

# AGENDA

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

**Date:** *April 10, 2006*

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

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

**Members:**

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

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

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## AGENDA

*Old Business shown in Italics*

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (March 13, 2006) 1 thru 9
4. Public Participation
5. Correspondence
6. County Board Chair's Report 10 thru 17
  - A. Renewal of Federally Enforceable State Operating Permit for Air Emissions for the Herff Jones Cap & Gown Division in Champaign.
7. *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 Township.* 18 thru 53
8. Subdivision Case 188-06: Wild Rose Subdivision. Subdivision Plat Approval for a three-lot minor subdivision in both the B-4, General Business Zoning District and the AG-1, Agriculture Zoning District in Section 8 of Tolono Township. 54 thru 65
9. *Update regarding the Illinois Supreme Court decision in Village of Chatham vs. Sangamon County*
10. Zoning Case 514-AM-05: 66 thru 93

Petitioner: **Richard C. Hooser**  
Request: **Amend the Zoning Map to allow for the development of 1 single Family residence on a lot in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

ENVIRONMENT AND LAND USE COMMITTEE AGENDA

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Case 514-AM-04 cont:

Location: A 4.72 acre tract of land located in the South ½ of the Northwest ¼ of the Southwest ¼ of Section 25 of Stanton Township and that fronts on the west side of CR 2325E and is approximately ¼ mile South of CR 1950N.

11. Zoning Case 524-AM-05:

Petitioner: Clara Titler

Request: Amend the Zoning Map to change the zoning district Designation from B-5, Central Business to R-2, Single Family Residence.

94 thru 109

Location: Lots 11, 12 and 13 in Block 1 of the Original Town of Penfield and commonly known as the vacant lots at 121 Main St., Penfield.

12. Zoning Case 517-AT-05:

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.

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13. Zoning Case 523-AT-05

Petitioner: Zoning Administrator

Request: A. Add "Ethanol manufacturing" and authorize by Special Use Permit with standard conditions in the I-2, Heavy Industry Zoning District and authorize By-Right under certain conditions in the I-2, Heavy Industry Zoning District.

111 thru 128

14. Appointment of the Champaign County Regional Planning Commission County Planner as the Solid Waste Coordinator for Champaign County (Information to be distributed at meeting)

15. Endorsement of the U.S. Route 45 Corridor Plan by the Champaign-Urbana Urbanized Area Transportation Study (CUUATS)

129 thru 132

16. Discussion regarding building codes and regulation of rental housing

17. Comprehensive Zoning Review Update

18. Monthly Report for March, 2006  
(Information to be distributed at meeting)

19. Other Business

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

21. Adjournment

1 **MINUTES OF REGULAR MEETING**

|                                                                                                                                                                                 |                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 <b>Champaign County Environment</b><br>4 <b>&amp; Land Use Committee</b><br>5 <b>Champaign County Brookens</b><br>6 <b>Administrative Center</b><br>7 <b>Urbana, IL 61802</b> | <b>DATE: March 13, 2006</b><br><b>TIME: 7:00 p.m.</b><br><b>PLACE: Lyle Shields Meeting Room</b><br><b>Brookens Administrative Center</b><br><b>1776 E. Washington Street</b><br><b>Urbana, IL 61802</b> |
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12 **MEMBERS PRESENT:** Jan Anderson, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph  
13 Langenheim (C), Steve Moser, Jon Schroeder

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16 **MEMBERS ABSENT:** Patricia Busboom, Brendan McGinty

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18 **STAFF PRESENT:** Connie Berry, John Hall, Leroy Holliday, Susan Monte

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20 **OTHERS PRESENT:** Orin Hutchcraft, Kathy Hutchcraft, Charles Sadler, Paul Cole, Louis  
21 Schwing, Jr., Cheri Manrique, Bill Beckon, Hal Barnhart, Larry Seefeldt

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26 **1. Call to Order, Roll Call**

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

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30 **2. Approval of Agenda**

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32 **Mr. Doenitz moved, seconded by Ms. Anderson to approve the agenda as submitted. The motion**  
33 **carried by voice vote.**

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35 **3. Minutes of Previous Meeting (February 13, 2006 and February 23, 2006)**

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37 **Ms. Anderson moved, seconded by Mr. Doenitz to approve the February 13, 2006 and February 23,**  
38 **2006, minutes as submitted. The motion carried by voice vote.**

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40 **4. Public Participation**

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42 Mr. Orin Hutchcraft, who resides at 2584 Homer Lake Road, Ogden addressed Agenda Item #8. He said that  
43 Case 187-06: Wolf Creek Subdivision is proposed to subdivide the last lot in their subdivision. He said that  
44 the proposal indicates that the lot will be subdivided into 3 separate lots although according to the covenants,  
45 which were recorded with their Warranty Deed, only one single family dwelling is allowed per lot. He said  
46 that the approval of the subdivision of the last lot would allow three single family dwellings. He said that  
47 when they and others purchased their lot they had the intent of one single family dwelling per lot.

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Ms. Kathy Hutchcraft declined to speak.

Mr. Charles Sandler, who resides in rural St. Joseph addressed Item #8. He said that when the lots were set up the covenants indicated that only one single family home per lot was allowed. He said that if the County Board allows the division of the last lot other property owners may decide to do the same with their lot. He said that he would like to see the lot remain as it currently exists with only one home allowed.

Mr. Paul Cole responded to Mr. Sandler with regards to restrictive Covenants by saying the ELUC approves certain matters with property without getting into the legality of any restrictions of Covenants.

Mr. Cole went on to say he would not have bought the property if he had known there was such an issue. Mr. Cole stated there was no mention of any subdivision covenant or restriction on the policy from Chicago Title Co. Mr. Cole said 16 yrs. ago someone planned to establish a subdivision called Wolf Creek but it had not occurred yet. Some owners in that area however, did agree to restrict the uses of their property in the future. Mr. Cole stated he talked to Mr. Hutchcraft and he provided a copy of the deed to his property and there were some restrictions attached to his property. Mr. Cole said he would be interested in knowing if there were any restrictions on any deed in the chain of title to the property that Mr. Cole Had purchased and if they were then it may affect his right to do what he plans to do regarding the property but he thinks that's for the county to decide. Mr. Cole said ELUC has a proposal and a set of findings from Mr. Hall that say in affect there is no reason why we can't do this. Mr. Cole stated Mr. Hall's recommendation is that it can be done subject to a couple of waivers that had been requested. Mr. Cole said the waivers that were not specifically requested but have to do with the technical aspect of showing on the plat of subdivision where soil examination for testing was done on the three proposed lots. Mr. Coles said the subdivision plat does not show where those tests were done and it should but we will have the location of those soil testing spots shown on the plat and withdraw the request of waivers. Mr. Cole said the only thing that's coming before the board that's troublesome is the question whether or not he may take this lot down to three smaller pieces. Mr. Cole said if there is something in the public record similar to the restriction which appears attached to Mr. Hutchcraft's deed in his chain of title then he will talk to the title company about that if they in fact missed something, then the county board may say no, we are not going to allow a subdivision that violates private restriction but that's for the county board to decide. Mr. Cole asked that the committee approve the request as recommended by Mr. Hall.

Mr. Moser stated since there are 17 days before the board meeting he suggested a special meeting before the full board meeting, to allow time to investigate further.

Louis Schwing, General Manager of Fisher Farmer's Grain asked the Committee to approve the rezoning of their property from Agriculture to Light Industrial because they would like to build a storage area at their Dewey facility. Mr. Schwing also said he was available to answer any question regarding the property and what they plan to do with it.

Cheri Manrique spoke regarding her neighbors burning of household trash and home construction materials. Ms. Manrique said she lives about 75 feet from the city limits of Urbana. Ms. Manrique said she has

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respiratory illness. Ms Manrique said she contacted the EPA and they told her the only thing that can be burned is yard waste. Ms. Manrique said she contacted the fire protection district about this on going problem but they don't return her calls. Ms. Manrique stated she thinks it's a waste of the volunteer fire fighters time to continue to come out to put out these fires. Ms. Manrique stated she had contacted the emergency medical technicians on a health related issue and the fire department came also and they indicated that they had several calls due to burning in the area.

Mr. Schroeder said Ms. Greenwalt brought this issue up at the last County Board meeting. Mr. Schroeder went on to say that his fire protection district came up with a non-burning ordinance unless given specific permission by the fire protection district. Mr. Schroeder suggested Ms. Manrique contact her fire protection district trustees and talk to them about this matter. Ms. Manrique said the fire protection district will not return her calls nor does she know who the trustees are. Mr. Schroeder said they have meetings that are open to the public and you can address your problem to them then. Mr. Schroeder asked if there is burning within the city limits. Ms. Manrique said it's outside the limits but its close.

Mr. Schroeder again suggested Ms. Manrique go to the next fire protection district meeting and tell them her problem.

Mr. Langehiem asked Ms. Manrique if the EPA has regulations against burning.

Ms. Manrique said five years ago you could not burn within 1000 ft of the city limits. Now, the only thing you can burn is yard waste.

Mr. Langehiem asked if there was an enforcement agency to look after this.

Ms. Manrique said there is someone and they have come out and will fine them but the only way they could do anything is if they have a report from the FPD but they refuse to write a report.

- 5. **Correspondence**
  - A. **Mahomet Aquifer Consortium Meeting No. 46, March 7, 2006, Agenda**
  - B. **Mahomet Aquifer Consortium Meeting No. 45, January 17, 2006, minutes.**

Mr. Langehiem said the state is setting up 3 districts of joint supervision of ground water usage and one of those units is the Mahomet Aquifer from Vermilion County to Macon County. Mr. Langehiem also explained that a water district was set up in Missouri in a situation similar to ours.

**The consensus of the Committee was to place the Mahomet Aquifer Consortium Meeting Minutes No. 46, March 7, 2006, Agenda and the Mahomet Aquifer Consortium Meeting Minutes No. 45, January 17, 2006, minutes on file.**

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Ms. Schroeder asked in #6 what educational programs are referred to.

Mr. Langehiem said the programs are about the nature of Aquifers with regards to their use and possible regulations.

**6 County Board Chair’s Report**

None

**7. Zoning Case 530-AM-05** Petitioner: **Fisher Farmer’s Grain & Coal and Louis Schwing, Jr., Mgr.** 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.**

**Mr. Doenitz moved Mr. Schroeder seconded, to approve the zoning district designation of Fisher’s Farmer’s Grain & Coal from AG-1 Agriculture to I-1, Light Industry. Motion carried by voice vote.**

Mr. Schroeder said we all know why Fisher Farmer’s Grain wants a zoning change on their property but yet we have such a broad zoning ordinance that we have to designate an industrial site in the middle of a densely populated area and all that’s going to be done is increasing the storage space for their grain facility. Mr. Schroeder went on to say it would be a steel structure and the only moving parts would be a conveyor and fans and there will not be any more industrial type work done until a fan motor needs to be replaced or a conveyor belt needs to be replaced. Mr. Schroeder said we are putting a very broad use out there in a small area and we should narrow the scope. Mr. Schroeder said with the I-1 (light industry) anything under the I-1 zoning would be allowed not just a grain facility. Mr. Schroeder stated he would support an AG-Industrial type zoning or special use permit rather than a re-zoning classification.

Mr. Fabri asked why our ordinance doesn’t allow such use under the definition of agriculture.

Mr. Hall answered grain storage elevators are allowed as a special use permit under the AG-1 & AG-2 districts but we had some difficult cases where ZBA needed specific kinds of controls for special use permits when you have elevators surrounded by a residential area. Special use permits can get very detailed to deal with the dust, noise and odor that come from grain elevators. Mr. Hall said it has always been a Special Use Permit because you need that kind of reviewing ability but that a map amendment is much simpler than a Special Use Permit and that is recommended when there is no risk of those problems. Mr Hall said 50 years from now who will know what will be going on in an industrial district south of Dewey. Mr. Hall stated the ZBA did not see the need to condition the zoning but the County Board could in fact condition it so nothing different could come up in the future. Mr. Hall stated that no one spoke against this at the ZBA and the testimony from Mr. Schwing and his installer certified that the best technology would be used. Mr. Hall stated that his decision not to force Fisher Farmer’s Grain into a Special Use Permit process was because the

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department never had a complaint about their operation and they're not surrounded by residential but they're on the border and the new bins are separated by the existing structures from the Village of Dewey.

Mr. Langenheim said he wanted clarification of what Mr. Schroeder was stating concerning the I-1 zoning.

Mr. Schroeder said that he understood the reason why Mr. Hall preferred a map amendment vs special use permit. Mr Schroeder went on to say that maybe an Industrial AG type zoning could be created so it would be away from a metropolitan area without a housing development next to it. Mr. Schroeder also stated he understood that they're getting paid to store more grain and with the yields getting better and higher fuel cost and hard to find empty rail cars the market is paying well to store grain. Mr. Schroeder asked in 20 or 30 yrs. who knows what will be there because zoning goes with the land.

Mr. Langehiem said if marijuana gets legalized it may be a cigarette factory.

Mr. Moser said Fisher Farmers Grain has 8 or 9 or 10 small elevators and soon it'll be like Anderson's and they will go to a bigger facility eventually because the small elevators are inefficient with higher maintenance cost and would not be able to afford to put seasonal employees in it.

Ms. Anderson asked if this their biggest one?

Mr. Moser answered yes.

**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 Township.**

**Mr. Moser moved Mr. Schroeder seconded to defer to a special ELUC meeting prior to the County Board meeting to give zoning staff a chance to investigate the covenant restrictions to see if the covenants have been recorded. Motion carried by voice vote.**

Mr. Moser said this will also give staff a chance the check if the covenants were recorded and maybe see if Dale Wolf's daughter knows anything about this to see if there was any legal council where this had originated and where it was recorded if it had been recorded.

It was the consensus of the committee to have a special meeting at 6:30pm before the full Board meeting

Mr. Hall said all of those individuals who spoke tonight will receive a notice of the special meeting.

Mr. Langehiem said the meeting will be held in Meeting Room 2

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

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Mr. Hall stated that the Assistant States Attorney is working on a draft of a possible statutory fix but there is no new information regarding the Supreme Court decision. Mr. Hall said with the committee approval he would like to carry this on the agenda incase new information becomes available.

**10. Zoning Case 517-AT-05 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 standard established by this Ordinance.**

Mr. Hall said this has been a case before the ZBA for some time. At the end of last summer a resident applied for a zoning use permit in a platted subdivision. The lot access to the public street only by an easement of access. Mr. Hall went on to say it was the last subdivision the county board approved like that and the text amendment requiring street access made no provisions for non-conforming subdivisions. Mr. Hall stated there were two lots left in this subdivision and the land owner and applicant were able to come to an agreement and were given a permit. He explained there is one more lot which remains unbuildable because they have not yet received a variance in regards to access. Mr. Hall explained there were more subdivisions that would be in the same situation and he decided to prepare this text amendment to adopt standards based on recent decisions from the Zoning Board of Appeals wherein lots that were not in platted subdivisions had received variances from the street access requirements in exchange for meeting the requirements of the National Fire Protection Association (NFPA) to make sure there is adequate emergency vehicle access which is 20 ft. wide pavement of 6 inches of gravel with a turn around. Mr. Hall said this is a specific text amendment and it only provides for platted subdivisions which have been through public review already but the zoning ordinance had lower standards. Mr. Hall said since that time the county board decided to adopt higher standards and those who had subdivisions already approved feel they have received a bad deal because they went through the public review at the time when the standards were lower. Mr. Hall went on to say the County Board made a decision that higher standards were necessary for public safety and that's what this ordinance is supposed to do. Mr. Hall said it provides a minimum level of public safety without making those folks go through another public hearing process. Mr. Hall said if an individual lot owner decides that these requirements can't be met on their property they can still request a variance. He explained that developments that were not plats of subdivisions were never reviewed by the county board and are not granted any benefit by this amendment and each of those lots will have to have an individual variance. Mr. Hall said by doing this, it will fix a problem for people that received a subdivision approval but did not sell all the lots before the ordinance changed. Mr. Hall said this amendment grandfathers those lots to the extent that 20 ft of pavement 6 inches of gravel is provided. Mr. Hall said he could not report on the municipalities action on this amendment at this time but said that the City of Urbana voted not to protest and the City of Champaign did not take it to their Plan Commission because they thought it was uncontroversial. Mr. Hall went on to say with text amendments like this the standard practice is to leave it at ELUC for a month in case any municipality has a comment.

Mr. Doenitz said it's a bad idea because he deals with issues like this as road commissioner and asked who

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will enforce the standards of these drives?

Mr. Hall said previous to this amendment there were no standards for the drive.

Mr. Doenitz said it sounds like a bad idea because basically it's landlocked and if it doesn't abut the road frontage then they do not want to put in a dedicated right of way.

Mr. Hall stated that was the attitude back in 1997 when the Zoning Ordinance was amended and it may well be that the county board thinks that was a fair decision but the only way to find out is to forward the text amendment and see what type of response is given by the county board. Mr. Hall said this was the first negative comments received about the proposed text amendment.

Mr. Doenitz said he has negative comments about it because he deals with this all the time and we've been trying to clean up a lot of those lots out there but they keep popping up and did not know when it will end if we don't put a stop to it.

Mr. Hall said there were only eight subdivisions the County Board approved with easements of access but he did not know how many the municipalities and villages might have approved. Mr. Hall said generally the county was more lenient than municipalities and villages.

Mr. Doenitz said the municipality he deals with will never let a subdivision go with an easement for access.

Mr. Hall asked Mr. Doenitz if he would feel more comfortable if instead of six lots in total there could maybe three lots or two lots. Mr. Doenitz answered it will come down to the same thing as to who will take care of it.

Mr. Hall explained that the amendment requires an agreement regarding maintenance but agreed that it is not enforceable.

Mr. Doenitz said three, four or five people may be in an agreement but three, four or five years later somebody moves then you may have two or three people who don't get along then they are calling me or which ever highway commissioner and it ends up over here and there is nothing anybody can do about it.

Mr. Schroeder said he remembers in 1997 when this came up in ZBA and Mr. Jay responded under his role as Cornbelt FPD Chief and the need to get to homes with the emergency vehicles and they can't get to the homes because the roads are not built to standards and who is there to check to make sure that they are? Mr. Schroeder went on to say it's enough that staff has plenty to do right now but if those things aren't built to standards and the Zoning Officer goes out there and tells them they need to conform to standards and never gets a chance to get back to check because she is busy then there is a fire call on that fifth house back on that easement and the access is blocked by either snow not removed or cars parked along there and you can't get

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through and the house burns down you would have a fire protection district in trouble and probably get sued. These trucks are getting bigger and bigger and it's the same for the ambulances. Mr. Schroeder went on to say that

Mr. Doenitz would have to take that road over and build it up to standards and that affects the township because it will mean less money to use elsewhere. Mr. Doenitz said that's his point and the burden becomes the taxpayers instead of the developer.

Mr. Hall explained that if there is not some provision in the ordinance like this then it will be dealt with by the ZBA on an individual case by case basis he wondered if Mr. Doenitz want to see a text amendment that makes a variance from the street access requirements a prohibited variance because people can still seek a variance if they are not prohibited zoning.

Mr. Schroeder stated no, it should be case by case

Mr. Doenitz agreed it should be case by case.

Ms. Greenwalt said she remembered Ms Busboom stating if a developer builds a road and turns it over to the township they should make a court for the mailboxes instead of them being along the road. Ms. Greenwalt asked if not this amendment then the alternative is case by case variance or lots don't get developed that we approved in 8 subdivisions between 1977 and 1997 before we changed the rules.

Mr. Hall said yes. Mr. Hall explained in 1997 the County Board said you either have to have direct access to the public street or you had to build a private street to the same standards.

**Mr. Doenitz moved Mr. Moser seconded to defer the request to 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 ion 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 geologic standards established by this Ordinance to the next regular meeting in April. Motion carried by voice vote.**

**11. Comprehensive Zoning Review Update**

Ms. Monte said at the March 2<sup>nd</sup> meeting the ZBA made their way through the part I Finding of Fact and there are seven additional Findings of Facts to review. Ms. Monte said the case is continued to April 6, 2006, and May 4, 2006 if necessary. Ms. Monte went on to say that public testimony is trickling down so the board has more time to devote to Findings of Facts.

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**12. Monthly Report for February, 2006**

Mr. Hall distributed the February, 2006 Monthly Report for the Committee’s review.

**13. Other Business**

None

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

**The consensus of the Committee was to place Item #7 on the County Board Consent Agenda**

**15. Adjournment**

**Mr. Doenitz moved Mr. Fabri seconded to adjourn meeting. Motion carried by voice vote. The meeting was adjourned at 7:57 p.m.**

Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.frm

Illinois Environmental Protection Agency

Public Notice  
of the Proposed Renewal of the Federally Enforceable State Operating  
Permit for  
Herff Jones Cap & Gown Division in Champaign

Herff Jones Cap & Gown Division has requested that the Illinois Environmental Protection Agency renew the federally enforceable state operating permit (FESOP) for the air emissions from its dry cleaning facility located at 1000 North Market Street in Champaign. The Illinois EPA has reviewed the application and made a preliminary determination to issue a permit for the project. A draft permit has been prepared for public review and comment.

The Illinois EPA is accepting written comments on the draft permit. Comments must be postmarked by midnight May 5, 2006. If sufficient interest is expressed in the draft permit, a hearing may be held. Requests for information, comments, and questions should be directed to Brad Frost, Division of Air Pollution Control, Illinois Environmental Protection Agency, PO. Box 19506, Springfield, Illinois 62794-9506, phone 217/782-2113, TDD phone number 217/782-9143.

Persons wanting more information may obtain copies of the draft permit, and project summary at [www.epa.gov/region5/air/permits/ilonline.htm](http://www.epa.gov/region5/air/permits/ilonline.htm) (please look under All Permit Records, FESOP, Renewal). These documents and the application may also be obtained from the Illinois EPA's offices at 2125 South First Street in Champaign, 217/278-5800 or 1340 North Ninth St., Springfield, 217/782-7027 (please call ahead to assure that someone will be available to assist you). Copies of the documents will be made available upon request.

The 1990 amendments to the Clean Air Act require potentially major sources of air emissions to obtain federally enforceable operating permits. A FESOP permit allows a source that is potentially major to take operational limits in the permit so that it is a non-major source. The permit will contain federally enforceable limitations that restrict the facility's emissions to non-major levels. The permit will be enforceable by the USEPA, as well as the Illinois EPA.

Public Notice  
of the Proposed Renewal of the Federally Enforceable State Operating Permit (FESOP) to  
Collegiate Cap and Gown, Champaign

Collegiate Cap and Gown has requested that the Illinois EPA renew the federally enforceable state operating permit (FESOP) for its cap and gown cleaning operations located at 1000 North Market Street in Champaign. The Illinois EPA is accepting comments on the proposed renewal. The permit will contain federally enforceable limitations that restrict the facility's emissions to non-major levels. The permit will be enforceable by the USEPA, as well as the Illinois EPA.

Persons wanting more information may obtain copies of the draft permits, and project summaries at [www.epa.gov/region5/air/permits/ilonline.htm](http://www.epa.gov/region5/air/permits/ilonline.htm) (please look at All Permit Records, FESOP, Renewal). These documents and the applications may also be obtained from the Illinois EPA's office at 2125 South First Street in Champaign, 217/278-5800 (please call ahead to assure that someone will be available to assist you) and 1340 North Ninth St., Springfield, 217/782-7027. Copies of the documents will be made available upon request.

Comments are requested on the proposed permit. Comments must be postmarked by midnight April 15, 2001. If sufficient interest is expressed in a permit, a hearing may be held. Requests for information, comments, and questions should be directed to Brad Frost, Division of Air Pollution Control, Illinois Environmental Protection Agency, PO. Box 19506, Springfield, Illinois 62794-9506, phone 217/782-2113, TDD phone number 217/782-9143.



- 3a. The A boiler is subject to New Source Performance Standards (NSPS), 40 CFR 60, Subparts A and Dc. The Illinois EPA is administering these standards in Illinois on behalf of the United States EPA under a delegation agreement.
- b. The Permittee shall at all times, to the extent practicable, maintain and operate the aforementioned emission sources in a manner consistent with good air pollution control practice for minimizing emissions.
- 4a. Operation of the A boiler shall not exceed the following limits:
- |                     |                  |                                |
|---------------------|------------------|--------------------------------|
| Natural Gas Usage:  | 46,000 scf/hour  | 280 x 10 <sup>6</sup> scf/year |
| #1 and #2 Fuel Oil: | Emergency Backup | 3,000 gallons/year             |
- b. #1 and #2 Fuel Oil Maximum Sulfur Content by Weight Pursuant to 35 Ill. Adm. Code 214.122(b)(1): 0.28 Percent by Weight or (.000015) x (Gross Heating Value of oil in Btu/pound)
- c. Only natural gas and #1 and #2 fuel oils shall be used in the boilers.
- d. The Illinois EPA shall be allowed to sample all fuels stored at the source.
5. The emissions of Hazardous Air Pollutants (HAPs) as listed in Section 112(b) of the Clean Air Act shall not equal or exceed 10 tons per year of any single HAP or 25 tons per year of any combination of such HAPs, or such lesser quantity as USEPA may establish in rule which would require the Permittee to obtain a CAAPP permit from the Illinois EPA. As a result of this condition, this permit is issued based on the emissions of any HAP from this source not triggering the requirement to obtain a CAAPP permit from the Illinois EPA.
- 6a. The Permittee shall maintain monthly records of the following items:
- The type, volume, and VOM content of each dry cleaning solvent used per month and the total of VOM emission (lbs/month) and (lbs/year).
  - Natural gas usage: (10<sup>6</sup> scf/month and 10<sup>6</sup> scf/year)
  - #1 and #2 fuel oil usage: (gal/month and gal/year)
  - VOM, SO<sub>2</sub> and NO<sub>x</sub> emissions as calculated by AP-42 emission factors and the actual natural gas and #1 and #2 fuel oil usage (lb/month) and (lb/year).
- b. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least three years from the date of entry and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to an Illinois EPA or USEPA request for records during the course of a source inspection.

7. If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.
8. Two (2) copies of required reports and notifications concerning equipment operation or repairs, performance testing or a continuous monitoring system shall be sent to:

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
Compliance Section (#40)  
P.O. Box 19276  
Springfield, Illinois 62794-9276

and one (1) copy shall be sent to the Illinois EPA's regional office at the following address unless otherwise indicated:

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
2009 Mall Street  
Collinsville, Illinois 62234

9. This permit is issued based on negligible emissions of volatile organic material (VOM) from the fuel storage tanks. For this purpose emissions shall not exceed nominal emission rates of 0.1 lb/hour and 0.44 tons/year.
10. The Permittee shall submit the following additional information with the Annual Emissions Report, due May 1st of each year: Natural gas usage, #1 and #2 fuel oil usage, sulfur dioxide and nitrogen oxide emissions, dry cleaning solvent usage, solvent VOM content, and solvent VOM emissions from the prior calendar year. If there have been no exceedances during the prior calendar year the Annual Emission Report shall include a statement to that effect.

If you have any questions on this, please call John Blazis at 217/782-2113.

Donald E. Sutton, P.E.  
Manager, Permit Section  
Division of Air Pollution Control

DES:JPB:psj

cc: Illinois EPA, FOS Region 3  
Illinois EPA, Compliance Section  
Lotus Notes

Attachment A - Emission Summary

This attachment provides a summary of the maximum emissions from the source operating in compliance with the requirements of this federally enforceable permit. In preparing this summary, the Illinois EPA used the annual operating scenario which results in maximum emissions from such a plant. The resulting maximum emissions are well below the levels, e.g., 100 tons per year of VOM, at which this source would be considered a major source for purposes of the Clean Air Act Permit Program. Actual emissions from this source will be less than predicted in this summary to the extent that less material is handled, and control measures are more effective than required in this permit.

