owner"), make this certificate as to such real estate described as follows:

A tract of land being a part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 19 North, Range 14 West of the Second Principal Meridian, Champaign County, Illinois, the boundary of which is described as follows:

Commencing at the Southwest corner of said Southeast Quarter of the Northeast Quarter of Section 30, proceed South 89 degrees 39 minutes 38 seconds East along the South line of said Southeast Quarter of the Northeast Quarter, 860.00 feet to the true point of beginning; thence North 00 degrees 23 minutes 04 seconds East, 590.32 feet, thence South 89 degrees 39 minutes 38 seconds East, 438.48 feet to a point being 20.00 feet West of the East line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 20 minutes 13 seconds West along a line being parallel with and 20.00 feet West of said East line, 590.32 feet to said South line of the Southeast Quarter of the Northeast Quarter; thence North 89 degrees 39 minutes 38 seconds West along said South line, 438.97 feet to the true point of beginning; and also,

Commencing at the Southwest Corner of the said Southeast Quarter of the Northeast Quarter of Section 30, proceed South 89 degrees 39 minutes 38 seconds East along the South line of said Southeast Quarter of the Northeast Quarter, 1298.97 feet to a point being 20.00 feet West of the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 20 minutes 13 seconds East along a line being parallel with and 20.00 feet West of the East line of said Southeast Quarter of the Northeast Quarter, 590.32 feet to the true point of beginning; thence North 89 degrees 39 minutes 38 seconds West, 438.48 feet along a line which is hereafter referred to as the South line; thence North 89 degrees 30 minutes 57 seconds West, 130.00 feet along a line which is also hereinafter referred to as the South line, thence North 10 degrees 28 minutes 17 seconds East, to a point which is 10 feet North of said last described South line, thence East along a line parallel with and 10 feet northerly of the lines herein referred to as the South line to a point 20 feet West of the East line of said Southeast Quarter of the Northeast Quarter of said Section 30, thence South 10 feet to the true point of beginning.

PIN: 17-24-30-276-009

RECEIVED

FEB 22 2006

CHAMPAIGN CO. P & Z DEPARTMENT

Owner states that the same was caused to be surveyed and platted by David P. Phillippe, a Registered Illinois Professional Land Surveyor No. 2591, and the undersigned does hereby adopt, ratify and confirm the plat prepared by said Surveyor and name such subdivided real estate "WOLF CREEK SUBDIVISION".

There is designated on the plat of said subdivision an Easement upon a portion of Lot 2 which is marked "Easement for Ingress and Egress to Lots 1 and 3 in this Subdivision" and hereafter referred to as the "Access Easement" which shall be for the benefit of all lots in said subdivision and shall "run with the land.". The mutual rights and responsibilities of all present and future owners of lots in said subdivision with respect to the Access Easement shall be as described hereafter.

It is hereby provided that all conveyances of property hereinafter made in said subdivision by the present or future owners of any of the lands described in said Surveyor's Certificate for said subdivision shall, by adopting the above description of said land as platted, be taken and understood as if incorporating in all such conveyances without repeating the same, the following restrictions, as applicable:

DEFINITIONS

For the purpose of this declaration, certain words and terms are hereby defined.

Accessory Building: Separate building or buildings located on the same building site and which are incidental to the main building or to primary use of the premises.

Building Area: That portion of a building site within which the construction and maintenance of a Dwelling or Accessory Building is permitted. The Building Area on each lot shall be no nearer than fifty (50) feet to each lot line.

Building Site: A portion of the subdivision consisting of at least one entire lot as platted.

Dwelling: Any building occupied or designed to be occupied by and used exclusively for a residence by a single family.

Ground Floor Area: That portion of a Dwelling which is built over a basement or foundation above surrounding grade but not over any other portion of the dwelling.

AREA OF APPLICATION

The proposed covenants below, in their entirety, shall apply to Lots 1 through 3, inclusive, as shown on the plat of said subdivision.

COVENANTS

1. Allowable Structures: No structure shall be erected, altered, placed, or permitted to remain on any Building Site other than one detached single family Dwelling, a private garage for not more than three (3) cars, and one Accessory Building incidental to residential use.

2. Architectural Control:

a. Committee Membership: The Architectural Control Committee is composed of:

Paul R. Cole, Gary N. Cooper and Steven J. Royal
Mailing address:
411 W. University Avenue
Champaign, IL 61820

A majority of the committee may designate a representative to make its report. Except as hereinafter provided, in the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. At any time, the then record owners of any two (2) of the lots in Wolf Creek Subdivision shall have the power, by a duly recorded instrument, to change the membership of the committee or to withdraw from or restore to the committee any of its powers and duties.

b. Powers: It is the purpose of architectural control to promote the residential development of Wolf Creek Subdivision, and to enhance property values therein; therefore, the Architectural Control Committee shall have the right and power to reject approval of plans submitted for approval if they do not, in the Committee's opinion, benefit and enhance the residential development of the area; such approval, however, shall not be unreasonably withheld.

The Architectural Control Committee shall have the power to approve reductions in set-back requirements by not more than is permitted by then applicable zoning ordinance. The Architectural Control Committee shall have the further power to reduce minimum Dwelling size requirements where the size, shape, and location of the lot warrants such variance in the opinion of the committee.

