

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **October 1, 2009**
Time: **7:00 p.m.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.,
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET - ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (September 17, 2009)
5. Continued Public Hearings

Case 520-AM-05 Petitioner: Gene and Carolyn Bateman

Request: Amend the Zoning Map to allow for the development of 3 single family residential lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.

Location: Approximately 12.04 acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR 2600N and the west side of CR 200N.

6. New Public Hearings
7. Staff Report
8. Other Business
 - A. Possible cancellation of October 29th ZBA Meeting
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

SUBJECT TO APPROVAL

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: September 17, 2009

PLACE: Lyle Shields Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Doug Bluhm, Thomas Courson, Roger Miller, Melvin Schroeder, Eric Thorsland

MEMBERS ABSENT : Catherine Capel, Paul Palmgren

STAFF PRESENT : Connie Berry, John Hall, J.R. Knight

OTHERS PRESENT : Sam Shreeves, Helen McGee, Chris Huffman, Denise Huffman, Sawyer Huffman

1. Call to Order

The meeting was called to order at 7:02 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

DRAFT

1 None

2

3 Mr. Bluhm requested a motion to rearrange the agenda and hear Case 654-V-09, Kathy Oliger prior to Case
4 652-V-09, Samuel Shreeves.

5

6 **Mr. Miller moved, seconded by Mr. Thorsland to rearrange the agenda and hear Case 654-V-09,**
7 **Kathy Oliger prior to Case 652-V-09, Samuel Shreeves. The motion carried by voice vote.**

8

9 **6. New Public Hearings**

10

11 **Case 652-V-09 Petitioner: Samuel Shreeves Request: Authorize the use of an existing detached**
12 **accessory storage building with a setback of 41 feet and a front yard of 11 feet in lieu of the required**
13 **55 feet setback and 25 feet front yard, in regard to CR 1200N, a minor street, in the CR Zoning**
14 **District. Location: A 12.8 acre tract in the South Half of the Southeast Quarter of the Southwest**
15 **Quarter of Section 31 of South Homer township and commonly known as the house at 2546 CR**
16 **1200N.**

17

18 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
19 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands
20 for those who would like to cross examine and each person will be called upon. He requested that anyone
21 called to cross examine go to the cross examination microphone to ask any questions. He said that those
22 who desire to cross examine are not required to sign the witness register but are requested to clearly state
23 their name before asking any questions. He noted that no new testimony is to be given during the cross
24 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt
25 from cross examination.

26

27 Mr. Hall stated that the property in this case had a shed built in 1998 and testimony from Mr. Shreeves and
28 Elbert Rogers, South Homer Township Road Commissioner indicates that they both spoke to staff in 1998
29 and were informed that he needed a variance but all that was necessary for the variance was the South

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ZBA

1 Homer's Township Highway Commissioner's approval. Mr. Hall stated that on July 7, 2009, Mr. Shreeves
2 submitted a Zoning Use Permit Application to construct an attached garage to his existing house and since
3 the project was not related to the shed issue he approved the permit provided that an application for the
4 variance for the shed was received. He said that the a written statement has been received from Mr. Elbert
5 Rogers indicating that he has no concerns related to the location of the existing building.

6
7 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

8
9 Mr. Bluhm called Mr. Samuel Shreeves to testify.

10
11 Mr. Samuel Shreeves, who resides at 2456 CR 1200N, Homer stated that he had no new information to add
12 but would be happy to answer any questions that the Board may have. He said that he slightly disagrees with
13 Item #7.C.3 because staff was contacted by the road commissioner, as indicted in his letter, and he was told
14 that as long as he approved the construction of the shed at its present location then it was okay. He said that
15 it isn't as if staff did not know the situation because they were contacted at the time that the shed was
16 proposed to be constructed.

17
18 Mr. Bluhm asked the Board if there were any questions for Mr. Shreeves.

19
20 Mr. Miller asked Mr. Shreeves how long he had owned the property.

21
22 Mr. Shreeves stated that he has owned the property for approximately 12^{1/2} years.

23
24 Mr. Bluhm asked the Board if there were any additional questions for Mr. Shreeves and there were none.

25
26 Mr. Bluhm asked if staff had any questions for Mr. Shreeves and there were none.

27
28 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Shreeves and there was no one.

29

1 Mr. Bluhm asked Mr. Hall if, due to staff error there was no fee was charged for variance.

2

3 Mr. Hall stated that Mr. Bluhm was correct.

4

5 Mr. Hall stated that a new Item #9.B. could be added with the same text which is included in Item #7.B.

6

7 Mr. Knight agreed.

8

9 Mr. Thorsland stated that the text from Item #7.B. should be added to new Item #9.B.

10

11 Mr. Hall stated that Item #13 should be corrected to indicate the following: No special conditions of
12 approval are proposed.

13

14 Mr. Bluhm closed the witness register for Case 652-V-09.

15

16 **Finding of Fact for Case 652-V-09:**

17

18 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
19 652-V-09 held on September 17, 2009, the Zoning Board of Appeals of Champaign County finds that:

20

- 21 **1. Special conditions and circumstances DO exist which are peculiar to the land**
22 **or structure involved, which are not applicable to other similarly situated land**
23 **and structures elsewhere in the same district.**

24

25 Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land or
26 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
27 same district because the Petitioner contacted the Planning and Zoning Department in 1998 and after getting
28 permission from the road commissioner he assumed that he had taken all of the necessary steps to place the
29 building in its current location.

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2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or construction.

Mr. Thorsland stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or construction because it would be difficult to move the structure and the Petitioner placed the shed in its current location due to a leach field to the north of the shed and tree roots and stumps would have prevented the construction of a floor for the shed.

3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Thorsland stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the Petitioner acted in accordance with information given at the time of construction.

4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.

Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because the Petitioner acted in accordance with all other regulations set forth in the Zoning Ordinance and the building is not prohibited by the Ordinance.

5. The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

Mr. Miller stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise

1 detrimental to the public health, safety or welfare because in a written statement was received from the South
2 Homer Township Road Commissioner indicating that the building will not interfere with the township road's
3 safety and all other safety and health concerns will not be effected.
4

5 **6. The requested variance IS the minimum variation that will make possible**
6 **the reasonable use of the land/structure.**
7

8 Mr. Courson stated that the requested variance IS the minimum variation that will make possible the
9 reasonable use of the land/structure because the building will remain in its current location and no comments
10 or concerns regarding safety were received from the township road commissioner.
11

12 Mr. Bluhm added that the trees and an existing septic field limited the relocation of the structure.
13

14 **7. No special conditions are hereby imposed.**
15

16 **Mr. Schroeder moved, seconded by Miller to adopt the Summary of Evidence, Finding of Fact and**
17 **Documents of Record as amended. The motion carried by voice vote.**
18

19 **Mr. Thorsland moved, seconded by Mr. Courson to close the public hearing for Case 652-V-09,**
20 **Samuel Shreeves. The motion carried by voice vote.**
21

22 Mr. Bluhm informed Mr. Shreeves that two Board members are absent from tonight's meeting therefore it is
23 at his discretion to either continue Case 652-V-09 until a full Board is present or request that the present
24 Board move forward to the Final Determination.
25

26 Mr. Shreeves requested that the present Board continue to the Final Determination.
27

28 **FINAL DETERMINATION FOR CASE 652-V-09:**
29

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ZBA

1 Mr. Schroeder moved, seconded by Mr. Miller that the Champaign County Zoning Board of Appeals
 2 finds that, based upon the application, testimony, and other evidence received in this case, that the
 3 requirements of Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section
 4 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign
 5 County determines that the variance requested in Case 652-V-09 is hereby GRANTED to the
 6 petitioner Samuel Shreeves, to authorize the use of an existing detached accessory storage building
 7 with a setback of 41 feet and a front yard of 11 feet in lieu of the required 55 feet setback and 25 feet
 8 front yard, in regard to CR 1200N, a minor street in the CR Zoning District.

9
10 The roll was called:

11			
12	Capel-absent	Courson-yes	Miller-yes
13	Palmgren-absent	Schroeder-yes	Thorsland-yes
14	Bluhm-yes		

15
16 Mr. Hall informed Mr. Shreeves that the variance request has been approved and that staff will send out the
17 appropriate paperwork as soon as possible.

18
19 **Case 654-V-09** Petitioner: **Kathy Olinger** Request: **Authorize the division of a lot less than five acres.**
20 Location: **Lot 1 of Olinger First Subdivision located in the Northeast Quarter of Section 31 of Mahomet**
21 **township and commonly known as the house at 1889 CR 50E, Seymour.**

22
23 Mr. Hall distributed a Supplemental Memorandum dated September 17, 2009, for the Board's review. He
24 said that the memorandum includes an e-mail from Steve Peidl, Engineer/Field Manager with HDC which
25 indicates that on behalf of John and Katherine Olinger, he respectfully requests to withdraw the petition for
26 Case 654-V-09.

27
28
29 **Case 656-V-09** Petitioner: **Larry and Helen McGee** Request: **Authorize the following in the R-2**

1 **Single Family Residence Zoning District: A. the construction and use of a room addition to an**
2 **existing dwelling with a side yard of five feet two inches in lieu of the required side yard of six feet;**
3 **and B. the use of an existing detached garage that will be connected to the room addition in Part A,**
4 **which also has a side yard of five feet two inches in lieu of the required side yard of six feet. Location:**
5 **Lot 76 in Dobbins Downs III Subdivision in Section 2 of Champaign Township and commonly known**
6 **as the house at 2207 Dale Drive, Champaign.**

7
8 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
9 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands
10 for those who would like to cross examine and each person will be called upon. He requested that anyone
11 called to cross examine go to the cross examination microphone to ask any questions. He said that those
12 who desire to cross examine are not required to sign the witness register but are requested to clearly state
13 their name before asking any questions. He noted that no new testimony is to be given during the cross
14 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt
15 from cross examination.

16
17 Mr. Hall stated that the petitioners submitted a Zoning Use Permit Application in August for a proposed
18 addition. He said that the new addition attaches to the home and wraps around the existing garage thereby
19 converting the garage from a detached accessory structure to part of the principal structure. He said that the
20 zoning technicians worked with Mr. McGee to simply change the site plan and move the wall of the addition
21 to meet the required six foot side yard. He said that when the application came to his desk for approval he
22 determined that the garage is non-conforming but converting it to part of the principal structure requires a
23 variance because it does not meet the side yard requirements. He said that after working so hard with the
24 zoning technicians in changing the site plan Mr. McGee was very frustrated to find out that he now needed a
25 variance. Mr. Hall stated that in 1984 a small addition was added to the principal structure which connected
26 the house to the garage and that had not been flagged as an issue at this time. He said that the Mr. and Mrs.
27 McGee were ready to build their addition and they cooperatively worked with staff and finally found out that
28 they needed a variance. He said that Mr. McGee submitted a statement, included as an attachment to the
29 Preliminary Memorandum dated September 11, 2009, that he would be willing to abide by any reasonable

1 determination of the Board therefore he issued the permit so that construction could begin and the case is
2 before the Board tonight.

3
4 Mr. Hall stated that before he issued the permit for construction of the addition he checked with the Zoning
5 Officer, who has been with the department since 1984, and she did not remember issuing a permit on this
6 property and agreed that a variance is required.

7
8 Mr. Hall distributed a Supplemental Memorandum dated September 17, 2009, for the Board's review. He
9 said that the memorandum is for the Board's information and staff is not trying to suggest anything. He said
10 that the west property line abuts the City of Champaign and within that jurisdiction in order to reduce the
11 side yard requirement to less than six feet the property owner would have to have the north wall on the
12 garage and the addition to be fire-proofed. He noted that this is the procedure if the property was within the
13 City of Champaign because the City of Champaign has a building code but this property is actually in the
14 County and the County does not enforce a building code. He said that it is at the Board's option, if they
15 believe it is warranted, whether they desire to require a special condition regarding fire-proofing the north
16 wall of the garage and the addition but the Board is not obligated to such a condition. He said that staff is
17 proposing that the new information in the memorandum be added as part of Item #10.B.2. so that it is
18 documented that the Board was made aware of this information.

19
20 Mr. Bluhm asked the Board if there were any questions for staff.

21
22 Mr. Thorsland asked staff how close adjacent structures are to the north property line.

23
24 Mr. Knight stated that any adjacent structures are beyond six feet.

25
26 Mr. Schroeder asked how close other structures were to the new addition.

27
28 Mr. Bluhm stated that there is at least 11 feet from the proposed addition to adjacent structures.

29

1 Mr. Schroeder stated that he is comfortable with that separation.

2

3 Mr. Bluhm asked the Board if there were any additional questions for staff and there were none.

4

5 Mr. Bluhm called Ms. Helen McGee to testify.

6

7 Ms. Helen McGee, who resides at 2207 Dale Drive, Champaign stated that the contractor had already
8 planned to install a fire wall although she does not understand why he did not indicate such on the plan.

9

10 Mr. Thorsland asked Ms. McGee if she was comfortable with the proposed special condition included on the
11 Supplemental Memorandum.

12

13 Ms. McGee stated yes.

14

15 Mr. Bluhm asked Ms. McGee if she would agree to the special condition.

16

17 Ms. McGee stated yes.

18

19 Mr. Bluhm asked the Board if there were any questions for Ms. McGee and there were none.

20

21 Mr. Bluhm asked if staff had any questions for Ms. McGee and there were none.

22

23 Mr. Bluhm asked the audience if anyone desired to cross examine Ms. McGee and there was no one.

24

25 Mr. Hall stated that a new Item #7.E should read as follows: On the adjacent property to the north there are
26 no structures located within six feet of the property line. He said that the following should be added to Item
27 #10.B.(2): Regarding fire-proofing of the north wall of the proposed addition and existing garage that would
28 be required if the subject property was inside the City of Champaign: (a) J.R. Knight, Associate Planner,
29 spoke with Gary Bowman, City of Champaign Building Safety Division, on the phone on September 17,

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ZBA

1 2009, regarding what fire-proofing would be required if the subject property were located in the City of
2 Champaign; and (b) Mr. Bowman indicated that the north wall would require a one hour fire rating which
3 could be achieved by using 5/8th inch, type X or fire code C drywall. He did not mention whether the city
4 normally accepts a double layer of regular drywall; and (c) Champaign County does not currently have a
5 building code. He said that the last sentence of Item #10.B.(2) as written in the Preliminary Draft Summary
6 of Evidence should be deleted and a new Item #13, Special Condition of Approval should be added as
7 follows:

8 **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
9 **proposed room addition without documentation that the north wall of both the**
10 **addition and existing garage shall be constructed with a minimum one-hour fire**
11 **resistance rating, achieved by using either Type X or Fire code C drywall.**

12
13 The above special condition is necessary to ensure that:

14
15 **The likelihood of conflagration spreading to adjacent property is minimized and**
16 **no greater than it would be for properties inside the city of Champaign.**

17
18 Mr. Hall stated that a new Item #4 should be added to the Documents of Record indicating the following:
19 Supplemental Memorandum dated September 17, 2009.

20
21 Mr. Bluhm asked the audience if anyone in the audience desired to present testimony regarding Case 656-V-
22 09 and there was no one.

23
24 Mr. Bluhm closed the witness register.

25
26 Mr. Bluhm requested a motion to approve the special condition as follows:

27
28 **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
29 **proposed room addition without documentation that the north wall of both the**

addition and existing garage shall be constructed with a minimum one-hour fire resistance rating, achieved by using either Type X or Fire code C drywall.

The above special condition is necessary to ensure that:

The likelihood of conflagration spreading to adjacent property is minimized and no greater than it would be for properties inside the city of Champaign.

Mr. Thorsland moved, seconded by Mr. Schroeder to approve the special condition. The motion carried by voice vote.

Finding of Fact for Case 656-V-09:

From the documents of record and testimony and exhibits received at the public hearing for zoning case 656-V-09 held on September 17, 2009, the Zoning Board of Appeals of Champaign County finds that:

- 1. Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because the addition to the house is being constructed on a previous footprint of a sun porch and ties into what is now an attached garage, which was previously non-conforming, and requires a variance because it is too close to the side yard.

- 2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

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Mr. Thorsland stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because moving the garage 10 inches would be cost prohibitive to bring the structure into compliance and reduce its utility by making it smaller.

3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Courson stated that the special conditions, circumstances, hardships or practical difficulties DO NOT result from actions of the applicant because the garage is existing and nothing else will change site wise.