1. VOM emissions from the petroleum based dry cleaning units:

| <u>Equipment Area</u> | <u>Usage<br/>(Gal/Yr)</u> | <u>VOM Content<br/>(Lb/Gal)</u> | <u>VOM Emissions<br/>(Lb/Hr)</u> | <u>(Tons/Yr)</u> |
|-----------------------|---------------------------|---------------------------------|----------------------------------|------------------|
| Gown Cleaning         | 25,505                    | 6.43                            | 82.0                             | 82.0             |
| Cap Cleaning          | 3,956                     | 6.32                            | 12.5                             | 12.5             |
| Misc. Cleaning        | 157                       | 6.38                            | 0.5                              | 0.5              |
|                       |                           |                                 | Total                            | 95.0             |

2. Natural gas fired and #1 and #2 fuel oil fired fuel combustion emissions of nitrogen oxide (NO<sub>x</sub>), carbon monoxide (CO), volatile organic material (VOM), sulfur dioxide (SO<sub>2</sub>), and particulate matter (PM) from the boiler:

Natural Gas for Boilers:

| <u>Pollutant</u> | <u>Fuel Usage<br/>(10<sup>6</sup> scf/Yr)</u> | <u>Emission Factor<br/>(Lb/10<sup>6</sup> scf)</u> | <u>Emissions<br/>(Tons/Year)</u> |
|------------------|-----------------------------------------------|----------------------------------------------------|----------------------------------|
| NO <sub>x</sub>  | 280                                           | 100                                                | 14.0                             |
| CO               | 280                                           | 84                                                 | 11.8                             |
| PM               | 280                                           | 7.6                                                | 1.06                             |
| VOM              | 280                                           | 5.5                                                | 0.77                             |
| SO <sub>2</sub>  | 280                                           | 0.60                                               | 0.084                            |

#1 and #2 Fuel Oil for Boilers:

| <u>Pollutant</u> | <u>Fuel Usage<br/>(Gallon/Year)</u> | <u>Emission Factor<br/>(Lb/10<sup>3</sup> Gallon)</u> | <u>Emissions<br/>(Tons/Year)</u> |
|------------------|-------------------------------------|-------------------------------------------------------|----------------------------------|
| NO <sub>x</sub>  | 3,000                               | 20.0                                                  | 0.03                             |
| CO               | 3,000                               | 5.0                                                   | 0.008                            |
| VOM              | 3,000                               | 0.34                                                  | 0.0005                           |
| SO <sub>2</sub>  | 3,000                               | 142 x 0.28                                            | 0.06                             |
| PM               | 3,000                               | 2.0                                                   | 0.003                            |

This table defines the type of fuel fired and standard emission factors at the maximum annual fuel usage indicated in the permit application.

JPB:psj

Attachment B

| <u>Equipment</u>          | <u>Manufacturer</u>      | <u>Number of Units</u> |                     |
|---------------------------|--------------------------|------------------------|---------------------|
| Gown Washer               | Washex                   | 1                      |                     |
| Gown Dryer                | ACECO                    | 3                      | Backup-Hoyt/Dynamic |
| Gown Dryer                | Dynamic                  | 1                      |                     |
| Gown Dryer                | Hoyt                     | 5                      |                     |
| Cap Washer                | Milnor                   | 1                      |                     |
| Cap Extractor             | Milnor                   | 1                      |                     |
| Cap Extractor             | Hammond                  | 3                      |                     |
| Cap Washer                | Hansvedt                 | 1                      |                     |
| Cap Dryer                 | Rockwell-Ross            | 3                      |                     |
| Boiler A                  | Abco                     | 1                      |                     |
| Boiler B and C            | Vapor                    | 2                      | Backups to Boiler A |
| Fuel Storage Tank         | 25,000 gallon            | 2                      |                     |
| Fuel Storage Tank         | 15,000 gallon            | 1                      |                     |
| 360 Solvent Tank          | 3,000 gallon             | 2                      |                     |
| Mix/Recycle/Hold<br>Tanks | Less than 1001<br>Gallon | Several                |                     |

JPB:psj



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Champaign IL  
61820-3009 US

Notes:

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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 & Subdivision Officer**  
DATE: **April 5, 2006**  
RE: **Case 187-06 Wolf Creek Subdivision**

---

**STATUS**

The Committee deferred approval of this Final Plat at the March 13, 2006, meeting pending verification of private restrictive covenants on the deed to the subject property. The applicant has provided copies of all relevant deeds (see attached memo and copies of deeds) and no restrictive covenants appear in the deeds.

Minor corrections have also been made to both the Final Plat and the Subsidiary Drainage Plat (see attached). Both waivers are still required even though the locations of the soil investigations have been added to the Plat as well as explanatory notes regarding the approval by the County Health Department.

*Information previously distributed has not been included in this memorandum- please notify the Department if you need a copy of the previous memorandum.*

---

**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.

---

**ATTACHMENTS**

- A Memorandum from Paul Cole dated March 14, 2006, with copies of deeds
- B Revised Subsidiary Drainage Plat of Wolf Creek Subdivision received April 5, 2006
- C Revised Final Plat of Wolf Creek Subdivision received April 5, 2006

ERWIN, MARTINKUS & COLE, LTD.

411 West University Avenue  
Champaign, Illinois 61820  
217-351-4040  
Mailing Address:  
P.O. Box 1098  
Champaign, Illinois 61824-1098  
FAX: 217-351-4314

Attorneys at Law

SAM ERWIN (1935-2002)  
JAMES A. MARTINKUS  
PAUL R. COLE  
RICHARD C. KIRBY  
SARAH B. TINNEY  
JEFFERY B. WAMPLER  
LYNNE R. FELDMAN  
R. MICHAEL BROWN  
WAYNE O. SMITH  
JEFFREY L. HAYS  
ANNE M. MARTINKUS  
MIKE MCCORMICK  
BRIAN E. KING  
RICK W. AEILTS  
Paralegals  
CAROLYN S. PITTS CLA  
PETER PAOLI CLA  
BOYD C. LAFOON

March 14, 2006

**RECEIVED**

MAR 14 2006

**CHAMPAIGN CO. P & Z DEPARTMENT**

Champaign County Planning and  
Zoning Department  
Attn: John Hall  
1776 E. Washington Street  
Urbana, IL 61802

Re: Subdivision Case #187-06 Wolf Creek Subdivision

Dear Mr. Hall:

In response to objections raised by several people at the ELUC meeting held March 13, 2006, I visited with Dennis Rodgers at Chicago Title Company this morning. He provided me with copies of all deeds in the chain of title of the referenced property going back to the time that First Busey Trust conveyed the entire 40 acre tract being the SE 1/4, NE 1/4, Section 30 to Leon Wolf, Mildred Wolf, Steven Wertz and Judith Wertz in 1990. I have enclosed eight sets of those deeds. As you can see, there is no reference in any relevant deed to any covenants or restrictions affecting the property in Case #187-06.

Such restrictions do apply to the Hutchcraft property (as was brought to the attention of the committee), and they also apply to the Becker property immediately west of our parcel.

The recorded documents show that after the Wolf's and Wertz's acquired the original tract, they conveyed tracts totaling 11.148 acres to the Becker's by deed recorded August 16, 1990. Although that deed does not appear in our chain of title, I have included it for your information with the Beckers' names and date of recording highlighted in yellow. That deed contains the restrictions.

Then the Wolf's and Wertz's conveyed to the Wertz's the parcels which today constitute the Hutchcraft property and our property. That deed was recorded July 1, 1992, and there are no restrictions attached to it. It is my guess that the deed to Steven and Judith Wertz contained no restrictions, because Judith is the Wolf's daughter.

Then the Wertz's conveyed the Hutchcraft property to the Hutchcraft's by deed recorded May 7, 1993. A copy of that deed was provided to everyone at the ELUC meeting, and it does

Page 2

contain restrictions. I have no idea why the Wertz's chose to impose restrictions on the Hutchcraft property, but the result was that both the Becker and Hutchcraft properties were subject to the same limitations on use and development.

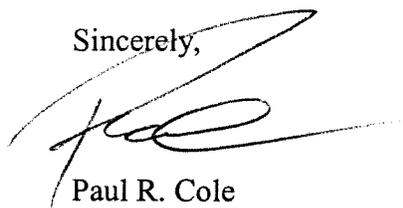
Then the Wertz's conveyed the property which is the subject of this case to Richard and Carla Bloom by deed recorded October 11, 1994. There were no restrictions attached to that deed. If I am permitted to guess, I would say that either the Bloom's just wouldn't agree to buy the parcel with restrictions or that such restrictions no longer mattered to the Wertz's. In any event, no restrictions appear at any point with respect to the subject property.

I would appreciate your providing the members of the committee copies of this material so that they will have all the facts prior to the special meeting to be called before the next County Board meeting. There really is no reason not to approve this subdivision. The proposed development is relatively modest in terms of its environmental impact and will be done carefully and in compliance with all applicable standards.

I understand that adjacent land owners will always be concerned about the quality of such a project. I respect their concerns. But I trust that the committee is aware of the cost to any developer which results from unnecessary delay to address such issues.

Thank you for the very professional assistance you have provided to date. If there is any other information which you think the committee may need to make an informed decision, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. Cole", with a long horizontal flourish extending to the right.

Paul R. Cole

PRC/tr  
Enclosures

CHICAGO TITLE INSURANCE CO.

1200  
3M  
5/2

TRUSTEE'S DEED

THIS INDENTURE, made this 20th day of February, 1990, between FIRST BUSEY TRUST AND INVESTMENT CO., as Trustee under the provisions of a deed or deeds in trust, duly recorded and delivered to said company in pursuant of a trust agreement dated the 10th day of June, 1987, and known as Trust Number 4043, party of the first part, and LEON DALE WOLF, MILDRED CATHERINE WOLF, STEVEN J. WERTZ and JUDITH K. WERTZ, party of the second part.

WITNESSETH, That said party of the first part, in consideration of the sum of Ten (\$10) Dollars and other good and valuable consideration in hand paid do hereby grant, sell, and convey unto said party of the second part, the following described real estate, situated in Champaign County, Illinois, to wit:

The Southeast 1/4 of the Northeast 1/4 of Section 30, Township 19 North, Range 14 West of the Second Principal Meridian, in Champaign County, Illinois.

together with the tenements and appurtenances thereunto belonging. TO HAVE AND TO HOLD the same unto said party of the second part, and to the proper use and benefit forever of said party of the second part.

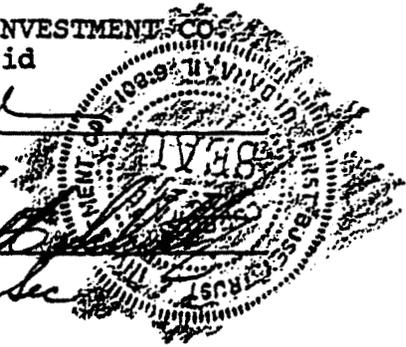
This deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every tract deed or mortgage (if any there be) of record in said county given to secure the payment of money, and remaining unreleased at the date of the delivery hereof.

IN WITNESS WHEREOF, said FIRST BUSEY TRUST & INVESTMENT CO. has caused its corporate seal to be hereto affixed, and has caused the same to be signed to these presents by its Trust Officer and attested to by its Corporate Secretary, the day and year first above written.

FIRST BUSEY TRUST & INVESTMENT CO.  
As Trustee as Aforesaid

By [Signature]  
Trust Officer

Attest [Signature]  
Corp Sec



90R03126

DOC #  
CHAMPAIGN COUNTY, ILL  
1875 0746

'90 FEB 21 PM 3 06

[Signature]

RECORDER

1675 0747

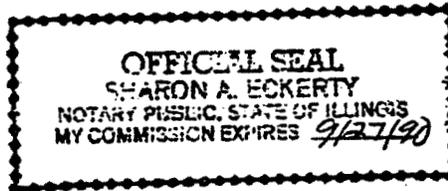
County of Champaign )  
 )  
State of Illinois ) ss:

I, SHARON A. ECKERTY, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY, THAT R. SLOAN MAC KILPATRICK, personally know to me to be the same person whose name is subscribed to the foregoing instrument as VICE PRESIDENT of the within named First Busey Trust & Investment Co. as Trustee under Trust No. 4043, and to me personally known to be such officer, appeared before me this day and acknowledged that he signed and delivered said instrument pursuant to authority given to him by said trustee as his free and voluntary act of said Trustee, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 20th day of February, 1990.

Sharon A. Eckerty  
Notary Public

Document prepared by:  
Keller & LeSueur  
30 Main Street, P.O. Box 1750  
Champaign, IL 61820  
Telephone: (217) 352-9371



**CHAMPAIGN COUNTY**

FEB 21 1990

**STAMPS** 37<sup>00</sup>

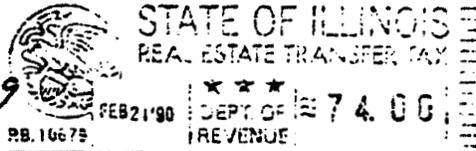
Taxes

STEVEN WERTZ

RFD 1

Homes. All

61849



EXCULPATORY CLAUSE

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose of with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforceable against, the First Busey Trust & Investment Co., on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking, or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.



65706

361

RETURN TO:  
Nolan C. Craver, Jr.  
P. O. Box 905  
Urbana, IL 61801



DOCUMENT NO. \_\_\_\_\_

12th  
300  
1500

For Recorder's Certificate Only

90R16119

DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL.

1702 0387

'90 AUG 16 AM 10 51

*Thomas J. Galbraith*

RECORDER

**WARRANTY DEED - Joint Tenancy**

THE GRANTORS, LEON DALE WOLF & MILDRED CATHERINE WOLF, husband and wife, and STEVEN J. WERTZ & JUDITH K. WERTZ, husband and wife,

of the Village of Homer, in the County of Champaign, and State of Illinois

for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to the GRANTEE, WILLIAM BECKER II & MARLA D. BECKER

of the City of Urbana, County of Champaign, and State of Illinois, not in TENANCY IN COMMON, but in JOINT TENANCY, the following described

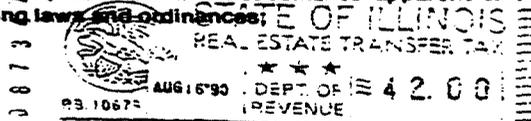
real estate, to-wit:

FOR LEGAL DESCRIPTION OF REAL ESTATE CONVEYED SEE ATTACHED EXHIBIT "A".

Each of the tracts hereby conveyed shall be subject to the restrictive covenants as set forth in the attached Exhibit "B" entitled "Protective Covenants and Restrictions" and said restrictive covenants shall run with title to said tracts for the benefit of the Southeast Quarter of the Northeast Quarter of Section 30, Township 19 North, Range 14 West of the 2nd P.M., in Champaign County, Illinois.

Perm. Parcel No. 17-24-30-276-001

- Subject to: (1) Real estate taxes for the year 19 90 and subsequent years;
- (2) Covenants, conditions, restrictions and easements apparent or of record;
- (3) All applicable zoning laws and ordinances;



~~CHAMPAIGN COUNTY~~

AUG 16 1990

STAMPS 2100

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption: Laws of the State of Illinois.

To Have and to Hold, the above granted premises unto the said Grantees forever, not in TENANCY IN COMMON, but in JOINT TENANCY.

Dated this 15 day of August, 19 90.

Leon Dale Wolf  
LEON DALE WOLF

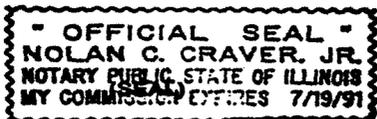
Mildred Catherine Wolf  
MILDRED CATHERINE WOLF

Steven J. Wertz  
STEVEN J. WERTZ  
STATE OF ILLINOIS

Judith K. Wertz  
JUDITH K. WERTZ

CHAMPAIGN COUNTY

SS



I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that Leon Dale Wolf & Mildred Catherine Wolf, husband & wife, and Steven J. Wertz & Judith K. Wertz, husband & wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal, this 15 day of August, A.D. 19 90.

Notary Public

|                                                                                                                                                                                      |                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Deed Prepared By: <u>Nolan C. Craver, Jr.</u><br><u>MIDDLETON &amp; CRAVER</u><br><u>210 N. Broadway</u><br><u>P. O. Box 905</u><br><u>Urbana, IL 61801</u><br><u>(217) 367-1131</u> | Send Tax Bill To:<br><u>Bill &amp; Marla Becker</u><br><u>505 E. Michigan Ave</u><br><u>Urbana, IL 61801</u> |
| Exempt under provisions of Paragraph _____                                                                                                                                           | 1, Real Estate Transfer Tax Act.                                                                             |
| Date _____                                                                                                                                                                           | Signature _____<br>Buyer, Seller or Representative                                                           |

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  $89^{\circ} 39' 38''$  East along the South Line of said Southeast Quarter of the Northeast Quarter, 40.00 feet to The True Point of Beginning; thence North  $00^{\circ} 10' 08''$  East along a line being parallel with and 40.00 feet East of the West Line of said Southeast Quarter of the Northeast Quarter, 592.40 feet; thence South  $89^{\circ} 30' 57''$  East, 411.11 feet; thence South  $00^{\circ} 16' 35''$  West, 591.36 feet to said South Line of the Southeast Quarter of the Northeast Quarter; thence North  $89^{\circ} 39' 38''$  West along said South Line, 410.00 feet to The True Point of Beginning, encompassing 5.579 Acres more or less.

A L S O

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  $89^{\circ} 39' 38''$  East along the South Line of said Southeast Quarter of the Northeast Quarter, 450.00 feet to The True Point of Beginning; thence North  $00^{\circ} 16' 35''$  East, 591.36 feet; thence South  $89^{\circ} 30' 57''$  East, 411.12 feet; thence South  $00^{\circ} 23' 04''$  West, 590.32 feet to said South Line of the Southeast Quarter of the Northeast Quarter; thence North  $89^{\circ} 39' 38''$  West along said South Line, 410.00 feet to The True Point of Beginning, encompassing 5.569 Acres more or less.

Exhibit "A"

**Protective Covenants and Restrictions**

1. **ALLOWABLE STRUCTURES:** No structure shall be erected, altered, placed or permitted to remain on the tract(s) conveyed other than one detached single-family dwelling not to exceed two and one-half (2 1/2) stories in height, a private garage for not more than four (4) cars, and other structures, including a barn, indoor riding arena or stables, incidental to residential use of the premises.

2. **BUILDING AREA:** The building set back line shall be 15 feet from all property lines, except the set back line from a public highway shall be as provided by the County Zoning Ordinance. No structures shall be constructed or permitted nearer to a property line than the set back lines.

3. **MINIMUM GROUND AREA REQUIREMENTS:** The ground floor area of the main residential structure, exclusive of open porches and garages, shall be not less than 1400 square feet for a one-story dwelling, not less than 1000 square feet for the first floor of a dwelling of more than one story with a total floor area of not less than 1800 square feet.

4. **PERMISSIBLE BUILDINGS:** All buildings erected on any building site shall be constructed of new material of good quality and no mobile homes, prefabricated residences, modular homes or old buildings shall be erected or moved to said premises.

5. **ANIMALS, LIVESTOCK AND POULTRY:** No animals, livestock or poultry of any kind shall be raised, bred or kept on any tract except horses and household pets, provided that they are not kept, bred or maintained for commercial purposes and provided further the number of household pets shall not exceed seven. All pets will be kept on owner's tract unless accompanied by owner.

6. **BILL BOARDS, ADVERTISING, AND SIGN BOARDS:** No signs, advertisements, bill boards or other advertising structures of any kind may be erected or maintained on the property.

Exhibit "B" page 1

7. **NON-OCCUPANCY AND DILIGENCE DURING CONSTRUCTION:** The work of construction of any building or structure shall be prosecuted diligently from the time of commencement until the exterior construction shall be fully completed. Construction must comply with the restrictions and conditions set forth herein.

8. **NO STRIPPING OF TOP SOIL:** No person, firm or corporation shall strip, excavate or otherwise remove top 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.

9. **AMENDMENTS:** These covenants and restrictions are for the benefit of all tracts within the Southeast Quarter of the Northeast Quarter of Section 30, Township 19 North, Range 14 West of the 2nd P.M. in Champaign County, Illinois and may be amended at any time by the recording of a written instrument signed by the persons owning a majority of all tracts within said Southeast Quarter of the Northeast Quarter of said Section 30, unless the Grantors own a majority of the property, in which case the required percentage shall be 75%.

10. **INOPERABLE VEHICLES:** Inoperable vehicles and watercraft shall not be kept or permitted to remain on said property unless they are within an enclosure and cannot be seen from the public road or adjoining property. All operable vehicles are to be kept in good operating condition and display unexpired registrations.

11. **NO INTERFERENCE WITH UTILITIES:** No structures, walls, fences, plantings, or any materials shall be placed, planted, or permitted to remain within the recorded easements or public ways which may damage or interfere with the installation, operation or maintenance of the utilities.

12. **GARBAGE AND REFUSE DISPOSAL:** No property shall be used or maintained as a dumping ground for rubbish, trash or garbage. All such garbage and refuse shall be removed from the property in a timely manner.

13. **COVENANTS TO RUN WITH THE LAND:** The foregoing covenants, limitations and restrictions are to run with the land and are binding on all parties and persons.

Exhibit "B" page 2

STATE OF ILLINOIS: SS  
COUNTY OF CHAMPAIGN:

AFFIDAVIT IN CONNECTION WITH RECORDING DEED

The undersigned, being on oath duly sworn, deposes and states that he is one of the Grantors in the accompanying Deed, in which WILLIAM BECKER II & MARLA D. BECKER ~~(XX)~~ (are) Grantee(s), and in which LEON DALE WOLF ~~MILDRED CATHERINE WOLF,~~ STEVEN J. WERTZ & JUDITH K. WERTZ ~~(XXI)~~ (are) Grantor(s), dated August 15, 1990; that the accompanying Deed is entitled to recording in the office of the Recorder of Champaign County and in the opinion of this affiant such recording will not constitute a violation of Section 5a of Chapter 109 of the Illinois Revised Statutes for the following reasons:

Both parcels conveyed contain more than 5 acres.

Ill. Rev. Stats. Chapter 109, S 1, (b)(1).

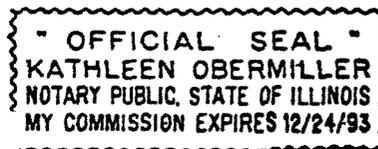
Affiant also states that the filing of the accompanying Deed will not constitute a violation of any municipality subdivision ordinance.

Leon Dale Wolf  
Grantor's Signature

[Signature]  
Attorney's Signature

Subscribed and sworn to before me this  
15th day of August, 1990

Kathleen Obermiller  
Notary Public



67529  
503

Retirato:  
João H. Henriques  
Box 967  
Champagni 17  
6824-0967



1200  
300  
1500

**QUIT CLAIM DEED — Joint Tenancy**

DOCUMENT NOG 2 R 18515

THE GRANTOR S, LEON DALE WOLF, MILDRED CATHERINE WOLF, husband and wife, STEVEN J. WERTZ & JUDITH K. WERTZ, husband and wife,

For Recorder's Certificate Only  
DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL  
1829 0173

of the Village of Homer, in the County of Champaign, and State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and QUIT CLAIM to the GRANTEEES, STEVEN J. WERTZ and JUDITH K. WERTZ

'92 JUL 1 PM 4 09

*Nolan C. Craver*

RECORDER

of the Village of Homer, County of Champaign, and State of Illinois, not in TENANCY IN COMMON, but in JOINT TENANCY. All interest in the following described real estate:

SEE ATTACHED EXHIBIT "A"

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

To Have and to Hold, the above granted premises unto the said Grantees forever, not in TENANCY IN COMMON, but in JOINT TENANCY.

Dated this 17<sup>th</sup> day of July, 19 92.

*Leon Dale Wolf*  
LEON DALE WOLF  
*Steven J. Wertz*  
STEVEN J. WERTZ

*Mildred Catherine Wolf*  
MILDRED CATHERINE WOLF  
*Judith K. Wertz*  
JUDITH K. WERTZ

STATE OF ILLINOIS }  
CHAMPAIGN COUNTY } SS

OFFICIAL SEAL  
NOLAN C. CRAVER, JR.  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 7/19/95  
(SEAL)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that LEON DALE WOLF & MILDRED CATHERINE WOLF, husband & wife, and STEVEN J. WERTZ & JUDITH K. WERTZ, husband and wife,

personally known to me to be the same personS whose nameS are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal, this 17<sup>th</sup> day of July, A.D. 19 92.

*Nolan C. Craver*  
Notary Public

Deed Prepared By: Return to  
Nolan C. Craver, Jr.  
MIDDLETON & CRAVER  
210 N. Broadway  
P. O. Box 905  
Urbana, IL 61801

Sand Tax Bill To:  
Steven & Judith Wertz  
R. R. 1  
Homer, IL 61849

Exempt under provisions of Paragraph e  
Date 7-1-92

14, Real Estate Transfer Tax Act.  
Signature \_\_\_\_\_  
Buyer, Seller or Representative

A tract of land being a part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 18 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° 39' 38" 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° 23' 04" East, 590.32 feet; thence North 89° 39' 38" West, 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° 20' 13" 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° 39' 38" West along said South Line, 438.87 feet to The True Point of Beginning, encompassing 5.946 Acres more or less.

A L S O

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° 39' 38" 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, said point also being The True Point of Beginning; thence North 00° 20' 13" 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; thence North 89° 39' 38" West, 438.48 feet; thence North 89° 30' 57" West, 130.00 feet; thence North 10° 28' 17" East, 369.95 feet; thence North 05° 31' 49" East, 368.82 feet to the North Line of said Southeast Quarter of the Northeast Quarter; thence South 89° 40' 42" East along said North Line, 490.00 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 00° 20' 13" West along said East Line of said Southeast Quarter of the Northeast Quarter, 1322.24 feet to said Southeast corner of the Southeast Quarter of the Northeast Quarter; thence North 89° 39' 38" West along said South Line of the Southeast Quarter of the Northeast Quarter, 20.00 feet to The True Point of Beginning, encompassing 9.196 Acres more or less.

EXHIBIT "A"



**WARRANTY DEED - Joint Tenancy**

DOCUMENT NO. \_\_\_\_\_

For Recorder's Certificate Only

94 R 26765

DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL

'94 OCT 11 PM 2 45

*Nolan C. Craver*  
RECORDER

122  
302  
1520

2151 0427

CHICAGO TITLE INSURANCE CO.

90636

THE GRANTOR S, STEVEN J. WERTZ and JUDITH K. WERTZ, husband and wife,

of the Township of South Homer, in the County of Champaign, and State of Illinois

for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to the GRANTEES, RICHARD LEE BLOOM and CARLA J. BLOOM

of the City of Champaign, County of Champaign, and State of Illinois, not in TENANCY IN COMMON, but in JOINT TENANCY, the following described real estate, to-wit:

**CHAMPAIGN COUNTY** SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

OCT 11 1994

STAMPS 1950



STATE OF ILLINOIS  
REAL ESTATE TRANSFER TAX  
OCT 11 '94 DEPT. OF REVENUE \$ 39.00

- Subject to: (1) Real estate taxes for the year 1994 and subsequent years;
- (2) Covenants, conditions, restrictions and easements apparent or of record;
- (3) All applicable zoning laws and ordinances;

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

To Have and to Hold, the above granted premises unto the said Grantees forever, not in TENANCY IN COMMON, but in JOINT TENANCY.