(1) Building Plans, Etc.: No building, Dwelling, fence, or other structure or excavation shall be erected, constructed, altered or maintained upon, under or above or moved upon any part of said subdivision unless the plans and specifications thereof, showing the proposed construction, nature, kind, shape, height, material, and color scheme thereof, and building elevations, and a plot plan showing lot lines, boundaries of the Building Site, distance

from the boundaries of the Building Site to the building and the grading plan of the Building Site shall have been submitted to and approved by the Architectural Control Committee, and until a copy of such plans and specifications, plot plan and grading plan, as finally approved, is deposited for permanent record with the Architectural Control Committee.

(2) Approval by Architectural Control Committee: The Architectural Control Committee shall, upon request, and after satisfactory completion of improvements, issue its certificate of completion. If the committee fails to approve or reject any plan or matter requiring approval within fifteen (15) days after plans or specifications have been submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to the completion thereof, approval shall be conclusively presumed and the related covenants shall be deemed to have been fully complied with.

(3) Right of Inspection: During any construction or alteration required to be approved by the Architectural Control Committee, any member of the committee, or any agent of the committee, shall have the right to enter upon and inspect, during reasonable hours, any Building Site embraced within said subdivision and the improvements thereon, for the purpose of ascertaining whether or not the provisions herein set forth have been and are being fully complied with and shall not be deemed guilty of trespass by reason thereof.

(4) Waiver of Liability: The approval by the Architectural Control Committee of any plans and specifications, plot plan, grading, or other plan or matter requiring approval as herein provided, shall not be deemed to be a waiver by the committee of its right to withhold approval as to similar other features or elements embodied therein when subsequently submitted for approval in connection with the same Building Site or any other Building Site. Neither the said committee nor any member thereof, nor the present owner of said real estate, shall be in any way responsible or liable for loss or damage, for any error or defect which may or may not be shown on any plans and specifications or on any plot or grading plan, or planting or other plan, or any building or structure or work done in accordance with any other matter whether or not the same has been approved by the said committee or any member thereof, or the present owner of said real estate.

(5) Constructive Evidence of Action By Architectural Control Committee: Any title company or person certifying, guaranteeing or insuring title to any Building Site, lot or parcel in such subdivision, or any lien thereon or interest therein, shall be fully justified in relying upon the contents of the certificate signed by any member of the Architectural Control Committee and such certificate shall fully protect any purchaser or encumbrancer in good faith acting in reliance thereon.

3. Minimum Dwelling - Quality and Size: All materials used in construction shall be new. It is the intent and purpose of these covenants to assure that all dwellings shall be of the quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded. For Dwellings, the Ground Floor Area,

exclusive of open porches and garage, shall be not less than 2,100 square feet, for a Dwelling of less than two stories. In the event the Dwelling is a two-story residence, the Ground Floor Area, exclusive of open porches and garage, shall be not less than 1,200 square feet, and the total required floor area shall not be less than 2,100 square feet, exclusive of open porches and garage.

4. Building Location: No Accessory Building or Dwelling on any lot shall extend beyond the Building Area of that lot. No fence shall be located on Lots 1 and 3 closer than fifteen (15) feet to the Access Easement.

5. Permissible Construction - Schedule of Construction: Only one Dwelling structure shall be constructed per Building Site.

An Accessory Building shall be designed and constructed of materials which are similar to and/or blend with those used on the Dwelling, and its quality of construction shall be consistent with that of the Dwelling.

Pastel or bright colors, other than white, shall not be used except as accents or trim.

All Dwellings must have a driveway composed of "oil and chip" or asphalt or concrete. Roof pitches shall be not less than four in twelve. Flat roofs and mansard roofs are not permitted. Above-ground swimming pools shall be permitted only if completely enclosed by a wooden fence not less than six (6) feet high with a lockable gate restricting access to the swimming pool.

Fences may be allowed in the front yards to a height of three (3) feet and in the side yards to a height of six (6) feet on each Building Site, however, the design for any fence to be erected shall be submitted to the Architectural Control Committee for approval. Fences shall be designed and constructed of materials which are similar to and/or blend with those used on the Dwelling. All fences shall be constructed with the support framing facing the interior of the lot and the fence facade to the outside of the framing. Chain link or other wire or steel mesh material shall not be allowed.

All construction upon a Building Site and all landscaping required by these covenants shall be completed within one year of the start of construction thereon.

6. Easements: Easements for installation and maintenance of underground utilities and drainage facilities are reserved for future determination. Each lot owner shall grant a written easement for such underground service upon request of the interested utility. No structures, walls, fences, plantings or any materials shall be placed, planted or permitted to remain within such easements which may damage or interfere with the installation, operation or maintenance of the utilities. All utilities serving this subdivision and all connections made thereto shall be located beneath the surface of the ground, excepting therefrom transformer installations and

service pedestals. Required above ground appurtenances to the underground utility system shall be located within ten (10) feet of the side lot lines excluding any right-of-way.

7. Percentage of Lot Coverage: All buildings on a Building Site, including Accessory Buildings and the additional area enclosed by a fence, the nature of which obstructs view through it, shall not cover a total of more than thirty-five percent (35%) of the Building Site, except with the prior express written approval of the Architectural Control Committee.

