



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director, Community Development Services

**DATE:** February 16, 2007

**SUBJECT:** CCZBA 573-AM-06 and 579-AM-07: Request by Bill Cope and Mary Kalantis to rezone 19 acres by adding the Rural Residential Overlay (RRO) zoning designation; and to rezone 10 acres from the AG-2, Agriculture Zoning District to County CR, Conservation-Recreation.

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### **Introduction**

A petition has been submitted to the Champaign County Department of Planning and Zoning requesting a change in zoning to allow a residential development on a 19-acre tract of land on the southeast side of North Lincoln Avenue. The property currently has two zoning designations, AG-2, Agriculture and CR, Conservation-Recreation. The petitioner requests to rezone the AG-2 portion to CR and apply a Rural Residential Overlay to the entire site. The portion of the property zoned AG-2 was previously used as a tree farm. The east portion, zoned CR, is an undeveloped area bordering the Saline Branch. Since these two separate county rezoning cases are so closely related, both cases are analyzed within this staff memo.

The 19-acre tract parcel lies within one and one-half miles of the Urbana city limits. By state law, the City is enabled to review zoning decisions within its ETJ area for consistency with the City's Comprehensive Plan. The City Council can vote to either approve or defeat a resolution of "protest" for the rezoning. A municipal protest would require a three-fourths super majority of affirmative votes for approval of the request by the County Board. If a resolution of protest is passed it must be filed with the Champaign County Clerk to be forwarded to the County.

The Champaign County Zoning Board of Appeals (CCZBA) met to review the case on Thursday, February 15, 2007. At that meeting the case was forwarded to the March 1, 2007 meeting due to insufficient documentation on the impact to endangered species. After a determination is made by the CCZBA the case will proceed to the County Environment & Land Use Committee (ELUC) for review and then on to the County Board.

At their February 22, 2007, meeting the Urbana Plan Commission voted 8-0 to recommend "no protest" to the City Council.

## **Background**

Detailed background information on the rezoning case, including location and zoning maps, is contained within the attached Champaign County Department of Planning and Zoning (CCDPZ) Preliminary Memoranda. The following discussion of the issues involved summarizes this information as it pertains to the City's planning jurisdiction.

County rezoning approval is a separate action from future subdivision approval. Because the parcel lies within one and one-half miles of the Urbana city limits, the City has jurisdiction over the subdivision of land into separate parcels. Any subdivision of this property must comply with the City of Urbana's Subdivision and Land Development Code regulations.

## **Issues and Discussion**

### **County Zoning**

According to the Champaign County Zoning Ordinance, the AG-2, Agricultural District is intended to prevent scattered indiscriminate urban development and to preserve the agricultural nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This district is intended generally for application to areas within one and one-half (1-1/2) miles of existing communities in the County.

The County Zoning Ordinance states that County CR, Conservation-Recreation District is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the County. Since the subject property contains the Saline Branch and the floodplain surrounding it, it is appropriate to remove the split zoning designation and assign the entire parcel to CR, Conservation-Recreation.

According to the County Zoning Ordinance, single-family homes are permitted by right within the AG-2 and CR districts. However the County Zoning Ordinance permits subdivisions in these districts only as follows:

*“No Subdivisions totaling more than three lots less than 35 acres each from any parcel of land existing on 1/1/98 and/or with new streets or private access ways shall be created unless a Rural Residential Overlay District has been created.”*

The petitioner wishes to create a 6-lot subdivision with three additional, nonbuildable outlots. Since the site can only be subdivided into three lots by right, a Rural Residential Overlay is required to plat the additional three developable lots. The Rural Residential Overlay (RRO) zoning district is required for subdivisions of more than three lots and/or those with new streets in the AG-1, AG-2, and CR zoning districts. The RRO district is an overlay zoning designation with regulations that are additional to the pre-existing (underlying) rural zoning. Approval of the RRO district does not change any of the existing basic requirements of the underlying districts. All other restrictions such as permitted uses, setbacks, lot coverage, etc. remain in effect.