Dated this 8 day of October, 19 94.

*Steven J. Wertz*  
STEVEN J. WERTZ

*Judith K. Wertz*  
JUDITH K. WERTZ

STATE OF ILLINOIS }  
CHAMPAIGN COUNTY } SS

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that

personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that h signed, sealed and delivered the said instrument as free and voluntary act, for the uses and purposes therein set forth, including the waiver of the right of homestead.



Given under my hand and Notarial Seal, this 8 day of October, A.D. 19 94

*Nolan C. Craver*  
Notary Public

Deed Prepared By: Nolan C. Craver, Jr.  
MIDDLETON & CRAVER  
210 N. Broadway, Box 905  
Urbana, IL 61801  
(217) 367-1131

RETURN TO

Send Tax Bill To:  
Mr. & Mrs. Richard Bloom  
2505 WATERBURY PL.  
CHAMPAIGN, IL 61821

Exempt under provisions of Paragraph \_\_\_\_\_  
Date \_\_\_\_\_

4, Real Estate Transfer Tax Act.  
Signature \_\_\_\_\_  
Buyer, Seller or Representative

A TRACT OF LAND BEING A PART OF THE SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 14 WEST OF THE 2ND P. M., CHAMPAIGN COUNTY, ILLINOIS, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH WEST CORNER OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 30, PROCEED SOUTH 89 DEGREES, 39 MINUTES, 38 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4; 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4; THENCE NORTH 89 DEGREES, 39 MINUTES, 38 SECONDS WEST ALONG SAID SOUTH LINE, 438.97 FEET TO THE TRUE POINT OF BEGINNING.

ALSO

COMMENCING AT THE SOUTH WEST CORNER OF THE SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 30, PROCEED SOUTH 89 DEGREES, 39 MINUTES, 38 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 1298.97 FEET TO A POINT BEING 20.00 FEET WEST OF THE SOUTH EAST CORNER OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SAID SECTION 30, THENCE SOUTH 10 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT "A"



2378 0192

1200  
300  
1500

96R04947

**Chicago Title Insurance Company**

201 N. Neil Street • Champaign, Illinois 61820 • (217) 356-0501

**WARRANTY DEED**

DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL

THE GRANTORS, RICHARD LEE BLOOM and  
CARLA J. BLOOM, husband and wife,

'96 MAR 5 AM 8 41

*Naomi D. Johnson*

RECORDER

of the Village of St. Joseph, in the County  
of Champaign, and State of Illinois,  
for and in consideration of Ten Dollars (\$10.00) and other good and  
valuable consideration in hand paid, CONVEY and WARRANT to  
the GRANTEES; GREGORY S. WHITT,



STATE OF ILLINOIS  
REAL ESTATE TRANSFER TAX

MAR-5'96 DEPT. OF REVENUE **40.50**

of the City of Urbana, County of  
Champaign, and State of Illinois

Champaign County  
Real Estate Transfer Tax 2025

For legal description of land conveyed, see Attached Exhibit A.

Pin # 17-24-30-276-009  
Common Address

- Subject to: (1) Real estate taxes for the year 1995 and subsequent years;  
(2) Covenants, conditions, restrictions and easements apparent or of record;  
(3) All applicable zoning laws and ordinances;

situated in the County of Champaign and State of Illinois hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 1st day of March, 1996.

*Richard Lee Bloom*  
RICHARD LEE BLOOM

*Carla J. Bloom*  
CARLA J BLOOM

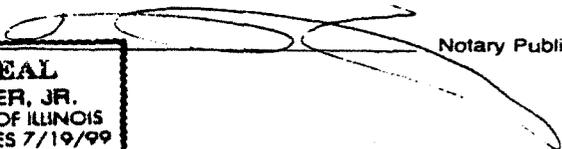
This form should be typewritten

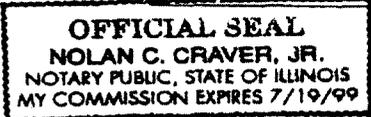
2378 0193

State of Illinois  
County of Champaign JS

I, the undersigned, a Notary Public for the State of Illinois, certify that  
RICHARD LEE BLOOM and CARLA J. BLOOM, husband and wife,

personally known to me to be the same persons whose names are subscribed to the foregoing instrument,  
appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their  
free and voluntary act.

Dated: 3-1-06  Notary Public



|                                                                                                                                      |                                                                                                    |                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Deed Prepared By:</b><br>Nolan C. Craver, Jr.<br>Middleton & Craver<br>210 N. Broadway Ave.<br>Urbana, IL 61801<br>(217) 367-1131 | <b>Return to:</b><br><i>Caralyn Casady-Trumble</i><br><i>301 W Green</i><br><i>Urbana IL 61801</i> | <b>Send Tax Bill to:</b><br><i>Gregory S. Whitt</i><br><i>1510 Trails Drive</i><br><i>Urbana, IL 61801</i> |
| <b>Exempt under provisions of Paragraph _____, Section 4, Real Estate Transfer Tax Act.</b>                                          |                                                                                                    |                                                                                                            |
| <b>Date _____</b>                                                                                                                    |                                                                                                    | <b>Signature _____</b><br><small>Buyer, Seller or Representative</small>                                   |

A TRACT OF LAND BEING A PART OF THE SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 14 WEST OF THE 2ND P. M., CHAMPAIGN COUNTY, ILLINOIS, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH WEST CORNER OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 30, PROCEED SOUTH 89 DEGREES, 39 MINUTES, 38 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4; 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4; THENCE NORTH 89 DEGREES, 39 MINUTES, 38 SECONDS WEST ALONG SAID SOUTH LINE, 438.97 FEET TO THE TRUE POINT OF BEGINNING.

ALSO

COMMENCING AT THE SOUTH WEST CORNER OF THE SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 30, PROCEED SOUTH 89 DEGREES, 39 MINUTES, 38 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 1298.97 FEET TO A POINT BEING 20.00 FEET WEST OF THE SOUTH EAST CORNER OF SAID SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4, 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 SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SAID SECTION 30, THENCE SOUTH 10 FEET TO THE TRUE POINT OF BEGINNING.



**CHICAGO TITLE INSURANCE CO.**

Exhibit A

794891

98R33420

12.00  
3.00  
15.00

3

**WARRANTY DEED - JOINT TENANCY**

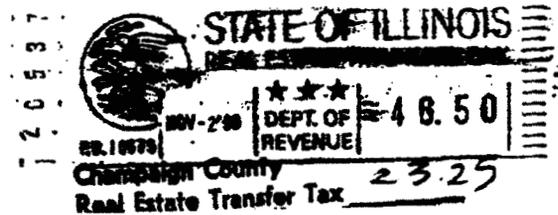
THE GRANTOR, Gregory S. Whitt, individually, of the City of Urbana, County of Champaign, and State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEYS and WARRANTS to the GRANTEES, Steven J. Wertz and Judith K. Wertz, of the Town of St. Joseph, County of Champaign, and State of Illinois, not in TENANCY IN COMMON, but in JOINT TENANCY, the following described real estate, to-wit:

SEE ATTACHED

DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL

'98 NOV 2 AM 11 04

*Barbara A. Pucca*  
RECORDER



Permanent Index Number: 17-24-30-276-009

- Subject to:
- (1) Real estate taxes for the year 1997 and subsequent years;
  - (2) Covenants, conditions, restrictions and easements apparent or of record;
  - (3) All applicable zoning laws and ordinances;

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

To have and to hold, the above granted premises unto the said Grantees forever, not TENANCY IN COMMON, but in JOINT TENANCY.

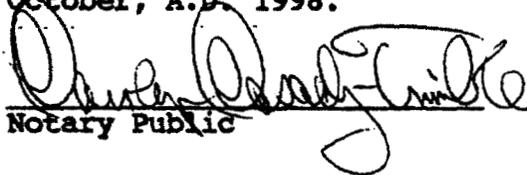
Dated this 29th day of October, 1998.

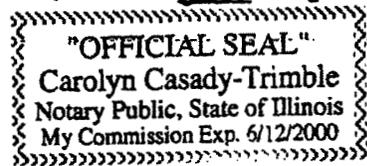
*Gregory S. Whitt*  
GREGORY S. WHITT

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHAMPAIGN )

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that Gregory S. Whitt personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal, this 29<sup>th</sup> day of October, A.D. 1998.

  
Notary Public



Deed Prepared By: Carolyn Casady-Trimble, Attorney at Law,  
301 West Green, Urbana, IL 61801, 217-344-0711.

Send Tax Bill To: STEVEN J WERTZ

AND  
Return To:

1401 E GRAND AVE  
ST. JOSEPH, IL 61873

Exempt under provision of paragraph \_\_, Section 4 Real Estate Transfer Act.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

A tract of land being a part of the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 19 North, Range 14 West of the 2nd P.M., Champaign County, Illinois, the boundary of which is described as follows:

Commencing at the Southwest corner of said Southeast 1/4 of the Northeast 1/4 of Section 30, proceed South 89 degrees, 39 minutes, 38 seconds East along the South line of said Southeast 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4; 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 1/4 of the Northeast 1/4; thence North 89 degrees, 39 minutes, 38 seconds West along said South line, 438.97 feet to the true point of beginning.

Also

Commencing at the Southwest Corner of the said Southeast 1/4 of the Northeast 1/4 of Section 30, proceed South 89 degrees, 39 minutes, 38 seconds East along the South line of said Southeast 1/4 of the Northeast 1/4, 1298.97 feet to a point being 20.00 feet West of the Southeast corner of said Southeast 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4 of said Section 30, thence South 10 feet to the true point of beginning.

3

793874

**WARRANTY DEED  
TENANTS BY THE ENTIRETY**

**THE GRANTORS, STEVEN J. WERTZ AND JUDITH K. WERTZ, husband and wife, of the County of Champaign and State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to the GRANTEES, MIKE M. NASER AND JEHAD H. NASIR, husband and wife, of the County of Champaign and State of Illinois, not as TENANTS IN COMMON, or as JOINT TENANTS, but as TENANTS BY THE ENTIRETY, the following described real estate:**

SEE ATTACHED EXHIBIT "A"

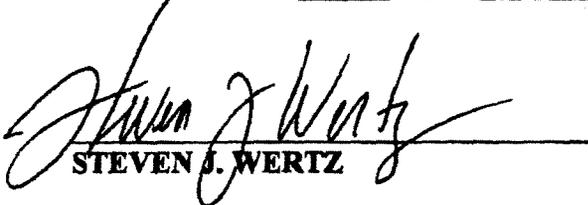
Pin: 17-24-30-276-009

- Subject to:
- (1) Real estate taxes for the year 1999 and subsequent years;
  - (2) Covenants, conditions, restrictions and easements apparent or of record;
  - (3) All applicable zoning laws and ordinances;

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws Illinois.

**To Have and to Hold, the above granted premises unto the said Grantees forever, not as TENANTS IN COMMON, or as JOINT TENANTS, but as TENANTS BY THE ENTIRETY**

Dated this 1ST day of MAY, 2000.

  
STEVEN J. WERTZ

  
JUDITH K. WERTZ

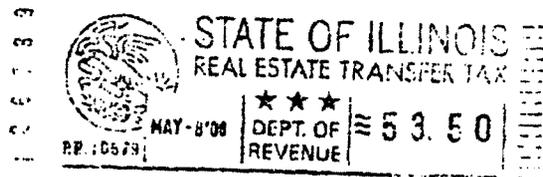
2000R09604

1200  
300  
1500

DOC # \_\_\_\_\_  
CHAMPAIGN COUNTY, ILL

2000  
MAY 8 PM 3 37

*Barbara A. Procca*  
RECORDER



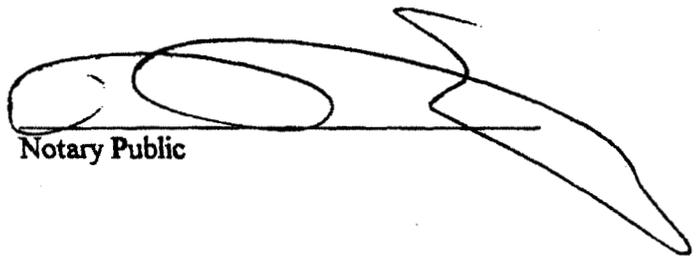
Champaign County  
Real Estate Transfer Tax 26.75

State of Illinois )  
County of Champaign ) SS

I, the undersigned, a Notary Public for the State of Illinois, certify that **STEVEN J. WERTZ AND JUDITH K. WERTZ**, husband and wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the waiver of the right of homestead.

Dated: \_\_\_\_\_



  
Notary Public

**Deed Prepared By:**  
Nolan C. Craver, Jr.  
Middleton & Craver  
210 N. Broadway Ave.  
Urbana, IL 61801  
(217) 367-1131

**Return to:**  
John Dodson  
501 W. University Ave.  
Champaign, IL 61820

**Send Tax Bill to:** MIKE NASER + JEHAD NASTR  
1007 W. UNIVERSITY  
URBANA IL 61801

**EXEMPT** under provision of Paragraph \_\_\_\_\_, Section 4, Real Estate Transfer Tax Act

Date \_\_\_\_\_ Signature \_\_\_\_\_  
Buyer, Seller or Representative

A tract of land being a part of the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 19 North, Range 14 West of the 2nd P.M., Champaign County, Illinois, the boundary of which is described as follows:

Commencing at the Southwest corner of said Southeast 1/4 of the Northeast 1/4 of Section 30, proceed South 89 degrees, 39 minutes, 38 seconds East along the South line of said Southeast 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4; 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 1/4 of the Northeast 1/4; thence North 89 degrees, 39 minutes, 38 seconds West along said South line, 438.97 feet to the true point of beginning.

Also

Commencing at the Southwest Corner of the said Southeast 1/4 of the Northeast 1/4 of Section 30, proceed South 89 degrees, 39 minutes, 38 seconds East along the South line of said Southeast 1/4 of the Northeast 1/4, 1298.97 feet to a point being 20.00 feet West of the Southeast corner of said Southeast 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4 of said Section 30, thence South 10 feet to the true point of beginning.

EXHIBIT "A"

2

815398

PREPARED BY / RETURN TO:  
JOHN D. DODSON  
Law Offices of Dodson, Piraino,  
& Associates  
501 W. University  
Champaign, IL 61820

SEND TAX BILL TO:  
Mike M. Naser  
1903 S. Vine  
Urbana, IL 61801

2003R22486

RECORDED ON  
05-29-2003 8:24:19  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC. FEE: 25.00  
REV FEE:  
PAGES: 3  
PLAT ACT: 0  
PLAT PAGE:

Space Above This Line for Recorder's Use Only

**QUIT CLAIM DEED**

THE GRANTOR, **JEHAD H. NASIR**, a divorced person, not since remarried, of the City of Bourbonnais, County of Kankakee, State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, **CONVEY** and **QUIT CLAIM** to the **GRANTEE, MIKE M. NASER**, of the City of Urbana, in the County of Champaign, and State of Illinois, the following described real estate, to-wit:

SEE ATTACHED EXHIBIT "A"

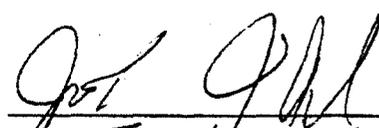
Commonly Known As: SE1/4 of NE1/4, Sec. 30, T.19N., R.14W, Champaign County, Illinois

Permanent Index No.: 17-24-30-276-009

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

EXEMPT UNDER PROVISIONS OF PARAGRAPH "E", SECTION 4, REAL ESTATE TRANSFER TAX ACT.

DATE: 27 Nov 2003

  
\_\_\_\_\_  
Attorney for Grantor



A tract of land being a part of the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 19 North, Range 14 West of the 2nd P.M., Champaign County, Illinois, the boundary of which is described as follows:

Commencing at the Southwest corner of said Southeast 1/4 of the Northeast 1/4 of Section 30, proceed South 89 degrees, 39 minutes, 38 seconds East along the South line of said Southeast 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4; 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 1/4 of the Northeast 1/4; thence North 89 degrees, 39 minutes, 38 seconds West along said South line, 438.97 feet to the true point of beginning.

Also

Commencing at the Southwest Corner of the said Southeast 1/4 of the Northeast 1/4 of Section 30, proceed South 89 degrees, 39 minutes, 38 seconds East along the South line of said Southeast 1/4 of the Northeast 1/4, 1298.97 feet to a point being 20.00 feet West of the Southeast corner of said Southeast 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4, 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 1/4 of the Northeast 1/4 of said Section 30, thence South 10 feet to the true point of beginning.

022486

EXHIBIT "A"



\* 2 0 0 6 R 0 2 3 1 4 3 \*

2006R02314

RECORDED ON  
01/30/2006 10:52:41AM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee: 10.00  
REV FEE: 93.75  
PAGES 3  
PIAT ACT: 2  
PIAT PAGE:

833150

**PREPARED BY**

John D. Dodson  
Dodson, Piraino, & Assoc.  
501 W. University  
Champaign, IL 61820

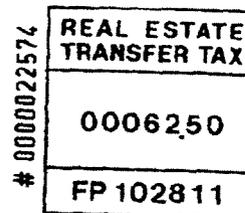
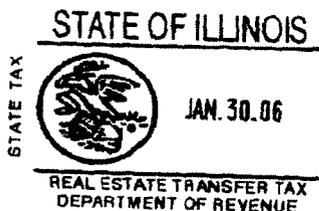
**SEND TAX BILL TO:**

Colorado Avenue, LLC  
411 W. UNIVERSITY Avenue  
Champaign, IL 61820

Champaign County Real Estate Transfer Tax



\$ 31.<sup>25</sup>



**WARRANTY DEED**

**THE GRANTOR, Mike M. Naser, Individually**, of the City of Benson, State of North Carolina, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, **CONVEYS** and **WARRANTS** to the **GRANTEE, COLORADO AVENUE, LLC**, an Illinois Limited Liability Company, of the City of Champaign, in the County of Champaign, State of Illinois, the following described real estate, to-wit:

**Legal Description Attached hereto and incorporate herein by reference**

**P.I.N. Number:** 17-24-30-276-009  
**Street Address:**

- SUBJECT TO:**
- (1) Real estate taxes for the year 2005 and subsequent years;
  - (2) Covenants, conditions, restrictions and easements apparent or of record;
  - (3) All applicable zoning laws and ordinances;

situated in the County of Champaign and State of Illinois hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Prepared by  
John D. Dodson  
DODSON, PIRAINO  
& ASSOCIATES  
501 W. University  
Champaign, IL 61820  
Tel (217) 359-9200  
Fax (217) 359-9088



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

Tract 1:

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.

Tract 2:

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;

PLAT ACT AFFIDAVIT

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF CHAMPAIGN )

PAUL R. COLE being duly sworn on oath,  
state(s) that he reside(s) in CHAMPAIGN COUNTY, ILLINOIS.

That the attached deed is not in violation of 765 ILCS 205/1 of the Illinois Revised Statutes for one of the following reasons:

- 1. Said Act is not applicable as the grantors own no property adjoining the premises described in said deed (existing property);

- OR -

the conveyance falls into one of the following exemptions permitted by the Amended Act which became effective July 17, 1959:

- 2. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.
- 3. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access.
- 4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- 5. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
- 6. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
- 7. The conveyances of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- 8. Conveyances made to correct descriptions in prior conveyances.

9. The sale or exchange of parcels or tracts of land existing on July 17, 1959 into no more than two (2) parts and not involving any new streets or easements of access.
10. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land as determined by the dimensions and configuration of the larger tract on October 1, 1973.
11. The parcel or parcels conveyed herein were acquired by the undersigned grantor by the same legal description as herein conveyed.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that he/she makes this affidavit for the purpose of inducing the Recorder of Deeds to accept the attached deed for recording; and that to the best of Affiant's knowledge and belief, the attached deed does not violate the Subdivision Ordinance of any municipality.

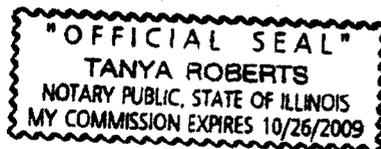
  
\_\_\_\_\_, ATTORNEY

\_\_\_\_\_  
\_\_\_\_\_

SUBSCRIBED and SWORN to before me  
this 27<sup>th</sup> day of JANUARY, 2006.

  
\_\_\_\_\_  
NOTARY PUBLIC

SEAL





**FINAL PLAT OF  
WOLF CREEK SUBDIVISION  
CHAMPAIGN COUNTY, ILLINOIS  
PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF  
SECTION 30, T19N, R14W OF THE 2nd PM**

**SURVEYOR/ENGINEER**  
HDC ENGINEERING, LLC  
201 W. SPRINGFIELD AVE.  
CHAMPAIGN, IL 61824

**OWNER/DEVELOPER**  
COLORADO AVENUE, LLC  
c/o PAUL COLE  
411 W. UNIVERSITY AVE.  
CHAMPAIGN, IL 61820

PRESENTED FOR RECORDING BY:  
RETURN TO: HDC ENGINEERING  
201 W. SPRINGFIELD AVE  
CHAMPAIGN, IL 61824

**LEGEND**

- SET 1/2" x 3/4" IRON ROD WITH PLASTIC CAP "HDC FIRM #3223"
- ⊗ SET ROD IN CONCRETE
- FOUND IRON ROD
- BOUNDARY OF LOT
- - - EASEMENT FOR PUBLIC UTILITIES
- - - SETBACK LINE
- SAMPLE LOCATION BY LESTER J. BUSHUE FOR SOIL EVALUATION REPORT NO. 13CH, 24, O&L, DATED JAN. 24, 2008

SPACE RESERVED FOR RECORDER'S STAMP

**RECEIVED**  
APR 05 2006

**CHAMPAIGN COUNTY ENGINEER**  
**CHAMPAIGN CO. P & Z DEPARTMENT**

I, \_\_\_\_\_ County Engineer of Champaign County, do hereby certify that the attached plat has been examined by me and found to comply with the highway requirements as set forth in the regulations governing plats of subdivided land adopted by the County Board of Champaign County, Illinois.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
\_\_\_\_\_  
County Engineer

**COUNTY ENVIRONMENT AND LAND USE COMMITTEE**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006 A.D.

Champaign County Environment and Land Use Committee

Chairman \_\_\_\_\_

Subdivision Officer \_\_\_\_\_

**SURVEYOR'S NOTES**

- Field work was completed for this project on February 8, 2006.
- This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.
- The subdivision is in the boundaries of the Conkey Branch Drainage District.
- This tract of land is located in Zone "C" on the Special Flood Hazard Area Identified for the County of Champaign, Illinois by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel Number 170894 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 serving a tributary area of 640 acres or more.
- Current zoning for this subdivision is Champaign County "CR - Conservation Recreation".
- Building setback lines for this subdivision shall be as follows:  
Front Yard = 35 feet  
Side Yard = 15 feet  
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 or village which has an adopted master plan.
- All dimensions are horizontal distances and are between adjacent monuments unless otherwise noted.
- Sanitary sewage disposal shall be by private disposal systems. A soil evaluation report was prepared by Lester J. Bushue and shown in Report No. 13CH, 24, O&L, dated January 24, 2006 which said report has been submitted to the Champaign County Public Health Department and signed by Sarah A. Michaels, Senior Sanitarian.
- Sanitary sewage disposal systems shall be in accordance with said report and the recommendations in a letter from said Champaign County Public Health Department, dated February 17, 2006 and signed by Sarah A. Michaels, Senior Sanitarian.
- Water supply shall be by private wells in accordance with Champaign County Public Health Department regulations.

STATE OF ILLINOIS }  
COUNTY OF CHAMPAIGN } s.s.

**SURVEYOR'S CERTIFICATE**

I, David P. Phillips, being Illinois Professional Land Surveyor Number 2591, do hereby certify that at the request of the owner, Colorado Avenue, L.L.C., I have caused a Survey to be made and a Plat to be drawn under my direct supervision of the following described tract of land:

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 Southeast 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, 1286.97 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 23 minutes 04 seconds East, 590.32 feet; thence South 09 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;

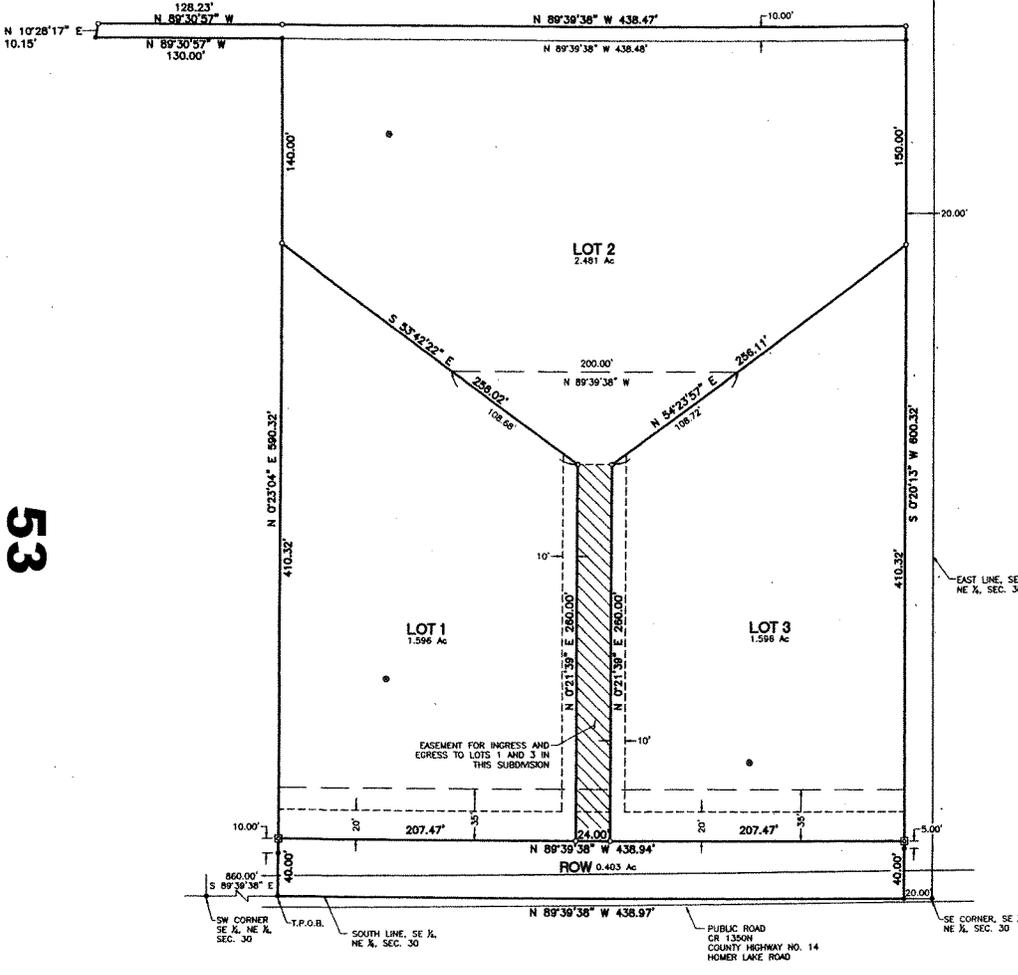
Also  
Commencing at the Southeast Corner of the said Southeast Quarter of the Northeast Quarter of Section 30, proceed South 89 degrees 39 minutes 38 seconds East along the South line of said Southeast Quarter of the Northeast Quarter, 1286.97 feet to a point being 20.00 feet West of the Southeast corner 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 09 degrees 39 minutes 38 seconds East, 130.00 feet along a line which is also hereafter 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 line 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;

The total tract of land encompasses 6.078 acres, more or less.