Mr. Miller stated that no testimony has been received from adjacent neighbors.

4. The requested variance, subject to the proposed condition, IS in harmony with the general purpose and intent of the Ordinance.

Mr. Thorsland stated that the requested variance, subject to the proposed condition, IS in harmony with the general purpose and intent of the *Ordinance* because all other structures meet the requirements of the Zoning Ordinance.

5. The requested variance, subject to the proposed condition, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Miller stated that the requested variance, subject to the proposed condition, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because the special condition addresses the spreading of fire. He said that even though it is not a requirement of Champaign County the special condition addresses the building code by the City of Champaign.

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Mr. Bluhm noted that no comments have been received from the fire protection district.

6. The requested variance, subject to the proposed condition, IS the minimum variation that will make the reasonable use of the land/structure.

Mr. Courson stated that the requested variance, subject to the proposed condition, IS the minimum variation that will made the reasonable use of the land/structure because the garage is existing and moving the north wall, as testified by the Petitioner, would make the garage unusable as a garage.

7. The special condition imposed herein is required to ensure compliance with the criteria for special use permits and for the particular purposes described below:

The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed room addition without documentation that the north wall of both the addition and existing garage shall be constructed with a minimum one-hour fire resistance rating, achieved by using either Type X or Fire code C drywall.

The above special condition is necessary to ensure that:

The likelihood of conflagration spreading to adjacent property is minimized and no greater than it would be for properties inside the city of Champaign.

Mr. Schroeder moved, seconded by Mr. Miller to adopt the Summary of Evidence, Finding of Fact and Documents of Record as amended. The motion carried by voice vote.

Mr. Thorsland moved, seconded by Mr. Courson to close the public hearing for Case 656-V-09, Larry

1 and Helen McGee. The motion carried by voice vote.

2
3 Mr. Bluhm informed Mrs. McGee that two Board members are absent from tonight’s meeting therefore it is
4 at her discretion to either continue Case 656-V-09 until a full Board is present or request that the present
5 Board move forward to the Final Determination.

6
7 Mrs. McGee requested that the present Board continue to the Final Determination.

8
9 **Final Determination for Case 656-V-09:**

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11 **Mr. Thorsland moved, seconded by Mr. Courson that the Champaign County Zoning Board of**
12 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
13 **that the requirements of Section 9.1.9.C HAVE been met, and pursuant to the authority granted by**
14 **Section 9.1.6.B of the *Champaign County Zoning Ordinance*, the Zoning Board of Appeals of**
15 **Champaign County determines that the variance requested in Case 656-V-09, is hereby GRANTED**
16 **WITH CONDITIONS to the petitioners, Larry and Helen McGee, to authorize the following in the R-**
17 **2, Single Family Dwelling Zoning District:**

18
19 **A. The construction and use of a room addition to an existing dwelling with a side yard**
20 **of five feet two inches in lieu of the required side yard of six feet; and**

21
22 **B. The use of an existing detached garage that will be connected to the room addition in**
23 **Part A, which also has a side yard of five feet two inches in lieu of the required side**
24 **yard of six feet.**

25
26 **Subject to the following condition:**

27
28 **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
29 **proposed room addition without documentation that the north wall of both the**

addition and existing garage shall be constructed with a minimum one-hour fire resistance rating, achieved by using either Type X or Fire code C drywall.

The above special condition is necessary to ensure that:

The likelihood of conflagration spreading to adjacent property is minimized and no greater than it would be for properties inside the City of Champaign.

The roll was called:

Miller-yes	Palmgren-absent	Schroeder-yes
Thorsland-yes	Capel-absent	Courson-yes
Bluhm-yes		

Mr. Hall informed Mrs. McGee that the variance request has been approved and that staff will send out the appropriate paperwork as soon as possible. He thanked Mrs. McGee for her patience.

Mr. Miller noted that the site plan for this case was very hard to review. He requested that the copy for the packets be darkened for review.

Mr. Hall stated that normally staff prepares an annotated site plan and this was not done for this case.

Mr. Bluhm stated that it would be helpful if the annotated site plan indicated north, south, east or west.

7. Staff Report

None

8. Other Business:

1 **A. Semi-Annual Review of Closed Session Minutes**

2
3 Mr. Bluhm informed the Board that an e-mail was received from David L. DeThorne, Senior Assistant
4 State's Attorney indicating that at this juncture, due to inadequate time for review of the closed session
5 minutes, he would not recommend any changes. He said that currently there is only one set of closed session
6 minutes and that meeting was held on November 22, 2005.

7
8 Mr. Courson asked Mr. Bluhm if he could review those minutes.

9
10 Mr. Bluhm stated yes, and allowed Mr. Courson time to review the November 22, 2005, closed session
11 minutes.

12
13 Mr. Bluhm requested a motion.

14
15 **Mr. Courson moved, seconded by Mr. Schroeder to approve maintaining the closed session minutes as**
16 **closed. The motion carried by voice vote.**

17
18 **B. Scheduling of wind farm zoning cases**

19
20 Mr. Hall stated that, according to the latest news that he has received, staff may receive an application by the
21 end of October or November although he is betting that it will be November. He said that if an application is
22 submitted at the end of October the meeting that the case would be heard at is the December 17th meeting
23 which will be in conflict with the County Board meeting which is held in this same meeting room. He said
24 that a wind farm hearing will require the Lyle Shields Meeting Room therefore we can have no wind farm
25 hearings in December. He recommended that the Board suspend the rules and schedule the wind farm case
26 on the docket for both meetings in January 2010 and the last meeting in February 2010. He noted that it may
27 not be worth having the December 17th meeting since the meeting room will not be available although if
28 there is someone in the position that requires their variance as soon as possible and a small turnout is
29 expected then the meeting could be held.

1

2 Mr. Thorsland asked Mr. Hall if the John Dimit Meeting Room would be available for a small meeting.

3

4 Mr. Hall stated yes.

5

6 Mr. Thorsland stated that if the John Dimit Meeting Room would be available he would like to keep the
7 December 17th meeting therefore keeping the docket clear.

8

9 **Mr. Thorsland moved, seconded by Mr. Miller to suspend the rules and schedule the wind farm cases**
10 **on the docket for both hearing dates in January 2010 and the second meeting in February 2010 and to**
11 **keep the December 17, 2009, hearing date on the docket at this time. The motion carried by voice**
12 **vote.**

13

14 Mr. Bluhm stated that some hearing dates only have one case scheduled. He asked Mr. Hall if there was a
15 specific reason why.

16

17 Mr. Hall stated that Case 655-S-09, which is docketed for October 29, 2009, is for a kennel, which requires
18 exhaustive details therefore it is his recommendation that a kennel should be the only case docketed for that
19 hearing. He said that Case 645-S-09, which is docketed for December 3, 2009, is for the RLA and it should
20 be the only case scheduled for that date.

21

22 Mr. Bluhm stated that he is concerned that the October 15th hearing date will be in the middle of harvest
23 therefore a full Board may not be present.

24

25 Mr. Hall asked Mr. Bluhm if October 15th or October 29th would be a better meeting date.

26

27 Mr. Hall stated that the October 15th meeting date may have a better chance of having a full Board than the
28 29th.

29

30 Mr. Bluhm asked Mr. Hall if it would be possible to move Case 655-S-09 to the October 15th meeting. He

1 said that if it is possible the October 29th meeting may require cancellation.

2

3 Mr. Hall stated yes, Case 655-S-09 could be moved to the October 29th meeting and since there is a meeting
4 scheduled for October 1st and October 15th the Board would have satisfied the two meeting requirement for
5 the month.

6

7 **9. Audience Participation with respect to matters other than cases pending before the Board**

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9 None

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11 **10. Adjournment**

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13 The meeting adjourned at 7:55 p.m.

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18 Respectfully submitted

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24 Secretary of Zoning Board of Appeals

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CASE NO. 520-AM-05 ON REMAND

Champaign County
Department of
**PLANNING &
ZONING**

SUPPLEMENTAL MEMORANDUM
September 25, 2009

Petitioner: **Gene Bateman, Owner**
David Phillippe, Agent
HDC Engineering

Request: **Amend the Zoning Map to allow for the development of 3 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Site Area: **approx. 12 acres**

Location: **Approximately 12.04 acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.**

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

(217) 384-3708

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

STATUS

This is the seventh meeting for this case. This case was remanded back to the Zoning Board of Appeals by the Environment and Land Use Committee of the County Board (ELUC) on February 9, 2009. The petitioner has submitted a new lot layout, and no other new information was necessary. This memo gives an overview of the original background of the case and the Rural Residential Overlay Zoning District. Please note that the Background section refers to the original proposal of five lots instead of the current proposal for three.

Notices were mailed to all adjacent land owners and relevant jurisdictions.

ATTACHMENTS

- A Preliminary Memorandum and Case Maps for Case 520-AM-05 (Location, Land Use, Zoning)
- B Bateman Proposed Tracts received on September 18, 2009
- C Section 22 Natural Resources Report
- D IDOT ADT Highway Map with 2006 data
- E Champaign County Land Use Regulatory Policies
- F Ordinance No. 841 (Zoning Case 583-AT-07)
- G Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
- H Comparing the Proposed Site Conditions to Common Champaign County Conditions
- I Summary of Site Comparison for Factors Relevant To Development Suitability
- J Summary of Comparison for Factors Relevant To Compatibility with Agriculture
- K Revised Draft Finding of Fact for Case 520-AM-05 dated September 25, 2009 (included separately)

CASE NO. 520-AM-05

PRELIMINARY MEMORANDUM

March 24, 2006

Champaign
County
Department of



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

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

Petitioner: **Gene Bateman, Owner**
David Phillippe, Agent
HDC Engineering

Site Area: **23 acres (approximate)**

Prepared by: **Jeffrey Roseman**
Associate Planner

Request: **Amend the Zoning Map to allow for the development of 5 single-family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Location: **A 23 acre tract in the North 631 feet of the East 1042.7 feet and the South 545 feet of the North 1960 feet of the East 641 feet, all of the 1/2 of the Northeast 1/4 of the Section 29, Township 21 North, Range 7 East of the Third Meridian, Champaign County, Illinois.**

BACKGROUND

In the CR, AG-1, and AG-2 zoning districts the Champaign County Zoning Ordinance limits the creation of lots that are less than 35 acres to no more than three lots (except for four out of tracts between 25 and 49 acres in area) after January 1, 1998. The creation of any greater number of lots that are 35 acres or less in area requires rezoning to the Rural Residential Overlay (RRO) Zoning District.

The proposed creation of 5 new lots that are less than 35 acres in area that has been divided from an approximately 77 acre parent tract that existed on January 1, 1998, and requires RRO rezoning in order to be a good zoning lot.

Purpose of the RRO District

The unique nature of the district and the specific considerations required for determination in each RRO request merit a brief review. The Rural Residential Overlay (RRO) Zoning District is intended to identify those rural areas that are most suitable for residential development and whose development will not significantly interfere with agricultural pursuits in neighboring areas. The RRO Zoning District is an overlay zoning designation that is an addition to, the pre-existing (underlying) rural zoning.

Rezoning to the RRO District is required for subdivisions that exceed the limit on creation of new "small" lots and/or new streets in the AG-1, AG-2, and CR districts (the rural districts). Approval of the RRO district does not change any current requirement of the underlying districts. All other restrictions on use, setbacks, lot coverage, etc. remain in effect.

Specific Findings and Considerations Required In RRO Requests

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. The Zoning Board of Appeals must make two specific findings for RRO approval. Those findings are:

- **Suitability of the proposed site for the development of rural residences; and**
- **Impact that the proposed residential development will have on surrounding agriculture.**

The Board is required to consider the following factors in making these findings:

1. **Adequacy and safety of roads providing access to the site**
2. **Effects on nearby farmland and farm operations**
3. **Effects of nearby farm operations on the proposed residential development**
4. **The LESA (Land Evaluation and Site Assessment) score of the subject site**
5. **Effects on drainage both upstream and downstream**
6. **The suitability of the site for onsite wastewater systems**
7. **The availability of water supply to the site**
8. **The availability of emergency services to the site.**
9. **The flood hazard status of the site**
10. **Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat**
11. **The presence of nearby natural or man-made hazards**
12. **The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated**

No specific standards apply to the criteria. A positive evaluation of every factor is generally not expected to be necessary for approval. The Board should feel comfortable, however, that significant potential problems that are identified are not insurmountable.

Difference Between RRO Rezoning Approval And Subdivision Approval

The zoning approval for the RRO District is not the same thing as approval of the subdivision of the land. This application was received before the County

At this stage the County is considering only the suitability of the site for residential development and not the adequacy of a specific design. The division of the land into separate legal parcels for sale must still comply with the regulations of the relevant subdivision jurisdiction, which is generally the County.

Engineering design issues are only relevant in determining whether the development of the site is practical from a public as well as private standpoint. The RRO criteria contain a number of important issues regarding suitability of the site that are not amenable to site engineering such as traffic and land use compatibility issues. When necessary to deal with concerns of suitability and compatibility, the Board may recommend specific conditions that should be imposed on the future subdivision of the land as part of the RRO approval. Significant differences between the plan submitted for RRO designation and the Preliminary Plat required for subdivision approval would not be allowed.

For example, the Board may determine that a site has particular problems that should be addressed by some action on the part of the developer such as improving a road or ditch or with respect to the design of the subdivision.

PETITIONER SUBMITTALS

Section 5.4.4 of the Zoning Ordinance requires several supporting documents for each petition for RRO rezoning. The submittals received to date are reviewed in Table 1.

The subject property is not clearly within the area of limited groundwater availability and so no submittals from the Illinois State Water Survey have been required to date.

CHAMPAIGN COUNTY LAND USE POLICIES

Board adopted the most recent revisions to the Land

Use Regulatory Policies and so the policies adopted on November 30, 2001, are relevant (see attached). These policies were adopted as part of Phase One Rural Districts of the Comprehensive Zoning Review (CZR). Policy groups 1.6, 1.7, 1.8, and 1.9 do not bear directly on this request but have been included here for convenience. Policies of particular relevance to the proposed RRO are 1.1, 1.2, 1.3.3, 1.4.1, 1.4.2, 1.5.2, 1.5.3, and 1.5.4. And, of these eight policies, the last 7 serve to add clarity to policy 1.1 (Highest & Best Use of Farmland).

A shorter version of the Executive Summary of the Rural Regulatory Policies has been prepared to summarize the relevant policies in this instance (see the box).

MUNICIPAL EXTRATERRITORIAL JURISDICTION

The subject property is not located within the mile-and-a-half extraterritorial planning jurisdiction of a village or municipality. See the Draft Summary of Evidence.

TOWNSHIP PLAN COMMISSION

The property is located in Newcomb Township which has a plan commission. The plan commission has received notice of the meeting.

EXISTING LAND USE & ZONING IN VICINITY

General land use and zoning within the immediate vicinity of the subject property is indicated on the Case Maps and summarized in Table 1.

COMPARISON WITH AREA, HEIGHT, AND PLACEMENT STANDARDS

Table 2 compares the minimum (and maximum) requirements with the proposed.

DRAFT SUMMARY OF EVIDENCE

See the Draft Summary of Evidence for a review of

evidence in this case.

COMPARISON WITH COMMON CHAMPAIGN COUNTY CONDITIONS

Attachment N summarizes the comparison of the subject property with common Champaign County conditions that are in Attachment M.