8. Permissible Building - Order of Construction: All buildings erected on any Building Site shall be constructed of material of good quality suitably adapted for use in the construction of residences, and no old building or buildings shall be placed on or moved to said premises. Accessory Buildings shall not be erected, constructed, or maintained prior to the erection or construction of the Dwelling. The provisions herein shall not apply to temporary buildings and structures erected by builders in connection with the construction of any Dwelling or Accessory Building and which are promptly removed upon completion of such Dwelling or Accessory Building.

9. Non-Occupancy and Diligence during Construction: The work of construction of any building or structure shall be prosecuted diligently and continuously from the time of commencement until the exterior construction shall be fully completed and the interior construction is substantially completed, and no such building or structure shall be occupied during the course of original exterior construction or until made to comply with the restrictions and conditions set forth herein. No excavation except as is necessary for the construction of improvements shall be permitted. No construction shall be suspended for more than twenty (20) working days.

10. Maintenance of Building Site: During the course of construction, all materials and equipment shall be stored only on the lot on which construction is underway; debris and waste involved in the construction shall be confined to the lot on which construction is underway and shall be removed from the premises each Saturday or be suitably covered. Lightweight debris shall be stored in containers to avoid blowing upon adjacent lots. No burning of debris shall take place upon the premises except in compliance with applicable ordinances.

Soil erosion and release of sediment from each lot shall be prevented at all times, both during and after construction.

11. Temporary Structures: No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

12. Signs: No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot one sign of not more than five square feet advertising the property for sale or rent, or signs used by the builder during construction.

13. Oil and Mining Operations: No oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, and no oil wells, tanks, tunnels, mineral excavations or shafts shall be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

No person, firm, or corporation shall strip, excavate, or otherwise remove soil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

14. Livestock and Poultry: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that no more than two dogs, cats, or other common household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

15. Garbage and Refuse Disposal: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, grass, or other cuttings and other waste shall be kept only in sanitary containers and shall not be dumped upon any other lot in the subdivision. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and stored in a manner either inside a garage or other building or below ground so as not to be visible from other property.

16. Storage: No building material of any kind or character shall be placed or stored upon a Building Site until the owner is ready to commence improvements in compliance with an approved architectural plan and then such materials shall be placed within the property lines of the Building Site upon which improvements are to be erected.

17. Off-Street Parking: All property owners shall provide a garage for no less than two (2) automobiles in use by the residents on the property. All property owners or residents in the subdivision owning or possessing trucks, trailers, campers, boats, motorcycles and motor homes which they desire to park in the subdivision shall provide and use an enclosed garage for the storage of same when not in motion.

18. Nuisances: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the owner of any other lot. Weeds or vacant lots shall be cut when twelve (12) inches high. If the lot owner fails to do so the Architectural Control Committee may cause weeds to be cut and a lien may be filed against the property for weed mowing, not to exceed \$250.00 per cutting. Lot owners shall keep lots free from accumulation of debris, including without limitation, trash, waste materials, unused appliances and vehicles, so as to preserve a neat appearance in the subdivision.

19. Waiver: The failure of the Architectural Control Committee, any Building Site owner or the present owner of said subdivision to enforce any of the restrictions, conditions, covenants, reservations, liens, or charges to which said property, or any part thereof, is subject, shall in no event be deemed a waiver of the right to do so thereafter or to enforce any other restriction, condition, covenant, reservation lien or charge.

20. Homeowners Association, Enforcement: The owners of lots in the subdivision shall be deemed members of a Homeowners Association in which each lot shall have one vote. Meetings of the Homeowners Association may be called, upon five days written notice to all owners, by the owners of any two lots. Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages. All owners of lots in the subdivision have standing, jointly and severally, to enforce these covenants. In any action taken to interpret or enforce these covenants, the prevailing party shall be entitled to recover costs and reasonable attorney fees.

24. Authority to Release Rights: By unanimous affirmative vote, each lot having one vote, the owners of lots in the subdivision shall have the authority at any time to release all or, from time to time, any part of the restrictions, conditions, covenants, reservations, liens, or charges herein set forth, and upon the recording of such waiver or release in the Recorder's Office of Champaign County, Illinois, such restrictions, conditions, covenants, reservations, liens, or charges shall no longer be required under the provisions herein set forth.

Notwithstanding any provision herein to the contrary, covenants 10, 13, 18, 24 , 27 and 28 shall not be altered or released without the written approval of the Champaign County Zoning Administrator.

25. Construction: If it shall at any time be held that any of the restrictions, conditions, covenants, reservations, liens, or charges herein provided, or any part thereof, is invalid or for any reason becomes unenforceable, no other restrictions, conditions, covenants, reservations, liens, or charges, or any part thereof, shall be thereby affected or impaired.

26. Satellite Dishes, Antennas and Other Equipment: Satellite dishes, antennas, transmitting or broadcasting equipment, appurtenances thereto or similar equipment may be installed upon the Dwelling and Accessory Building. The location thereof shall be such as to minimize the visibility of such items when viewed from the front of the lot.

27. Surface Water: No obstruction, diversion or change in the natural flow of surface water over property lines shall be permitted.