For said owner who desires to facilitate the sale of said land by subdividing it into lots, street right-of-ways and other areas into which said lands have been so subdivided; and have numbered the lots which numbers are shown in larger size on said plat; and have stated the precise dimensions in feet and hundredths of feet of said lots, streets, and other areas; and that reference has been made upon said plat to permanent survey monuments; and have placed survey monuments as shown on the plat; and the Subdivision shall be known as "Wolf Creek Subdivision, Champaign County, Illinois".

Signed and sealed this 5th day of APRIL, 2006.

David P. Phillips  
Illinois Professional Land Surveyor No. 2591  
License Expires 11/30/06



53

|                                      |                                                                    |                       |
|--------------------------------------|--------------------------------------------------------------------|-----------------------|
| <b>HDC ENGINEERING</b>               | 201 West Springfield, Suite 300,<br>Champaign, Illinois 61821-0140 | Revision Date: 4/5/06 |
|                                      | Phone No. 217-562-9878                                             | Revision Date: 3/7/06 |
|                                      | Professional Design Firm, License No. 184-033233                   | Drawn Date: 2/2/06    |
|                                      | Professional License Expires: 1/30/2007                            |                       |
| Field Book:<br>Project Number: 00051 | Drawn By: APJ/MSB                                                  | Sheet 1 of 1          |

TO: **Environment and Land Use Committee**

FROM: **John Hall, Director & Subdivision Officer**  
**James R. Knight, Temp Planner**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

DATE: **April 5, 2006**

RE: **Case 188-06 Wild Rose Subdivision**

**REQUESTED ACTION**

**Final Plat approval for a three-lot minor subdivision comprising 5.713 acres from an existing 40 acre tract that is located in both the AG-1 Agriculture Zoning District and B-4 General Business Zoning District in Section 8 of Tolono Township located on the north side of County Highway 18 approximately 175 feet west of the intersection with CR800E.**

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

**Proposed Lots 1 and 3 are already developed with long standing dwellings with septic systems and there is already a principal structure (a former seed grain facility) on proposed Lot 2. There have been no soil percolation tests to identify soil suitability for septic systems and plat approval at this time requires the following waivers (see Draft Findings at AttachmentE):**

- 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**

Stuart Mamer, Agent  
William R. Stevens  
James Stevens  
Amy L. Stevens

**Engineer/Surveyor**

M. W. Parsley  
204 West Route 133, PO Box 972  
Oakland IL 61943

**Location, Roadway Access, and Land Use**

The subject property is 5.713 acres of an existing 40 acre parcel in the Section 8 of Tolono Township. See the Location Map. The existing parcel consists of the former Wild Rose School and farmstead and former seed grain facility located on the north side of County Highway 18 approximately 175 feet east of the intersection with CR800E.

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

**Applicable Zoning Regulations**

Portions of this property were rezoned to B-4 General Business in Case 172-AM-99. Proposed Lots 1 and 3 are both split zoned AG-1 Agriculture and B-4 General Business. Proposed Lot 2 is zoned B-4 General Business only. See the attached Zoning Map. Minimum Lot Requirements are reviewed for Lots 1 and 3 in Table 1 and for Lot 2 in Table 2. All proposed lots meet all minimum lot requirements.

**Table 1. Review Of Minimum Lot Requirements for Lots Partially in the AG-1 District**

| Lot Characteristic       | Requirement (or Limit)            | Proposed Lots <sup>1</sup> |                | Notes                                |
|--------------------------|-----------------------------------|----------------------------|----------------|--------------------------------------|
|                          |                                   | Proposed Lot 1             | Proposed Lot 3 |                                      |
| Lot Area (acres)         | Minimum: 1.00 acre                | 2.948 acre                 | 1.000 acre     | MEETS OR EXCEEDS MINIMUM REQUIREMENT |
|                          | Maximum <sup>2</sup> : 3.00 acres |                            |                |                                      |
| Lot Frontage (feet)      | 20.00 (minimum)                   | 235.80 feet                | 220.40 feet    | EXCEEDS MINIMUM REQUIREMENT          |
| Lot Depth (feet)         | 80.00 (minimum)                   | 440 feet                   | 184.00 feet    | EXCEEDS MINIMUM REQUIREMENT          |
| Average Lot Width (feet) | 200.00 (minimum)                  | 291.85 feet                | 236.74 feet    | EXCEEDS MINIMUM REQUIREMENT          |
| Lot Depth To Width       | 3.00 : 1.00 (maximum)             | 1.51 : 1.00                | 0.78 : 1.00    | LESS THAN MAXIMUM ALLOWED            |

**NOTES**  
 NR= No Requirement (or limit)  
 1. Proposed Lots 1 and 3 are both split zoned and located partially in the AG-1 Agriculture Zoning District and partially in the B-4 General Business Zoning District.  
 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 was part of a 40 acre parcel on 1/1/98 and so the maximum lot size does apply.

**Table 2. Review Of Minimum Lot Requirements for Lots in the B-4 District**

| Lot Characteristic       | Requirement (or Limit)                 | Proposed Lots               |  | Notes                                |
|--------------------------|----------------------------------------|-----------------------------|--|--------------------------------------|
|                          |                                        | Proposed Lot 2 <sup>1</sup> |  |                                      |
| Lot Area (acres)         | 30,000 sq. ft. (minimum <sup>2</sup> ) | 36,770.98 sq. ft. (0.844)   |  | MEETS OR EXCEEDS MINIMUM REQUIREMENT |
| Lot Frontage (feet)      | 20.00 (minimum)                        | 256.81 feet                 |  | EXCEEDS MINIMUM REQUIREMENT          |
| Lot Depth (feet)         | 80.00 (minimum)                        | 180.00 feet                 |  | EXCEEDS MINIMUM REQUIREMENT          |
| Average Lot Width (feet) | 150.00 (minimum)                       | 204.28 feet                 |  | EXCEEDS MINIMUM REQUIREMENT          |
| Lot Depth To Width       | 3.00 : 1.00 (maximum)                  | 0.88 : 1.00                 |  | LESS THAN MAXIMUM ALLOWED            |

**NOTES**  
 NR= No Requirement (or limit)  
 1. Proposed Lot 2 is located in the B-4 General Business Zoning District.  
 2. This is the minimum lot area requirement when there is no connected public sanitary sewer and no connected public water supply.

## **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 3 reviews the conformance of the proposed subdivision with those standards. 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**

There is no Natural Resource Report for the subject property because it has been developed for a very long time. The underlying soil is Elburn silt loam, 0 to 3 % slopes (map unit 198A) which is considered Best Prime Farmland (Agriculture Value Group 1). Elburn is a nearly level somewhat poorly drained soil that is very similar to the Flanagan silt loam that is quite common in Champaign County. The Champaign County Soil Survey indicates that Elburn soil has “severe wetness” characteristics like Flanagan but does not have the ponding characteristic of Drummer silty clay loam.

## **Drainage, Stormwater Management Policy, and Flood Hazard Status**

The subject property is located in the Twomile Slough Drainage District. The drainage district was notified of 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**

Proposed Lots 1 and 3 are already developed with long standing dwellings with well and septic systems and there is already a principal structure (a former seed grain facility) on proposed Lot 2.

The report *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois* indicates that Elburn soil is somewhat better than Flanagan soil in terms of suitability for septic tank leach fields with a septic potential index of 83 on a scale of 0 to 103 and a soil potential rating of “medium”. There are 28 soils in the County that have better soil potential rating than Elburn and 31 soils have lower soil potential ratings.

## 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?**

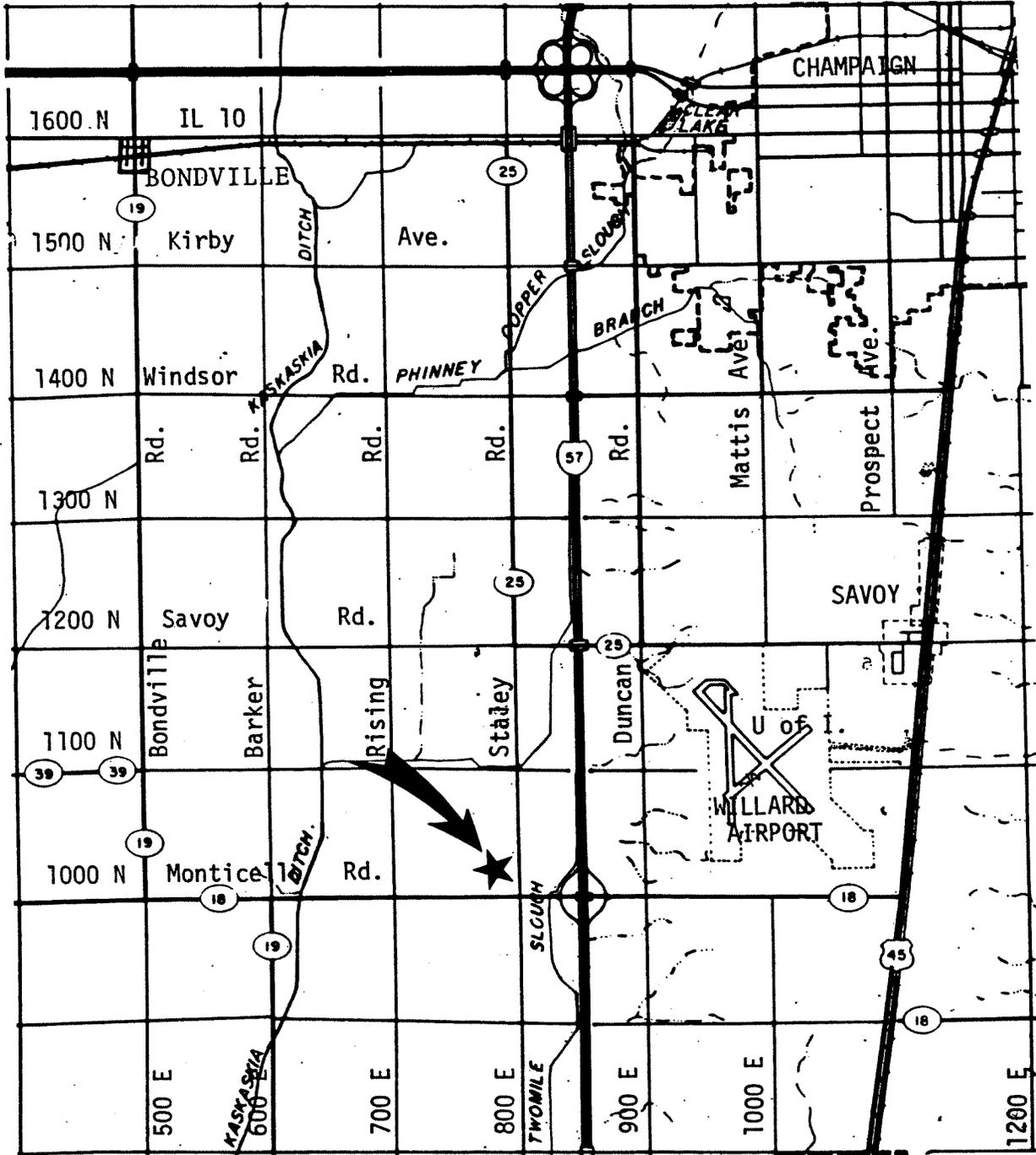
The proposed subdivision does not conform to the following requirements for Final Plats and waivers are required for the following:

1. **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 as required by of paragraph 9.1.2 q.** No soil investigations have been conducted on any of the lot. County Health Department comments have not been received but there generally are no comments on plats for which principal uses are already established and Lots 1 and 2 each have dwellings and there is a principal structure on Lot 3 (the former seed grain facility).
2. **The Final Plat does not contain a 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.** Because there have been no percolation tests conducted on these lots (see the first require waiver above) there can be certification statement.

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 Wild Rose Subdivision received March 24, 2006**
- C **Final Plat of Wild Rose Subdivision received March 24, 2006**
- D **Preliminary Assessment Of Compliance With Minimum Subdivision Standards**
- E **Draft Findings for Waivers of Final Plat Requirements**

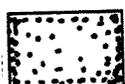
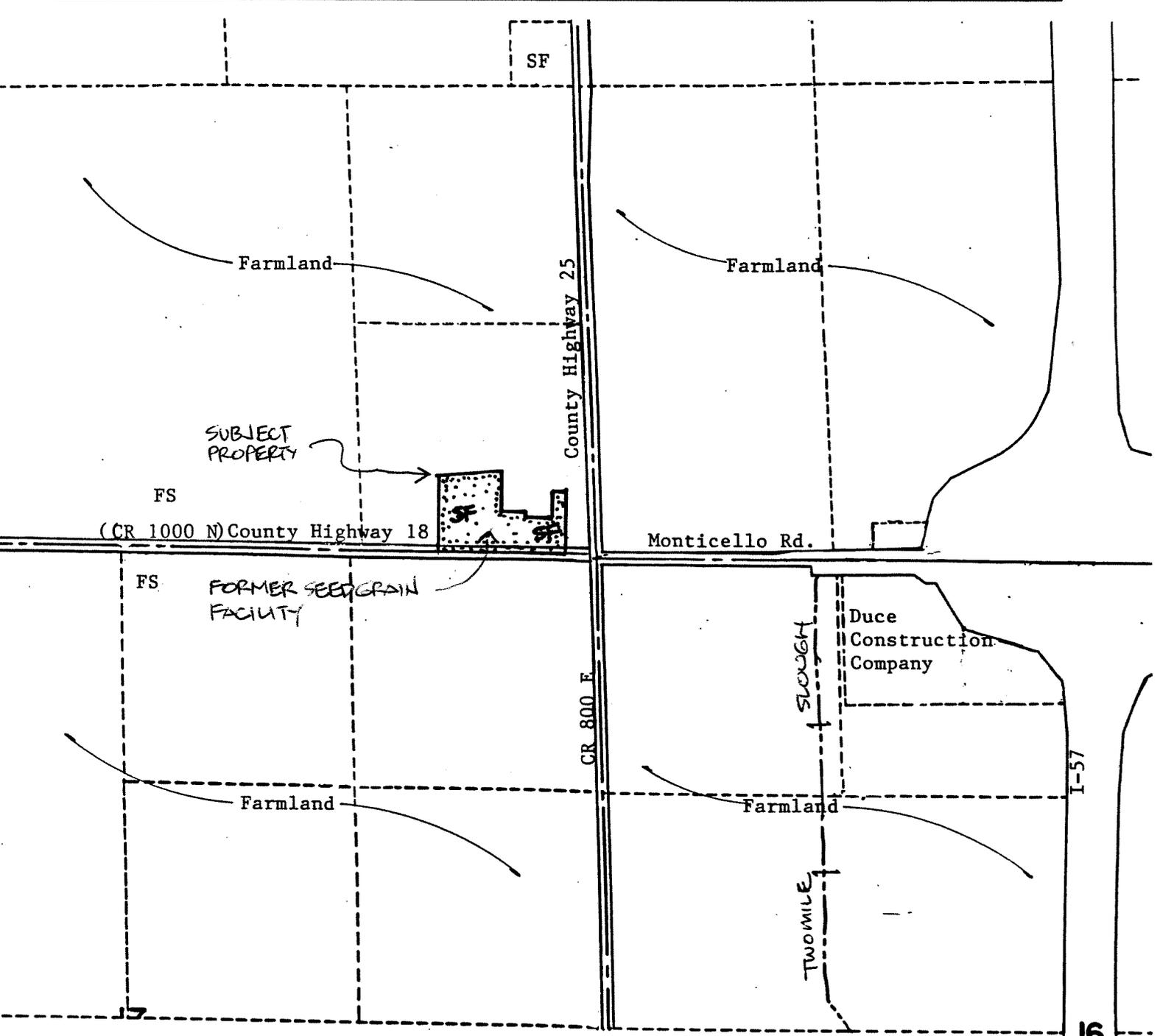


Area of Concern

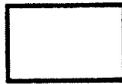


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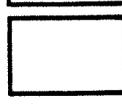
**Area of Concern**



**Single Family**

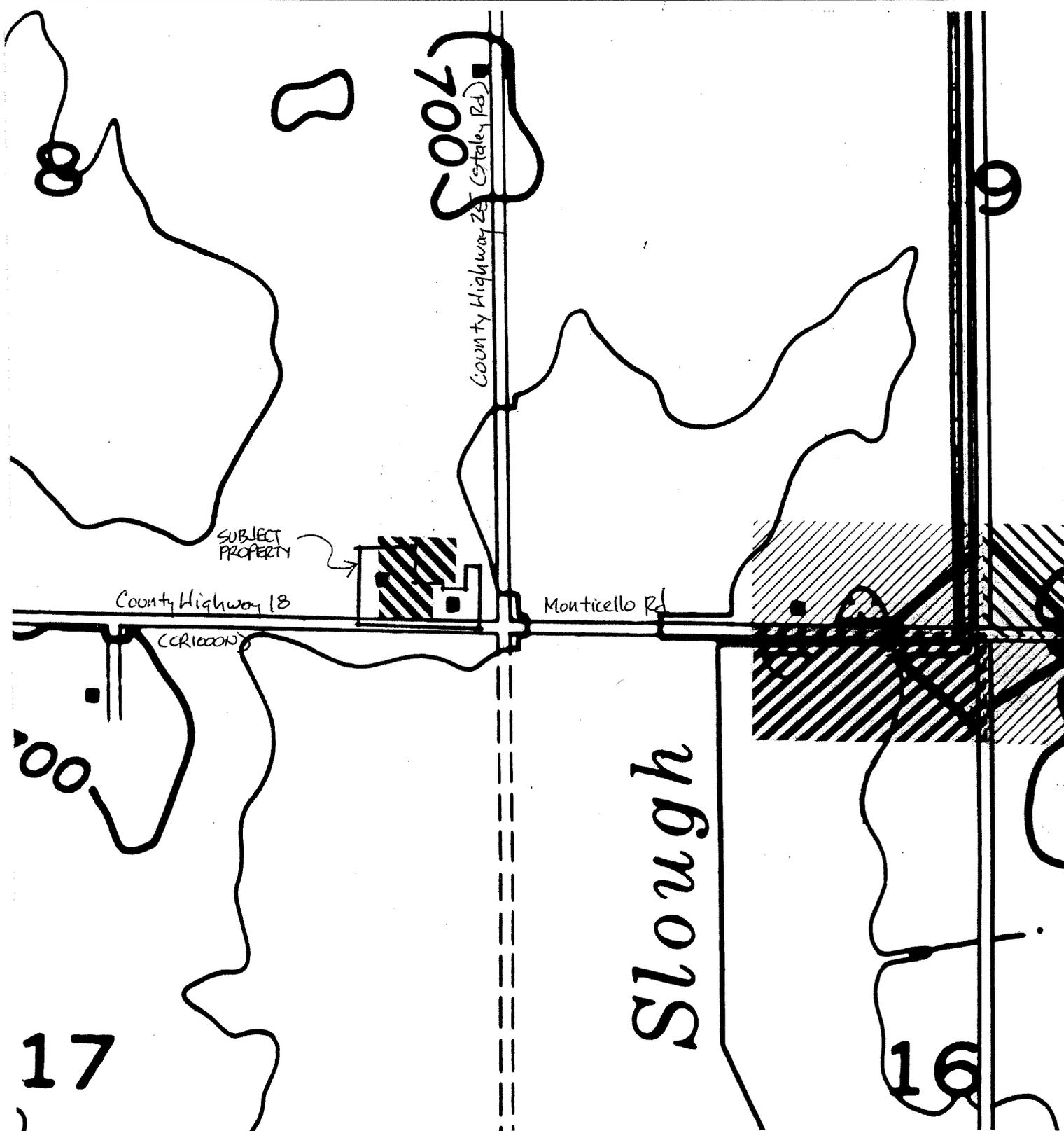


**Farmstead**



Champaign  
 County  
 Department of

**PLANNING &  
 ZONING**

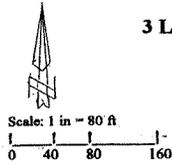


|                                   |                                   |                                |                                 |                            |                                                                                                    |
|-----------------------------------|-----------------------------------|--------------------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

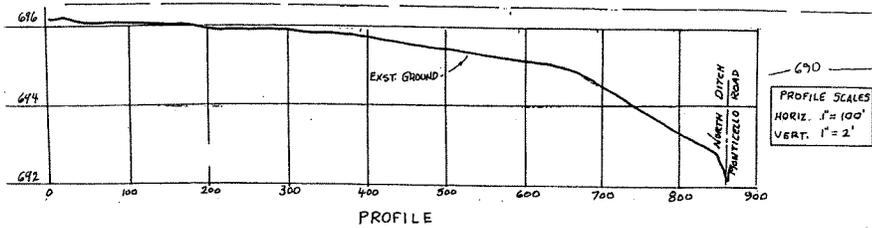
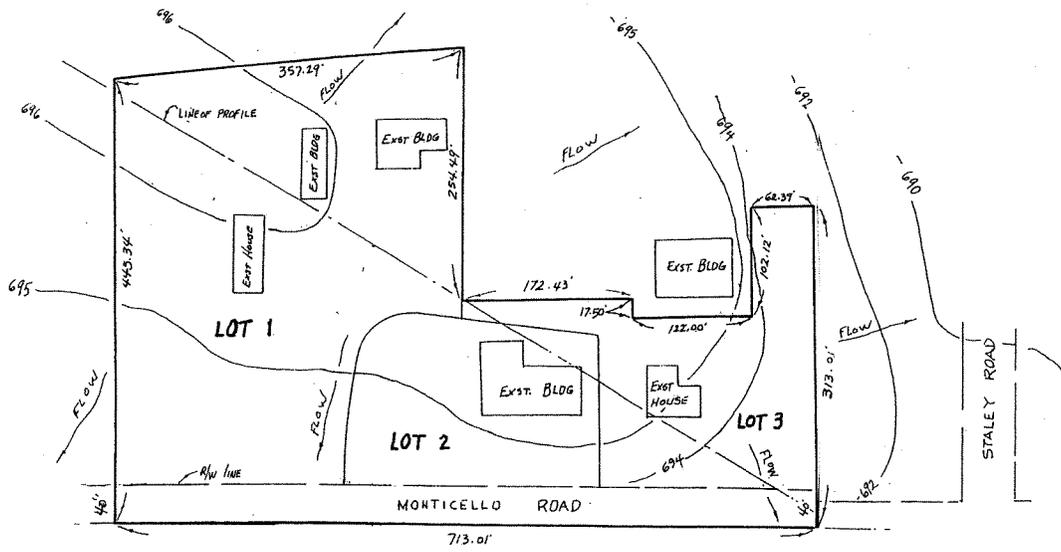
61

**SUBSIDIARY DRAINAGE PLAT  
WILD ROSE SUBDIVISION  
IN THE COUNTY OF CHAMPAIGN  
STATE OF ILLINOIS**

**3 LOTS      5.713 ACRES**



Source of Contours Shown: USGS Topographical Map



**DRAINAGE CERTIFICATE**

To the best of our knowledge and belief, reasonable provisions have been made for the collection and diversion of surface water into public areas or drains which the Subdivider has the right to use, and that such surface waters are planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of Wild Rose Subdivision.

*Robert H. McChristel*  
Illinois Professional Engineer No. 24158

*Wm R. Stuenkel*  
Owner

*James A. Stuenkel*  
Owner

*Ray T. Stuenkel*  
Owner



RECEIVED

23 2005

CHAMPAIGN CO. P. & Z. DEPARTMENT



**ATTACHMENT B. PRELIMINARY ASSESSMENT OF COMPLIANCE WITH MINIMUM  
SUBDIVISION STANDARDS  
Case 188-06 Wild Rose Subdivision  
APRIL 5, 2006**

| Standard                                                                                                                                                                                                                                                                               | Preliminary Assessment <sup>1</sup>                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SUITABILITY STANDARDS (Section 6.1.5 a.)</b>                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                               |
| 1) No part of a minimum required LOT AREA <sup>2</sup> 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)                                | <b>APPEARS TO CONFORM.</b> 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 <sup>2</sup> shall contain an EASEMENT for an interstate pipeline                                                                                                                                                                            | <b>APPEARS TO CONFORM.</b> No pipeline is included in the area proposed for subdivision.                                                                                                                                                                      |
| 3) No part of a minimum required LOT AREA <sup>2</sup> shall be within a runway primary surface or runway clear zone                                                                                                                                                                   | <b>APPEARS TO CONFORM.</b> 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 <sup>2</sup> shall be located more than one foot below the BASE FLOOD ELEVATION (BFE).                                                                                     | <b>APPEARS TO CONFORM.</b> No part of the subject property or parent parcel are within the mapped Special Flood Hazard Area (100-year floodplain) nor 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.                                                              | <b>APPEARS TO CONFORM.</b> The proposed lots consist of the former Wild Rose School and farmstead and former seed grain facility. The rest of the parent parcel is farmland.                                                                                  |
| 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.                                                                                                                                            | <b>APPEARS TO CONFORM.</b> The soil on these lots is best prime farmland soil and the lots are just large enough to encompass the former Wild Rose School and farmstead and former seed grain facility. All lots comply with the maximum lot size limitation. |
| 7) A minimum required LOT AREA <sup>2</sup> 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. | <b>APPEARS TO CONFORM.</b> The Subsidiary Drainage 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.                                                                                                                               | <b>APPEARS TO CONFORM.</b>                                                                                                                                                                                                                                    |
| <b>AGRICULTURAL COMPATIBILITY STANDARDS (Section 6.1.5 b.)</b>                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                               |
| 1) Possible driveway locations on each LOT must be limited such that driveway entrances to existing public STREETS are centralized as                                                                                                                                                  | <b>APPEARS TO CONFORM.</b> The three lots share an existing U-shaped drive.                                                                                                                                                                                   |

**SUBDIVISION STANDARDS**  
**Case 188-06 Wild Rose Subdivision**  
 APRIL 5, 2006

| Standard                                                                                                                                                                                                                                                                                                              | Preliminary Assessment <sup>1</sup>                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| much as possible consistent with good engineering practice.                                                                                                                                                                                                                                                           |                                                                                                                                                      |
| 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:<br>i. adjacent farmland that is under different OWNERSHIP at the time of SUBDIVISION; and<br>ii. adjacent public parks, natural areas, or nature preserves | <b>APPEARS TO CONFORM.</b> The subject property consists of the original farmstead and the former Wild Rose School and a former seed grain facility. |
| 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.                                                                                                                          | <b>APPEARS TO CONFORM.</b> The subdivision is as compact as possible.                                                                                |
| <b>Notes</b><br>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.<br><br>2. The minimum required lot area is one acre (43,560 square feet).  |                                                                                                                                                      |

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

As required by Article Eighteen of the Champaign County Subdivision Regulations and based on the testimony and exhibits received at the meeting held on **April 10, 2006**, the Environment and Land Use Committee of the Champaign County Board finds that in regard to the subdivision waivers requested in **Case 188-06 Wild Rose Subdivision**:

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. **Lots 1 and 2 already dwellings established with working septic systems.**
  - B. **The lot area of Lot 3 meets the minimum require lot area when there is no public sewer available.**
  
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. **Lots 1 and 2 are already developed with dwellings that have been in place a very long time and lot 3 is already developed with a principal structure.**
  - 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 and the lots are already developed.**
  
4. Special conditions and circumstances **DO NOT** result from actions of the subdivider because:
  - A. **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 waivers.**
  - D. **These waivers are not prohibited by the Subdivision Regulations and could be requested for any subdivision with similar conditions.**

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**  
Date: **April 5, 2006**  
RE: **Case 514-AM-05 Rural Residential Overlay Map Amendment for  
proposed one lot RRO**

**Zoning Case 514-AM-05**

Request: **Amend the Zoning Map to allow for the development of 1 single family residence on a lot in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners: **Richard C. Hooser**

Location: **A 4.72 acre tract of land located in the South ½ of the Northwest ¼ of the Southwest ¼ of Section 25 of Stanton Township and that fronts on the west side of CR2325E and is approximately one-quarter mile south of CR1950N.**

---

**STATUS**

The Zoning Board of Appeals voted to "RECOMMEND DENIAL" of this proposed Rural Residential Overlay (RRO) rezoning at their March 30, 2006, meeting.