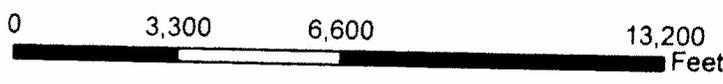
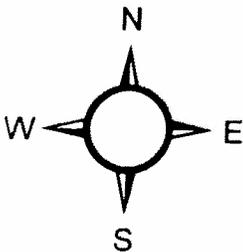
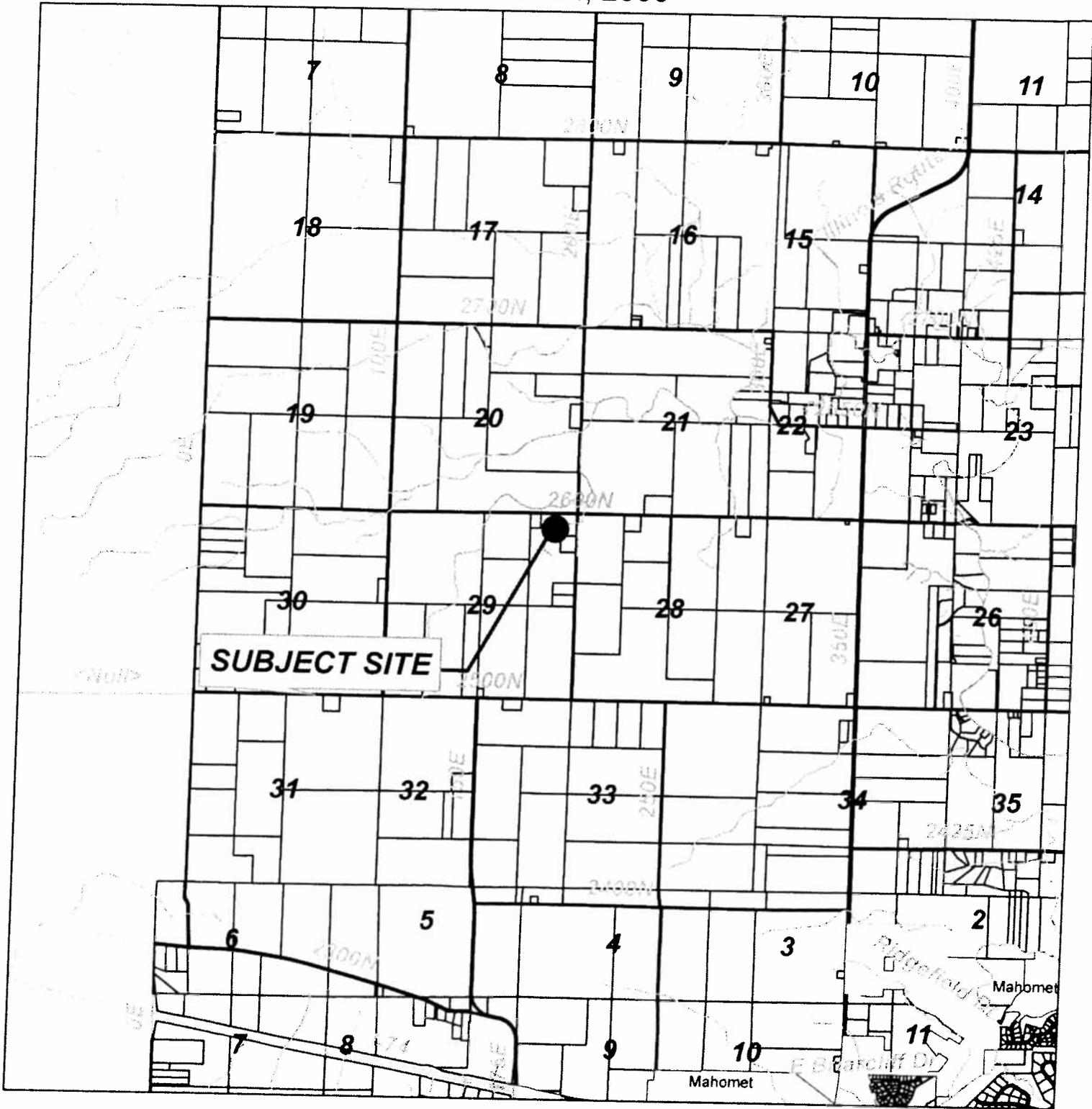
SUMMARY OF DEVELOPMENT SUITABILITY

Attachment O summarizes the conditions at the subject property for those factors most relevant to development suitability (one of the required findings).

SUMMARY OF COMPATIBILITY WITH AGRICULTURE

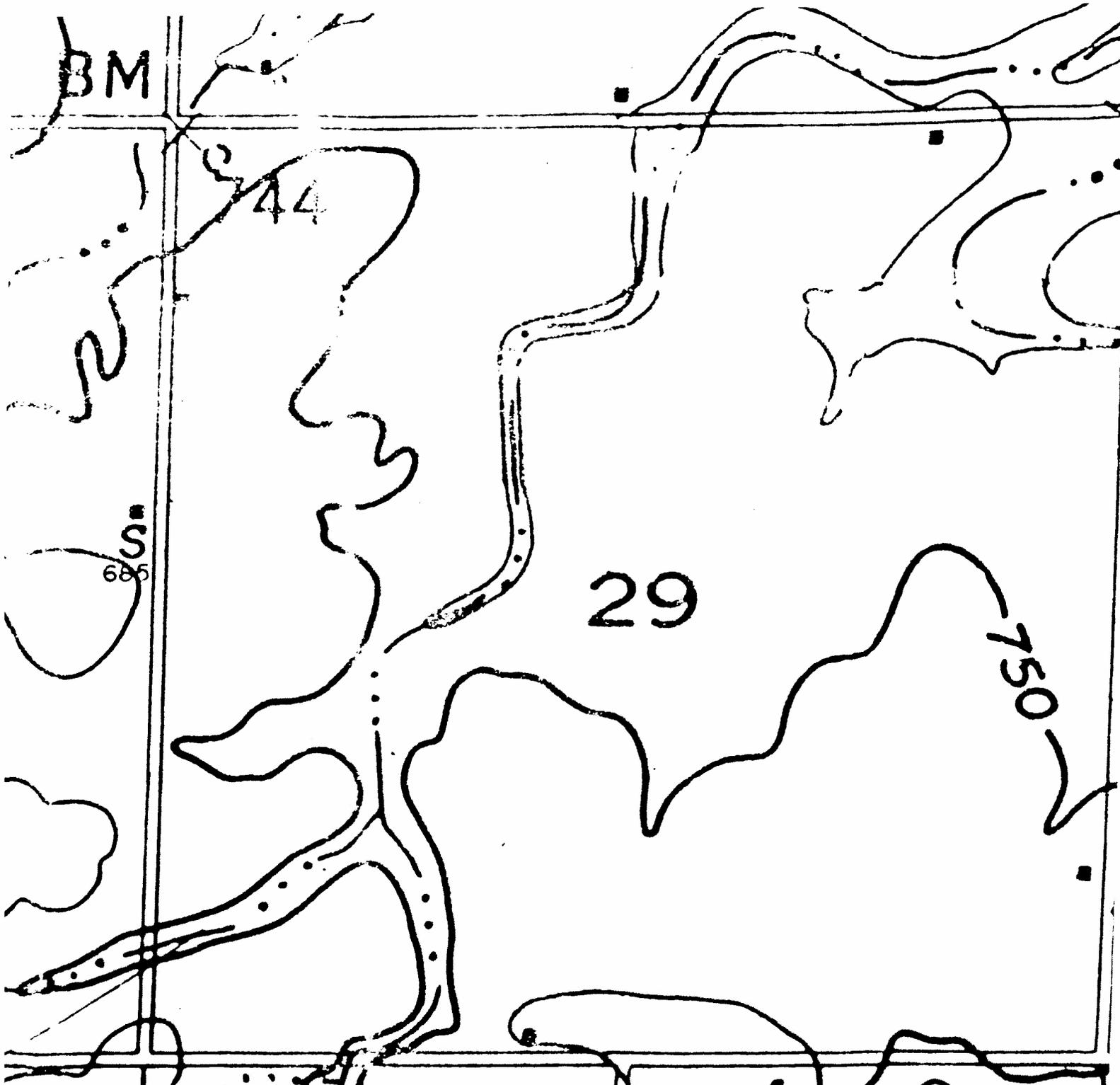
Attachment P summarizes the conditions at the subject property for those factors most relevant to compatibility with agriculture (one of the required findings).

Attachment A Location Map
Case 520-AM-05
March 24, 2006



Champaign County
Planning and Zoning Department
1776 E. Washington Street
Urbana, IL 61802
217-384-3708

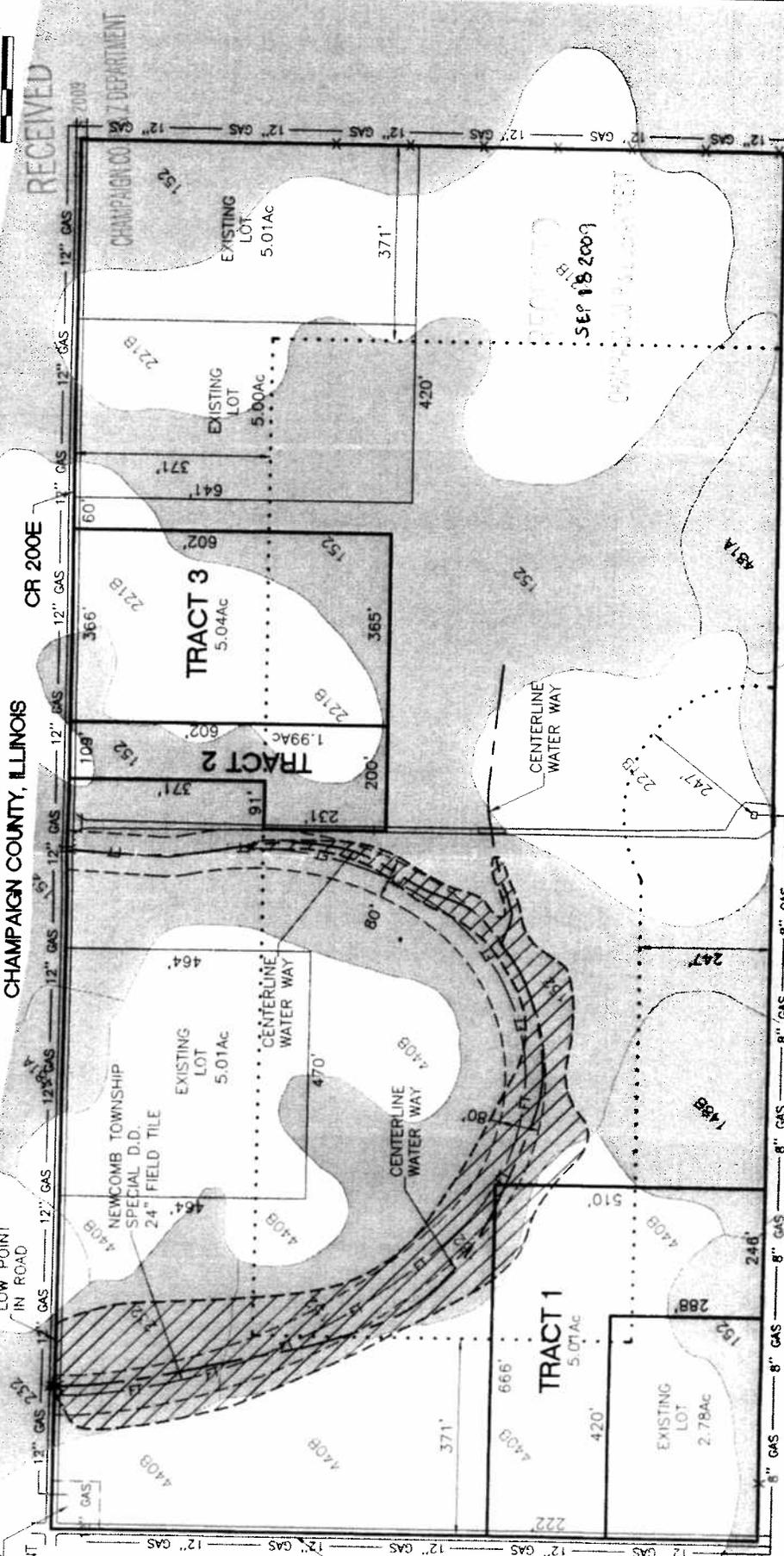
Attachment A Zoning Map
 Case520-AM-05
 March 24, 2006



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

NORTH

**BATEMAN
PROPOSED TRACTS
NEWCOMB TOWNSHIP
CHAMPAIGN COUNTY, ILLINOIS**



RECEIVED
CHAMPAIGN COUNTY DEPARTMENT

Job # 05114
Drawn By: BDB/CAMD Date: 03/27/06 Revised: 07/13/06

E 1/2-NE 1/4-SEC 29-T21N-R7E-3rd PM
ILLINOIS 09/16/09
Revised: 07/07/09
Revised: 05/29/09
Revised: 12/18/06
Revised: 12/14/06
Revised: 12/13/06
Revised: 11/18/06
Revised: 10/12/06
Revised: 07/13/06

201 West Springfield, Suite 300,
Champaign, Illinois 61824-0140
Phone No. 217-352-6976

HPC
ENGINEERING

	BPF SOIL	NON-BPF SOIL	LE	BUILDABLE AREA
TRACT 1	152 DRUMMER 0.76Ac. - 15.1% 148B PROCTOR 0.26Ac. - 5.2%	440B JASPER 3.98Ac. - 79.7%	82.3	1.48Ac.
TRACT 2	1.99Ac.		N/A	1.06Ac.
TRACT 3	152 DRUMMER 1.54Ac. - 30.6%	221B PARR 3.50Ac. - 69.4%	84.8	1.94Ac.

BPF SOILS
NON-BPF SOILS
HIGH WATER BACKUP
(SAME ELEV. AS LOW
POINT IN ROAD)
POTENTIAL IMPACT ZONE
SETBACK LINE

Champaign County Soil and Water Conservation District

2110 W. Park Court, Suite C

Champaign, IL. 61821

(217) 352-3536, Ext. 3

NATURAL RESOURCE REPORT

RECEIVED

CST 1 2 2005

Date Reviewed: July 10, 2003

CHAMPAIGN CO. P & Z DEPARTMENT

Requested By: Gene and Carolyn Bateman

Address: Box 300
Mansfield, IL 61854

Location of Property: Part of the East half Northeast Quarter of Section 29, T21N, R7E, Newcomb Township, Champaign County, IL. This is on the southwest corner of the intersection of County Road 2600 North and 200 East.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract June 13, 2003. The Natural Resources Conservation Service provided further technical assistance.

The tract had 3 homes under construction when the investigation was done as noted on the attached surface water flow page. The plan submitted with the application shows eight 5-acre tracts and one 5.5-acre tract to be developed now with the remainder of the acreage reserved for possible future development. This report covers the entire 77-acre tract.

SITE SPECIFIC CONCERNS

1. The tract has 6 soil types. Drummer (152A) and Ashkum (232A) comprise over 35 acres of the site have ponding characteristics that could adversely affect the planned septic systems.
2. The use of 5 to 5.5-acre tracts is not an efficient use of prime farmland. A lot size of 1 acre would be more efficient use of the land.
3. Drainage ways noted on the surface water flow map need to be maintained. A significant volume of water flows through the property in drainage ways that should be guarded with permanent easements.

SOIL RESOURCE

a) Prime Farmland:

This tract is considered prime farmland for Champaign County.

This tract has an L.E. Factor of 88. See the attached worksheet for this calculation. The tract consists primarily of Drummer Silty Clay Loam (152A), Wyonet Silt Loam (622B), and Penfield Loam (687B) with minor amounts of Ashkum Silty Clay Loam (232A), Raub Silt Loam (481A), and Clare Silt Loam (663B).

The 5-acre and larger tracts shown on the site map are quite large considering this tract is prime farmland. A lot size of 1-acre would be a much more efficient use of the land resource at this site.

The site is not contiguous with existing towns. This type of development exacerbates potential conflicts with rural farming practices in the area and the home sites.

b) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible.

c) Sedimentation:

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

d) Soil Characteristics:

There are three (6) soil types on this site, but the Drummer, Wyanet and Penfield cover the majority of the tract. See the attached soil map. The soils present have moderate to severe limitations for development in their natural, unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site.