28. Subsurface Drainage: Easements for the maintenance of existing subsurface drainage facilities are hereby established, such easements to be ten (10) feet in width and centered upon such field tiles as currently exist and are located within said subdivision. Within

said drainage easements, no structure, plantings or other improvements shall be placed or permitted to remain which may damage, obstruct or interfere with such field tiles; provided, however, that any such drainage easement and field tile may be relocated on any such lot by the owner thereof in order to accommodate any development and improvement on such lot, as long as any such relocated field tile and drainage easement shall continue to provide such drainage as is substantially equivalent to any such drainage which may have existed prior to the relocation of the field tile and the drainage easement.

29. Water Supply. Each lot owner shall maintain the water well which serves the individual lot.

30. Sewerage System. Each lot owner shall maintain the sewage disposal system installed to service the individual lot. The use and operation of each such system shall comply with applicable municipal and county ordinance; shall provide for discharge to be contained within its lot; and shall not create a nuisance condition.

31. Access Easement. That area shown on the plat of this subdivision as "Easement for Ingress and Egress to Lots 1 and 3 in this Subdivision" is an easement (the "Access Easement") which shall be maintained for the benefit of all lot owners, their successors in title, heirs and assigns, who for themselves, their guests and invitees shall be forever entitled to use said easement as a common driveway for ingress and egress to and from all lots in the subdivision and for access to the public road to the south of this subdivision. The easement above described shall be the sole route of vehicular access from all lots in this subdivision to the public road to the south.

No person shall at any time impede ingress or egress over the Access Easement or otherwise prevent full freedom of access thereto.

Except as otherwise stated hereafter, the cost of improvement, maintenance and repairs to the common driveway established within the Access Easement shall be borne in equal shares by the owners of all lots, each lot representing one share. Determination of the manner and scheduling of maintenance and repairs shall be made by majority vote of the lot owners, each lot having one vote. In the event that only one owner desires to perform improvements, maintenance or repairs to the common driveway, then that owner shall bear the entire cost of such improvements, maintenance or repairs, but in no event shall any improvements, maintenance or repairs be performed on the common driveway by one without first obtaining the written consent of the other lot owners.

Each lot owner shall be solely responsible for the cost of repair to the common driveway arising from damage caused by that lot owner, a member of his or her family, or any guest or invitee of that owner.

Any monument, signpost, light or entryway marker established at the entrance to Wolf Creek Subdivision shall be maintained by the lot owners in the same manner as applies to the common driveway.

Champaign
County
Department of



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

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

To: **Environment and Land Use Committee**
From: **John Hall**, Director, Zoning Administrator
Date: **March 8, 2006**
RE: **Zoning Case 517-AT-05**

Zoning Case 517-AT-05

Request: **Amend Section 4.2.1 H. to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and that the lot meets all other dimensional and geometric standards established by this Ordinance.**

Petitioner: **Zoning Administrator**

STATUS

The Zoning Board of Appeals recommended approval of the attached text amendment at their meeting on February 16, 2006.

Standard protocol is for text amendments to sit at ELUC while municipal comments are awaited. Staff will report on anticipated municipal actions at the meeting.

BACKGROUND

A Zoning Use Permit Application was received in August, 2005, on a lot that was created by a Plat of Subdivision that was approved by the Champaign County Board on March 21, 1995. In 1995 the *Champaign County Zoning Ordinance* still allowed lots to have access to a public street by means of an easement of access and in that Plat of Subdivision the only means of access to each lot was by a shared easement of access.

The *Zoning Ordinance* was amended on February 17, 1997, with the adoption of Ordinance No. 527 (Case 055-AT-96) which prohibited the use of easements of access as the only means of access. The adoption of Ordinance No. 527 made any lots that gained access via an easement a nonconforming lot. The lot in the Zoning Use Permit Application and the adjacent lot with which it shared the easement of access had in fact remained under the ownership of the subdivider until very recently and thus neither nonconforming lot could be used separately without a variance.

The subdivider was understandably upset when told that the lots that had been lawfully created in March of 1995 had been rendered nonconforming in February of 1997. The Zoning Use Permit was eventually authorized subject to conditions including applications for variance for each lot. The Zoning Administrator saw some merit to the argument that subdividers that comply with all requirements have an expectation that their lots will remain good lots and so this amendment was proposed. Staffing shortages have hindered the processing of this case but the Zoning Board of Appeals recommended approval of the attached text amendment at their meeting on February 16, 2006.

ATTACHMENTS

- A **Recommended Amendment (annotated)**
- B **Recommended Amendment**
- C **Finding of Fact (As Approved- Unsigned)**

The commentary is in italics. Proposed changes to both the Ordinance and the Policy are indicated as follows:

- ~~strike-out~~ indicates existing text to be removed
- underlining indicates proposed text to be added

Add new subparagraph 3 is proposed to be added to paragraph 4.2.1 H. of the Champaign County Zoning Ordinance to read as follows:

3. However, subparagraphs 4.2.1 H. 1. and 2. and Section 8 notwithstanding, a USE or CONSTRUCTION may be authorized on any LOT in a plat of subdivision that has ACCESS to a public STREET by means of an easement of access provided as follows:
 - (a) the lot was created by a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and has not since been vacated; and
 - (b) the easement of access was established or identified in the duly approved and recorded plat of subdivision as the means of ACCESS to a public STREET for that lot and no more than five other lots in the same subdivision; and
 - (c) the easement of access does not extend more than 1,100 feet from where it connects to a public STREET right of way; and
 - (d) a private covenant providing for maintenance of the easement of access has been filed with the Champaign County Recorder of Deeds; and
 - (e) the easement of access contains an all weather pavement consisting of at least six inches of compacted gravel situated between the STREET and the LOT and with a minimum pavement width of 20 feet; and
 - (f) a means of turnaround shall be provided of adequate dimension to accommodate fire protection and emergency service vehicles and shall consist of a hammerhead (or three point) turnaround or the equivalent with a minimum backup length of 40 feet; and
 - (f) the lot meets all other dimensional and geometric standards established by this Ordinance.