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

The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact. The Summary of Evidence is attached and includes relevant testimony from the public hearing.

No frontage protests been received from neighboring landowners against the proposed rezoning. The subject property is not located within any municipal or village extraterritorial jurisdiction so there can be no municipal or village protest. Stanton Township has a Plan Commission that has recommended that the Township protest the map amendment and the Township Board has passed a resolution of protest. The resolution has not been received from the Stanton Township Board but when it is received it will trigger the "supermajority" requirement of a ¾ majority of the County Board for approval of the proposed map amendment.

**REQUIRED FINDINGS**

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

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

The proposed RRO is not on best prime farmland so there is no requirement that the land be "well suited" to the proposed RRO nor is it required that the land be used in the "most efficient way". The required findings on page 21 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

**Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:**

1. The Proposed Site is **NOT SUITED** for the development of **ONE** residence because:
  - A. **Flooding on the subject property can at times exceed the 100-year flood elevation; and**
  - B. **Emergency services can be compromised during times of flooding; and**
  - C. **Approximately one-third of the proposed lot is landlocked because of the drainageway and without access other than by trespass onto surrounding property; and**
  - D. **The bridge on CR1950N is a hazard to motorists when children from the existing homes play on it; and**
  - E. **In times of high water if the septic systems are placed in area that is flooded the high water could hamper the use of the system;**and despite:
  - F. **The LESA score being much better than typical.**

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

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

2. Development of the proposed site under the proposed Rural Residential Overlay development **WILL NOT BE COMPATIBLE** with surrounding agriculture because:
  - A. **Adding 25% more traffic to existing agricultural traffic is dangerous; and**
  - B. **Children playing on the bridge on CR1950N is dangerous and causes conflict with agriculture and non-agriculture traffic; and**
  - C. **The subject property is bordered on two sides, the east and the south, by farm production;**and despite:
  - D. **The nearly ideal conditions for drainage.**

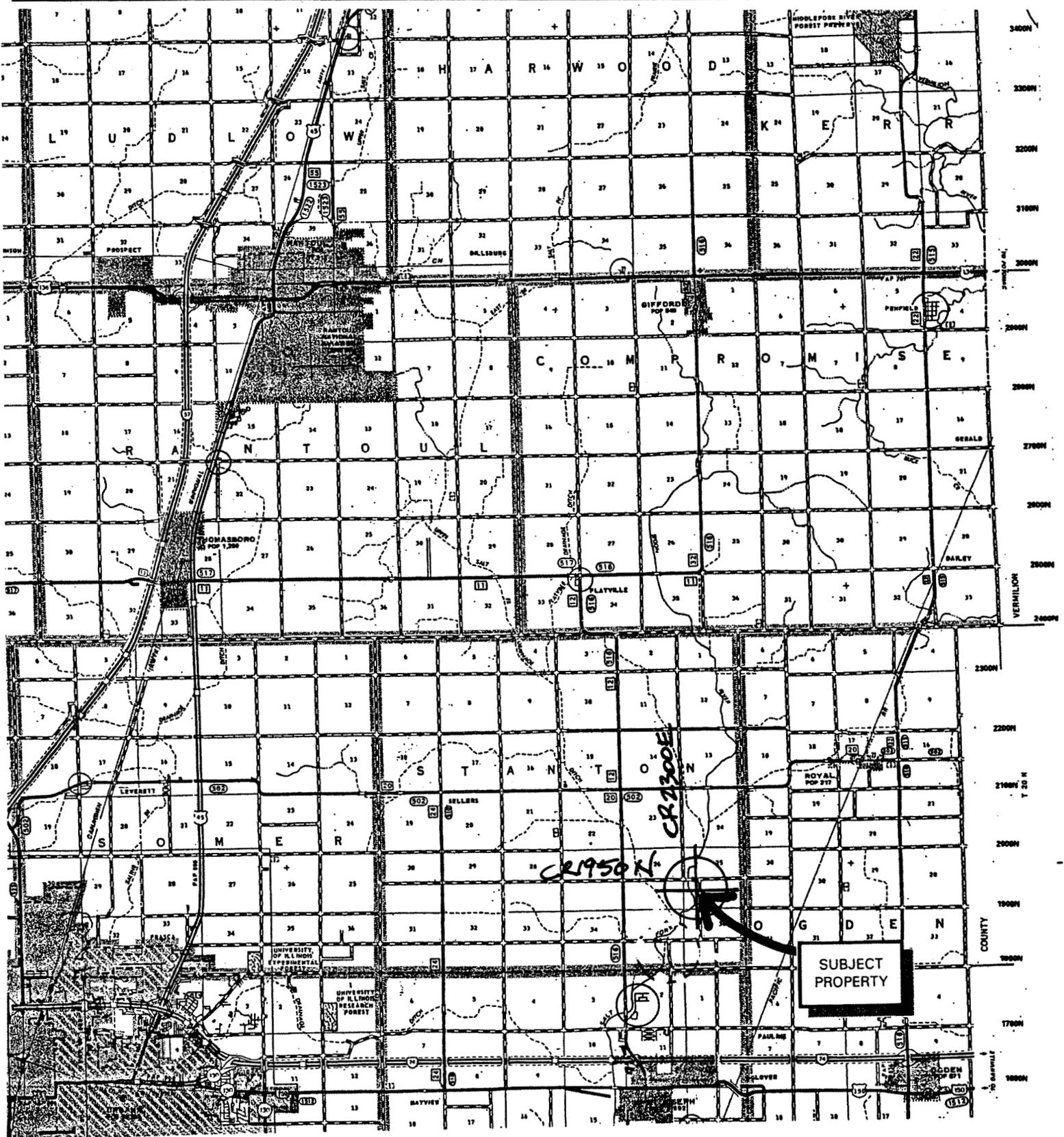
NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

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

- A Zoning Case Maps (Location, Land Use, Zoning)
- B Excerpt from Plat of Survey dated 3/20/03
- C Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on March 30, 2006 (UNSIGNED)

ATTACHMENT A. LOCATION MAP

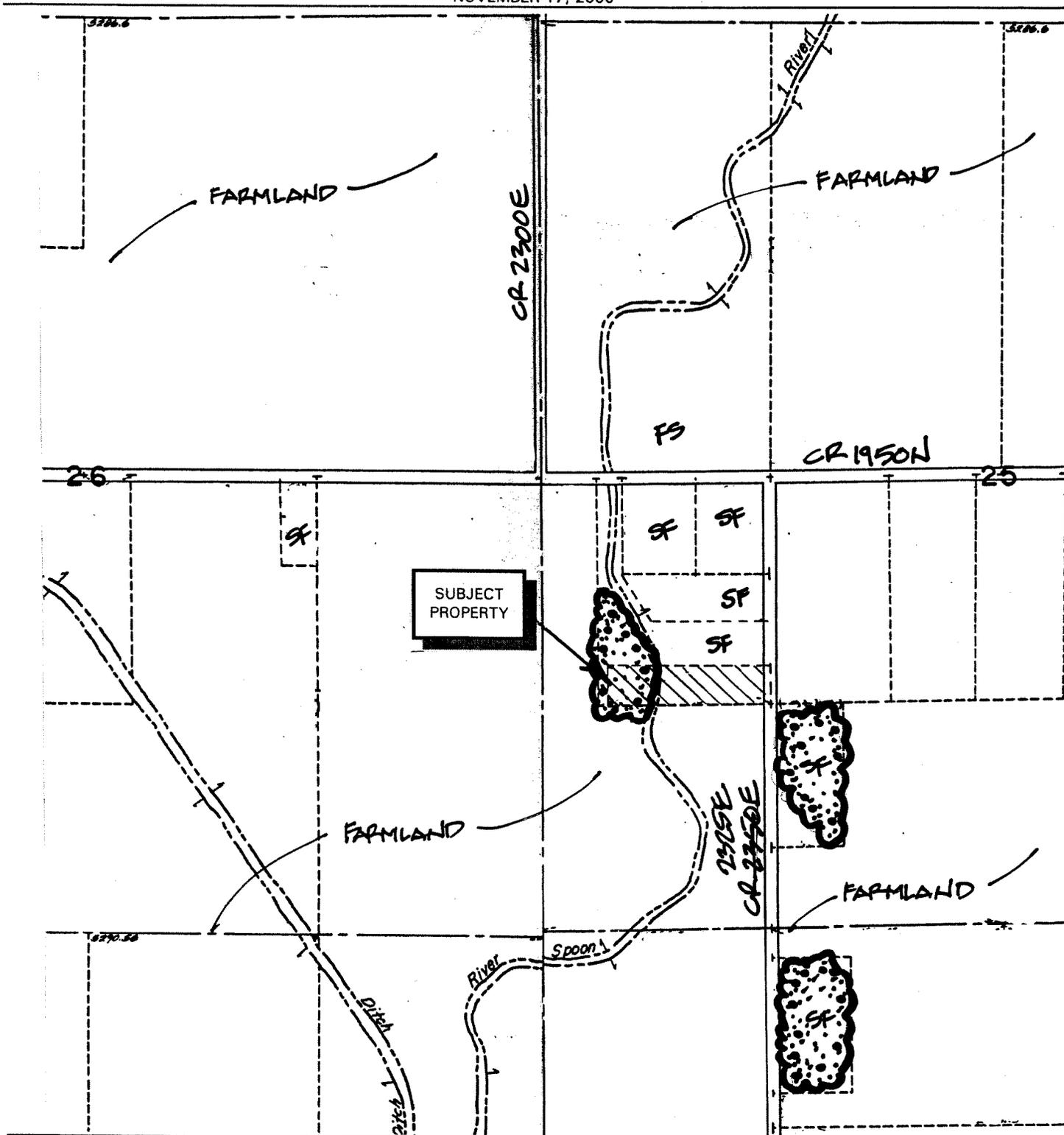
Case 514-AM-05  
NOVEMBER 17, 2005



Champaign  
County  
Department of  
**PLANNING &  
ZONING**

ATTACHMENT A. LAND USE MAP

Case 514-AM-05  
NOVEMBER 17, 2005

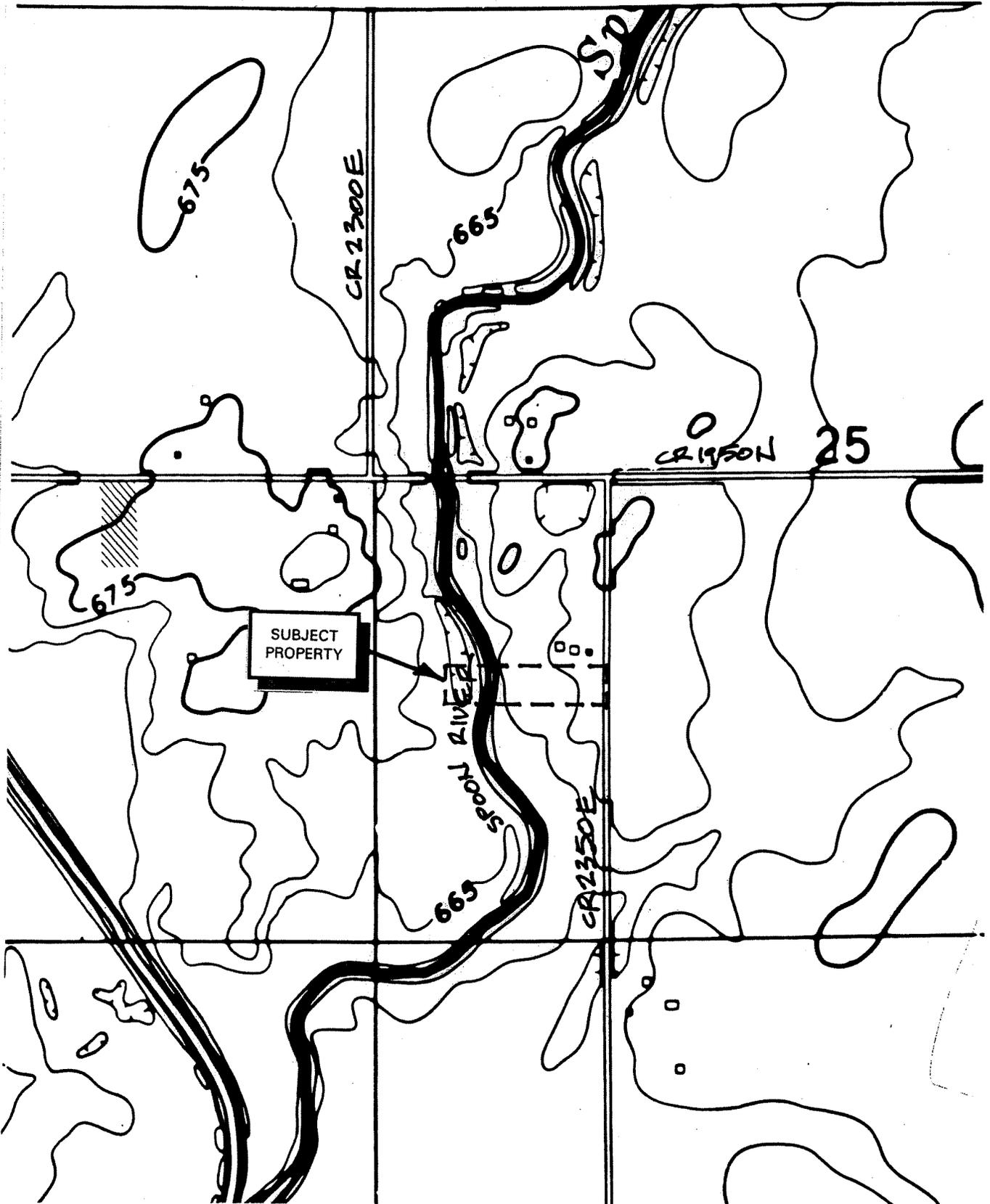


|                                                                                     |                 |                                                                                     |             |                                                               |
|-------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------|-------------|---------------------------------------------------------------|
|  | Area of Concern |  | WOODED AREA | <p>Champs<br/>Co<br/>Departmen<br/><b>PLANNIN<br/>ZON</b></p> |
|  | Single Family   |  |             |                                                               |
|  | Farmstead       |  |             |                                                               |

  
 NORTH

# ATTACHMENT A. ZONING MAP

Case 514-AM-05  
NOVEMBER 17, 2005



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

**70**

Champaign County Department of PLANNING & ZONING

NORTH

WEST 1/4 COR.  
SEC. 25-20N-10E

S 89°16'42" W  
335.10'

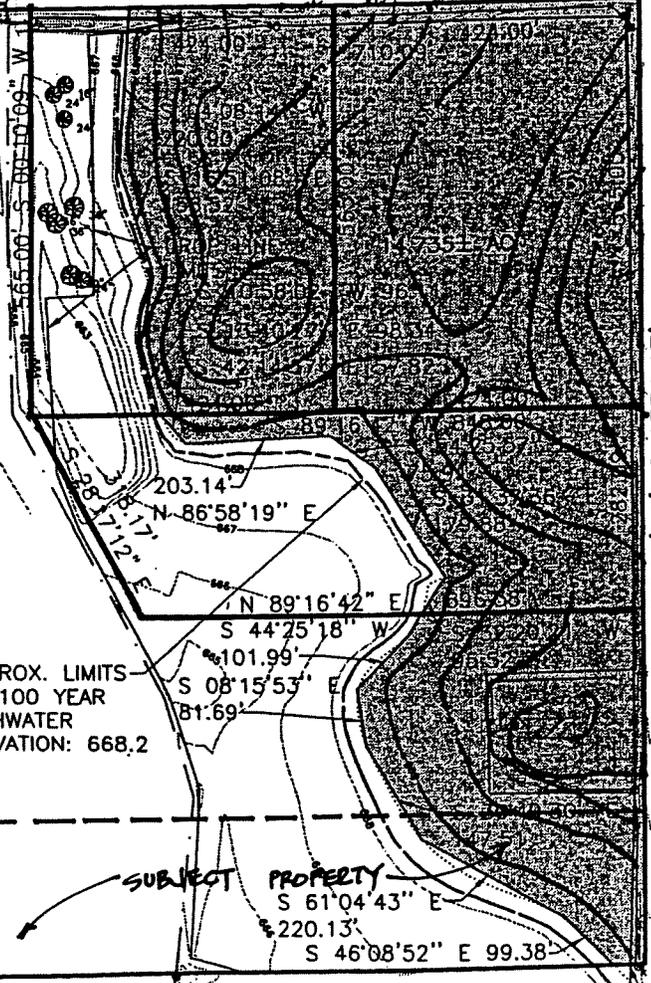
BENCHMARK: CHISELED SQUARE IN NORTHEAST WINGWALL  
OF BRIDGE. ELEVATION: 668.59

S 89°16'42" W 1005.27'

CENTER OF  
SEC. 25-20N-10E

S 89°16'42" W 1340.16'

N 00°10'09" E 1338.83'



APPROX. LIMITS  
OF 100 YEAR  
HIGHWATER  
ELEVATION: 668.2

SUBJECT PROPERTY

S 61°04'43" E  
220.13'  
S 46°08'52" E 99.38'

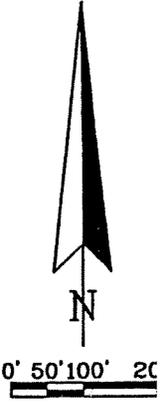
N 89°07'36" E 1005.31'

N 89°07'36" E 44.44'

N 00°10'09" E 1336.17'

LEGEND

-  BOUNDARY OF SURVEY
-  UTILITY POLE
-  TREE
-  CONTOUR EXISTING
-  AREA REMOVED FROM ZONE "A"



Job #01164

Date:03/20/00



201 West Spr  
Champaign, IL  
Phone No. 21

Professional Design Firm License I  
Exp

*AS APPROVED (RECOMMEND DENIAL)*

514-AM-05

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

---

Final Determination: **RECOMMEND DENIAL**

Date: **March 30, 2006**

Petitioner: **Richard C. Hooser**

Request: **Amend the Zoning Map to allow for the development of 1 single family residence on a lot in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

---

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 22, 2005, and March 30, 2006**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the owner of the subject property but has relocated from Champaign County.
2. The subject property is an approximately 4.72 acre tract of land located in the South ½ of the Northwest ¼ of the Southwest ¼ of Section 25 of Stanton Township and that fronts on the west side of CR2325E and is approximately one-quarter mile south of CR1950N..
3. On the petition, when asked what error in the present Ordinance is to be corrected by the proposed change, the petitioner indicated the following:

**“No error, need RRO.”**

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is zoned AG-1 Agriculture and is currently vacant.
  - B. Land on all sides of the subject property is zoned AG-1 Agriculture and is used as follows:
    - (1) Land on the north is a residence.
    - (2) Land on the east, south, and west is agricultural.

5. Regarding any relevant municipal or township jurisdiction:
  - A. The subject property is not located within the mile-and-a-half extraterritorial planning jurisdiction of any village or municipality.
  - B. The subject property is located in Stanton Township which has a plan commission. The plan commission has received notice of the meeting. Stanton Township has protest rights on the proposed map amendment. In the event of a valid township protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority. A township protest must be signed and acknowledged by the Township Board and filed with the Champaign County Clerk within 30 days of the close of the hearing at the ZBA. A certified mail notice of the protest must also be given to the Petitioner.

A letter received from Brian T. Schurter, attorney for Stanton Township, was received on February 21, 2006, that stated that the Stanton Township Plan Commission voted on February 13, 2006, to oppose the zoning map amendment in Case 514-AM-05.

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

6. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning.
7. The RRO District is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
8. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings before forwarding a recommendation regarding any RRO case which are the following:
  - A. That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
  - B. That the proposed residential development will or will not be compatible with surrounding agriculture.
9. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
  - A. Adequacy and safety of roads providing access to the site
  - B. Effects on drainage both upstream and downstream
  - C. The suitability of the site for onsite wastewater systems
  - D. The availability of water supply to the site
  - E. The availability of emergency services to the site
  - F. The flood hazard status of the site
  - G. Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat
  - H. The presence of nearby natural or man-made hazards

**Item 9 (continued)**

- I. Effects on nearby farmland and farm operations
- J. Effects of nearby farm operations on the proposed residential development
- K. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated
- L. The LESA (Land Evaluation and Site Assessment) score of the subject site

**GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES**

- 10. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies- Rural Districts were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- 11. Land Use Regulatory Policies that are relevant to any proposed RRO District are the following:
  - A. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
    - (1) the conversion of prime farmland is minimized;
    - (2) the disturbance of natural areas is minimized;
    - (3) the sites are suitable for the proposed use;
    - (4) infrastructure and public services are adequate for the proposed use;
    - (5) the potential for conflicts with agriculture is minimized.
  - B. Land Use Regulatory Policy 1.2 states that on the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.
  - C. Land Use Regulatory Policy 1.3.3 provides that development beyond the basic development right will be permitted if the use, design, site and location are consistent with County policy regarding:
    - (1) the efficient use of prime farmland;
    - (2) minimizing the disturbance of natural areas;
    - (3) suitability of the site for the proposed use;
    - (4) adequacy of infrastructure and public services for the proposed use; and
    - (5) minimizing conflict with agriculture.
  - D. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.

**Item 11 (continued)**

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

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

- 12. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
  - A. As amended on February 19, 2004, by Ordinance No. 710 that was based on Case 431-AT-03 Part A, the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
  - B. The subject property is the fifth lot less than 35 acres in area that has been divided from an approximately 30 acre parent tract that existed on January 1, 1998, and requires RRO rezoning in order to be a good zoning lot.

***GENERALLY REGARDING THE PROPOSED RRO DISTRICT***

- 13. The excerpt of a Plat of Survey dated 3/20/03 that was submitted in fulfillment of the Schematic Plan requirement indicates the following:
  - A. The RRO District is proposed to occupy the entire 4.72 acre subject property.
  - B. The Spoon River divides the subject property.
  - C. All but about 30,000 square feet of the 4.72 acre property is located below the Base Flood Elevation (100-year flood) of 668.2 feet. There is approximately six feet of topographic fall on the subject property between the highest portion near CR2325E and the Spoon River that bisects the property.
- 14. The lot in the requested RRO District meets or exceeds all of the minimum lot standards in the Zoning Ordinance.

**GENERALLY REGARDING THE SOILS ON THE PROPERTY**

15. A Section 22 Natural Resource Report was prepared for the proposed RRO by the Champaign County Soil and Water Conservation District and can be summarized as follows:
- A. Regarding the types of soils on the subject property, their relative extent, and the relative values:
- (1) About .7 acre (14.8%) of the subject property is Best Prime Farmland and consists of Drummer silty clay loam, 0 to 2% slopes (map unit 152A), which is in Agriculture Value Group 2.
  - (2) Nearly half of the subject property consists of soils that are Agriculture Value Group 6 and are the following:
    - (a) Sawmill silty clay loam, 0 to 2% slopes (new map unit 3107A), makes up about 33.9% (about 1.6 acres) of the subject property. This was formerly known as Colo silty clay loam (old map unit 402).
    - (b) Senachwine silty clay loam, 2% to 5% slopes (new map unit 618B), makes up about 14.8% (about .7 acre) of the subject property. This was formerly known as Miami silt loam, 2% to 5% slopes (old map unit 27B).
  - (3) A little more than a third of the subject property consists of soils that are Agriculture Value Group 5 and are the following:
    - (a) Camden silt loam, 2% to 5% slopes (map unit 134B), makes up about 27.5% (1.3 acres) of the subject property.
    - (b) Xenia silt loam, 2% to 5% slopes (map unit 291B), makes up about 10.6% (.5 acre) of the subject property.
- B. The subject property is not Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:
- (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies- Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the *Champaign County, Illinois Land Evaluation and Site Assessment System*.
  - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates that the overall Land Evaluation factor for the soils on the subject property is only 77.
- C. Site specific concerns stated in the Section 22 Natural Resource Report are the following:

**Item 15 (continued)**

- (1) The area that is to be developed has 5 soil types that have severe wetness and ponding characteristics. This will be especially important for the any septic systems that could be part of a home site in the future.
- (2) The site is within the FEMA map flood area, but surveyor established elevations show only a portion of the tract is in the floodplain.

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

16. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
  - A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.
  - B. The Staff report *Locational Considerations for Rural Residential Development In Champaign County, Illinois*, that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
  - C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the single residence in the requested RRO District is estimated to account for an increase of approximately 10 ADT in total but it is unclear if all of that traffic will be in the same direction or if the traffic will be split between the east and the west.
  - D. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
    - (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
    - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
    - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.

**Item 16 (continued)**

- (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- F. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). An IDOT map of AADT data for 2001 in the vicinity of the subject property was included as an attachment to the Preliminary Memorandum and indicates the following:
- (1) There is no AADT reported for any of the roadways between the subject property and the nearest state maintained road, CR2200E. Pavement widths in the vicinity of the subject property have been measured by staff to be as follows:
    - (a) CR2325E in front of subject property is approximately 15 feet wide and the surface is oil and chip. CR2325E is also approximately 15 feet wide south of the property near the intersection with CR1850N and is also an oil and chip surface.
    - (b) CR1950E west of the intersection with CR2325E is approximately 15 feet wide and the surface is oil and chip.
    - (c) CR1950E east of the intersection with CR2200E is approximately 17 feet wide and the surface is oil and chip.
    - (d) CR1850N east of the intersection with CR2200E is approximately 15 feet wide and the surface is oil and chip.
  - (2) The pavement width of CR2200E in the vicinity of the subject property is approximately 22'-8" wide and is bituminous concrete (asphalt) instead of oil and chip. The most recent ADT data that is available is from 2001 and approximately one mile south of the subject property the ADT in 2001 was 2050. It is not clear how the existing traffic compares to the recommended because the capacity of CR2200E is so great.
- G. The relevant geometric standards for visibility are found in the *Manual Of Administrative Policies Of The Bureau Of Local Roads And Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to "minimum stopping sight distance". Design speed determines what the recommended distance is. In regards to the proposed RRO there are no concerns related to stopping sight distance.