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

Map Symbol	Name	Slope	Shallow Excavations	Basements	Roads	Septic Fields
152A	Drummer Silty Clay Loam		Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding
232A	Ashkum Silty Clay Loam		Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding
481A	Raub Silt Loam	0-3%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness
622B	Wyanet Silt Loam	2-5%	Slight:	Slight:	Severe: low strength	Moderate: percs slowly
663B	Clare Silt Loam	1-5%	Severe: cutbank cave	Moderate: shrink-swell	Severe: frost action	Severe: wetness
687B	Penfield Loam	1-5%	Slight:	Slight:	Moderate: low strength	Slight:

a) Surface Drainage:

The tract has several areas that convey water that should be kept clear of development. Those areas are marked on the surface flow map. These areas drain water on the property and neighboring tracts. Permanent easements should be used to protect these areas from any development that would restrict this water flow.

b) Subsurface Drainage:

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

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

c) Water Quality:

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

CULTURAL, PLANT, AND ANIMAL RESOURCE

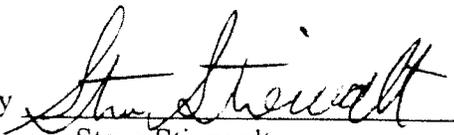
a) Plant:

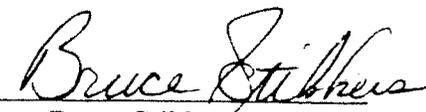
For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

b) Cultural:

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

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

Signed by 
Steve Stierwalt
Board Chairman

Prepared by 
Bruce Stickers
Resource Conservationist

LAND EVALUATION WORKSHEET

<u>Soil Type</u>	<u>Ag Group</u>	<u>Relative Value</u>	<u>Acres</u>	<u>L.E.</u>
152A	2	98	32.6	3194.80
232A	4	85	2.8	238.00
481A	3	87	2.2	191.40
622B	5	79	20.7	1635.30
663B	3	87	1.9	165.30
687B	5	79	16.8	1327.20
				0.00
				0.00
				0.00
				0.00

Total LE factor= 6752.00

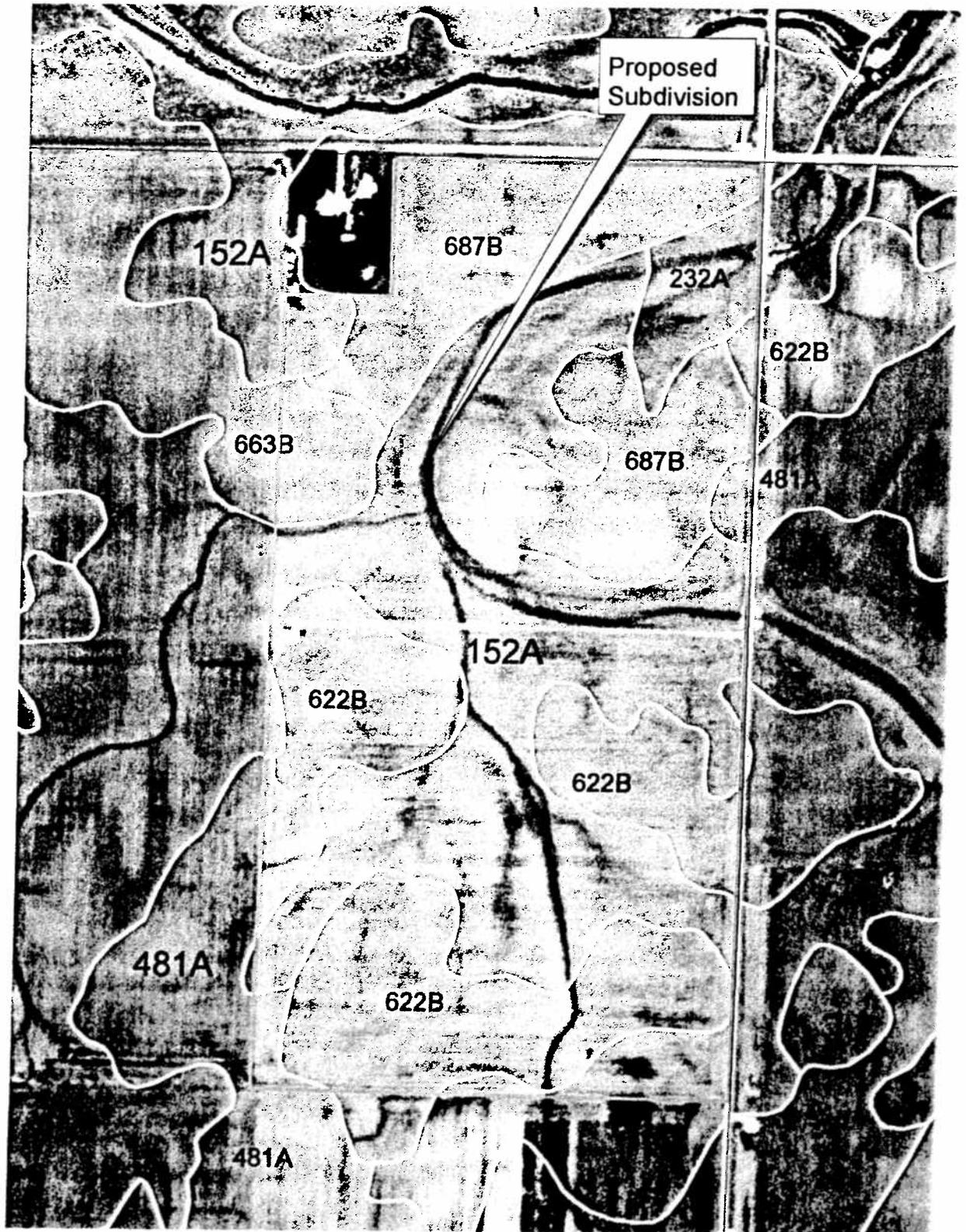
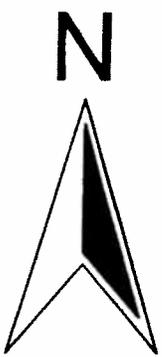
Acreage= 77

Land Evaluation Factor for site = **88**

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

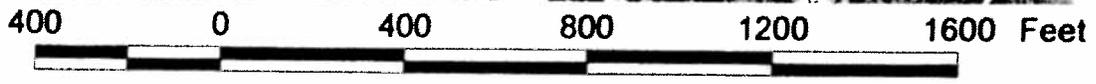
Data Source: Champaign County Digital Soil Survey
Revised fall 2002

Gene Bateman

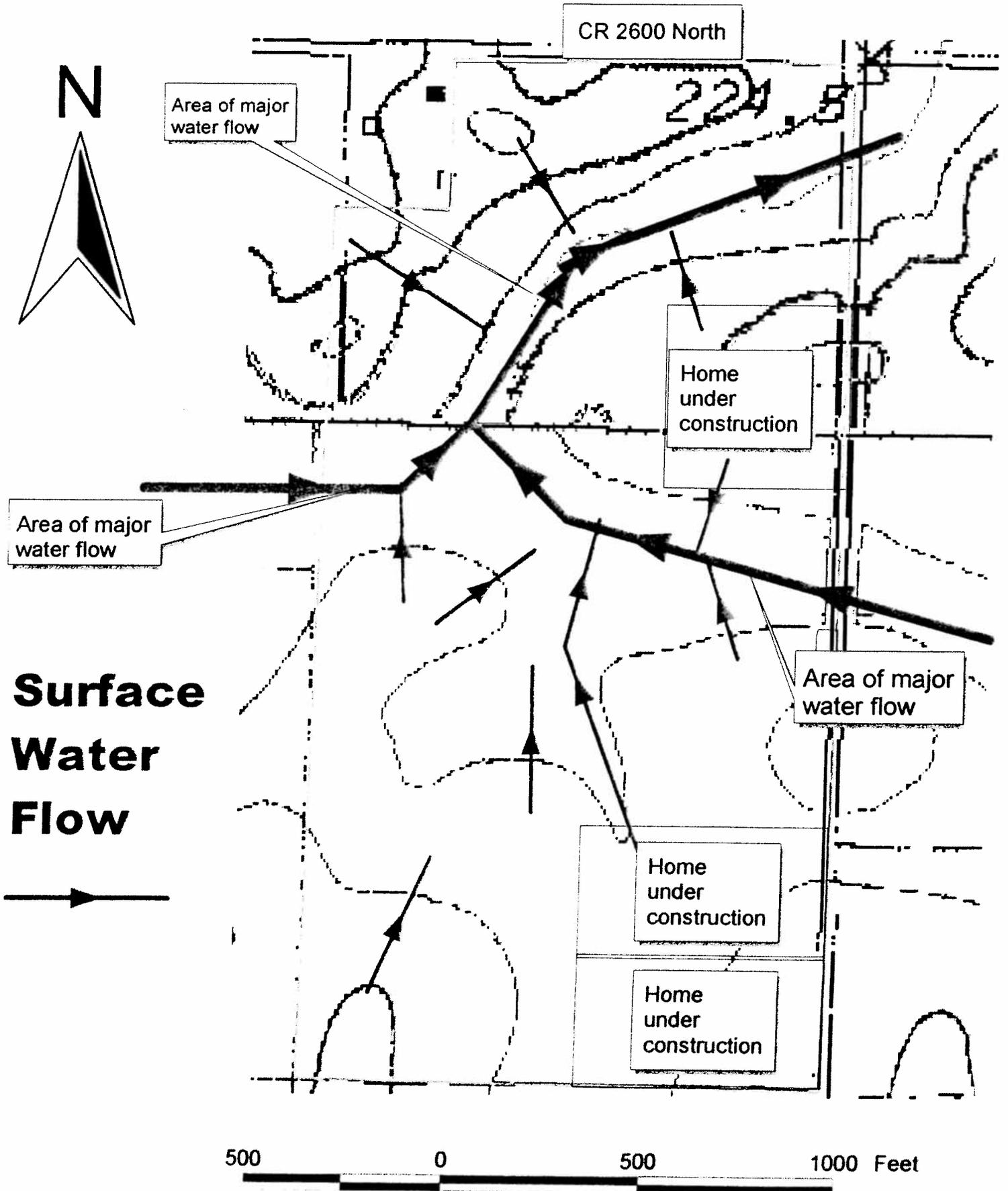


Soils

T21N
R7E
Sec 29



Bateman





EXECUTIVE SUMMARY

Commercial agriculture is the highest and best use of the land in the rural areas of Champaign County that are suited to it ^(1.1) but all landowners will be guaranteed a basic development right proportionate to tract size and public health and safety and site development regulations ^(1.3.2)

All landowners also can undertake development beyond the basic right provided that ^(1.3.3):

- all reasonable effort has been made to determine if especially sensitive and valuable environmental or cultural features are present and to minimize the disturbance of them or of wildlife, natural areas, historic or archeological resources, County Forest Preserves or other parks and preserves ^(1.7.1, 1.7.2);
- sites on the best prime farmland must be well suited for any proposed development ^(1.5.2) and must be used in the most efficient way ^(1.2); but on less productive land development will be allowed so long as the site is not "unsuited overall" ^(1.5.1);
- existing public services and infrastructure and proposed improvements are adequate to support the development effectively and safely without undue public expense ^(1.5.3, 1.5.4);
- agricultural activities and related infrastructure are not likely to be negatively effected ^(1.4.2) and agricultural activities are not likely to have negative effects on the proposed development ^(1.4.1);
- non-residential development accords with other polices and is located in areas planned for such development ^(1.6.3) or supports agriculture, or involves a product or service that is provided better in a rural setting than in an urban one ^(1.6.1);
- non-residential development on the best prime farmland accords with other policies and either is appropriate in a rural area and is on a very well suited site, or services surrounding agriculture or an important public need and cannot be located elsewhere ^(1.6.2).

A second dwelling on an individual lot may be allowed but only for the limited purpose of providing housing to family members on a temporary basis ^(1.9).

All farmers will be assured of the receiving the State mandated exemption from County Zoning even if some non-farmers also receive the same benefit ^(1.8).

The Land-Use Regulatory Policies will be coordinated with other County plans and as much as possible with municipal plans and policies ^(0.1.1, 0.1.2, 0.2).

- Note:
1. Superscript numbers ^(a.a.a) refer to the number of the full policy statement (see attached).
 2. The Executive Summary is not part of the official polices and is provided only for convenience.

The Land Use Regulatory Policies are adopted as general statements to guide the County staff, Zoning Board of Appeals and County Board in the review of proposed Zoning Ordinance amendments. These polices are not yet complete but have been officially adopted and are in full force. The policies may be used, on an interim basis, to evaluate zoning cases involving discretionary decisions.

The County will add policies as needed in each phase of the Comprehensive Zoning Review. In Phase 7, where all previous changes are reconciled and harmonized, the County will review and revise the policies to provide continuing guidance for future zoning cases and ordinance amendments.

CHAMPAIGN COUNTY, ILLINOIS

Land Use Regulatory Policies - Rural Districts

As amended through November 20, 2001

GENERAL POLICIES

0.1 COORDINATING REGULATORY POLICIES WITH OTHER COUNTY POLICIES

0.1.1 These regulatory policies will be coordinated with the *Champaign County Land Use Goals and Policies*. Where they conflict, the Land Use Regulatory Policies will govern and the *Land Use Goals and Policies* will be revised accordingly.

0.1.2 These regulatory policies include and will conform to the *U.S. Rt. 150 Corridor Plan* and any other intergovernmental plan or program to which the County is a party.

The Land Use Goals and Policies are more than 20 years old. The Land Use Regulatory Policies are more in keeping with current understanding and public values and so, supersede earlier efforts.

The County will honor plans and policies adopted in other settings unless the parties agree to amend them.

0.2 COORDINATING COUNTY ZONING WITH MUNICIPAL AND OTHER OFFICIAL PLANS AND POLICIES

Champaign County will endeavor to coordinate its zoning ordinance with municipal comprehensive plans, annexation agreements and the plans of other of government agencies to the greatest extent possible consistent with

these and other County policies and the adopted *Ordinance Objectives*.

Eleven municipalities in Champaign County have adopted comprehensive plans. Under Illinois law these communities have jurisdiction over land use planning and land subdivision in the unincorporated area falling within 1½ miles of their corporate limits.

Municipalities may also enter into annexation agreements in these areas that contain enforceable provisions relating to land use and development. The County, however, retains jurisdiction with respect to zoning, nuisance and floodplain regulation. Additionally, other public bodies such as the Urbana-Champaign Sanitary District, CUUATS, the Forest Preserve District, park districts, etc. have adopted plans and policies that bear, in part, on land use.

It is important that County, municipal and other land use policies be coordinated for the benefit of landowners and the general public interest.

Municipal and other plans vary in their level of detail, supporting analysis and currency. They may use dissimilar and even conflicting categories and terminology. For these reasons the County cannot automatically bind itself to every plan or policy and subsequent amendment adopted by every government entity. Within these limitations the County can and will work to harmonize the zoning ordinance with other plans and policies as much as possible, recognizing that in some instances the ordinance will not necessarily directly reflect every policy of every government

RURAL LAND USE POLICIES

1.1 HIGHEST & BEST USE OF FARMLAND

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:

- a. the conversion of prime farmland is minimized;
- b. the disturbance of natural areas is minimized;
- c. the sites are suitable for the proposed use;
- d. infrastructure and public services are adequate for the proposed use; and
- e. the potential for conflicts with agriculture is minimized.

The soils, landscape, climate and location of Champaign County constitute a uniquely productive setting for producing row crops. The County takes seriously its stewardship over more than a half million acres of the most productive farmland in the world. The County places a very high value on the economic contribution of farming and on farming as a way of life.

As important as agriculture is, the County finds that accommodating other land uses in rural areas is possible. Under the proper conditions, rural development can be permitted without unduly sacrificing our soil resources or interfering with agricultural practices.

1.2 PRESERVING UNIQUE SOIL RESOURCES

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.

For purposes of these policies the "best" prime farmland is that made up of soils in Agricultural Value Groups one through four. These are, generally, tracts of land with a Land Evaluation score of 85 or better on the County's *Land Evaluation and Site Assessment System*, that are large enough to be farmed economically. Small and irregular tracts are not included.

Champaign County recognizes the unique value of the soil found here and the need to preserve this resource for future generations. The County also recognizes that population and economic growth cannot be accommodated here without some conversion of the best prime farmland. Most farmland conversion occurs in the form of urban development, with a relatively small amount resulting from development in the County's rural zoning districts.

The conversion of best prime farmland can be minimized by ensuring that it is used efficiently. This means using few acres as possible for each dwelling or other unit of development that is provided. Inefficient large-lot or "farmette" type development will not be permitted on the best prime farmland.

The County also finds that it is not in the public interest to compromise its other policies on the best prime farmland. Standards for site suitability, adequacy of infrastructure and compatibility with agriculture will be higher for development on the best prime farmland than for less productive land (See Policies 1.5.1 and 1.5.2)

1.3 PROTECTION OF PROPERTY RIGHTS

1.3.1 All landowners will be guaranteed a minimum basic development right subject only to public health, safety and site development regulations.