Commentary is in italics. Proposed changes to both the Ordinance and the Policy are indicated as follows:

- ~~strike-out~~ indicates existing text to be removed
- underlining indicates proposed text to be added

The Proposed Amendment is indicated here as it will appear in the Zoning Ordinance. Attachment A indicated the changes that are proposed.

Add new subparagraph 3 is proposed to be added to paragraph 4.2.1 H. of the Champaign County Zoning Ordinance to read as follows:

3. However, subparagraphs 4.2.1 H. 1. and 2. and Section 8 notwithstanding, a USE or CONSTRUCTION may be authorized on any LOT in a plat of subdivision that has ACCESS to a public STREET by means of an easement of access provided as follows:
 - (a) the lot was created by a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and has not since been vacated; and
 - (b) the easement of access was established or identified in the duly approved and recorded plat of subdivision as the means of ACCESS to a public STREET for that lot and no more than five other lots in the same subdivision; and
 - (c) the easement of access does not extend more than 1,100 feet from where it connects to a public STREET right of way; and
 - (d) a private covenant providing for maintenance of the easement of access has been filed with the Champaign County Recorder of Deeds; and
 - (e) the easement of access contains an all weather pavement consisting of at least six inches of compacted gravel situated between the STREET and the LOT and with a minimum pavement width of 20 feet; and
 - (f) a means of turnaround shall be provided of adequate dimension to accommodate fire protection and emergency service vehicles and shall consist of a hammerhead (or three point) turnaround or the equivalent with a minimum backup length of 40 feet; and
 - (f) the lot meets all other dimensional and geometric standards established by this Ordinance.

**AS APPROVED
517-AT-05**

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

Final **RECOMMEND APPROVAL**
Determination:

Date: **February 16, 2006**

Petitioner: **Zoning Administrator**

Request: **Amend Section 4.2.1 H. to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and that the lot meets all other dimensional and geometric standards established by this Ordinance.**

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on August 25, 2005; October 13, 2005; November 22, 2005; December 15, 2005; and February 16, 2006, the Zoning Board of Appeals of Champaign County finds that:

1. In regards to street access, paragraphs 4.2.1. H. and 4.2.1 I. of the *Zoning Ordinance* require the following:
 - H. No STRUCTURE shall be CONSTRUCTED nor USE established upon or moved to a LOT which does not:
 1. Abut and have ACCESS to a public STREET RIGHT-OF-WAY for a distance of no less than 20 feet at a point at which the LOT has the right of ACCESS to the STREET; or
 2. Abut a PRIVATE ACCESSWAY providing ACCESS to a public STREET provided that such PRIVATE ACCESSWAY:
 - a. is established by a duly approved and recorded plat of subdivision;
 - b. abuts a public STREET RIGHT-OF-WAY and provides ACCESS at a point at which it has the right of ACCESS; and

c. is certified, by an Illinois Licensed Professional Engineer to meet all the minimum standards for public STREETS of the applicable municipal or COUNTY subdivision regulations, as applied by the subdivision authority, including any waivers therefrom, except that such PRIVATE ACCESSWAY shall, at a minimum, conform to all of the standards required for public STREETS in the *Champaign County Subdivision Ordinance*.

I. The principal USE on all LOTS shall have ACCESS to a STREET consisting of solid ground passable to emergency vehicles, no less than twenty feet in width, and located entirely within the LOT LINES

2. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):

A. "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.

B. "ACCESS STRIP" is the part of a FLAG LOT which provides the principal ACCESS to the LOT and has FRONTAGE upon a STREET

C. "LOT" is a designated parcel, tract, or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

D. "FLAG LOT" is an interior LOT separated from STREETS by intervening LOTS except for an ACCESS STRIP which provides FRONTAGE upon a STREET.

E. "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.

F. "PRIVATE ACCESSWAY" is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.

G. "RIGHT OF WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.

H. "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

(a) MAJOR STREET: Federal or State Highways.

(b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.

(c) MINOR STREET: Township roads or other local roads.

- I. “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall be deemed to include any NONCONFORMING USE.

3. The Illinois Plat Act (765 ILCS 205/0.01 *et. seq.*) requires a plat of subdivision for, among other things, the creation of new tracts or parcels that require new streets or easements of access and in certain other instances.