**Item 16. (continued)**

- H. Testimony regarding traffic received at the November 22, 2005, meeting was as follows:
- (1) Mr. Roger Fredenhagen, who resides at 1939 CR 2325E, St. Joseph testified as follows:
    - (a) There are currently four residences that access CR2325E and one more residence would be a 25% increase in traffic.
    - (b) One of his additional concerns with traffic is the conflict between residential traffic and farm traffic. He said that recently one night during harvest there were two semi-trucks, one grain truck, combine, four-wheel drive tractor pulling a grain wagon and a pick up truck parked on the road next to the field. He said that he is an experienced farm equipment operator but during his approach to these vehicles it was hard to visualize what was actually parked along the road which created a road hazard.
  - (2) Mr. Les Olson, who resides at 2316 CR 1950N, St. Joseph testified as follows:
    - (a) He has lived on his family farm for 29 years. He said that the three existing homes have increased traffic a lot.
    - (b) He said that he first met one new neighbor at 1:00 a.m. when he drove through his cornfield, broke a telephone pole and drove into the Spoon River. He said that the neighbor has a riser in his front yard for drainage.
    - (c) He said that last summer he was traveling CR 1950N with an agricultural sprayer and when he came to the bridge there were bicycles and kids scattered all over. He said that the sprayer is 14 feet wide and the bridge is 24 feet wide therefore there was only ten feet to work with and if he had met a car it would have been a problem not counting trying to avoid the kids and their bikes. He said that he can remember when he was in grade school a Prairieview bus loaded with kids met a truck on the bridge located on 1950N and the bus slid down the embankment.
- I. Based on the information received, the subject property is comparable to “much better than typical” conditions in terms of common conditions for road safety for rural residential development in Champaign County because of the following:
- (1) The traffic assumed to be generated by this one residence will be a very small increase in relation to the existing street capacity.
  - (2) CR2200E is only a little more than one mile distant and has much greater capacity.

**GENERALLY REGARDING DRAINAGE**

17. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
- A. There has been no engineer's explanation of general drainage conditions received for this lone lot RRO. The site plan indicates the following:
- (1) There is approximately six feet of topographic fall on the subject property between the highest portion near CR2325E and the Spoon River that bisects the property. This is about 1.5% slope on average. The topographic contours do not indicate any areas of significant storm water ponding on the subject property. The Champaign County Zoning Ordinance does not contain minimum acceptable ground slope but 1% is normally considered a minimum desirable ground slope for residential development.
  - (2) Most of the subject property drains directly to the Spoon River and about the eastern one acre drains to the adjacent road ditches and does not drain across any adjacent land under different ownership.
  - (3) All but about 30,000 square feet of the 4.72 acre property is located below the Base Flood Elevation (100-year flood) of 668.2 feet. The Zoning Ordinance does not contain any minimum required area above the Base Flood Elevation.
  - (4) Storm water detention is not required due to the low percent of impervious area.
- B. Testimony regarding drainage received at the November 22, 2005, meeting was as follows:
- (1) Ms. Sherry Helregel, who resides at 1939 CR 2325E, St. Joseph testified as follows:
    - (a) She said that a good majority of the land is located in the floodplain and it appears that four residential properties to the north naturally drain south into the floodplain therefore if the subject property is significantly altered for development she is concerned that her property may not drain properly. She said that should this drainage issue be the case it could cause an environmental and financial hardship on her family and it could devalue their property. She said that they have 4.2 acres in CRP planted in trees therefore the drainage is very important.
    - (b) She said that currently the subject property is not being farmed and is inhabited and utilized by wildlife. She said that there is a certain amount of privacy that people expect from homes setting on five acres and due to the floodplain limitations on the subject property and what portion of the property is suitable for development would intrude on the unspoken right to privacy.
- C. Based on the available information the subject property is comparable to "ideal or nearly ideal" conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:

**Item 17. C. (continued)**

- (1) The subject property has adequate buildable area above the Base Flood Elevation.
- (2) About 74% of the best buildable area consists of soils that are not considered as “wet soils”.
- (3) The subject property has good surface drainage with adequate drainage outlets and does not drain over adjacent land.

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

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

- A. No actual soil investigations or soil percolation test results have been submitted and none are required as a submittal for an RRO rezoning. As a practical matter the only buildable area of the subject property is the portion east of the Spoon River and the best buildable area includes the area above the Base Flood Elevation which is made up of Camden silt loam, Senachwine silty clay loam, and Drummer silty clay loam.
- B. The pamphlet *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the soils on the best buildable area of the subject property are an attachment to the Preliminary Memorandum and can be summarized as follows:
  - (1) Camden silt loam, 2% to 5% slopes (map unit 134B), has a very high suitability for septic tank leach fields with a soil potential index of 100. There are no required corrective measures. There are only four soils in Champaign County with a higher rating and 55 soils that have lower ratings. About 27.5% (1.3 acres) of the subject property is Camden silt loam soil and it makes up most of the best buildable area on the subject property.
  - (2) Senachwine silty clay loam (formerly known as Miami silt loam , 2% to 5% slopes) has a high suitability for septic tank leach fields with a soil potential index of 96 but the low permeability requires a large absorption field. There are only nine soils in Champaign County with a higher rating and 50 soils that have lower ratings. This soil makes up about 14.8% (about .7 acre) of the subject property it is all located in the best buildable area on the subject property..
  - (3) Drummer silty clay loam has a low suitability for septic tank leach fields with a soil potential index of only 53. Several corrective measures are required. There are only 19 soils with a lower suitability than Drummer and 40 soils with a higher suitability.

**Item 18 (continued)**

- C. Overall septic suitability of the soils on the subject property can be summarized as follows:
  - (1) About 42% of the subject property consists of soils with a high or very suitability for septic tank leach fields and this is about 74% of the best buildable area that is of the following two types:
    - (a) About 27.5% of the subject property (about 48% of the best buildable area) consists of soils with a very high suitability with no required corrective measures.
    - (b) About 14.85% of the subject property (about 26% of the best buildable area) consists of soils with a high suitability provided that a large absorption field is installed.
    - (c) About 14.8% of the subject property (about 26% of the best buildable area) consists of soils with a low suitability for septic tank leach fields..
- D. Based on the available information, the suitability of the soils on the subject property for septic systems are comparable to the “much better than typical” conditions for Champaign County in terms of common conditions for the septic suitability of soils for the proposed RRO District because of the following:
  - (1) About 42% of the subject property (about 74% of the best buildable area) consists of soils with a high or very suitability for septic tank leach fields.

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

- 19. Regarding the availability of water supply to the site:
  - A. The Staff report *Locational Considerations And Issues For Rural Residential Development In Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County. A copy of the map from the Staff report was included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
  - B. Based on the available information, groundwater availability of the subject property for the proposed RRO District is comparable to the “typical” condition for Champaign County in terms of common conditions for groundwater availability and the impact on neighboring wells because of the following:
    - (1) the subject property is not in the area with limited groundwater availability; and
    - (2) there is reasonable confidence of water availability; and
    - (3) there is no reason to suspect an impact on neighboring wells.

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

20. Regarding the availability of emergency services to the site:
- A. The subject property is located between 4 and 5 road miles from the St. Joseph Stanton Fire Protection District station in St. Joseph. The Fire District chief has been notified of this request.
  - B. The nearest ambulance service is in Champaign.
  - C. Testimony regarding traffic received at the November 22, 2005, meeting was as follows:
    - (1) Mr. Roger Fredenhagen, who resides at 1939 CR 2325E, St. Joseph testified as follows:
      - (a) The proposed RRO District is between 4 and 5 road miles from the St. Joseph Fire Protection District station in St. Joseph during dry weather but when it is wet it is an 8 mile trip because many of the roads are impassable due to heavy flooding.
      - (b) He said during the past year there have been four occasions when CR 2325E was impassable and on one of those occasions the water was 4 to 6 foot high over a four day period.
    - (2) Mr. Les Olson, who resides at 2316 CR 1950N, St. Joseph testified as follows:
      - (a) He stated that the flooding on CR 1950N does increase response time for emergency vehicles. He said that he has witnessed fire trucks from St. Joseph having to turn around and head a different direction due to flooding yet the fire may only be less than a mile away from their turn around point.
      - (b) He stated that CR 1950N and CR 2325E are sometimes impassable. He said that all five spots which have been discussed are sometimes so impassable that you could not drive a pickup through them. He said that he went through one of the spots with a tractor and the water was at least four to five feet deep. He said that when these areas flood it is normal for the water to stay for four or five days. He said that three years ago he received 0.20 inch of rain yet they received 8 inches of rain at Flatville therefore all of that water drained towards them and they were flooded for five days.
  - D. Based on the available information, the emergency services conditions on the subject property are comparable to the "typical" conditions for Champaign County because of the following:
    - (1) the proposed RRO District is between 4 and 5 road miles from the St. Joseph Stanton Fire Protection District station in St. Joseph.

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

21. Regarding the flood hazard status of the site:
- A. Pursuant to Federal Emergency Management Agency Panel Number 170894- 0150B, the entire subject property is located within the mapped Special Flood Hazard Area. However, the Base Flood Elevation (100-year flood) at this location is 668.2 feet above sea level and based on actual topography about 30,000 square feet of the property is located above that elevation. The Base Flood Elevation is based on the design data for the bridge on CR1950N over the Upper Salt Fork that is located due east of CR2200E.
  - B. Testimony regarding traffic received at the November 22, 2005, meeting was as follows:
    - (1) Mr. Les Olson, who resides at 2316 CR 1950N, St. Joseph testified as follows:
      - (a) He has lived on his family farm for 29 years. Sometimes it is impossible to travel on CR 1950N due to flooding and at one time a huge propane truck floated off the road. He said that the road was the highest point and off the road is a 12 foot drop.
      - (b) He said that the bridge crossing the Spoon River is one of the first bridges constructed in Stanton Township. He said that he was informed that the 100-year floodplain elevation of the bridge is two feet below the bridge which is located to the west. He said that it is pretty interesting that a typical flood is higher than the 100-year flood determination. He said that in 1993 the issue of the flood water at the bridge was not depth or height but the number of times that it flooded.
  - C. Mr. Roger Fredenhagen submitted a letter from Mr. Gary Olson at the March 30, 2006 meeting of the Zoning Board of Appeals, in which Mr. Olson testified that he has seen floodwaters on the subject property that were higher than the BFE, Base Flood Elevation for the subject property. Mr. Fredenhagen testified that the difference was about 40 feet.
  - D. Les Olson testified at the March 30, 2006 meeting of the Zoning Board of Appeals that he remembers floodwaters touching the former barn on the subject property.
  - E. Based on the available information, the proposed RRO District is comparable to “typical” conditions in terms of common conditions for flood hazard for rural residential development in Champaign County because of the following.
    - (1) Somewhat more than 30,000 square feet of the property is above the Base Flood Elevation (BFE) and in total there is somewhat more than one acre that is either above the BFE or no more than one foot below the BFE.
22. Regarding the presence of nearby natural or man-made hazards:
- A. The subject property is not close to any man-made hazard.

**Item 22 (continued)**

- B. Based on the available information, the proposed RRO District is comparable to “much better than typical” conditions in terms of common conditions for natural and man-made hazards for rural residential development in Champaign County because of the following:
  - (1) the property is not close to any man-made hazard and it is not unusual for a site to be close to some kind of hazard such as a pipeline, high tension electrical transmission lines, or railroad tracks.

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

- 23. Regarding the likely effects of nearby farm operations on the proposed development:
  - A. Modern agricultural operations are generally incompatible with rural residential development because of the following:
    - (1) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
    - (2) Livestock management facilities produce odors that homeowners sometimes find objectionable.
  - B. Row crop production agriculture occupies most of the land area within the vicinity of the subject property but does not occur on the north and west sides of the proposed RRO.
  - C. There is no known livestock management facility within one mile of the subject property. The closest known livestock management facility is two miles to the west along CR2100E in Section 33 of Stanton Township.
  - D. Overall, the effects of nearby farm operations on the subject property is comparable to “much better than typical” conditions for Champaign County because of the following:
    - (1) the proposed RRO District is bordered on no more than two sides by row crop agriculture under different ownership.
    - (2) There is no known livestock management facility within one mile of the subject property and the closest known livestock management facility is a two miles away.

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

- 24. Regarding the LESA (Land Evaluation and Site Assessment) score of the proposed RRO District:
  - A. The Champaign County, Illinois Land Evaluation and Site Assessment (LESA) System is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score

**Item 24A (continued)**

indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:

- (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
- (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
- (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
- (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.

B. The LESA worksheets for the subject property are an attachment to the Preliminary Memorandum. The component and total scores are as follows:

- (1) The Land Evaluation component rating for the proposed RRO District is 77.
- (2) The Site Assessment component rating for the proposed RRO District is 132.
- (3) The total LESA score is 209 and is a “High” rating for protection.
- (4) For comparison purposes, development on prime farmland soils located at or near a municipal boundary within an area with urban services should typically score between 154 and 182.

C. Based on the available information, the LESA score for the subject property compares to common conditions in Champaign County as follows:

- (1) The Land Evaluation score of 77 is comparable to “ideal or nearly ideal conditions” for Champaign County.
- (2) The Site Assessment score of 132 is comparable to “much better than typical conditions” for Champaign County.
- (3) The total LESA score of 209 is comparable to “much better than typical conditions” for Champaign County.

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

25. The soils on the subject property are not best prime farmland on average but there is .7 acre of best prime farmland soil in the 4.72 acres of the subject property.

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

26. Regarding the effects on wetlands, endangered species, natural areas, and archaeological sites:

- A. A copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources was received on September 20, 2005, and included as an attachment to the Preliminary Memorandum. The report noted that the Spoon River Natural Area noted is adjacent to the subject property but the proposed development action does not affect the natural area and the endangered species consultation was terminated.

**Item 26A (continued)**

The subject property also does not appear to contain any significant wildlife habitat.

- B. The subject property is within the area with a high probability of archaeological resources.

A copy of the Agency Response was received from the Illinois State Historic Preservation Agency on September 20, 2005, and there are no significant resources within the project area.

- C. Based on the available information, the proposed RRO District is comparable to “typical” conditions in terms of common conditions for wetlands, endangered species, natural areas, and archaeological sites.

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

- 27. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
  - A. “Ideal or Nearly Ideal” conditions for effects on drainage.
  - B. “Much Better Than Typical” conditions for the following five factors:
    - (1) septic suitability;
    - (2) natural or man-made hazards;
    - (3) effects of farms;
    - (4) LESA score, and
    - (5) adequacy of roads.
  - C. “More or Less Typical” conditions for the following four factors:
    - (1) availability of water;
    - (2) flood hazard status;
    - (3) emergency services; and
    - (4) the effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat.

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

- 28. Regarding the likely effects of the proposed development on nearby farm operations:
  - A. The adjacent land use on two sides of the subject property is agriculture and the property is surrounded by agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
    - (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.

**Item 28A (continued)**

The single dwelling that will result from the proposed RRO will generate 25% more traffic than the non-RRO alternative development of only 4 homes.

- (2) Trespassing onto adjacent fields may be more likely resulting in damage to crops or to the land itself.

The single dwelling that will result from the proposed RRO may generate 25% more trespass than the non-RRO alternative development of only 4 homes.

- (3) Litter may blow into the adjacent crops making agricultural operations more difficult.

The single dwelling that will result from the proposed RRO may generate 25% more litter than the non-RRO alternative development of only 4 homes.

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

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

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

It is unlikely that either trees or fencing on the proposed development would add any effects to adjacent farmland as compared to the non-RRO development.

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

- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.
- (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.

**Item 28B (continued)**

- (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 animal units, which is equivalent to 125 hogs) can be located in relation to non-farm residences and public assembly uses (churches, for example). The separation distances between larger livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility and the number of non-farm residences in the vicinity.

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

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

The single dwelling that will result from the proposed RRO is 25% more non-agricultural homes than the non-RRO alternative development of only 4 homes and there is only a very slight chance that the RRO will result in more complaints about the livestock operation.

**DOCUMENTS OF RECORD**

1. Petition received July 5, 2005 with attachment:
  - A Excerpt from Plat of Survey dated 3/20/03
  
2. Preliminary Memorandum dated November 17, 2005, with attachments:
  - A Zoning Case Maps (Location, Land Use, Zoning)
  - B List of Petitioner Submittals
  - C Excerpt from Plat of Survey dated 3/20/03
  - D Champaign County Land Use Regulatory Policies
  - E Map of Areas of Limited Groundwater Availability
  - F Natural Resource Report received August 9, 2005
  - G Copy of Agency Action Report received September 20, 2005
  - H Copy of letter from Illinois Historic Preservation Agency received September 20, 2005
  - I Illinois Department of Transportation Map of Street Names
  - J Illinois Department of Transportation Map of Annual Average Daily Traffic (AADT)
  - K Excerpted worksheets from *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*
  - L Land Evaluation and Site Assessment (LESA) System Worksheet for Subject Property
  - M Table Of Common Conditions Influencing The Suitability Of Locations For Rural Residential Development In Champaign County
  - N Comparing The Proposed Site Conditions To Common Champaign County Conditions
  - O Summary Of Site Comparison For Factors Relevant To Development Suitability
  - P Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
  - Q DRAFT Summary of Evidence (included separately)
  
3. Supplemental Memorandum dated November 22, 2005, with attachment:
  - A Revised Land Use Case Map
  
4. Copy of portion of Plat of Survey submitted by Roger Fredenhegen at the November 22, 2005, meeting
  
5. Map of flooded roads in the vicinity submitted by Roger Fredenhegen at the November 22, 2005, meeting
  
6. Staff photos of subject property
  
7. Supplemental Memorandum dated March 24, 2006, with attachments:
  - A Draft minutes of Case 514-AM-05 from the November 22, 2005, ZBA meeting
  - B Zoning Case Maps (Location, Land Use, Zoning; originally included with Prelim. Memo.)
  - C Excerpt from Plat of Survey dated 3/20/03 (originally included with Prelim. Memo.)
  - D Map of flooded roads in the vicinity submitted by Roger Fredenhegen at the November 22, 2005, meeting

- E Excerpt of bridge construction documents for the bridge on CR1950N over the Spoon River just west of the intersection with CR2325E
  - F Excerpt of bridge construction documents for the bridge on CR1950N over the Upper Salt Fork River just east of the intersection with CR2200E
  - G Enlargement of Location Map illustrating alternative paths to the subject property from the Stanton-St. Joseph Fire Station
  - H Comparing The Proposed Site Conditions To Common Champaign County Conditions (originally Attach. N with Preliminary Memorandum)
  - I Summary Of Site Comparison For Factors Relevant To Development Suitability (originally Attach. O with Prelim. Memo.)
  - J Summary Of Comparison For Factors Relevant To Compatibility With Agriculture (originally Attach. P with Preliminary Memorandum)
  - K Revised Draft Summary of Evidence
8. Letter from Gary Olson, 1810 CR 2275E, St. Joseph dated March 30, 2006
9. Aerial photo of subject property

**FINDING OF FACT**

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **November 22, 2005, and March 30, 2006**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site is **NOT SUITED** for the development of **ONE** residence because:
  - A. **Flooding on the subject property can at times exceed the 100-year flood elevation; and**
  - B. **Emergency services can be compromised during times of flooding; and**
  - C. **Approximately one-third of the proposed lot is landlocked because of the drainageway and without access other than by trespass onto surrounding property; and**
  - D. **The bridge on CR1950N is a hazard to motorists when children from the existing homes play on it; and**
  - E. **In times of high water if the septic systems are placed in area that is flooded the high water could hamper the use of the system;**and despite:
  - F. **The LESA score being much better than typical.**
  
2. Development of the Proposed Site under the proposed Rural Residential Overlay development **WILL NOT BE COMPATIBLE** with surrounding agriculture because:
  - A. **Adding 25% more traffic to existing agricultural traffic is dangerous; and**
  - B. **Children playing on the bridge on CR1950N is dangerous and causes conflict with agriculture and non-agriculture traffic; and**
  - C. **The subject property is bordered on two sides, the east and the south, by farm production;**and despite:
  - D. **The nearly ideal conditions for drainage.**

**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 514-AM-05 should ***NOT BE ENACTED*** by the County Board.

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

SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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, Zoning Administrator  
**JR Knight**, Temp Planner

Date: April 5, 2006

RE: Zoning Case 524-AM-05

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Zoning Case 524-AM-05

Request **Amend the Zoning Map to change the zoning district designation  
from B-5 Central Business to R-2 Single Family Residence**

Petitioner **Clara Titler**

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### STATUS

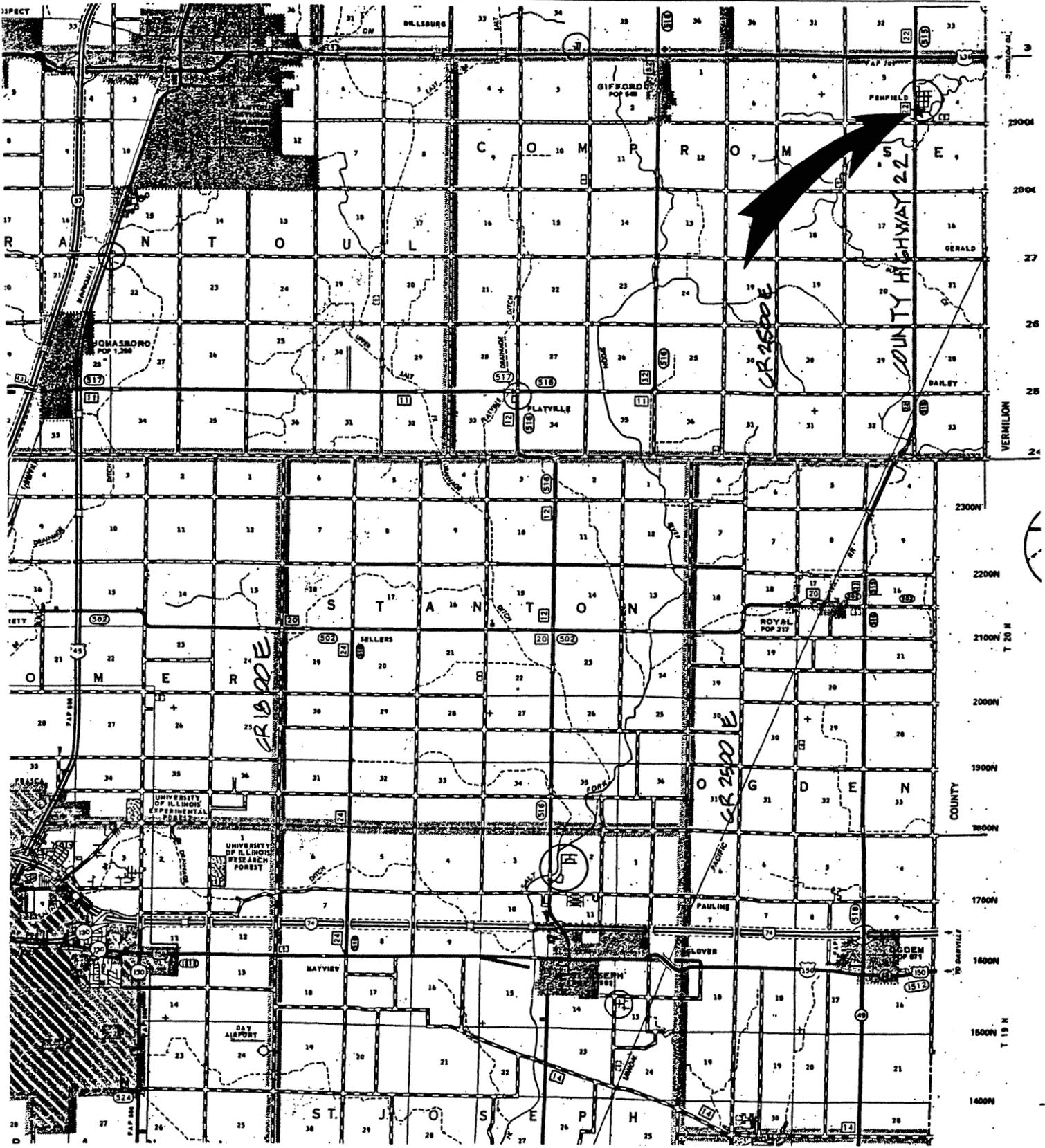
The Zoning Board of Appeals recommended approval of the attached map amendment at their meeting on March 30, 2006. The proposed map amendment is not within any extraterritorial jurisdiction and is ready for Committee action.