For purposes of this policy, "development" excludes

the division of land into tracts above a certain size. This minimum size is intended to provide tracts large enough to be farmed economically. In addition this minimum size is such that permitted land uses can be assumed to generate traffic within the capacity of rural roads and to have only negligible impacts on sensitive natural areas and features. Creating tracts above this threshold may, therefore, be exempted from limits on development rights. Creating tracts below the threshold is subject to limitations on development rights. The "minimum basic development right" refers to the right to create such smaller lots and is in addition to the right to divide land into large exempt tracts.

The County recognizes that most land owners legitimately expect to be able to sell some part of their land for development. Limited development opportunities will be permitted as of right, but not necessarily in the same form in all locations. In some areas development rights may provide for commercial uses in lieu of residential development, consistent with other policies

The scope of the basic development right is limited by concerns for public health and safety. It is not intended to allow the creation of lots subject to extreme flood hazard or in locations that are otherwise hazardous or incapable of providing a reasonably healthy and safe environment. Legitimate development expectations do not necessarily apply to areas with severe health or safety concerns.

Basic development rights do not override the need for reasonable site development regulations. Development rights are not guaranteed where site development regulations cannot be met, provided that the existing tract has a reasonable economic use such as an existing home site.

1.3.2 Landowners' minimum basic development rights are proportionate to tract size. The division of smaller tracts of land will not be permitted if it would overburden existing infrastructure or create other problems.

The basic development right is intended to allow limited development located in such a way that the County can be reasonably certain that it will not overburden existing infrastructure or violate other County policies. The basic development right is

related to acreage in common ownership to ensure that concentrations of new lots do not create problems when the same right is accorded to all landowners.

Basic development rights will not necessarily apply to small tracts of land previously divided to create house lots or for other purposes such as small woodlots. In areas where there are concentrations of smaller tracts further development could overburden existing infrastructure or violate other County policies if similar development occurs on other tracts in the vicinity.

On larger tracts the basic development right is also subject to an overall cap. The cap defines the greatest number of lots that can be permitted as of right with reasonable assurance that the immediate impacts of the development will be acceptable. Above this cap projects require site specific reviews of drainage, traffic and other impacts to ensure that County policies are met. Special consideration will be given, however, to small irregular or isolated tracts that cannot be farmed economically.

- 1.3.3 Development beyond the basic right will be permitted if the use, design, site and location are consistent with County policy regarding:**
- a. **the efficient use of prime farmland;**
 - b. **minimizing the disturbance of natural areas;**
 - c. **suitability of the site for the proposed use;**
 - d. **adequacy of infrastructure and public services for the proposed use; and**
 - e. **minimizing conflict with agriculture.**

Development beyond the basic development right will not be automatically restricted but it will be limited to further the County's other policies.

Development beyond the basic development right is not guaranteed. Such development will be subject to site and project specific reviews to ensure that it conforms to other County policies.

1.4 COMPATIBILITY WITH AGRICULTURE

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

Development in rural areas can be negatively affected by agriculture. Newcomers to rural areas often fail to understand the customary side effects of agriculture and so conflicts with farmers can result. It is the duty of those proposing rural development to avoid such conflicts as much as possible by proper choice of location and good site design.

1.4.2 Non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.

Non-farm land uses in rural areas can have serious detrimental impacts on farming in a variety of ways. Although other land uses can be accommodated in rural areas, agriculture is the preferred land use and will be protected.

Rural developments will be scrutinized carefully for impacts they may have on agricultural operations including the impacts of additional similar development in the area. If the impacts are significant development will be limited or disallowed.

1.5 SITE SUITABILITY FOR DEVELOPMENT

1.5.1 On less productive farmland, development will not be permitted if the site is unsuited, overall, for the proposed land use.

1.5.2 On the best prime farmland, development will not be permitted unless the site is well suited, overall, for the proposed land use.

Ample sites that are well suited to residential and other development are available in rural Champaign County. It is not necessary, and the County will not permit, development on sites that are not well suited to it.

A site is considered well suited if development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public. A site is well suited overall only if it is reasonably well suited in all respects and has no major defects.

A site is unsuited for development if its features or location would detract from the propose use. A site is also unsuitable if development there would create a risk to the health, safety or property of the occupants, the neighbors or the general public. A site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.

1.5.3 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.

A site may unsuitable even if its physical characteristics will support development if the necessary infrastructure is not in place or provided by

the development. Drainage systems, roads or other infrastructure are inadequate if they cannot meet the demands of the development without creating a risk of harm to the environment, private property or public health and safety.

Infrastructure is also inadequate if safety or the prevention of harm requires new public investments or increased maintenance expenses that are not paid for

by the development itself. Developments will be expected to bear the full cost of providing infrastructure improvements to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

1.5.4 Development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

Public services, such as police, fire protection and ambulance service, in the rural areas of the County are provided on a more limited basis and with a narrower financial base than those in municipalities. Rural taxing bodies have a tax base that is heavily dependant on farmland than those in urbanized areas. The County will carefully weigh the ability of rural public service agencies to meet the demands posed by rural development. Developments will be expected to bear the full cost of providing services to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

1.6 BUSINESSES AND NONRESIDENTIAL USES

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

Significant demand exists to site private and public uses in rural locations where land can be obtained more cheaply. This accounts for a significant fraction of the farmland converted by rural development.

Uses can and should be accommodated in rural areas if they compliment agriculture, or supplement farm income or they involve products or services that can be provided better in a rural setting than in an urban one. Uses that have significant utility demands or which require access to urban services or which pose significant environmental or other impacts in a rural setting will be restricted to areas that have the necessary urban infrastructure and services.

1.6.2 On the best prime farmland, businesses and other non-residential uses will not be permitted if they take any best prime farmland out of production unless:

- **they also serve surrounding agricultural uses or an important public need, and cannot be located in an urban area or on a less productive site, or**
- **the uses are otherwise appropriate in a rural area and the site is very well suited to them.**

Accommodating non-residential land uses in rural areas can conflict with the County's policy regarding preservation of the best prime farmland. Uses that directly serve agriculture or an important public purpose may be permitted if they minimize the conversion of the best prime farmland it is not feasible

to locate them on less productive farmland. Sites may also be developed for appropriate uses if they are very well suited to non-residential land use in terms of site suitability, access, visibility, infrastructure, public services, etc..

1.6.3 In rural areas that are expected to be developed in non-residential land use business and other uses will be permitted if they are consistent with other County policies and with the anticipated long term use in the area.

It is inappropriate to permit residential development in areas that will ultimately be developed for business or industrial use where residences would be undesirable. These areas may be designated in plans or may otherwise be designated for business or industrial use. It is also inappropriate to permit intensive development in such areas before urban utilities and services are available. In the mean time the interests of landowners must be respected and so a wider array of non-residential land uses will be permitted in lieu of residential development rights.

1.7 CONSERVATION OF NATURAL AREAS

1.7.1 Nonagricultural land uses will be permitted in or near natural areas, sites of historic or archeological significance, County Forest Preserves, or other parks and preserves, only if they are designed and located so as to minimize disturbance of wildlife, natural features, historic or archeological resources or park and preserve resources.

Almost all natural areas in the County have been developed for agricultural and other uses or have been seriously disturbed by past land use. The resources to acquire, develop and manage parks and preserves are limited so the public and private investment in the existing sites merits protection. The County will not

restrict development for this purpose beyond the limits that apply in agricultural areas but its location and design will be subject to special standards to minimize impacts on these resources.

1.7.2 Development in rural areas will be permitted only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent harm to those features.

High quality natural areas, endangered species and historic and archeological sites are rare in Champaign County. Development that may affect them will be subject to close scrutiny and will be permitted only if appropriate measures are taken to avoid harm to these resources.

1.8 IMPLEMENTING THE "AGRICULTURAL PURPOSES" EXEMPTION

All full and part-time farmers and retired farmers will be assured of receiving the benefits of the agriculture exemption even if some non-farmers receive the same benefits.

The State of Illinois exempts land and buildings used for agricultural purposes from County zoning jurisdiction except for certain requirements such as minimum lot size. The County's rural land use policies will not be undermined by the exemption. Champaign County concurs with the agricultural exemption policy and will ensure that all qualifying projects receive the benefits of this policy even if a small number of non-farmers also benefit incidentally.

1.9 ACCESSORY DWELLINGS IN RURAL AREAS

Accessory dwellings will be permitted for the limited purpose of providing housing to family members on a temporary basis so long as site development standards and the public health and safety are not compromised.

A significant demand exists to provide for housing for family members on the same lot with another single family dwelling. Permitting second dwellings on lots without limits would undermine the County's other policies regarding rural development. The County wishes to assist families in providing for the needs of family members. With special controls, the potential impacts of accessory dwellings are reasonable given the public purpose served.

ORDINANCE NO. 841
ORDINANCE AMENDING ZONING ORDINANCE
583-AT-07

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation for approval, and forwarded to this Board Case Number 583-AT-07;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to amend the Champaign County Zoning Ordinance in a manner hereinafter provided;

NOW, THEREFORE BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, that Resolution No. 971, *The Zoning Ordinance of the County of Champaign, Illinois* be amended in the following manner.

1. The following definitions are proposed to be added to Section 3:

PIPELINE IMPACT RADIUS: The distance within which the potential failure of a GAS PIPELINE or a HAZARDOUS LIQUIDS PIPELINE could have significant impact to people and property.

PIPELINE, GAS: Any transmission pipeline for gases including within a storage field. This definition does not apply to either service lines for local service to individual buildings or distribution lines, as defined in 49 CFR 192.3.

PIPELINE, HAZARDOUS LIQUID: Any pipeline used for the transmission of anhydrous ammonia, petroleum, or petroleum products such as propane, butane, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil, and kerosene.

2. Add the following Subparagraph H. to Subsection 4.3.4 Lots, as follows:

H. Restrictions on LOTS and USES within any PIPELINE IMPACT RADIUS

1. PIPELINE IMPACT RADIUS

a. The PIPELINE IMPACT RADIUS for a GAS PIPELINE is similar to the potential impact radius identified by Title 49 of the Code of Federal Regulations Part 192.903. Potential impact radius as defined by 49 CFR 192.903 is determined by the formula $r=0.69*(\sqrt{p*d2})$, where r' is the radius of a circular area in feet surrounding the point of pipeline failure, p' is the maximum allowable operating pressure in the pipeline segment in pounds per

square inch and d' is the nominal diameter of the pipeline in inches. Maximum allowable operating pressure and nominal diameter will be provided by the pipeline operator. The PIPELINE IMPACT RADIUS indicated in these regulations is not necessarily the same as the potential impact radius used by the Illinois Commerce Commission to enforce 49 CFR 192.903. Both the PIPELINE IMPACT RADIUS and potential impact radius are approximations of the effect of any given potential failure event.

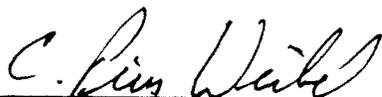
- b. The PIPELINE IMPACT RADIUS for a HAZARDOUS LIQUID PIPELINE is 150 feet.
2. Any LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICT after November 20, 2008, shall have a minimum LOT AREA outside the PIPELINE IMPACT RADIUS equal to the minimum requirements of Section 5.3. No LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS shall be located entirely within the PIPELINE IMPACT RADIUS.
3. No USE, BUILDING, or STRUCTURE established or built after November 20, 2008, shall be located within a PIPELINE IMPACT RADIUS except as provided in paragraph 4.3.4 H.4.
4. Exemptions
 - a. AGRICULTURE or an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to AGRICULTURE.
 - b. Any PIPELINE, wellhead, or USE that is an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE or a wellhead.
 - c. Enlargement, repair, and replacement of conforming USES, BUILDINGS, and STRUCTURES that were lawfully established and existed on November 20, 2008.
 - d. USES, BUILDINGS and STRUCTURES established after November 20, 2008, on conforming LOTS of record that existed on November 20, 2008.

- e. Any outlot per paragraph 4.3.4.A., or STREET created in any RRO or residential DISTRICT.
 - f. Any portion of a lot containing a driveway and construction of a driveway on any lot in the RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS
 - g. USES, BUILDINGS, and STRUCTURES on LOTS that are exempt from the requirement for the Rural Residential Overlay Zoning District and that are created after November 20, 2008.
5. Notice of PIPELINE IMPACT RADIUS.
- a. The ZONING ADMINISTRATOR shall provide notice of the existence of a PIPELINE IMPACT RADIUS to any land owner that submits a Zoning Use Permit Application on any of the following:
 - i. Land that is located within a PIPELINE IMPACT RADIUS; or
 - ii. Land that is subject to an easement for underground gas storage; or
 - iii. Land within 150 feet of an easement for underground gas storage.
 - b. The notice shall include the following information:
 - i. The approximate location and type of the relevant pipeline
 - ii. The dimension of the PIPELINE IMPACT RADIUS including the approximate location on the proposed LOT.
 - iii. The last known point of contact for the relevant pipeline operator.

PRESENTED, PASSED, APPROVED, AND RECORDED this 20th day of November, A.D. 2008.

SIGNED:

ATTEST:



C. Pius Weibel, Chair
Champaign County Board
Champaign, Illinois



Mark Shelden, County Clerk and *Ex Officio*
Clerk of the Champaign County Board

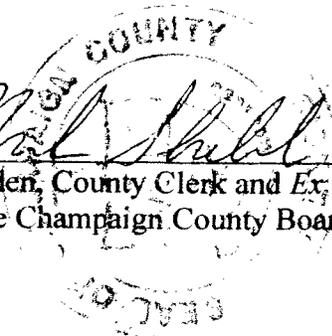


Table Of Common Conditions¹ Influencing The Suitability Of Locations For Rural Residential Development In Champaign County

REVISED November 17, 2005

Worst Or Nearly Worst Condition ³ ■	Much Worse Than Typical Condition ⁴ □	More Or Less Typical Condition ⁵ ○	Much Better Than Typical Condition ⁴ ☆	Ideal Or Nearly Ideal Conditions ⁶ ★
RRO² ZONING FACTOR: Availability of water supply				
In the area with suspected problems of groundwater availability near existing wells which have experienced reliability problems and for which no investigations have proven otherwise.	An area with suspected problems of groundwater availability and for which no investigations have proven otherwise.	Reasonable confidence of water availability (area with no suspected problems of groundwater availability) and no reason to suspect impact on neighboring wells.	?	Virtual certainty of water availability (ie, located above the Mahomet-Teays Aquifer) or where anywhere that investigations indicate availability with no significant impact on existing wells.
RRO² ZONING FACTOR: Suitability for onsite wastewater systems				
100% of site with Low or Very Low Potential for septic tank leach fields.	More than 50% of site (but less than 95%) with Low Potential for septic tank leach fields.	No more than 50% of site with Low Potential for septic tank leach fields.	More than 50% of site with at least a Moderate Potential for septic tank leach fields.	100% of site with at least a High Potential for septic tank leach fields or positive soil analysis (regardless of soil potential).
RRO² ZONING FACTOR: Flood hazard status				
Every lot is entirely within the SFHA (based on actual topography) as is the road that provides access.	Some of the proposed lots and parts of the road that provide access are in the SFHA. Some lots may require fill to have adequate buildable area above the BFE.	Small portions of the site may be in the SFHA but all lots have adequate buildable area outside of the SFHA.	?	No part of the proposed site nor the roads that provide emergency access are located in the Special Flood Hazard Area (SFHA, which is the 100-year floodplain).
RRO² ZONING FACTOR: The availability of emergency services⁷				
Located more than five road miles from a fire station within the district with an intervening railroad crossing with heavy rail traffic.	Located more than five road miles from a fire station within the district.	Located about five road miles from a fire station within the district.	Located between two-and-half and five road miles from a fire station within the district.	Located less than two-and-half road miles from the fire station within the district and with no intervening railroad grade crossings.
RRO² ZONING FACTOR: The presence of nearby natural⁸ or manmade hazards				
More than one man-made hazard is present or adjacent to the site. Access roads from fire protection station are prone to snow drifts.	One or more man-made hazards are present or adjacent to the site. Access roads from fire protection station are prone to snow drifts.	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. Snow drifts may block access from fire protection station.	Not close to any man-made hazard although snow drifts may block access from fire protection station.	Not close to any man-made hazard and relatively close to urbanized areas.