4. For nearly two decades after its adoption on October 10, 1973, the *Zoning Ordinance* authorized access by means of a minimum 20 feet wide easement of access. Lots did not have to front on public streets but could merely front on an easement of access. Increasingly stringent regulation of lot access by Champaign County since 1990 has been the focus of the following three separate text amendments:
 - A. In Case 759-AT-91 the Ordinance was amended to require compliance with the Illinois Plat Act which generally ensured that all newly created lots would front on existing public streets or be created in a duly approved and recorded Plat of Subdivision. Case 759-AT-91 was spurred by a series of one lot subdivision cases that were required in 1990 to correct previous multi-lot developments that had been improperly divided.

Considerations related to the Illinois Plat Act were reviewed by Frank DiNovo, Director, in a memorandum of August 31, 1990, to the Environment and Land Use Committee of the Champaign County Board that was included as an attachment to the Supplemental Memorandum dated August 25, 2005.

- B. In Case 847-AT-93 the Ordinance was amended to clarify the limitations on flag lots and also restricted the use of easements of access by requiring that easements be created in a “duly approved and recorded plat of subdivision”.

The Finding of Fact for Case 847-AT-93 and minutes from the July 15, 1993, public hearing were included as an attachment to the to the Supplemental Memorandum dated August 25, 2005.

- C. In Case 055-AT-96 the Ordinance was amended so that easements of access are no longer an authorized means of access and established the current requirements for “private accessways”. Case 055-AT-96 was spurred by multi-lot rural developments that were developed without public streets.

The Finding of Fact for Case 055-AT-96 was included as an attachment to the Supplemental Memorandum dated August 25, 2005.

5. In the past, the division of large tracts of land in Champaign County without adequate means of access to public streets has resulted in the following problems:
 - A. Private streets or shared driveways that are not constructed to the same standards as public streets may not accommodate large vehicles such as fire trucks and utility vehicles nor even provide adequate daily access by lot owners.

- B. Maintenance of private streets and shared driveways is difficult to enforce and private means of access are usually not maintained to standards sufficient to ensure access by emergency or public utility vehicles. It is difficult to ensure that all lot owners using private access share equally in the maintenance and that they voluntarily maintain the private access to the minimum standards needed to protect public safety and to preserve property values.
 - C. Proper drainage improvements and stormwater management measures are difficult to provide and maintain and protect if not in areas easily accessible to the public.
 - D. Street numbering is complicated and may be confusing to emergency services providers.
 - E. Extension of streets in order to provide a coherent road network becomes impossible which complicates development of adjacent properties and emergency access.
6. The current *Champaign County Subdivision Regulations* are based on Ordinance 44 that was adopted on May 17, 1977. There were subdivision regulations in place prior to Ordinance 44 but the regulations were insufficient and were replaced by the adoption of Ordinance 44.
7. A review of all plats of subdivision approved by the Champaign County Board between May 17, 1977, and the amendment of the Zoning Ordinance by the adoption of Ordinance No. 527 (Case 055-AT-96) on February 18, 1997, revealed that the following plats of subdivision involved the creation of new lots that did not front onto either existing or new public streets (see the attachments to the Supplemental Memorandum of November 22, 2005):
- A. Spring Creek Subdivision (Case 71-84) in Section 6 of Scott Township was approved by the County Board on October 16, 1984. This subdivision contained 11 lots that fronted on two dedicated rights of way that did not contain public streets. The rights of way were each 60 feet wide and 440 feet long and 800 feet long, respectively. A maximum of six lots has access to either of the easements of access.
 - B. Wildwood Lake 2ND (Case 108-93) in Section 3 of Tolono Township was approved by the County Board on November 16, 1993. This subdivision contained three buildable lots and three outlots. The buildable lots fronted on Outlot 10 which is a 40 feet wide and approximately 1,072 feet long and included an easement of access. The covenants in the subdivision provide for shared maintenance of the easement of access.
 - C. M&R Drews Subdivision (Case 118-95) in Section 21 of Hensley Township was approved by the County Board on February 9, 1995. This subdivision included four buildable lots and two shared easements of access that are each 30 feet wide and 632 feet long. The covenants in the subdivision provide for shared maintenance of the easement of access.