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### ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning) for Case 524-AM-05**
- B As Approved Finding of Fact for Case 524-AM-05**

**ATTACHMENT A. LOCATION MAP**  
**Cases 524-AM-05, 525-V-05, & 526-V-05**  
 MARCH 30, 2006



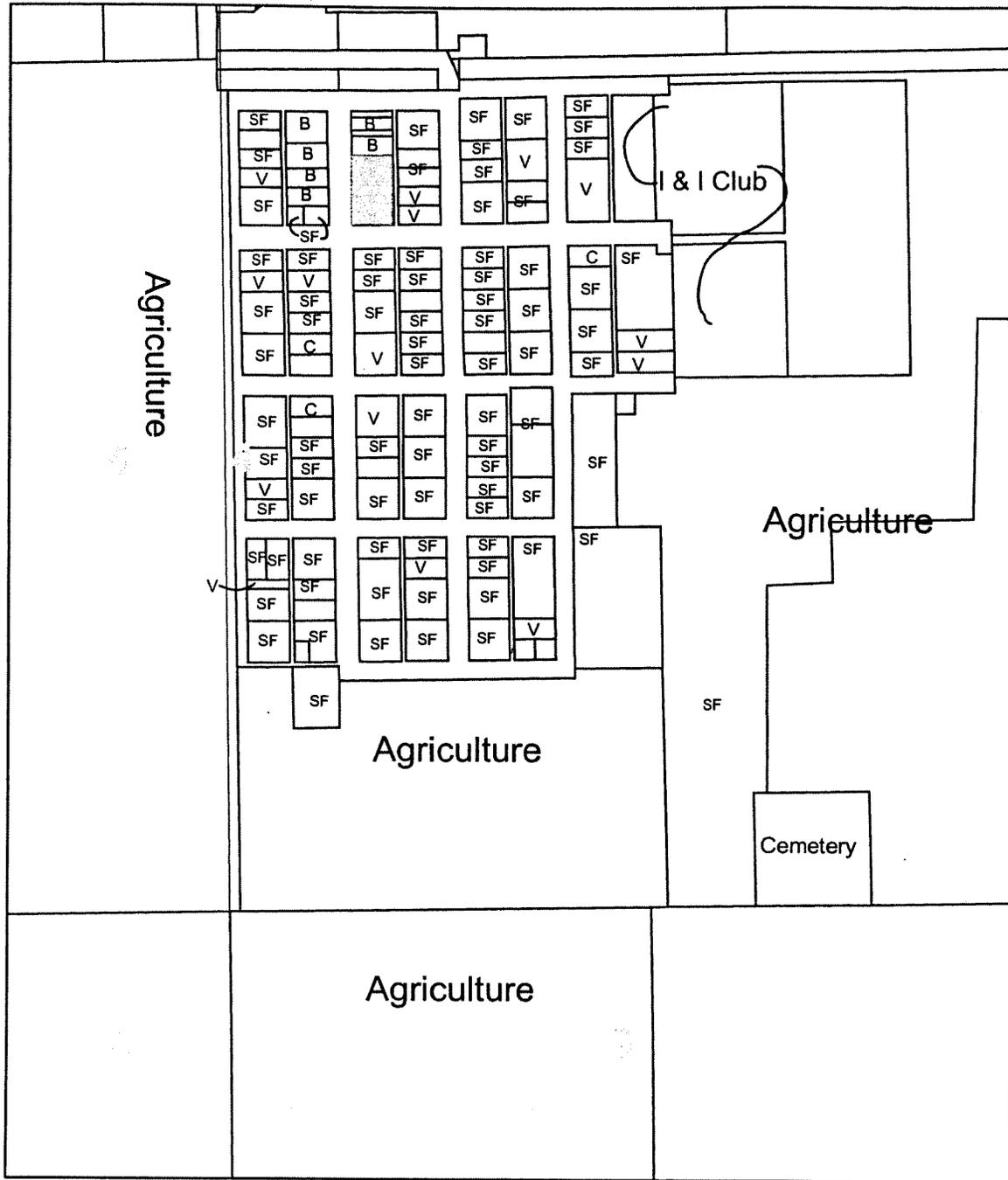
**Area of Concern**



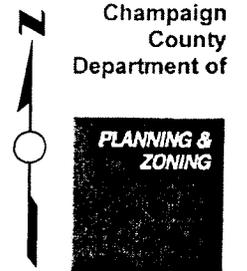
**NORTH**

Champaign  
 County  
 Department of  
**PLANNING &  
 ZONING**

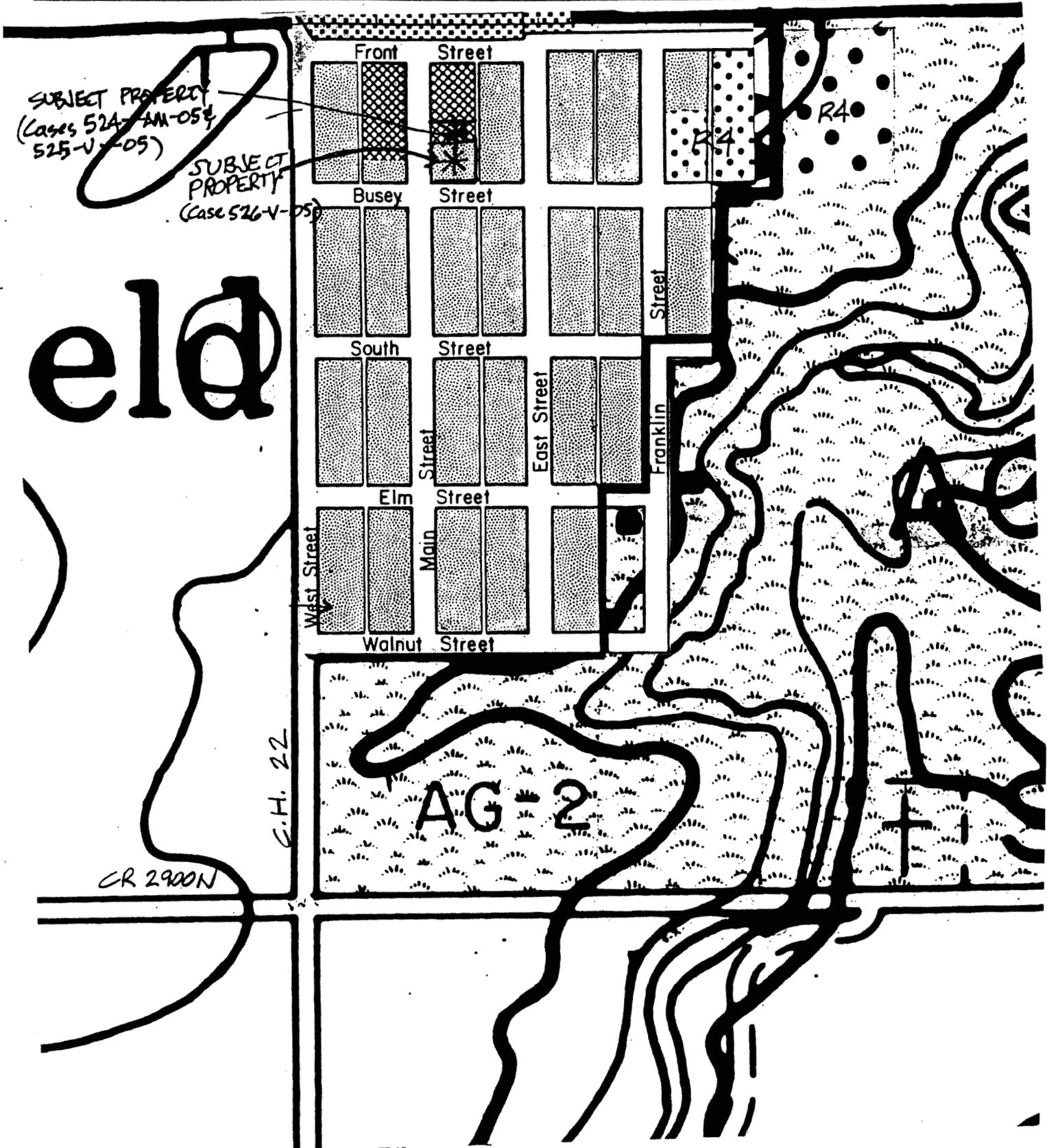
**ATTACHMENT A. LAND USE MAP**  
**Cases 524-AM-05, 525-V-05, & 526-V-05**  
 MARCH 30, 2006



|                                                                                     |                  |                                                                                     |            |
|-------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------|------------|
|  | Area of Concern  |  | V Vacant   |
|  | SF Single Family |  | C Church   |
|  | FS Farmstead     |  | B Business |



**ATTACHMENT A. ZONING MAP**  
**Cases 524-AM-05, 525-V-05, & 526-V-05**  
 MARCH 30, 2006



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

*AS APPROVED*

524-AM-05

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

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Final Determination: **RECOMMEND APPROVAL**

Date: March 30, 2006

Petitioners: Clara Titler

Request: Amend the Zoning Map to change the zoning district designation from B-5 Central Business to R-2 Single Family Residence

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is Clara Titler.
2. The subject property is Lots 11, 12, and 13 in Block 1 of the Original Town of Penfield, and commonly known as the dwelling at 121 Main St. Penfield.
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:  
**The 3 lots 11, 12, and 13 are currently zoned as business – would like to have them rezoned to residential.**
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the amendment the petitioners indicated the following:  
**We wanted to upgrade a trailer which was previously there and didn't know these were zoned business.**

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

6. The subject property is zoned B-5 Central Business. There has never been any zoning activity on the subject property. The subject property is now proposed to be rezoned so Ms. Titler can improve a residential trailer.

7. Land use and zoning in the vicinity and adjacent to the subject property are as follows:
  - A. The land north and west of the subject properties is zoned B-5 Central Business, and is in business uses.
  - B. The land south and east of the subject properties is zoned R-2, Single Family Residence, and is in primarily residential use with some vacant lots scattered throughout the village.
8. Previous zoning cases in the vicinity are the following:
  - A. Case 218-V-76 was a request (approved) for a variance for an addition to the Penfield United Methodist Church.
  - B. Case 308-AM-78 was a request (approved) to rezone 24 acres south of the Village of Penfield from AG-1 to AG-2 so the owner could subdivide into residential lots.
  - C. Case 391-V-80 was a request to construct a meeting hall within the required visibility triangle with a 10 foot front yard and without the required off-street parking and loading berths. The portion of the case relating to the visibility triangle and front yard setback was denied, but the variance for off-street parking and loading berths was approved.
  - D. Case 426-V-81 was a request (approved) to permit construction of a new room addition and attached garage addition, with a ten (10) foot side yard in lieu of the minimum 15 foot side yard required in an AG-1 Agriculture Zoning District.
  - E. Case 495-V-83 was a request (approved) to permit an 8 foot side yard setback in lieu of the required 10 foot side yard setback on a legal non-conforming lot of record in the R-2 Single Family Residence Zoning District.
  - F. Case 599-V-87 was a request (approved) to allow construction of attached garage with front yard setback of 47 feet in lieu of the required 55 feet.
  - G. Case 736-S-90 was a request (approved) for a Special Use Permit for the placement of a cable television headend station in the AG-2, Agriculture District.
  - H. Case 787-V-91 was a request (approved) to permit a garage with a carport with no front yard setback in lieu of the required setback of 25 feet from the property line.
  - I. Case 810-V-92 was a request (approved) to construct an electronics shed and satellite dish with front setbacks of 41.3 feet and 43 feet, respectively, in lieu of the required 55 feet.
  - J. 851-AM-93 was a request (approved) to rezone 5.88 acres from a split zone lot containing R-2, Single Family Residence and AG-2, Agriculture to R-4.

- K. Case 853-S-93 was a request to permit a Contractor's Facility as an Adaptive Reuse of a Government Building on a split zoned lot containing R-2, Single Family Residence and AG-2, Agriculture zoning districts. This case was dismissed by the ZBA due to the Petitioner not showing up for the hearing.
- L. Case 183-V-99 was a request (approved) to allow the use and construction of a covered porch with a setback from a minor street of 42 feet from the centerline and 9 feet from the front lot line in lieu of the required 55 feet and 14.5 feet, respectively.
- M. Case 192-V-99 was a request (approved) to permit the construction and use of a room addition to a single family residence with a front yard setback of 21 feet in lieu of the minimum required 25 feet in the R-2, Sing Family Residence Zoning District
- N. Case 258-S-00 was a request (approved) for a Special Use Permit to allow land uses and activities associated with a private club on property zoned R-4, Multiple Family Residence; AG-2, Agriculture; and CR, Conservation Recreation and to allow for more than one principal building or structure on property zoned R-4, Multiple Family Residence. The permit was granted subject to two conditions: the approval of 264-AM-00 and that any exterior lighting provided would not produce glare onto adjacent properties and roads.
- O. Case 264-AM-00 was a request (approved) to rezone approximately 30 acres in the AG-1, Agriculture district to AG-2, Agriculture.
- P. Case 334-V-02 was a request (approved) to construct a single family residence in the R-2, Single Family Residence Zoning District on a 13,260 square foot lot with public water but not sewer in lieu of the minimum required lot area of 20,000 square feet.
- Q. Case 335-V-02 was a request (approved) to authorize the occupancy and use of a single family residence in the R-2, Single Family Residence Zoning District on a 17,160 square foot lot with public water but not sewer in lieu of the minimum required lot area of 20,000 square feet.

***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 B-5 Central Business DISTRICT in intended to provide for needs of a larger consumer population than served by the Neighborhood Business DISTRICT and is located generally in the business DISTRICTS of the unzoned municipalities in the COUNTY.
    - (2) The R-2, Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.

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

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

*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 RESIDENTIAL LAND USE*

12. There are seven residential 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 2.1 of the Land Use Goals and Policies states that the Environment and Land Use Committee, in cooperation with municipal plan commissions, will examine current provisions of zoning and subdivision ordinances for the purposes of increasing the flexibility of regulations to encourage a greater range of site designs and housing types.

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

14. Policy 2.2 of the Land Use Goals and Policies states that the Environment and Land Use Committee will work with municipal plan commissions to review existing zoning patterns and regulations within urban areas and initiate proposals to encourage development and redevelopment of “in-town” areas.

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

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 2.3 of the Land Use Goals and Policies states that the County Board will encourage new residential development in areas where public or private sewer and water utility systems are, or easily can be, provided and where police and fire protection are available. The County Board will permit new residential development in areas without access to public sewer and water utilities only if it can be determined that the use of individual septic systems will not cause contamination of aquifer and groundwater and will not cause health hazards.
  - (2) Policy 2.3A states that new subdivisions and zoning changes should meet these (2.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
  - (3) 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.
  - (4) 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) According to the Water/Sewer/Drainage Element of the *Comprehensive Plan of Champaign County* the Village of Penfield has a public water supply system.
  - (2) The Petitioner has testified that the subject property is already connected to a public water supply system.
  - (2) Policy 7.3 states that development may only occur if it is determined that water supply systems are adequate to meet the needs of the proposed development. Given that the proposed development is a typical residential use for this area, there is no reason to presume that the water supply would not be adequate.
  - (3) In regards to the availability of a connected public water supply system, the proposed map amendment **CONFORMS** because the subject property is connected to a public water supply.
- C. Regarding the adequacy of an individual septic system for the proposed development:
- (1) According to the Water/Sewer/Drainage Element of the *Comprehensive Plan of Champaign County* the Village of Penfield has no public sanitary sewer system.
  - (2) The Petitioner has testified that the subject property has a septic system in place.

*AS APPROVED*

- (3) 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.
- (4) In regards to the adequacy of an individual septic system for the proposed development the proposed map amendment **CONFORMS** based on the adequacy of the septic systems in place on the subject property.

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 Gifford Fire 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 2.3 because there have been no concerns raised by the Gifford Fire Protection District.

16. Policy 2.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine undeveloped areas zoned residential to determine probability of development within the period covered by this Plan and the Committee will undertake study of possible alternative uses of the land.

All portions of the subject property that will be rezoned to residential are already developed so this policy is not relevant.

17. Policy 2.5 of the Land Use Goals and Policies states that the Zoning Board of Appeals, the Environment and Land Use Committee and the County Board will only support the development of residential areas separated from incompatible non-residential uses, unless natural or man-made buffering is provided.

**CONFORMS** because the subject property is surrounded by residential uses in the village of Penfield or by adjacent uses in the B-5, Central Business district

18. Policy 2.6 of the Land Use Goals and Policies states that the County Board will work for the maintenance of sound housing and the improvement, replacement or elimination of deteriorating housing in the County.

**CONFORMS** because the proposed development is to upgrade an existing manufactured home.

19. Policy 2.7 of the Land Use Goals and Policies states that where housing of greater density than one or two-family units is planned, the Zoning Board of Appeals and the Environment and Land Use Committee and the County Board will encourage the provision of underground or under-building parking to provide the maximum amount of useable open space around the building.

Because the proposed development is only for a single family dwelling this policy is not relevant.

*GENERALLY REGARDING POLICIES FOR COMMERCIAL LAND USE*

20. There are seven policies related to commercial uses in the Land Use Goals and Policies. The commercial land use policies are mentioned because the subject property is proposed to be changed from the B-5 District. All seven of these policies deal with new commercial development and because the subject property is proposed to be rezoned to R-2 and to have a residential use on it none of the policies are relevant. The seven policies are listed below:
- A. Policy 3.1 of the Land Use Goals and Policies states that the County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.
  - B. Policy 3.2 of the Land Use Goals and Policies states that the County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.
  - C. Policy 3.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer of development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.
  - D. Policy 3.4 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available.
  - E. Policy 3.5 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial developments except in those areas which can be adequately served by public mass transit.
  - F. Policy 3.6 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.
  - G. Policy 3.7 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment or maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.

*REGARDING GOALS FOR COMMERCIAL LAND USES*

21. The commercial land use goals are relevant because the subject property is proposed to be changed from the B-5 DISTRICT. The first and fourth commercial land use goals do not appear to be relevant to any specific map amendment. The first and fourth commercial land use goals are as follows:

Provision of a sufficient amount of land designated for various types of commercial land use to serve the needs of the residents of the County.

Establishment of development procedures to promote appropriate justification for new commercial development.

22. The second commercial land use goal is as follows:

Location of commercial uses within ready accessibility to sewer, water and other utilities as well as adequate streets and highways. Adequate public transit will also be considered.

Because the proposed development does not include any new commercial development this policy does not seem to be relevant to this case.

23. The third commercial land use goal is as follows:

Commercial areas designed to promote compatibility with non-commercial uses and at the same time provide ease of access.

Based on the proposed development the proposed map amendment *ACHIEVES* this goal because the business uses to the north and west of the subject property will not negatively impact the new residential use.

*REGARDING GOALS FOR RESIDENTIAL USES*

24. There are three goals for residential land use in the Land Use Goals and Policies. All three are not relevant to this map amendment. The three goals are as follows:

Residential neighborhoods which provide adequate housing to meet the needs of future residents of Champaign County, adequate recreation and open space, access to utilities, access to commercial and employment centers and other community support services.

An ample supply of housing with a variety of types and cost levels to meet the demand of Champaign County residents for the planning period, and to accommodate the needs of families of various sizes and with various occupations and incomes both for permanent and transient residents.

Residential development procedures which will promote the production of an adequate housing supply in a manner compatible with the goals and policies of this Land Use Plan.

**REGARDING GENERAL LAND USE POLICIES**

- 25. There are two general land use policies in the Land Use Goals and Policies. The second land use policy is not relevant to any specific map amendment.
- 26. The first general land use policy 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 relevant residential land use policies and goals , the proposed map amendment **CONFORMS** because as proposed the map amendment encourages new residential development within an existing village with utilities already serving the subject property and adequate fire and police protection.

**REGARDING GENERAL LAND USE GOALS**

- 27. 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 fifth general land use goals are not relevant to any specific map amendment.
  - 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.
- 28. 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 residential 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 subject property is located in the middle of the Village of Penfield and is surrounded by both residential and small business uses.

**AS APPROVED**

(2) The subject property is connected to a public water supply and has a septic system.

B. Based on the review of the relevant residential policies and goals and the general policies, the map amendment:

(1) **ACHIEVES** this goal in regards to the following:

- (a) public facilities based on the proposed development;
- (b) public services based on the proposed development;
- (c) site characteristics (see above)

(2) In regards to utilities based on degree of conformance with residential land use policy 2.3 (FOF item 15); and the degree of achievement of the first general policy, the map amendment **ACHIEVES** this goal based on the proposed development.

C. Overall the proposed map amendment **ACHIEVES** the third general land use goal.

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

Arrangement of land use patterns designed to promote mutual compatibility.

Overall the fourth general land use goal will **BE ACHIEVED** by the proposed map amendment based on conformance with or achievement of the preceding policies and goals.

**DOCUMENTS OF RECORD**

1. Preliminary Memorandum for Case 524-AM-05
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan for ZUPA 244-84-01
  - C 1972 aerial photograph of subject property in Cases 525-V-05 & 526-V-06
  - D Draft Finding of Fact for Case 524-AM-05

**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 524-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



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: **April 5, 2006**  
RE: **Zoning Case 517-AT-05**

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**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**

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**STATUS**

The Committee reviewed this amendment at the March 13, 2006, meeting. No township, village, or municipal protests have been received in regards to this proposed text amendment.

*Information previously distributed has not been included in this memorandum- please notify the Department if you need a copy of the previous memorandum.*

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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, Zoning Administrator**  
**JR Knight, Temp Planner**

Date: April 5, 2006

RE: Zoning Case 523-AT-05

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Zoning Case 523-AT-05

Request **Amend Sections 5.2 and 6.1 of the Zoning Ordinance as follows:**

**Part A. Add "Fuel Ethanol Manufacturing" authorized by Special  
Use Permit only in the I-2, Heavy Industrial Zoning District**

Petitioner **Zoning Administrator**

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### STATUS

The Zoning Board of Appeals recommended approval of the attached text amendment at their meeting on March 30, 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.

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### ATTACHMENTS

- A Annotated version of Proposed Ordinance**
- B As Approved Finding of Fact for Case 523-AT-05**

*Champaign County, Illinois*  
*Zoning Ordinance*

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES - CONTINUED**

| Principal USES                                                                                     | Zoning DISTRICTS |          |          |     |     |     |     |     |     |     |     |     |          |     |                 |
|----------------------------------------------------------------------------------------------------|------------------|----------|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----------|-----|-----------------|
|                                                                                                    | CR               | AG-1     | AG-2     | R-1 | R-2 | R-3 | R-4 | R-5 | B-1 | B-2 | B-3 | B-4 | B-5      | I-1 | I-2             |
| <b>Industrial Uses: Miscellaneous Manufacturing and Industries</b>                                 |                  |          |          |     |     |     |     |     |     |     |     |     |          |     |                 |
| Jewelry, Costume Jewelry, Novelties,<br>Silverware and Plated Ware Manufacturing<br>and Processing |                  |          |          |     |     |     |     |     |     |     |     |     |          |     |                 |
| LIGHT ASSEMBLY                                                                                     |                  |          |          |     |     |     |     |     |     |     |     |     | <b>S</b> |     |                 |
| Musical Instruments and Allied Products<br>Manufacturing                                           |                  |          |          |     |     |     |     |     |     |     |     |     |          |     |                 |
| Office and Artists Materials Manufacturing<br>(Except Paints, Inks, Dyes and Similar<br>Products)  |                  |          |          |     |     |     |     |     |     |     |     |     |          |     |                 |
| SIGNS and Advertising Display<br>Manufacturing                                                     |                  |          |          |     |     |     |     |     |     |     |     |     |          |     |                 |
| <u>Fuel Ethanol Manufacturing</u>                                                                  |                  |          |          |     |     |     |     |     |     |     |     |     |          |     | <u><b>S</b></u> |
| Pre-Existing Industrial Uses (Existing Prior to<br>October 10, 1973)                               |                  | <b>S</b> | <b>S</b> |     |     |     |     |     |     |     |     |     |          |     |                 |

 = Permitted by Right

 = Permitted on individual LOTS as a SPECIAL USE

*Champaign County, Illinois*  
*Zoning Ordinance*

**SECTION 6.1.3 SCHEDULE OF REQUIREMENTS AND STANDARD CONDITIONS - CONTINUED**

| SPECIAL USES<br>or<br>USE Categories                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Minimum<br>Fencing<br>Required <sup>6</sup> | Minimum LOT<br>Size |                                                                                                                                                                                                                                                                                                                           | Maximum<br>HEIGHT |         | Required YARDS (feet)                                                                                                                                        |       |             |      |      | Explanatory<br>or Special<br>Provisions |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------------|------|------|-----------------------------------------|--|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             | AREA<br>(Acres)     | Width<br>(Feet)                                                                                                                                                                                                                                                                                                           | Feet              | Stories | Front Setback from STREET<br>Centerline <sup>2</sup>                                                                                                         |       |             | SIDE | REAR |                                         |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             |                     |                                                                                                                                                                                                                                                                                                                           |                   |         | STREET Classification                                                                                                                                        |       |             |      |      |                                         |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             |                     |                                                                                                                                                                                                                                                                                                                           |                   | MAJOR   | COLLECTOR                                                                                                                                                    | MINOR |             |      |      |                                         |  |
| *Not permitted closer than 500' from any R or B DISTRICT or any residential, INSTITUTIONAL or PUBLIC ASSEMBLY USE.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |                     |                                                                                                                                                                                                                                                                                                                           |                   |         |                                                                                                                                                              |       |             |      |      |                                         |  |
| Fertilizer manufacturing and bulk storage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NR                                          | 5                   | (1)                                                                                                                                                                                                                                                                                                                       | (1)               | (1)     | 100                                                                                                                                                          | 100   | 100         | 100  | 100  |                                         |  |
| Fuel Ethanol Manufacturing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | None                                        | (1)                 | (1)                                                                                                                                                                                                                                                                                                                       | (1)               | (1)     | (1)                                                                                                                                                          | (1)   | (1)         | (1)  | (1)  | *See below                              |  |
| <p>* 1. When a Fuel Ethanol Manufacturing plant is proposed to utilize a private waterwell to any extent for process water rather than a connected public water supply system or utilize untreated water from a public water supply system, the petitioner shall provide a letter report assessing the likely groundwater impacts on adjacent wells of finishing a waterwell for the proposed ethanol plant. The letter report shall be prepared by either an Illinois Licensed Geologist or an Illinois Professional Engineer either of which shall have extensive experience with groundwater hydrology, or other similarly competent groundwater hydrology professional. The County reserves the right to have the report reviewed by a similarly competent Illinois Licensed Geologist or an Illinois Professional Engineer. The letter report shall be based on the following:</p> <p>A. A review of relevant well records, hydrogeologic reports, and other pertinent correspondence.</p> <p>B. Determination of existing groundwater levels in neighboring wells provided that access is permitted by the well owner.</p> <p>C. Exploratory test hole drilling and geophysical exploration as required including possible geophysical logging of test holes.</p> <p>D. If adequate aquifer hydraulic property information is not otherwise available, test data shall be provided from a test well and other observation wells, or other appropriate existing wells, sufficient to serve as the basis for estimating a distance-drawdown relationship.</p> <p>E. An estimated distance-drawdown relationship shall also be included in the letter report.</p> <p>2. When a Fuel Ethanol Manufacturing plant is not proposed to be connected to a connected public sanitary sewer system sufficient information shall be provided in the Special Use Permit application to prove that an adequate drainage outlet is available for all anticipated discharges to surface waters.</p> |                                             |                     |                                                                                                                                                                                                                                                                                                                           |                   |         |                                                                                                                                                              |       |             |      |      |                                         |  |
| Gasoline and Volatile Oils Storage in the B-1 and B-3 DISTRICTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NR                                          | 1/2                 | (1)                                                                                                                                                                                                                                                                                                                       | (1)               | (1)     | Additional Setback, screening and buffering may be required as deemed necessary by the Zoning Board of Appeals to protect adjacent and surrounding PROPERTY. |       |             |      |      | *See below.                             |  |
| <p>*Gasoline and Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from any R DISTRICT or any residential, INSTITUTIONAL, or PUBLIC ASSEMBLY USE.</p> <p>State Permit showing conformance to the <i>Illinois Gasoline Storage Act</i> (430 ILCS 15/0.01 et. seq.) shall be presented to the Zoning Administrator prior to issuance of a County Zoning Use Permit.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                             |                     |                                                                                                                                                                                                                                                                                                                           |                   |         |                                                                                                                                                              |       |             |      |      |                                         |  |
| Gasoline and Volatile Oils Storage in the I-1 and I-2 Zoning Districts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | NR                                          | 5                   | AREA, HEIGHT, and Placement regulations exceeding those of the DISTRICT may be applied so as to make the storage facility compatible with neighboring USES. Additional setbacks, screening and buffering may be required as deemed necessary by the Zoning Board of Appeals to protect adjacent and surrounding PROPERTY. |                   |         |                                                                                                                                                              |       | *See below. |      |      |                                         |  |

*AS APPROVED*

**523-AT-05 Part A**

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

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Final Determination: **RECOMMENDED APPROVAL**

Date: March 30, 2006

Petitioners: Zoning Administrator

Amend Sections 5.2 and 6.1 of the Zoning Ordinance as follows:

Request: Part A. Add "Ethanol manufacturing" and authorize by right in the I-2, Heavy Industrial Zoning District

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 16, 2006 and March 30, 2006**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
  - A. Six ethanol fuel plants are operating in the State of Illinois, with a total capacity of over 800 million gallons per year of ethanol.
  - B. Ethanol production is expected to significantly ramp up because at least 16 states, including California, Illinois, and Connecticut, have adopted bans on the use of the fuel additive MTBE, which is being replaced by ethanol. In August of 2005, President Bush signed into law a Renewable Fuels Standard that is expected to double ethanol production and use by 2012.
  - C. Because of Champaign County's access to plentiful feedstocks (corn) and ample water supply it provides ethanol manufacturers with two of the most important inputs for ethanol production. Because of this there is a high potential for ethanol plants in Champaign County.
  - D. A local grain elevator has plans to add a fuel ethanol production facility and has inquired about the necessary approvals and submitted an application for a zoning case pending the result of this amendment. A second possible ethanol plant for Champaign County was also referenced in an article in the *News Gazette* from October 16, 2005, which stated there are four new ethanol

plants in development throughout East Central Illinois and also referenced plans for a plant in Champaign County.

- E. Section 5.2 of the *Champaign County Zoning Ordinance* does not currently authorize “ethanol manufacturing” as an authorized use.

**GENERALLY REGARDING THE EXISTING ZONING REGULATIONS**

- 3. Fuel ethanol manufacturing is not currently authorized in the *Ordinance*. The most similar use that is currently authorized in the *Ordinance* appears to be “Beverage (Alcoholic and Non-Alcoholic) Distilling, Manufacturing, Processing, and Bottling” that is authorized by Right in the I-2 District and is not authorized by any other means in any other District.
- 4. The *Zoning Ordinance* contains statements of intent for the various zoning DISTRICTS. These statements of intent are the only guidance in determining the appropriateness of certain USES in specific DISTRICTS. The statements of intent for the Industrial Districts are as follows (capitalized words are defined in the Ordinance):
  - A. Subsection 5.1.14 of the *Ordinance* states as follows:  
The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
  - B. Subsection 5.1.15 of the *Ordinance* states as follows:  
The I-2, Heavy Industry DISTRICT is established to accommodate those manufacturing USES that have moderate environmental effects and are located in areas relatively remote from residential and prime retail development.
- 5. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
  - A. “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or main or principal USE.
  - B. “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
  - C. “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
  - D. “DISTRICT” is a section of the COUNTY/city/village in which zoning regulations and standards are uniform.
  - E. “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.