Table Of Common Conditions¹ Influencing The Suitability Of Locations For Rural Residential Development In Champaign County

REVISED November 17, 2005

Worst Or Nearly Worst Condition ³ ■	Much Worse Than Typical Condition ⁴ □	More Or Less Typical Condition ⁵ ○	Much Better Than Typical Condition ⁴ ☆	Ideal Or Nearly Ideal Conditions ⁶ ★
RRO² ZONING FACTOR: Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat				
Significant negative effects for more than one concern.	?	Archaeological concerns may apply to a small part of the site but in general no negative effects. ⁶	?	Nothing present to be concerned about.
RRO² ZONING FACTOR: Effects of nearby farm operations on the proposed development				
Bordered by row crop agriculture on three sides and an existing livestock and/or stable operation on the fourth side.	Bordered by row crop agriculture on three sides but also close to and downwind of an existing livestock and/or stable operation.	Bordered on all sides by significant (more than a few acres) row crop agriculture so there are some incompatibilities that may lead to complaints from residences.	Bordered on no more than two sides by significant row crop agriculture	No effects because not adjacent to significant row crop agriculture nor downwind of any animal operations.
RRO² ZONING FACTOR: The LESA score				
<p>292 to 286 (Very high rating for protection)</p> <p>Land Evaluation part: 100 to 98 (100% of soil in Ag. Value Groups 1 & 2; Flanagan & Drummer soils generally)</p> <p>Site Assessment part: 192 to 188 (See hypothetical worksheet for assumptions)</p>	<p>285 to 256 (Very high rating for protection)</p> <p>Land Evaluation part: 97 to 93 (remainder between worst & overall average)</p> <p>Site Assessment part: 187 to 163 (remainder between worst & overall average)</p>	<p>254 to 238 (Very high rating for protection)</p> <p>Land Evaluation part: 92 (reflects overall average for entire County)</p> <p>Site Assessment part: 162 to 146 (See hypothetical worksheet for assumptions)</p>	<p>237 to 188 (Very high rating to moderate rating for protection)</p> <p>Land Evaluation part: 91-85 (remainder between overall average & ideal)</p> <p>Site Assessment part: 145 to 103 (remainder between overall average & ideal)</p>	<p>186 to 121 (Moderate rating to low (170) rating for protection)</p> <p>Land Evaluation part: 84 to 41⁴ (No best prime farmland soils)</p> <p>Site Assessment part: 102 to 80 (Conditions intended to reflect a rural location within a municipal ETJ without sewer or water; typical urban subdivision at or near municipal boundary has site assessment of 82 to 54; see hypothetical worksheet for assumptions)</p>

Table Of Common Conditions¹ Influencing The Suitability Of Locations For Rural Residential Development In Champaign County

REVISED November 17, 2005

Worst Or Nearly Worst Condition ³ 	Much Worse Than Typical Condition ⁴ 	More Or Less Typical Condition ⁵ 	Much Better Than Typical Condition ⁴ 	Ideal Or Nearly Ideal Conditions ⁶ 
RRO² ZONING FACTOR: Adequacy and safety of roads providing access				
<p>Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load) in terms of both pavement width and shoulder width. There may also be other deficiencies in the roadway.</p> <p>The point of access to the Township Highway is a location with serious visibility problems.</p> <p>The site is at more than five miles from a County or State highway. The intersections are uncontrolled and have visibility problems.</p>	<p>Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load or traffic speed) in terms of both pavement width and shoulder width between the proposed site and where the road connects to a County or State Highway OR there is an uncontrolled railroad crossing between the proposed site and where the road connects to a County or State Highway. The site is within five miles of a County or State highway. The road intersections are uncontrolled and have visibility problems. The point of access to the Township Highway has reasonable visibility.</p>	<p>Access from a Township Highway which does not have adequate shoulder width and may also have insufficient (based on either existing traffic load or traffic speed) pavement width for a small portion of the distance between the proposed site and where the road connects to a County or State Highway. The site is within five miles of a County or State highway. The intersections are uncontrolled and have visibility problems. The point of access to the Highway has good visibility. See discussion of Effects On Farms for farm related traffic concerns.</p>	<p>Access is from a Township Highway with no deficiencies (even including the proposed increase in ADT) between the proposed site and where the road connects to a County or State Highway.</p> <p>The intersections are uncontrolled and have visibility problems.</p> <p>Access is at a location with good visibility.</p>	<p>Access from any of the following: 1) a County Highway or 2) a Township Highway with no deficiencies (even including the proposed increase in ADT) and is less than one mile travel to a County or State Highway.</p> <p>Access is at a location with good visibility.</p> <p>Access should not be directly to a State or Federal highway because vehicle turning movements could create safety concerns.</p>
RRO² ZONING FACTOR: Effects on drainage both upstream and downstream				
<p>100% of site has wet soils that must be drained for development. Large parts of the site also pond. There is no natural drainage outlet for either surface or subsurface flows so offsite improvements are necessary. An alternative problem is the condition in which the site is bisected by a natural drainageway with large flows from upstream offsite areas which have significant effects on site development.</p>	<p>Between 90% and 100% of the site has wet soils that must be improved for development.</p> <p>Only about half of the site drains to existing road ditches. The rest of the site drains over adjacent land that is under different ownership which require offsite improvements. Ponding is a significant problem.</p>	<p>Approximately 90% of the site has wet soils that must be improved for development. There may be also be large areas where ponding occurs. Most of the site drains through township road ditches that do not have adequate capacity.</p>	<p>Probably less than half of the site has wet soils.</p> <p>The site drains to Township road ditches that are more or less adequate or to other natural drainage features that have adequate capacity.</p>	<p>No wet soils so no "dry weather flows" problems OR if wet soils are present the site drains directly to a drainage district facility with adequate capacity or to a river.</p>

Table Of Common Conditions¹ Influencing The Suitability Of Locations For Rural Residential Development In Champaign County

REVISED November 17, 2005

Worst Or Nearly Worst Condition ³ 	Much Worse Than Typical Condition ⁴ 	More Or Less Typical Condition ⁵ 	Much Better Than Typical Condition ⁴ 	Ideal Or Nearly Ideal Conditions ⁶ 
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NOTES

- Five different "typical" conditions are identified that are representative of the range of conditions that exist in Champaign County. The characterization of these conditions are based solely on the opinions of County Staff.
- RRO= Rural Residential Overlay
- The WORST conditions are based on the worst possible conditions for each factor that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine "worst" ratings on all factors.
- MUCH WORSE THAN TYPICAL and MUCH BETTER THAN TYPICAL conditions are Staff judgements.
- Where possible, TYPICAL Champaign County rural residential development site conditions are based on averages for the entire County. For example, the overall average Land Evaluation is for all of the land in the County. Some factors are based on a review of data for all major rural subdivisions (such as the gross average lot size). Differences in water availability are localized and not averaged over the entire County.
- The IDEAL Champaign County rural residential development site conditions are based on the best possible conditions for each factor that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine "ideal" ratings on all factors.
- Ambulance service can presumably be further than five miles distance and be acceptable. *NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.*
- Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc.

Table 2. Comparing The Proposed Site Condition To Common Champaign County Conditions
Case 520-AM-05
REVISED DRAFT

RRO Rezoning Factor	Conditions At The Proposed Site Are Most Comparable To The Following Common Conditions:
1) Availability of water supply	<input type="radio"/> More or Less Typical Conditions. The subject property is not in the area with limited groundwater availability; there is reasonable confidence of water availability; and there is no reason to suspect impact on neighboring wells.
2) Suitability for onsite wastewater systems	<input checked="" type="radio"/> Much Better Than Typical Conditions. About 70% of the soils have a medium or better suitability compared to the approximately 51% of the entire County that has a Low Potential.
3) Flood hazard status	<input checked="" type="radio"/> Much Better Than Typical Conditions. No portion of the subject property is located in the Special Flood Hazard Area. No roads providing emergency access to the site are within the Special Flood Hazard Area.
4) The availability of emergency services ⁴	<input type="radio"/> Typical Conditions. The site is approximately 5.3 road miles from the Cornbelt Fire Station in Mahomet.
5) The presence of nearby natural or manmade hazards ⁵	<input type="checkbox"/> Much Worse Than Typical Conditions. Although the proposed lots meet the Zoning Ordinance requirements regarding the Pipeline Impact Radius, it is not typical to be located near high pressure gas pipelines throughout the County.
6) Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat	<input checked="" type="radio"/> Much Better Than Typical Conditions. No effects indicated.
7) Effects of nearby farm operations on the proposed development	<input checked="" type="checkbox"/> Much Worse Than Typical Conditions. The proposed RRO lots are bordered on several sides by agriculture and the parent tract is bordered on one side by a livestock management facility.
8) The LESA score	<input checked="" type="radio"/> Much Better Than Typical Conditions. There is some best prime farmland on the property and the LE score is 84. The Site Assessment score is 136 to 142 for a Total score of 220 to 226.
9) Adequacy and safety of roads providing access	<input checked="" type="radio"/> Nearly Ideal Conditions. Access is from CR 2600N and CR 200E, and the subject property is located one and one-half miles from IL 47.
10) Effects on drainage both upstream and downstream	<input checked="" type="radio"/> Much Better Than Typical Conditions. Approximately 70% of the soils that make up the proposed RRO lots are not wet soils.

LEGEND (Also see the Descriptions of Prototypical Champaign County Conditions)

- WITH NO CORRECTIVE IMPROVEMENTS,** the proposed site is more or less equal to the ideal Champaign County site
- WITH NO CORRECTIVE IMPROVEMENTS,** the proposed site is much better than typical but not equal to the ideal Champaign County site
- WITH NO CORRECTIVE IMPROVEMENTS,** the proposed site is equal to or somewhat better than the typical Champaign County site
- WITH NO CORRECTIVE IMPROVEMENTS,** the proposed site is worse than the typical Champaign County site

Table 2. Comparing The Proposed Site Condition To Common Champaign County Conditions
Case 520-AM-05
REVISED DRAFT

SEPTEMBER 25, 2009

Page 2 of 2

RRO Rezoning Factor	Conditions At The Proposed Site Are Most Comparable To The Following Common Conditions:
	<p><i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is more or less equal to the worst Champaign County site for</p>
<p>NOTES</p> <ol style="list-style-type: none"> 1. Typical Champaign County rural residential development site conditions are based on averages for the entire County except for water availability. For example, the overall average Land Evaluation is for all of the land in the County. Some factors are based on a review of data for all major rural subdivisions (such as the gross average lot size). 2. The ideal Champaign County rural residential development site conditions are based on the best possible conditions <u>for each factor</u> that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine ideal ratings on all factors. 3. Typical factor is based on a review of data from major rural subdivisions in the AG-1 and CR districts and does not reflect conditions found in rural residential development that occurred under the requirements of the Illinois Plat Act and without County subdivision approval. These Plat Act Developments typically take up much more land since the minimum lot size is five acres. 4. Ambulance service can presumably be further than five miles distance and be acceptable. <i>NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.</i> 5. Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc. 	

ATTACHMENT V. Summary Of Site Comparison For Factors Relevant To Development Suitability
Case 520-AM-05 **REVISED DRAFT** **SEPTEMBER 25, 2009**

Factors Related To Development Suitability	Proposed Site Is Most Similar To Which Common Condition:				
	Worst Or Nearly Worst Condition ¹ ■	Much Worse Than Typical Condition ¹ □	More or Less Typical Condition ¹ ○	Much Better Than Typical Condition ¹ ☆	Ideal or Nearly Ideal Condition ¹ ⊕
Road Safety ²					⊕ ³
Septic Suitability				☆ ³	
Flood Hazard Status				☆ ³	
LESA Score				☆ ³	
Effects on Drainage ²				☆ ³	
Environmental Concerns				☆ ³	
Availability of Water			○ ³		
Emergency Services			○ ³		
Other Hazards		□			
Effect OF Farms	■				

NOTES
1. All comparisons are to common Champaign County conditions. Typical conditions are not necessarily suitable for development. See the text.
2. Also related to the finding on Compatibility With Surrounding Agriculture. See that discussion and rating.
3. There is no difference in suitability of the Proposed Site for either the Proposed RRO or the Non-RRO Alternative.

ATTACHMENT W. Summary Of Comparison For Factors Relevant To Compatibility With Agriculture
Case 520-AM-05 **REVISED DRAFT** SEPTEMBER 25, 2009

Factors Related To Compatibility With Agriculture	Compared To The Non-RRO Alternative ¹ , The Proposed RRO Development Would Have:		
	MORE EFFECTS	SAME EFFECTS (Or Nearly Same)	LESS EFFECTS
Land Conversion: By Ownership ²	200% MORE		
By Development ³	200% MORE		
Road Safety ⁴	200% MORE		
Effects ON Farms	200% MORE		
Drainage ⁴		NEARLY SAME	
Land Evaluation Score		NEARLY SAME	

NOTES

1. The Non-RRO Alternative is a **rough estimation** by staff of the amount of development that may occur without RRO designation and includes considerations of feasibility and marketability. See the text.
2. Refers to the division of land that is suitable for farming into smaller tracts. Non-RRO Alternatives that would result in large tracts of land being divided into a number of 35 acre tracts are generally considered to have only a minor detrimental effect on production agriculture.
3. Refers to the amount of land that is (more or less) actually developed.
4. Also related to the finding on site suitability for rural residential development.

REVISED DRAFT – September 25, 2009

520-AM-05

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

Final Determination: *{ RECOMMEND APPROVAL / RECOMMEND DENIAL }*

Date: October 1, 2009

Petitioner: Gene Bateman

Request: Amend the Zoning Map to allow for the development of 3 single family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006, April 13, 2006, July 13, 2006, August 31, 2006, October 12, 2006, December 14, 2006, and October 1, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Gene Bateman, owns the subject property.
2. The subject property is approximately 12.04 acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.
3. Regarding any relevant municipal or township jurisdiction:
 - A. The subject property is not located within the one-and-one-half-mile extraterritorial jurisdiction of a municipality with zoning. Municipalities have protest rights on map amendments and they are notified of all such cases.
 - B. The subject property is located in Newcomb Township, which has a planning commission. Townships with planning commissions have protest rights on map amendments and are notified of all such cases. No comments have been received from Newcomb Township at this time.
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 petitioner wrote the following: **“Applying for RRO.”**
5. Land use and zoning on the subject property and in the immediate vicinity are as follows:

Underline text indicates evidence to be added.

~~Strikeout text~~ indicates evidence to be removed.

- A. The subject property is zoned AG-1 Agriculture and is currently in use as farmland.
- B. Land on the south and west of the subject property is zoned AG-1 Agriculture and is currently in use as a farmland.
- C. Land on the north and east of the subject property is zoned AG-1 Agriculture is in use as farmland, but also contains residential uses.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

- 6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
 - (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.
 - C. 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:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on drainage both upstream and downstream;
 - (3) The suitability of the site for onsite wastewater systems;
 - (4) The availability of water supply to the site;
 - (5) The availability of emergency services to the site;
 - (6) The flood hazard status of the site;
 - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
 - (8) The presence of nearby natural or man-made hazards;
 - (9) Effects on nearby farmland and farm operations;
 - (10) Effects of nearby farm operations on the proposed residential development;

- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;
- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site;

GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES

- 7. 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 (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies. LURP's 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 affect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.
- 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

- 8. 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 (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 was a 77.22 acre parcel on January 1, 1998, and since that time there have been three five-acre lots created. The 2.8 acre parcel in the northwest corner also existed as a separate parcel on January 1, 1998. The current 62.2 acre parcel could be divided into a 35 acre tract lot and a 27.2 acre remainder lot without having to obtain approval of the Rural Residential Overlay District as amended in Case 431-AT-03, Part A.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 9. In general, the Schematic Plan has been revised throughout the public hearing and indicates the following:
 - A. Regarding drainage concerns relevant to the total property:
 - (1) The property is not within a FEMA regulated 100-year flood zone.
 - (2) The site drains primarily to the northeast into an existing farmed waterway. The Bateman Proposed Tracts received September 18, 2009, indicates the centerline of the waterway and indicates the high water backup elevation if the culvert near CR2600N would become blocked.
 - B. The Proposed Bateman Tracts received on October 12, 2005, are proposed to include five lots that occupy 23 acres of the 62.20 acre subject property. Lots 1, 2, 3 and 5 are proposed to be five acre lots and Lot 4 was proposed to be a three acre lot. Lot 4 was revised to be a 1.58 acre lot on the Revised Proposed Bateman Tracts received March 29, 2006.