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- D. Beachey Subdivision (Case 122-95) in Section 18 of Mahomet Township was approved by the County Board on August 19, 1995. This subdivision contained two buildable lots and one outlot. Lot 2 gained access to the public street over Lot 1 by 50 feet wide access easement. There were no covenants providing for maintenance of the access easement.
 - E. Parks Subdivision (Case 124-95) in Section 29 of Kerr township was approved by the County Board on October 12, 1995. This subdivision included four lots. Two of the lots were obstructed from the public street by a pond and gained access to the street by means of a 20 feet easement of access that was a total of 818 feet long. There were no covenants providing for maintenance of the access easement.
 - F. North Prairie Subdivision (Case 126-96) in Section 36 of Brown Township was approved by the County Board on March 14, 1996. This subdivision included four lots arranged such that the eastern two lots gained access to the public street by means of a 60 feet wide easement of access of the western two lots. There were no covenants providing for maintenance of the access easement.
 - G. Friederich Subdivision (Case 132-96) in Section 22 of Newcomb Township was approved by the County Board on December 11, 1996. This subdivision included two lots that share an easement of access that is 60 feet wide by 325 feet long and does not touch a public road but touches on another pre-existing easement of access. The covenants for this subdivision specified provision of an all-weather surface no less than 10 feet wide and with a vertical clearance of no less than 13 feet 6 inches and that extended far enough to provide access to the residence on the most remote lot. The covenants also require both lots to share equally in maintenance of the private drive
 - H. Davison Subdivision (Case 134-96) in Section 6 of South Homer Township was approved by the County Board on December 12, 1996. This subdivision included three buildable lots on a shared easement of access that was 60 feet wide and 939 feet long and included an easement for a cul-de-sac turnaround. The covenants for this subdivision specified provision of an all-weather surface no less than 10 feet wide and with a vertical clearance of no less than 13 feet 6 inches and that extended far enough to provide access to the residence on the most remote lot.
8. Comparing the plats of subdivision for the eight subdivisions with easements of access approved by the Champaign County Board between May 17, 1977, and the amendment of the Zoning Ordinance by the adoption of Ordinance No. 527 (Case 055-AT-96) on February 18, 1997, reveals that the easements of access vary up to 1,100 feet long and serve up to a maximum of six dwellings.
9. National Fire Protection Association Standard 1141 Fire Protection in Planned Building Groups is intended to address the necessary requirements for the prevention or minimizing of loss of lives and property that may result from fire in buildings which are a part of a "planned building group". Planned building group is defined in the Standard as two or more structures constructed on a parcel of land which is under the ownership, control, or development by one individual, corporation, partnership, or firm, excluding farms. NFPA Standard 1141 establishes requirements for access, fire protection, and water supply. The

requirements for access are relevant to this case. As a practical matter, fire department apparatus access requirements for planned building groups are identical to the access requirements for dwellings that do not front onto public streets. NFPA Standard 1141 recommends that all buildings should be within 200 feet of an approved fire lane or public street. NFPA Standard 1141 establishes the following standards for fire lanes:

- (1) Fire lanes shall be provided as required by the fire department having jurisdiction.
- (2) Fire lanes shall be at least 20 feet wide with the road edge closest to the structure at least 10 feet from the structure.
- (3) At least 14 feet of nominal clearance shall be provided over the full width of streets, private streets, fire lanes, and other means of vehicular access.
- (4) Means of access for fire department apparatus shall be constructed of a hard all-weather surface adequately designed to support the heaviest piece of fire apparatus likely to be operated on the fire lane, private street, street, or parking lot lane.
- (5) Fire department vehicular access to all structures under construction shall be provided at all times.
- (6) NFPA Standard 1141 also establishes the following standards for roadways that may also be relevant to this case:
 - (a) Turns in roadways shall have a minimum radius of 25 feet at the inside curb line and a radius of 50 feet at the outside curb line.
 - (b) Every dead end roadway more than 300 feet in length shall be provided at the closed end with a turnaround acceptable to the fire department.

10. In previous variance cases involving paragraphs 4.2.1. H. and 4.2.1 I. of the *Zoning Ordinance*, the following evidence has been received regarding the importance of access to public streets related to public safety:

- A. In a letter dated December 4, 1996, Chief John Jay of the Cornbelt Fire Protection District stated the following:
 - (1) Cornbelt Fire Protection District is greatly concerned with the proper access to all properties that lie within the District.
 - (2) It is the desire of Cornbelt Fire Protection District to promote the use of public streets wherever and whenever possible and feasible for the long term safety of the property owners. Private streets should only be used when there is no other alternative possible.
 - (3) The experience of the District has been that private streets become inadequate for access by emergency vehicles.
 - (4) Cornbelt Fire Protection District has adopted Ordinance No. 96B which defines adequate access for District vehicles to mean an all-weather surface of a minimum required width (at

least 10 feet wide at the time of the petitioner's application for variance) and with a vertical clearance of not less than 13 feet 6 inches, leading to all improvements. "All-weather" surface includes but is not limited to concrete, blacktop, oil and chip, or gravel with adequate base.

- (5) The Cornbelt Fire Protection District also recommends that before any building permit is issued the lot must be clearly signed with the appropriate address in plain sight on the property or the entrance thereof.
- B. Cornbelt Fire Protection District adopted a Revised Ordinance No. 96B on March 2, 2005, that established a minimum required driveway width of 20 feet for each property in the district.
- C. In Cases 490-V-04 and 491-V-04 involving a variance from the requirements of Section 4.2.1 H., and a letter dated May 23, 2005, was received from Chief John Jay of the Cornbelt Fire Protection District in which Chief Jay stated he had discussed a proposed private lane with the petitioner in those cases. The private lane was intended to serve two new homes that are the subject of this variance request in addition to the petitioner's existing home and other home(s) that already exist and use the existing easement. Chief Jay recommended the following requirements as minimum conditions for approval of the requested variances:
- (1) There should be a recorded covenant requiring the petitioner and the two new lot owners to share in the maintenance and cost of keeping the shared lane up to standards.
 - (2) The lane must be 20 feet wide.
 - (3) The lane must be maintained with a height clearance of 13 feet 6 inches over the full 20 feet width.
 - (4) The lane must have at least eight inches of compacted rock for the full 20 feet width.
 - (5) The land must have a turnaround that is at least 80 feet in outside diameter that is built and maintained to the same standards as the lane.
 - (6) All lots must have an address sign.
 - (7) A master address sign must be posted at CR2400N that lists all individual lot addresses.
 - (8) No building should be allowed or permits given until the lane is built and verified by a registered engineer to be in compliance with the conditions established by the ZBA.
 - (9) In telephone discussions with John Hall, Associate Planner, on May 23, 2005, Chief John Jay stated that a minimum of six inches of compacted gravel would be considered sufficient to meet the requirements of the Cornbelt Fire Protection District rather than the eight inches referred to in his letter.