- F. “PUBLIC SANITARY SEWER SYSTEM” is any system, other than an individual septic tank or tile field that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of liquid and solid sewage wastes, other than storm waters.
- G. “PUBLIC WATER SUPPLY SYSTEM” is any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the purpose of furnishing potable water.
- H. “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- I. “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- J. “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.

***GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES***

- 6. The *Land Use Goals and Policies* were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* 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) and subsequently revised on September 22, 2005. 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.
- 7. There are seven industrial land use policies in the *Land Use Goals and Policies*. Most of the policies are relevant only to specific map amendments but Policy 4.1 is relevant to this amendment. 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.
- 8. There are three industrial land use goals and two are relevant, as follows:
  - A. The first Industrial Land Use Goal is the location of industrial development in areas served by utilities and transportation facilities as well as close to a local labor market throughout the County. Because of the large amount of corn that an ethanol plant requires to operate, transporting the corn to the plant would be extremely problematic without adequate

transportation facilities, and because of ethanol plants' high need for water and several utility services (electricity, natural gas) this goal is extremely relevant to ethanol manufacturing at a given location but probably not relevant to this text amendment.

- B. The second Industrial Land Use Goal states the following:

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

Because of the large amount of groundwater that a fuel ethanol plant on a well would withdraw this goal is relevant to this text amendment.

- C. The third Industrial Land Use Goal states the following:

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.

This goal is relevant to this text amendment.

9. There are three goals and five policies for Utilities in the *Land Use Goals and Policies*. All of the goals and most of the policies are relevant only to specific map amendments. The following Utilities policies are relevant to this text amendment:
- A. 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.
- B. 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.
- C. Policy 7.4 states that the County Board will discourage new development which would overburden existing water, sewer or drainage systems. The Board of Appeals and/or the Environment and Land Use Committee may use the following policies to determine the impact of new development on existing utilities:
- (1) In the case of water systems, adequate water supplies should be available for normal use and for fire protection.

- (2) In the case of sewer systems, the existing capacity of the collection network or the sewage treatment facility should govern the intensity of new development.
- (3) In the case of drainage, the primary systems should be designed for a minimum five year storm. Provisions should be made for retention of stormwater to prevent excessive flows downstream resulting from new development.

*SUMMARY OF PROPOSED AMENDMENT*

- 10. “Fuel Ethanol Manufacturing” is proposed to be authorized only by Special Use Permit and only in the I-2 Heavy Industry Zoning District. The following standard conditions are proposed to apply to any Special Use Permit for “Fuel Ethanol Manufacturing”:
  - (1) When a Fuel Ethanol Manufacturing plant is proposed to utilize either a private waterwell to any extent for process water rather than a connected public water supply system; or utilize untreated water from a public water supply system, the petitioner shall provide a letter report assessing the likely groundwater impacts on adjacent wells of finishing a waterwell for the proposed ethanol plant. The letter report shall be prepared by either an Illinois Licensed Geologist or an Illinois Professional Engineer either of which shall have extensive experience with groundwater hydrology, or other similarly competent groundwater hydrology professional. The County reserves the right to have the report reviewed by a similarly competent Illinois Licensed Geologist or an Illinois Professional Engineer. The letter report shall be based on the following:
    - (a) A review of relevant well records, hydrogeologic reports, and other pertinent correspondence.
    - (b) Determination of existing ground water levels in neighboring wells provided that access is permitted by the well owner.
    - (c) Exploratory test hole drilling and geophysical exploration as required including possible geophysical logging of test holes.
    - (d) If adequate aquifer hydraulic property information is not otherwise available, test data shall be provided from a test well and other observation wells, or other appropriate existing wells, sufficient to serve as the basis for estimating a distance-drawdown relationship.
      - (e) An estimated distance-drawdown relationship shall also be included in the letter report.
  - (2) When a Fuel Ethanol Manufacturing plant is not proposed to be connected to a connected public sanitary sewer system sufficient information shall be provided in the Special Use Permit application to prove that an adequate drainage outlet is available for all anticipated discharges to surface waters.

**GENERALLY REGARDING THE LOCATIONAL REQUIREMENTS AND THE ZONING RELATED IMPACTS OF THE PROPOSED USE**

11. Fuel ethanol production requires the following major inputs:
  - A. Feedstock is the raw material necessary for an industrial process, in the case of ethanol it can range from barley to sugarcane. In Champaign County the most readily available feedstock is corn.
  - B. Large amounts of water are used throughout the process for cooking the feedstock into mash and the distilling process. So much water is necessary that it may be cheaper for an ethanol producer to establish their own waterwell as a source of water rather than use a public source of water.
  - C. Energy is necessary to fuel the ethanol production. Some forms of energy, such as coal, may add zoning related impacts of their own.
  
12. Manufacturing of fuel ethanol results in the following waste products and associated zoning impacts:
  - A. Because of the large amounts of corn required by large plants (a 50 million gallon per year plant would consume 17 million bushels of corn, according to the *News Gazette* article) adequate road or rail access is a must. Rail access maybe more desirable because of the large amounts of truck traffic that maybe generated on a given access road.
  - B. The plant mentioned in the *News Gazette* article, dated 10/16/05, would consume 17 million bushels of corn to produce 50 million gallons of ethanol per year, and it would also consume 150 million gallons of water per year. At those amounts there maybe concern as to how a given aquifer would be affected and how existing wells might be impacted. As reported in the article, the only way to tell if drawdown would occur is to simply test water levels in the proposed location of an ethanol plant, according to Allen Wehrmann, director of the Center for Groundwater Science at the Illinois State Water Survey.
  - C. Air quality impacts can result from grain handling, grain processing, distillation, fermentation, and even the primary energy source in some cases (such as when coal is used). Air quality impacts are regulated by the Illinois Environmental Protection Agency (IEPA). The IEPA is authorized by the federal government to administer the Clean Air Act (CAA) in Illinois; their main tool for this is the Clean Air Act Permit Program (CAAPP). There are two different kinds of permits based on how much pollution a given source will produce; major sources require CAAPP permits, while minor sources only require State permits. According to *Building an Ethanol Plant in Illinois*, ethanol plants with a capacity significantly over 60 million gallons per year are very likely to be major sources. Permits related to air quality impacts are as follows:
    - (1) Construction permit – This is the permit to construct a new source of air pollution in Illinois.
    - (2) CAAPP permit – This is the operating permit for major sources of air pollution; they must be renewed every five years.

- (3) State Operating Permit – This permit is for minor sources of air pollution and is much less complicated and restrictive than the CAAPP permit. This permit must also be renewed every five years.
- (4) Risk Management Plan (RMP) – Any facility storing certain volatile chemicals over threshold amounts is required to have an RMP for leakages or other incidents. These are usually included as part of any CAAPP permit, but it is possible that a facility with a State permit might require one of these as well.

D. The wastewater generated by a fuel ethanol plant requires treatment of some kind. Ethanol plants have two options when it comes to treating their wastewater, they can either send their water to a publicly-owned treatment works, which will require an industrial pretreatment agreement, or they can build their own wastewater treatment facility. The plant's wastewater treatment works would then discharge the treated wastewater to surface waters. Water quality impacts are regulated by the IEPA. The IEPA is authorized by the federal government to administer the Clean Water Act (CWA) and its program, the National Pollutant Discharge Elimination System (NPDES). The Bureau also requires permits for connections to public sanitary sewer or water supply systems and wastewater treatment facilities. Permits related to water quality impacts are as follows:

- (1) NPDES permit – This permit is basically the CAAPP permit equivalent for water, and protects surface waters from wastewater discharge. Just like the CAAPP permits it must be renewed every five years.
- (2) General NPDES permit for storm water Discharges from Construction sites – This permit, which is required before construction can begin, regulates storm water runoff from construction sites.
- (3) General NPDES permit for storm water Discharges from Industrial sites – This permit regulates storm water runoff from industrial sites, and if a facility does not expose storm water to its process at any point on site they are required to fill out a Certificate of No Exposure instead.
- (4) Sewer Connection/Water Supply Connection/Wastewater facility permits – These permits are self-explanatory, but it is noted they are required before construction of the hookups. Also, the operator of any onsite pretreatment or treatment works will be required to get a wastewater operator certification.

- 13. The Champaign County Public Health Department regulates well installation, and a permit is required before construction of any new wells. A well may not be necessary if a public water supply is available.
- 14. Other permits that may be required from State agencies for any given location are the following:
  - (1) The State Fire Marshal regulates the construction of aboveground bulk storage tanks for flammable materials. Fuel ethanol manufacturing plants necessarily require some onsite storage.

- (2) The Department of Transportation (IDOT) will require a Highway Alteration Permit if a new access road must be connected to a state highway.
  - (3) The Department of Natural Resources requires reviews of projects authorized, funded, or supported by state or local governmental units. There are standards that must be met with regards to endangered species, natural areas, and wetlands, and archaeological resources.
15. The main by-product of ethanol production is distiller's dried grain (DDG), a protein and vitamin enriched animal feed. This is created from the leftover solid mash after the feedstock is cooked. DDG also must be transported offsite and is another reason why rail access is important.
  16. The zoning related impacts of fuel ethanol plants and relevant regulating authorities can be summarized as follows:
    - A. Air quality, water quality, fire safety, and certain other natural resource considerations appear to be adequately regulated by the State of Illinois.
    - B. Even though water quality is regulated by the State of Illinois there may be localized drainage concerns related to the capacity of the drainage outlet that are not regulated by the State.
    - C. Localized traffic impacts at a particular location will be regulated by the State if the street is in the IDOT jurisdiction.
    - D. The Water Use Act of 1983 (525 ILCS 45) requires that developers of water wells that can reasonably be expected to withdraw 100,000 gallons of water per day must notify the local Soil and Water Conservation District before such wells are constructed. The Act calls for the local Soil and Water Conservation District to review the impacts of such a proposed well with the Illinois State Water Survey (ISWS) and the Illinois State Geological Survey (ISGS) and the Act further requires that the results of such review shall be made public. The Act also establishes that failure to register such a point of withdrawal is a Class C misdemeanor. The Act also seems to provide for "groundwater emergency restrictions" in very limited parts of the State of Illinois. Champaign County is not located within those areas and it is not clear that such emergency restrictions could apply to Champaign County. Both the ISWS and the ISGS consider the Water Use Act of 1983 to be an unfunded mandate as there is no funding mechanism for the work that would be required of the Surveys. Apparently, Water Use Act notices are regularly filed in the State but little or no review is done. Thus, at this time groundwater impacts are apparently not reliably regulated by the State by means of the Water Use Act of 1983.

***GENERALLY REGARDING THE LOCATIONAL CHARACTERISTICS OF THE ZONING DISTRICTS IN WHICH THE PROPOSED USE MAY BE AUTHORIZED***

17. The County's I-2 Heavy Industry District has the following general characteristics:
  - A. The I-2 District is very limited in area and primarily occurs in the Champaign-Urbana area and east of Rantoul but there may also be other small isolated areas of I-2 throughout the County.

- B. Those portions of the I-2 District that are in the Champaign-Urbana area are generally as follows:
- (1) These areas are relatively close to existing public sanitary sewers and public water. However, it is not clear that the water mains are large enough to provide adequate water for a fuel ethanol plant.
  - (2) Several of the land parcels are 40 acres or more in area.
  - (3) Street access is generally either by local streets or urban arterials that already serve other industrial uses.
  - (4) Not all of the land parcels have railroad access.
- C. The I-2 District east of Rantoul is not sewered nor does it have public water and fronts on U.S. Highway 136, a state highway. This District has rail access and is currently the site of the Bell Helmets plant.

***GENERALLY REGARDING THE PROPOSED AUTHORIZATION OF FUEL ETHANOL PLANTS***

18. The following requirements are necessary to ensure that a Fuel Ethanol Plant is not injurious to the district in which it will be located:
- A. Regarding the groundwater impacts of a fuel ethanol plant:
- (1) Discussions with representatives of both the Illinois State Water Survey (ISWS) and the Illinois State Geological Survey (ISGS) reveal that it is impossible at this time to identify the impacts on the Mahomet Aquifer from the withdrawals of groundwater from any particular well. All that can be estimated with available technology at this time are the likely groundwater impacts on adjacent wells of finishing a waterwell for the proposed fuel ethanol plant.
  - (2) Because it is not possible to estimate the long term effects for an aquifer of any given groundwater withdrawal a fuel ethanol plant that only uses water from a connected public water supply system is similar to any other customer of the public water supply and there are no identifiable impacts on adjacent wells.
  - (3) Discussions with representatives of both the Illinois State Water Survey (ISWS) and the Illinois State Geological Survey (ISGS) indicate that assessing the likely groundwater impacts on adjacent wells of finishing a waterwell for any type of use is not a simple “yes or no” determination and requires the following information at a minimum:
    - (a) A review of relevant well records, hydrogeologic reports, and other pertinent correspondence.
    - (b) Existing ground water levels in neighboring wells should be determined provided that access is permitted by the well owner(s).

*AS APPROVED*

- (c) Exploratory test hole drilling and geophysical exploration as required including possible geophysical logging of test holes.
- (d) If adequate aquifer hydraulic property information is not otherwise available, test data shall be provided from a test well and other observation wells, or other appropriate existing wells, sufficient to serve as the basis for estimating a distance- drawdown relationship.
- (e) An estimated distance-drawdown relationship should be developed.
- (f) The above data should be gathered under the direction of either an Illinois Licensed Geologist or an Illinois Professional Engineer either of which shall have extensive experience with groundwater hydrology, or other similarly competent groundwater hydrology professional and a letter type report should document the analysis and conclusions.
- (g) The accuracy and validity of such report can only be verified by a similarly competent groundwater hydrology professional.
- (h) Assessing the likely groundwater impacts on adjacent wells of finishing a waterwell for a proposed fuel ethanol plant is not a simple “yes or no” determination and requires the submission and review of a letter report. The submission and review of such a letter report should occur pursuant to a public hearing for a Special Use Permit at the Zoning Board of Appeals. This means that any Fuel Ethanol Plant that is not connected to and served by a public water supply should be authorized by Special Use Permit and the groundwater investigation should be required as a standard condition.

B. Regarding the drainage impacts of a fuel ethanol plant:

- (1) The wastewater generated by a fuel ethanol plant requires treatment of some kind. Fuel ethanol plants may either send their water to a publicly-owned treatment works, which will require an industrial pretreatment agreement, or they can build their own wastewater treatment facility and discharge the treated wastewater to surface waters. Water quality impacts are regulated by the IEPA. The IEPA is authorized by the federal government to administer the Clean Water Act (CWA) and its program, the National Pollutant Discharge Elimination System (NPDES). The NPDES requirements do not address the capacity of the drainage outlet and only address the quality of the wastewater that is being released.
- (2) A fuel ethanol plant that is connected to and served by a connected public sanitary sewer system would only have the normal stormwater drainage impacts that are already regulated under the Champaign County Stormwater Management Policy.
- (3) A fuel ethanol plant that is not connected to a connected public sanitary sewer system will have much greater impact on downstream areas. The authorization of a fuel ethanol

plant in those circumstances should probably occur pursuant to a public hearing for a Special Use Permit at the Zoning Board of Appeals. This means that any fuel ethanol plant that is not connected to a connected public sanitary sewer system should be authorized by Special Use Permit with a requirement for submittals sufficient to prove that an adequate drainage outlet is available for all anticipated discharges to surface waters.

- C. Regarding the traffic impacts of a fuel ethanol plant:
  - (1) A fuel ethanol plant without railroad access would rely on the public street system for delivery of all grain stock for processing and for shipping of all ethanol and for shipping of the distiller's dry grain product that results from the manufacture of ethanol. The larger the plant the more traffic that would be generated.

*GENERALLY REGARDING PUBLIC TESTIMONY*

- 19. Mr. Larry Wood, manager of The Andersons, testified as follows at the March 16, 2006 meeting of the Zoning Board of Appeals:
  - A. Regarding activities at an ethanol plant:
    - (1) This is a relatively benign type of business and the technology behind it is very clean and highly regulated by the IEPA. Technology has advanced to the point where even 100 million gallon per year plants can meet IEPA standards. There are three things that take place at an ethanol plant:
      - (a) The fermentation process, which is completely contained. Any processed water that does not go up in steam when the distilled grain is dried is used in the fermentation process and that water is recycled directly back into the fermentation process as long as possible.
      - (b) The distillation process which is where ethanol is removed from the slurry. The distillation process takes the ethanol to roughly 95-96% purity, and even more water is removed by passing it through molecular sieves, which leave it at around 99.5% pure or better.
      - (c) Drying of the by-product, which is distilled grain. High heat is used to remove the water from the grain and the majority of the water goes up into the air as steam. During the drying process the heat creates volatile oils, which do create an odor, but due to thermal oxidizers being used at the top of the stacks the oils are burned off, eliminating the odor.
    - (2) Water is continually recycled and more is added to the process as needed. There are no heavy industrial processes that are used in the production of ethanol and the most noise that would be generated is from the hammer mills that grind the corn.
  - B. Regarding, the amount of water usage:
    - (1) There are two water usages:

*AS APPROVED*

- (a) Processed water that goes through the fermentation process, which has to go through an extraction process to remove material that might hinder the fermentation. Extraction of the minerals before the corn mash is cooked so that the water can be recycled back into the fermentation process.
  - (b) The boiler system that dries the distilled grain, which can be recycled or disposed, but 2/3 of this water goes up into the air as steam.
- (2) It takes 6 gallons of water to make 1 gallon of ethanol and any water that is not recycled or that does not go up into the air as steam must be disposed of. During the disposal the plant must meet water quality standards, which is done by pretreatment before the water goes through the process, and by treating the water after it has gone through the process.
  - (3) The other two plants that Mr. Wood was familiar with used reverse osmosis units that are expensive to run.
  - (4) The two chemicals most commonly removed are calcium and magnesium.
  - (5) For a 100 million gallon per year plant, 600 million gallons of water would be used annually, which amounts to 2 million gallons per day, which is roughly 10% of the current daily use of Illinois American Water Company.
- C. Regarding zoning impacts, specifically noise, odor; and traffic:
- (1) Mr. Wood stated that, "The technology that is being used has turned this into a benign process. The Archer Daniels Midland plant in Decatur is a wet milling plant because they do starch extraction and produce high fructose corn syrup. Wet milling is a much different process, which produces more noise and odor than dry milling which is what most strictly fuel ethanol plants will use. When many people are concerned about odor they are thinking of a soybean processing plant which deals with much more oil because the oil is separated from the meal.
  - (2) The standards the County has set with I-1 and I-2 zoning is higher than he has seen before with two other plants.
  - (3) In regards to traffic concerns, "Location is critical, because most of the product produced by the plant will go out by rail, and the corn used by the facility will also come in by rail. Regarding distribution of DDG, there are no animals in the area to eat what they make; therefore, it will all be distributed by rail."
20. In a letter dated March 16, 2006, Scott Bidner, President of the Champaign County Farm Bureau, stated the Champaign County Farm Bureau supported the addition of "Ethanol manufacturing" as an authorized use in the I-2 District.

21. Mr. Mike Pozniak, representing the Albion, MI ethanol plant owned by the Andersons, testified at the March 30, 2006 meeting of the Zoning Board of Appeals that, the Anderson's were planning to continue to monitor groundwater levels in monitoring wells for at least a year after the plant goes into operation.
22. Mr. Larry Wood, manager of the Champaign County Andersons, testified at the March 30, 2006 meeting of the Zoning Board of Appeals that a 100 million gallon per year fuel ethanol plant could be accommodated on a 40 acre tract of land.

***GENERALLY REGARDING CONFORMANCE OF THE PROPOSED AMENDMENT WITH THE RELEVANT LAND USE GOALS AND POLICIES AND LAND USE REGULATORY POLICIES***

23. In regards to Policies 7.3 and 7.3A of the Land Use Goals and Policies the proposed text amendment ***CONFORMS*** because the amendment will require requests for development of fuel ethanol manufacturing to demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development when there is reasonable doubt that such utilities and services may be adequate.
24. In regards to Policy 7.4 of the Land Use Goals and Policies the proposed text amendment ***CONFORMS*** because the amendment will require requests for development of fuel ethanol manufacturing to demonstrate that existing water, sewer or drainage systems will not be overburdened.
25. In regards to Policy 4.1 of the Land Use Goals and Policies the proposed text amendment ***CONFORMS*** because fuel ethanol manufacturing will benefit the existing and projected labor force and agricultural sector.
26. In regards to the second Industrial Land Use Goal of the Land Use Goals and Policies the proposed text amendment ***ACHIEVES*** this goal because the amendment will ensure as much as possible that the location and design of all fuel ethanol manufacturing plants will be compatible with nearby non-industrial uses.
27. In regards to the third Industrial Land Use Goal of the Land Use Goals and Policies the proposed text amendment ***CONFORMS*** because the amendment will as much as possible 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.

**DOCUMENTS OF RECORD**

1. Preliminary Memorandum for Case 523-AT-05 with attachments:
  - A Copy of *News Gazette* article, "Plans Are Brewing for Ethanol Plants" dated October 16, 2005
  - B Draft Finding of Fact for Case 523-AT-05
2. Letter dated March 16, 2006, from Scot Bidner, President of the Champaign County Farm Bureau
3. Supplemental Memorandum for Case 523-AT-05 Part A with attachments:
  - A Water Use Act of 1983 (525 *ILCS* 45/)
  - B Draft Groundwater Condition
  - C Annotated Version of Proposed Ordinance
  - D Revised Draft Finding of Fact for Case 523-AT-05 Part A

**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 Amendment requested in Case 523-AT-05 Part A should **BE ENACTED** by the County Board in the form attached hitherto.

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**  
Date: **March 6, 2006**  
RE: **U.S. Route 45 Corridor Plan**

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***REQUESTED ACTION***

The Champaign Urbana Urbanized Area Transportation Study (CUUATS) has requested that the County endorse the U.S. Route 45 Corridor Plan. See the attached summary. The full report is available for review on the Regional Planning Commission website. There is no formal intergovernmental agreement regarding this plan and endorsement at this time amounts to recognizing that the plan exists. The County Engineer has represented the County on this Plan and a letter from the County Engineer is attached.

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**ATTACHMENTS**

- A Summary of the U.S. Route 45 Corridor Plan**
- B Letter dated 4/4/06 from Jeff Blue, Champaign County Engineer**

## Background

The *US 45 Corridor Plan* examines inter-related land use and transportation questions in the study area. The plan looks at how the separate governments in the area can coordinate their planning efforts in terms of transportation and land use development. It is a multi-government project undertaken by the Village of Savoy, the Village of Tolono, City of Champaign, Tolono Township, the University of Illinois, and Champaign County.

The study area encompasses approximately 43 square miles bounded by Windsor Road to the north, First Street (CR 1200 E) on the east, Sadorus Road (CR 600 N) on the south, and Staley Road (CR 800 E) on the west. The study area also takes in the University of Illinois Research Park and a potential connection to Rising Road on the west side of Champaign. It includes the southernmost part of the Champaign-Urbana-Savoy-Bondville urbanized area and is extended southward to include the Village of Tolono, whose extra-territorial planning jurisdiction now extends into the urbanized area.

## Corridor Study Planning Process

A steering committee comprised of at least one representative from each participating agency met periodically during the 2-year study process. In addition, 5 public meetings were held:

- November 15, 2004: Kickoff Open House presenting Existing Conditions in the study area
- June 28<sup>th</sup> & 29<sup>th</sup>, 2005: Workshop to identify issues and possible solutions in the study area
- October 26, 2005: Open House to present possible scenarios for future transportation and land use development, based on workshop findings and analysis
- March 1, 2006: Final Open House to present draft US45 Corridor Plan

## Document Contents

Section 1: Background, History, and Existing Conditions

Section 2: Transportation Existing Conditions

Section 3: Existing Plans and Policies

Section 4: Planning Process

Section 5: Implementation

## Major Recommendations

### Transportation Recommendations

Study Area in general:

- Promote connectivity of existing and planned open spaces, bike paths, sidewalks
- Continue implementing projects identified in the County Greenways and Trails Plan
- Promote pedestrian/bicycle facilities along protected stream corridors that would link to existing Greenways system
- Provide a frontage road along the west side of US 45 between Savoy and Tolono that includes a bicycle path
- Upgrade Duncan Road between Monticello Road and Curtis Road to a 2 lane roadway with capacity improvements to provide better access to high tech/industrial north and south of Willard Airport, mindful of runway and other airport logistics
- Upgrade First Street between Old Church Road and Tolono to a 2 lane roadway with capacity and safety improvements due to new developments
- Upgrade Monticello Road to provide better access to high tech/industrial south of Willard Airport, depending on capacity analysis
- Widen US45 to at least 4 lanes, using the median in some areas, all the way to Holden Street in Tolono, depending on capacity analysis and local need

## Savoy area:

- When warranted, provide a public transit route down First Street from Curtis Road to Airport Road, then west on Airport Road to Willard Airport

## Tolono area:

- Grade separated rail crossing and related road connection in Tolono at 800 N

## Land Use Recommendations

### Study Area in general:

- UIUC extending to the southern boundary of their Master Plan (Airport Road)
- Promote neighborhood center concepts in all three municipalities
- With careful planning, increase residential densities in parts of the study area
- With careful planning, introduce more non-residential uses in the study area

### Champaign area:

- Promote regional businesses and a mix of other high intensity uses working outward to residential areas around the new I-57 interchange
- Promote neighborhood commercial at major intersections in Champaign, subject to access management guidelines

### Savoy area:

- Encourage a planned multi-use traditional neighborhood development concept in the anticipated growth area west of First Street in east Savoy; a direct public transit route should be considered for this development to discourage additional car traffic on First Street
- Town center on west side of Savoy

### Tolono area:

- Development of railroad land southwest of Tolono (industrial employment center)
- With careful planning, increase residential density in NE Tolono (120 acres outside corporate limits)
- Town center concept to revitalize downtown Tolono

## Implementing the Plan

### Implementing the US45 Corridor Plan involves:

- Participating agencies seeking funding for projects, determining what codes and ordinances need to be revised based on new recommendations, and being the principal implementers of the Plan
- Constructing recommended transportation projects
- Developing land according to density, aesthetic, and other guidelines
- Implementing the plan's goals and objectives
- Examining unresolved issues such as boundary agreements and aesthetic guidelines for development in the corridor
- Working in collaboration with other agencies

## Immediate Next Steps

- All participating agencies should endorse and/or adopt the Plan
- The lead agency, the Village of Savoy, will be the final agency to endorse and/or adopt once other agencies have completed their approval processes
- A copy of the approved plan will be sent to IDOT for their files
- Participating agencies begin implementation as appropriate

April 4, 2006

# CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE  
COUNTY ENGINEER

1776 E. WASHINGTON

(217) 384-3800  
FAX (217) 328-5148

URBANA, ILLINOIS 61802

4/4/06

RECEIVED

APR 05 2006

CHAMPAIGN CO. P & Z DEPARTMENT

To: John Hall, Planning & Zoning Administrator

From: Jeff Blue, County Engineer 

Re: US45 Corridor Plan

As a member of the steering committee for the US45 Corridor Plan I was able to oversee the interests of the Champaign County transportation system in relation to the corridor plan. I would recommend support of the US45 Corridor Plan.

Cc: Rita Black, CUUATS