- C. The Revised Proposed Bateman Tracts received July 13, 2006, has the following changes:
 - (1) A 90" x 90" easement for Peoples Energy is indicated at the intersection of CR2600N and CR200E.
 - (2) The centerline of the 24 inch diameter Newcomb Special Drainage District drainage tile is indicated. A 75 feet wide easement is indicated centered on the tile.
 - (3) Shared driveway entrances are indicated for Tracts 1 and 2 and for Tracts 4 and 5.
- D. The Revised Proposed Bateman Tracts received October 12, 2006, has the following changes:
 - (1) An 80 feet wide easement for the Newcomb Special Drainage District tile.
 - (2) Revised lots.
- E. The Revised Proposed Bateman Tracts received December 14, 2006, and as amended at the public hearing on December 14, 2006, has the following changes:
 - (1) The number of lots was reduced to two.
 - (2) All proposed lots are flag lots with access strips that are 680 feet long for Tract 2 and 340 feet long for Tract 1.
- F. The Bateman Proposed Tracts received, on September 18, 2009, indicated the following:
 - (1) There are three Tracts. Tracts 1 & 3 are approximately five acres in area, and Tract 2 is approximately two acres in area.
 - (2) Tract 2 is technically a flag lot with an access strip 109 feet wide and 371 feet long.
 - (3) All three Tracts have at least an acre of buildable area outside the Pipeline Impact Radius (PIR) of the People's Gas natural gas pipelines located on the perimeter of the subject property.
- G. The lots in the requested RRO District meet or exceed all of the minimum lot standards of the Zoning Ordinance.

GENERALLY REGARDING THE SOILS ON THE PROPERTY

- 10. A Natural Resource Report was prepared for the petitioner in 2003 and was based on the entire 77 acre tract. Staff re-examined the proposed 5 lot RRO and the results can be summarized as follows:
 - A. Regarding the types of soils on the total property, their relative extent, and the relative values:
 - (1) About 51% of the total 77 acre property consists of soils that are considered by Champaign County to be Best Prime Farmland and consists of Drummer silty clay loam, 0 to 2% slopes (map unit 152A); Ashkum silty clay loam (232A); Raub silt loam, 0 to 3% slopes (481A); and Clare silt loam, 1% to 5% slopes (663B; formerly 148B Proctor silt loam, 1% to 5% slopes).

- (2) About 49% of the of the total 77 acre property consists of soils that are not considered Best Prime Farmland by Champaign County and consists of Wyanet silt loam, 2% to 5% slopes (622B; formerly 221B Parr silt loam, 2% to 5%); and Penfield Loam, 1% to 5% slopes (687B; formerly 440B Jasper loam, 1% to 5% slopes).
- B. The original 77 acre property is 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 the overall Land Evaluation factor for the soils on the subject property is 88. When encountering situations such as this, staff generally evaluates each site on an individual basis.
- C. Regarding the types of soils on the proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, making up the ~~22.4~~ 12.04 acres, their relative extent, and relative values:
- (1) The proposed RRO lots have been located such that Best Prime Farmland soils make up only about 32% of the proposed lot area and Drummer silty clay loam makes up only about 30% of the proposed lot area.
 - (2) An evaluation of the soils for the entire proposed RRO yields an average Land Evaluation score of 84.4 which rounds to 84 and thus the proposed RRO is not Best Prime Farmland on average.
 - (3) An evaluation of the soils for the specific lots proposed in this RRO as indicated on the revised Proposed Bateman Tracts received October 12, 2006, indicates the following:
 - (a) Tracts 1 and 3 are not Best Prime Farmland on average; and
 - (b) Tract 2 appears to be Best Prime Farmland on average. However, also note that it is less than two acres in area which is less than the maximum lot area for best prime farmland lots in an RRO.
- D. Site specific concerns stated in the Natural Resource Action Report are as follows:
- (1) The subject property has 6 soils types that have moderate to severe limitations for the development in their natural unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site. However, the three lots in the Bateman Proposed Tracts received on September 18, 2009, all have adequate area of soils with high septic suitability to allow for placement of septic leach fields.

- (2) The subject area will be subject to erosion both during and after construction. Any areas left for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible.
- (3) The proposed design that uses 5 to 5.5 acre tracts is not an efficient use of prime farmland. A lot size of 1 acre would be more efficient use of the land.
- (4) Drainage ways noted on the Surface Water Flow Map needs to be maintained. A significant volume of water flows through the property in drainage ways that should be guarded with permanent easements.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

11. 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 (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 3 proposed single-family residence in the Bateman Proposed Tracts received on September 18, 2009, are estimated to account for an increase of approximately 30 ADT in total but it is unclear if all the traffic flow will be in the same direction or if the traffic will be split between the east and the west and north and south.
 - D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
 - (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.

- (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. The roads in question both meet this minimum standard.
- 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 2006 in the vicinity of the subject property is included as an attachment to the Preliminary Memorandum and indicates the following:
- (1) There is no AADT data reported for CR 2600 N between the subject property and the intersection of CR200E. The closest ADT in the vicinity of the subject property is approximately 1 mile south on CR2500N and has an ADT of 150.
 - (2) The pavement width of the both roadways, CR200E and CR 2600N adjacent to the subject property is approximately 18’ wide. These roadways are contained within a minimum ROW width of 40 feet in the vicinity of the subject parcel and are constructed of oil and chip pavement.
- 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 the minimum stopping sight distance. Design speed determines what the recommended distance is. In regards to the proposed RRO, staff utilized the typical design speed of 55 mph for these two rural roadways and there appears to be no concerns related to stopping sight distance. The appropriate stopping site distance at 55 mph is 400 feet.
- H. The intersection of CR200E and CR2600E has no stop signs like most rural intersections and so there are visibility concerns for traffic approaching the intersection. Evidence relevant to traffic visibility concerns is as follows:
- (1) The relevant geometric standards for traffic 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. The “minimum stopping sight distance” is determined by design speed and varies as follows:
 - A design speed of 30 miles per hour requires a minimum distance of 200 feet.
 - A design speed of 40 miles per hour requires a minimum distance of 275 feet.
 - A design speed of 50 miles per hour requires a minimum distance of 400 feet.

- A design speed of 60 miles per hour requires a minimum distance of 525 feet.
 - A design speed of 70 miles per hour requires a minimum distance of 625 feet.
- (2) The Champaign County Zoning Ordinance prohibits construction and establishes vegetation maintenance requirements in corner visibility triangles that are 50 feet back from the right of way lines at all street intersections. For Township roads with 60 feet wide rights of ways this provides a guaranteed stopping sight distance of only about 80 feet which is inadequate for speeds as low as 30 miles per hour.
 - (3) The speed limit on unmarked rural roads is 55 miles per hour which requires a corner visibility triangle of about 462 feet.
- I. Testimony at the April 13, 2006, public hearing regarding traffic can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified that he was concerned with the condition of CR200E and about three years ago CR200E was a gravel road that maybe two or three people drove on per week but now there are about 60 or 70 cars that travel CR200E per day. He said that CR200E has been oiled but it is falling apart and there is a 20 feet wide area that is impassable when a flood even occurs and he does not believe that CR200E has the ability to handle anymore traffic in its current condition.
 - (2) Chris Doenitz who resides at 125 CR2300N, Mahomet testified that he travels CR200E with farm equipment and currently he has to dodge mailbox after mailbox and the more houses that are built the worse it will become. He said that CR200E is an inadequate road for large farm equipment and traffic and the continued creation of five acre lots along the roads creates havoc for the new landowners and farmers. He said that if the RRO is approved they should be required to install their own infrastructure.
- J. A special condition is proposed to require the driveways on Tracts 2 and 3 to be co-located at the common lot line between the two tracts.
- K. Overall, the subject property and proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because the ~~five~~ three proposed residences will only add about a 20% increase in traffic and the Average Annual Daily Traffic will still be less than the maximum recommended.

GENERALLY REGARDING DRAINAGE

12. Regarding the effects of the proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, on drainage both upstream and downstream:
- A. The Engineers statement of general drainage conditions received for this three lot RRO dated October 4, 2005, as well as the revised site plan indicates the following:
 - (1) There is approximately ten (10) foot of topographic fall on the subject property from the southern property line to the intersection of CR 2600 N and CR 200E. There are

drainage ways that bisect the northern portion of the property that feed into branches of the tributary of the Sangamon River. There is an approximate 1.5% slope on average for the subject property. 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 a tributary of the Sangamon River.
 - (3) None of the property is located below the Base Flood Elevation (100-year flood).
 - (4) Storm water detention is not required due to the low percent of impervious area for the proposed RRO.
 - (5) Based on records in the Department of Planning and Zoning, Newcomb Special Drainage District has a 20 inch to 24 inch drainage tile that is located generally in the northeast corner of the subject property. The applicants engineer has provided the centerline of this tile and indicated the High Water Back-up area on the Bateman Proposed Tracts received on September 18, 2009.
- B. Testimony at the April 13, 2006, public hearing regarding drainage can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
 - (a) He was representing the Newcomb Special Drainage District and the three Commissioners of the District are very concerned about the proposal.
 - (b) There is a 24 inch diameter district tile that runs through the proposed RRO and the drainage district is concerned about their ability to access the tile with the houses that are proposed to be constructed. He said that the District is concerned that the new owners will not be aware that the tile exists and the tile will be damaged during construction.
 - (c) The 24 inch tile is the only tile on the property that is a drainage district tile but there are 10 inch to 15 inch private tiles that branch off on the subject property.
 - (d) The drainage district tile is approximately 90 years old and at some point it will need to be replaced. At a minimum he estimates that the drainage district will require a 75 feet wide easement for maintenance of the tile.
 - (e) He said that the bridge to the south has adequate capacity but the bridge to the north is very old and is inadequate for a three inch rain. He said that he has lived in this neighborhood for 50 years and he has seen water backed up on this farm numerous times.
- C. Testimony at the July 13, 2006, public hearing regarding drainage can be summarized as follows:

- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
 - (a) The Newcomb Special Drainage District Commissioners would like an 80 foot wide easement for the drainage district tile and they do not want any permanent structures or trees in the easement nor should there be any hook-ups to the tile without the prior written approval by the drainage district.
 - (b) The Newcomb Special Drainage District Commissioners would like the Batemans to grass the entire waterway on their property.
- D. Based on the available information the subject property and lots in the Bateman Proposed Tracts received on September 18, 2009, are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
 - (1) None of the subject property is located in the Special Flood Hazard Area.
 - (2) Approximately 68% of the three proposed RRO lots is soil that is not considered a “wet soil”.
 - (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

13. 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 proposed buildable areas of the subject property are along the eastern and northern edges of the site. Proposed Tract 2, in the Bateman Proposed Tracts received on September 18, 2009, contains mostly Drummer soil, but also contains at least a half-acre of Parr soil, which has a High rating for septic suitability.
 - 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 lots in the Bateman Proposed Tracts received on September 18, 2009, are an attachment to the Preliminary Memorandum and can be summarized as follows:
 - (1) Jasper loam, (soil unit 440B), with 1% to 5% slopes has a very high suitability for septic tank leach fields with a soil potential index of 79. This soil is found to be the majority of soil present on Tract 1 and is characterized as a moderate rated soil due to the slow percolation rate. Jasper loam makes up 79% of the soil on Tract 1.
 - (2) Parr silt loam, 2% to 5% slopes (map unit 221B), has a High suitability for septic tank leach fields with a soil potential index of 95. There are no required corrective measures necessary with this soil. There are only four soils in Champaign County with a higher

rating and 55 soils that have lower ratings. Parr silt loam comprises 25 and 69 percent of Tracts 2 and 3 respectively.

- (3) Drummer silty clay loam, (soil unit #152) 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. Drummer soil is found on all three tracts ~~4 of the five lots~~ and comprises ~~no more than~~ 75% of Tract 2 (the highest), 30% of Tract 3, and 15% of Tract 1 (the lowest) concentration. ~~No Drummer soils are situated on lot 3.~~

- C. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, 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 about 70% of the subject property consists of soils with a very high suitability for septic tank leach fields.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

14. 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 is 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, which is not plan dependent, groundwater availability of the subject property for the proposed RRO District is comparable to the “typical” conditions 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

15. Regarding the availability of emergency services to the site:
- A. The subject property is located approximately 5.3 road miles from the Cornbelt Fire Protection District station in Mahomet. The Fire District chief has been notified of this request.
- B. The nearest ambulance service is in Champaign.

- C. Based on the available information, which is not plan dependent, the emergency services conditions on the subject property are comparable to the “typical” conditions for Champaign County because the proposed RRO District is between 4 and 5 road miles from the Combelt Fire Protection District station in Mahomet.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

16. Regarding the flood hazard status of the site, pursuant to Federal Emergency Management Agency Panel Number 170894- 0150B, the entire subject property is not located within the mapped Special Flood Hazard Area.
17. Regarding the presence of nearby natural or man-made hazards;
- A. Regarding the presence of underground high pressure natural gas pipelines:
- (1) When the proposed RRO was originally proposed in 2005, there were no Zoning Ordinance requirements regarding gas pipelines. During the course of the public hearing the pipelines around the subject property became an issue and the Zoning Board originally voted to recommend denial of the RRO. Eventually, Case 583-AT-07 was proposed, and this case was tabled until after the Zoning Ordinance was amended.
 - (2) As amended on November 20, 2008, by Ordinance No. 841 (Case 583-AT-07), the Zoning Ordinance requires lots created in an RRO district to have buildable area outside of the Pipeline Impact Radius (PIR) of a natural gas pipeline. It also prohibits any construction inside the PIR except for driveways.
 - (3) The lots in the Bateman Proposed Tracts received on September 18, 2009, are all partially located in the PIR of People’s Gas pipelines that are part of the Manlove Storage Field facility, and all three Tracts appear to have adequate building area outside of the PIR of the relevant pipelines.
- B. In a letter dated July 12, 2006, and in testimony at the July 13, 2006, meeting Thomas L. Purrachio, Gas Storage Manager for The Peoples Gas Light and Coke Company testified as follows:
- (1) Peoples’ Gas facilities in the vicinity of the subject property as follows:
 - (a) A gas injection well is located on a small separate tract of land on the west side of the subject property and is served by a 12 inch diameter high pressure natural gas pipeline that extends to the north and has an associated 12 inch diameter alcohol pipeline.
 - (b) Three pipelines are adjacent to the south lot line of the subject property and also across the street from the subject property on the north and east sides and consist of a 12 inch diameter high pressure natural gas line and a 12 inch diameter alcohol line and a water line.

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- (c) There is a separate small tract of land at the northeast corner of the property where the three pipelines that are across the street from the subject property on the east side cross to the north side.
 - (d) People's Gas also has easements over the subject property that give People's the right to lay any additional lines they find "necessary or desirable" and when they install these new lines their overall easement expands by an appropriate dimension described in the easement document. They are limited, however, to place their lines within 50 feet of a section line, a quarter section line, a highway right-of-way line, or an established fence line.
 - (e) The gas pipelines are nominal 12 inch diameter with a maximum operating pressure of 2,000 pounds per square inch (PSI) and are located approximately three to five feet below grade. Similar pipelines service the adjacent gas injection wells. This results in a potential impact radius of 393 feet which is much greater than the potential impact radius for gas lines at 30 or 40 or 60 or 150 PSI that might be in normal subdivisions.
- (2) Peoples Gas requests the following:
- (a) A perimeter non-buildable easement area should be established on Tract 3 with a total easement width of 90 feet.
 - (b) The conceptual, preliminary, and final plats of subdivision should show the pipeline easement areas consistent with the 1965 easement document and any zoning approval should delineate maximum permissible building areas and expressly prohibit any construction of principal or accessory buildings anywhere outside the maximum permissible building areas. The majority of pipeline incidents nationwide are the result of third-party damage and the likelihood of third-party damage naturally increases with population density.
 - (c) Peoples Gas has not asked the Board to prohibit building within the red zone on the map of Manlove Storage Area and Bateman Property Development that is attached to the letter dated July 12, 2006, but the red zone is indicated to educate the Board and the public about requirements of the pipeline safety code.
 - (d) Peoples Gas has an outstanding safety record and endeavors to meet or exceed all pipeline safety regulations but the 393 feet of potential impact radius is a fair approximation of the pipeline and well rupture that occurred in 1998. In that event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast and one should not expect a pipeline rupture to go straight up, depending upon the weather.