11. With the adoption of Ordinance No. 527 (Case 055-AT-96) on February 18, 1997, the Champaign County Board determined that all lots must either front on a public street or a “private accessway” and provided for no alternative use of such lots except as authorized by variance. The proposed amendment will “roll back” the requirements established by Ordinance No. 527 by allowing lots in plats of subdivisions that were duly approved and recorded between May 17, 1977, and February 18, 1997, to have access to a public street by something less than a “private accessway” (a private street built to the same standards as a public street).
12. Regarding plats of subdivision that were duly approved between May 17, 1977, and February 18, 1997:
 - A. Plats of subdivision that were approved in this time period were reviewed by the relevant public authorities and found to meet the relevant requirements at the time.
 - B. Such subdivisions were in fact reviewed under a greater level of scrutiny than developments in the same time period that were developed by means of merely a “plat of survey”.
 - C. Lots created by such plats of subdivision may merit a relaxation of the requirement for a “private accessway” (a private street built to the same standards as a public street) by virtue of the greater level of public scrutiny that such lots had originally received. However, none of these plats required a minimum paving width or thickness or other kinds of “requirements” that are considered necessary at this time in order to provide adequate access for emergency services. With the exception of the posting of the rural address, the proposed amendment will establish minimum requirements necessary for emergency services access.
 - D. The list of requirements in the proposed amendment are quite long given the limited scope of the proposed amendment but these requirements are the minimum required to prevent a recurrence of problems and overall are a lesser requirement than what is currently required for a private accessway which is essentially a private street built to the same standards as a public street.
 - E. The various limits in the proposed amendment are based on a review of relevant subdivisions approved by the Champaign County Board between May 17, 1977, and the amendment of the Zoning Ordinance by the adoption of Ordinance No. 527 (Case 055-AT-96) on February 18, 1997. If there are in fact lots in duly approved and recorded subdivisions with easements of access that exceed the limits in the proposed amendment for either the number of lots sharing an easement (six in total) or the length of easement (1,100 feet) then a variance will be required for either the seventh such lot or any lots for which the easement is longer than 1,100 feet.
13. Regarding the effects of the proposed amendment on nonconforming lots that were not created by a duly approved and recorded plat of subdivision:

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- A. As reviewed in the Preliminary Memorandum, the proposed amendment has no effect on nonconforming lots outside of duly approved and recorded plats of subdivision.
- B. Nonconforming lots that were in separate ownership on February 17, 1997 (the date of adoption of Ordinance No. 527), will continue to be good zoning lots (whether in platted subdivisions or not) and are not affected by this amendment.
- C. Nonconforming lots that were not created by a duly approved and recorded plat of subdivision and that were not in separate ownership on February 17, 1997, will still require a variance to be used separately.

DOCUMENTS OF RECORD

1. Preliminary memorandum with attachment:
 - A Paragraph 4.2.1 H. from the *Champaign County Zoning Ordinance*

2. Supplemental memorandum dated November 22, 2005, with attachments:
 - A Final plat of the Spring Creek Subdivision (Case 71-84)
 - B Final plat of the Wildwood Lake 2ND Subdivision (Case 108-93)
 - C Final plat of the M&R Drews Subdivision (Case 118-95)
 - D Final plat of the Beachey Subdivision (Case 122-95)
 - E Final plat of the Parks Subdivision (Case 124-95)
 - F Final plat of the North Prairie Subdivision (Case 126-96)
 - G Final plat of the Friederich Subdivision (Case 132-96)
 - H Final plat of the Davison Subdivision (Case 134-96)
 - I National Fire Protection Association Standard 1141 Fire Protection in Planned Building Groups
 - J Finding of Fact

3. Supplemental memorandum dated December 15, 2005, with attachments:
 - A Supplemental memorandum dated November 22, 2005, with attachments:
 - A Final plat of the Spring Creek Subdivision (Case 71-84)
 - B Final plat of the Wildwood Lake 2ND Subdivision (Case 108-93)
 - C Final plat of the M&R Drews Subdivision (Case 118-95)
 - D Final plat of the Beachey Subdivision (Case 122-95)
 - E Final plat of the Parks Subdivision (Case 124-95)
 - F Final plat of the North Prairie Subdivision (Case 126-96)
 - G Final plat of the Friederich Subdivision (Case 132-96)
 - H Final plat of the Davison Subdivision (Case 134-96)
 - I National Fire Protection Association Standard 1141 Fire Protection in Planned Building Groups
 - J Finding of Fact

4. Supplemental memorandum dated December 15, 2005, with attachments:
 - A Proposed Amendment (Annotated)
 - B Proposed Amendment

5. Supplemental memorandum dated February 16, 2006, with attachments:
 - A Proposed Amendment (Annotated)
 - B Proposed Amendment
 - C Revised Draft Finding of Fact

FINAL DETERMINATION

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

The Zoning Ordinance Amendments requested in Case 517-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:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date