- (e) The pipeline in the ground at the subject property already meets the more stringent requirement of a Class 2 area and Peoples Gas would not have to replace the existing pipelines if the subdivision were built as proposed.
 - (f) Although not a safety issue, on occasion maintenance activities require venting of gas at any time of day or night without notice to adjacent property owners that might result in noise for a few hours.
- C. Testimony at the April 13, 2006, public hearing regarding the presence of high pressure gas pipelines can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified that his most vital concern about the proposed RRO is the adjacency to the Peoples Gas line. Peoples Gas safety record is excellent but several years ago one of their lines ruptured and if the Board could have seen the fire that was created and the hole that was left the Board would understand his concern. He said that the fire was so hot that it melted the oil road and when the fire was put out a semi-tractor and trailer would have fit in the hole.
- D. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, the proposed RRO District is comparable to “~~much~~ worse than typical” conditions in terms of common conditions for flood hazard and other natural or man-made hazards for rural residential development in Champaign County because of the following:
- (1) None of the subject property is within the Special Flood Hazard Area.
 - (2) None of the roads that are required to access the subject property by emergency services are located within the 100 year floodplain.
 - (3) All of the proposed RRO lots have adequate buildable area outside of the Pipeline Impact Radius of high pressure gas pipelines on the north and east sides of the property.

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

18. 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.

- C. A diagram of livestock management facilities within one mile of the proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting. The diagram indicates the following:
- (1) There are apparently four active livestock management facilities within a one mile radius of the subject property and one inactive facility that are located as follows:
 - (a) An apparently inactive livestock management facility is located about ½ mile northeast of the subject property and is indicated as facility A on the staff diagram.
 - (b) A livestock management facility with apparently less than 50 cows is located immediately north of the subject property. This facility is indicated as B on the staff diagram.

A letter received on December 12, 2006, from Bob Bidner, 148 CR2600N, Mahomet, who lives on this property states that he no longer raises hogs at this address and the petitioner has his blessing if he wants to build more houses on the subject property.
 - (c) A livestock management facility is located south of and adjacent to the subject property. Doug Turner testified at the April 13, 2006, public hearing that he is the landowner to the south of the subject property there is always in excess of 50 cows at this property. Mr. Turner also testified that his sons own property east of the proposed RRO and their properties also have in excess of 50 cows and the cows travel to the fence line when the farmland is in pasture.
- D. Overall, the effects of nearby farm operations on the subject property are comparable to “much worse than typical conditions” for Champaign County because the lots in the Bateman Proposed Tracts received on September 18, 2009, are bordered on one side by livestock management facilities.

GENERALLY REGARDING THE (LESA) SCORE

19. Regarding the LESA (Land Evaluation and Site Assessment) score of the proposed RRO District:
- A. The Champaign County, Illinois Land Evaluation and Site Assessment (LESA) System is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
 - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
 - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
 - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
 - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.

- 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 84.
 - (2) The Site Assessment component rating for the proposed RRO District is 136 to 142.
 - (3) The total LESA score is 220 to 226 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 lots in the Bateman Proposed Tracts received on September 18, 2009, the LESA score for the subject property compares to common conditions in Champaign County as follows:
- (1) The Land Evaluation score of 84 is comparable to ~~much better than typical~~ “ideal or nearly ideal” conditions for Champaign County.
 - (2) The Site Assessment score of 136 to 142 is comparable to “much better than typical” conditions for Champaign County.
 - (3) The total LESA score of 220 to 226 is comparable to “much better than typical” conditions for Champaign County.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

20. The soils on the original 77 acres are considered best prime farmland but the proposed RRO averages to be less than Best Prime Farmland overall.

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

21. 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 October 2, 2005, and included as an attachment to the Preliminary Memorandum. The subject property does not contain any significant wild life habitat. The subject property is not near any historic site. Nor are there any endangered species at the site or in the vicinity that could be adversely impacted. Therefore, the Department of Natural Resources terminated the consultation on October 20, 2005.
 - B. The subject property is not in an area of high probability for archaeological resources. The Illinois State Historic Preservation Agency may need to be contacted regarding this project. Although there are no known significant resources within this project area.
 - C. Based on the available information, which is not plan dependent, 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

22. Compared to common conditions found at rural sites in Champaign County, the lots in the Bateman Proposed Tracts received on September 18, 2009, are similar to the following:
- A. “Ideal or Nearly Ideal” conditions for adequacy of roads.
 - B. “Much Better Than Typical” conditions for the following factors:
 - (1) Effects on drainage.
 - (2) Septic suitability;
 - (3) LESA score,
 - (4) Flood Hazard Status,
 - C. “More or Less Typical” conditions for the following four factors:
 - (1) Emergency Services;
 - (2) Availability of water;
 - (3) Natural or man-made hazards;
 - D. “Worse Than Typical” conditions for the following factor:
 - (1) Natural or man-made hazards;
 - E. “Much Worse Than Typical” conditions for the following factor:
 - (1) Effects of farms.

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

23. 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 lots in the Bateman Proposed Tracts received on September 18, 2009, 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.

The three single-family dwellings that will result from the proposed RRO will generate 200% more traffic than the non-RRO alternative development of only one home.
 - (2) Trespassing onto adjacent fields may be more likely resulting in damage to crops or to the land itself. The three single-family dwellings that will result from the proposed RRO may generate 200% more trespass than the non-RRO alternative development of only one home.

- (3) Litter may blow into the adjacent crops making agricultural operations more difficult. The three single-family dwellings that will result from the proposed RRO may generate 200% more litter than the non-RRO alternative development of only one homes.
- (4) It is unlikely that drainage from the proposed development would significantly affect any adjacent farm operation.
- (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.
- (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 $\frac{1}{4}$ mile from any non-farm residence and two miles from any populated area. Regarding livestock facilities within the vicinity of the subject property:
 - (a) A diagram of livestock management facilities within one mile of proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting and testimony regarding livestock management facilities was given at the April 13, 2006 meeting. Active livestock management facilities border the subject property on the north, east, and south sides and each existing facility is already within one-quarter mile of an existing non-farm residence. None of the existing facilities are currently located within one-half mile of a populated area (10 or more non-farm residences).

- (b) The livestock management facilities on the east and south sides already have more than 50 cows each. With the proposed RRO each of these facilities could expand up to 1,000 cows with no new requirement under the Illinois Livestock Management Facilities Act. ~~The proposed RRO would create a populated area within one-half mile of the facilities and expansion beyond 1,000 cows at each facility would be effected by the proposed RRO unless the expansion is limited such that the fixed capital cost of the new components constructed within a 2 year period could not exceed 50% of the fixed capital cost of a comparable entirely new facility.~~
- (c) It is not clear how large the livestock management facility on the north is in terms of livestock units but it appears to be less than 50. Facilities with fewer than 50 livestock units are exempt from the requirements of the Illinois Livestock Management Facilities Act. The proposed RRO would not create a populated area within one-half mile of the facility and expansion beyond 50 animal units would not be limited by the proposed RRO such that the fixed capital cost of the new components constructed within a 2 year period could not exceed 50% of the fixed capital cost of a comparable entirely new facility. However, it appears, at this time, that the livestock facility north of the subject property is no longer in use.

GENERALLY REGARDING SPECIAL CONDITIONS OF APPROVAL

24. Regarding possible special conditions of approval:

- A. Regarding the presence of the Manlove Gas Storage Facility on the subject property and the related high pressure gas pipelines on the property and related gas injection wells on adjacent property:
 - (1) Prospective lot purchasers should be aware that the property is part of the Manlove Gas Storage Facility and the following condition will provide that notice:

Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.

The above stated condition is necessary to ensure the following:

All prospective lot purchasers have as full knowledge as possible of the Manlove Gas Storage Facility prior to purchase of a lot.

- (2) Prospective lot purchasers should be made aware of the existing easements for Peoples Gas Light and Coke Company. Such notice would generally be given in a Plat of Subdivision but because the proposed lots are larger than five acres and because there are no new streets, a Plat of Subdivision cannot be required. The following condition will provide notice of the easements:

Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.

The above condition is necessary to ensure the following:

All prospective lot purchasers and lot owners have as full knowledge as possible of these easements before and after purchase.

- (3) The following condition requires prospective lot purchasers to be aware of the Zoning Ordinance prohibitions on construction in the Pipeline Impact Radius.

Prospective lot purchasers shall be made aware of the Zoning Ordinance requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.

The above condition is necessary to ensure the following:

All prospective lot purchasers and lot owners have as full knowledge as possible of the restrictions placed on the lots due to their proximity to high pressure gas pipelines.

B. Regarding compliance with the Champaign County Stormwater Management Policy:

- (1) Paragraph 7.2 B. of the Champaign County Stormwater Management Policy requires that if no easement exists for existing agricultural drainage tile an easement shall be granted for access and maintenance. There is no easement for the underground agricultural drainage tile in the swale and the following condition would document this requirement:

Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made without prior written approval of the Newcomb Special Drainage District.

The above condition is necessary to ensure the following:

The existing agricultural drainage system can be easily maintained in the future; and is not harmed by the proposed Rural Residential Overlay Zoning

District; and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

- (2) Paragraph 7.2 C. of the Champaign County Stormwater Management Policy request that all agricultural drainage tile located underneath areas that will be developed shall be replaced with non-perforated conduit to prevent root blockage provided that drainage district tile may remain with the approval of the drainage district. The tile in the swale is drainage district tile and the Newcomb Special Drainage District would have to authorize its replacement. The petitioner may also request a variance to authorize the tile to remain as is. The following condition would provide for either situation (replacement or a variance):

Prior to offering any lots for sale the petitioner shall either replace the underground drainage tile in the swale, with the approval of the Newcomb Special Drainage District being received beforehand, and any lateral drainage tile on the proposed RRO lots that is connected thereto with non-perforated conduit as required by the Champaign County Stormwater Management Policy unless something less is authorized by variance by the Champaign County Zoning Board of Appeals.

The above condition is necessary to ensure the following:

the existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

- (3) Even if the petitioner replaces the tile in the swale there may be other tile that must be replaced by lot owners if disturbed during construction and the following condition will provide notice of that requirement:

Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.

The above condition is necessary to ensure the following:

The existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

- C. The following special conditions will minimize the encroachment of driveways and mailboxes in the proposed RRO District into the right of way:

- (1) The following condition deals with the location of driveways and mailboxes on Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009:

Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.

The above condition is necessary to ensure the following:

Driveway entrances and mail boxes do not unnecessarily impede agricultural traffic.

- (2) The following condition requires driveway entrances on all lots to conform to the requirements of the Cornbelt Fire Protection District:

All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.

The above condition is necessary to ensure the following:

Emergency services vehicles have adequate access to all properties.

- D. The following special conditions will ensure that the homes built outside of the Pipeline Impact Radius of the high pressure gas pipelines are accessible by emergency vehicles:

- (1) **All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**

The above condition is necessary to ensure the following:

All homes are accessible by emergency vehicles.

- (2) **Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the**

Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.

The above condition is necessary to ensure the following:

All homes are accessible by emergency vehicles.

- E. Tracts 1 and 3 of the Bateman Proposed Tracts received on September 18, 2009, are larger than five acres and there are no new streets proposed, and Tract 2 can be created with a survey. Therefore, the proposed RRO District will not require a Plat of Subdivision and a Plat of Subdivision cannot be made a requirement. A Plat of Subdivision is where one would normally expect to find out about easements on a property and any special no-build limitations that were part of the plat approval. The following condition makes up for this lack of a plat and will serve to provide notice to prospective lot purchasers of all of the special conditions of approval:

Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05.

The above condition is necessary to ensure the following:

Prospective lot purchasers are aware of all of the conditions relevant to approval of the Rural Residential Overlay District on the subject property.

DOCUMENTS OF RECORD

1. Petition received October 12, 2005, with attachments
2. Preliminary Memorandum dated March 24, 2006, with attachments:
 - A Zoning Case Maps (Location, Land Use, Zoning)
 - B List of Petitioner Submittals
 - C Proposed Bateman Tracts received October 12, 2005
 - C1. HDC Drainage Statement, dated October 4, 2005
 - D. Newcomb Township Special Drainage District Map
 - E Champaign County Land Use Regulatory Policies
 - F Map of Areas of Limited Groundwater Availability
 - G Natural Resource Report received November 1, 2005
 - H Copy of Agency Action Report received October 12, 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 March 30, 2006, with attachments:
 - A Revised Proposed Bateman Tracts received March 29, 2006
 - B Staff photos of subject property
 - C Right of way grant
 - D Revised Draft Summary of Evidence
4. Revised Land Evaluation Worksheets from the Champaign County Soil and Water Conservation District (one worksheet per proposed tract; handout at the April 13, 2006, meeting)
5. Livestock Management Facilities Within One Mile Of Proposed RRO with map (staff handout at the April 13, 2006, meeting)
6. Illinois Livestock Management Facilities Act. General Requirements Related to Size of Facility (staff handout at the April 13, 2006, meeting)
7. Supplemental Memorandum dated July 7, 2006, with attachments:
 - A Approved minutes from the April 13, 2006, ZBA meeting
 - B Minutes for the March 30, 2006, ZBA meeting (included separately)

8. Letter dated July 12, 2006, from Thomas L. Puracchio, Gas Storage Manager for the People's Gas Light and Coke Company, with attachments
 - A Easement document for subject property
 - B Plan drawing showing existing pipeline locations on the subject property
9. Revised Proposed Bateman Tracts received July 13, 2006
10. Supplemental Memorandum dated August 25, 2006
11. Supplemental Memorandum dated October 5, 2006, with attachments:
 - A Minutes for the July 13, 2006 meeting (included separately)
 - B Revised Proposed Bateman Tracts received July 13, 2006
 - C Revised Site Comparison for Factors Relevant To Development Suitability
 - D Revised Summary of Site Comparison for Factors Relevant To Development Suitability
 - E Revised Draft Summary of Evidence
12. Supplemental Memorandum dated October 12, 2006, with attachments:
 - A pp. 628 & 629 from Architectural Graphic Standards, Robert T. Packard, AIA, ed.; John Wiley & Sons, Seventh Edition, 1981.
 - B Excerpt of Peoples Gas map of Manlover Gas Storage Field & Bateman Property Development received July 13, 2006 (included separately)
 - C Revised Proposed Bateman Tracts received October 12, 2006 (included separately)
 - D Revised Proposed Bateman Tracts received October 12, 2006 (with indication of Potential Impact Radius) (included separately)
 - E Revised Site Comparison for Factors Relevant To Development Suitability
 - F Revised Summary of Site Comparison for Factors Relevant To Development Suitability
 - G Excerpts from Title 49 of the Code of Federal Regulations
13. Supplemental Memorandum dated December 8, 2006
14. Supplemental Memorandum dated December 14, 2006, with attachments:
 - A Revised Proposed Bateman Tracts received December 14, 2006
 - B Letter from Bob Bidner received December 12, 2006
 - C ANNOTATED APPROVED Summary of Evidence dated October 12, 2006
15. Revised site plan received December 14, 2006, as revised at the public hearing
16. Bateman Proposed Tracts received on September 18, 2009
17. Supplemental Memorandum for Case 520-AM-05, dated September 25, 2009, with attachments:
 - A Case Maps for Case 520-AM-05 (Location, Land Use, Zoning)
 - B Bateman Proposed Tracts received on September 18, 2009
 - C Section 22 Natural Resources Report
 - D IDOT ADT Highway Map with 2006 data
 - E Champaign County Land Use Regulatory Policies

- F Ordinance No. 841 (Zoning Case 583-AT-07)
- G Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
- H Comparing the Proposed Site Conditions to Common Champaign County Conditions
- I Summary of Site Comparison for Factors Relevant To Development Suitability
- J Summary of Comparison for Factors Relevant To Compatibility with Agriculture

FINDING OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006, April 13, 2006, July 13, 2006, August 31, 2006, October 12, 2006, December 14, 2006, and October 1, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site *{IS WELL SUITED/IS NOT WELL SUITED}* overall for the development of 3 residences and *{IS USED IN THE MOST EFFICIENT WAY/IS NOT USED IN THE MOST EFFICIENT WAY}* because:

and despite:

2. Development of the Proposed Site under the proposed Rural Residential Overlay development *{WILL BE COMPATIBLE/WILL NOT BE COMPATIBLE}* with surrounding agriculture because:

and despite:

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 520-AM-05** should *{BE ENACTED/NOT BE ENACTED}* by the County Board *{AS REQUESTED/SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS}*.

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

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date