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. Briefly stated, the County considers whether the subject property is most suitable to be retained as agricultural farmland or for the type of development proposed.

One of the primary County review criteria is the LESA (Land Evaluation and Site Assessment) system and the Land Evaluation (LE) factor score it produces for the subject site. Broadly stated, the LE factor score is intended to determine whether the subject property is “Best Prime Farmland”, and if so should it be preserved for agricultural uses. The basis for that identification lays in analysis of soil type, soil suitability for agricultural production, and soil suitability for residential development. Please see the attached County Preliminary Memorandum for detailed information on the County methodology. The County’s conclusion in this case is that the subject property is not comprised of best prime farmland and is well suited for the RRO district designation and the proposed residential development.

### **City of Urbana 2005 Comprehensive Plan**

#### *Future Land Use Designations*

The City of Urbana 2005 Comprehensive Plan Future Land Use Map shows the site divided by the future Lincoln Avenue extension. The designation for the majority of the site (east of Lincoln Avenue) is “Residential”. The Plan states:

*“Residential areas contain primarily single-family housing, but may contain a variety of compatible land uses. Urban development patterns are often found in older neighborhoods, with an emphasis on pedestrian traffic. Suburban development patterns are found in newer areas, with larger lots served by a well-connected street network with pedestrian and bicycle facilities.”*

The northwest portion of the site is designated Industrial in the Comprehensive Plan:

*“Heavy Industrial areas contain intensive land uses with a strong dependence on transportation facilities such as major roadways, rail or air. Typically require significant amounts of land and can often create conditions that are generally incompatible with residential uses. Heavy manufacturing, truck terminals, construction equipment and material storage are common uses in Heavy Industrial areas.”*

The proposal would generally conform to the Comprehensive Plan’s future land use designation of Residential for the surrounding area. The proposed development would not be inconsistent with the description of a “Residential (suburban pattern)” type of development. The intent of the Comprehensive Plan is to have Industrial uses to the west and Residential uses to the east of Lincoln Avenue. If Lincoln Avenue is constructed according to the Location Study, as shown in Exhibit C, only a fraction of the site (0.88 acres) would be shown as Industrial use.

The final layout of the lots and the site engineering would need to be considered for approval as part of the City of Urbana major subdivision review process.

### *Mobility Map*

According to the 2005 Urbana Comprehensive Plan Mobility Map and the Lincoln Avenue Location Study, Lincoln Avenue will be realigned to pass through the property. The petitioner's engineer has accounted for this; when the property is subdivided, a portion will be set aside to be used as right-of-way for Lincoln Avenue.

### *Goals and Objectives*

The following Goals and Objectives of the 2005 Urbana Comprehensive Plan relate to this case:

**Goal 15.0 Encourage compact, contiguous and sustainable growth patterns.**

*Objectives*

- 15.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid "leapfrog" development.

**Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.**

*Objectives*

- 16.2 Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city.
- 16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.
- 16.5 Consider the impact of new development on public services and the ability to provide those services cost effectively.

**Goal 17.0 Minimize incompatible land uses.**

*Objectives*

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

**Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).**

*Objectives*

- 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.
- 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

When evaluating zoning amendment requests in the ETJ, the City is enabled to consider their potential impact in relation to the intent of the Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County's Memoranda. Some of these goals and policies coincide with those of the City of Urbana's Comprehensive Plan. In summary, Staff finds that the rezoning to RRO designation to accommodate the proposed subdivision would be generally consistent with the goals and objectives of the 2005 Comprehensive Plan.

### **City of Urbana Zoning**

In evaluating the proposed rezoning from the City's perspective one question to address is does the use match the type of uses that would be permitted in the same or similar zoning district in the City. In the event of a subdivision being annexed into the City, the property's County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1 which is intended to provide for a directly comparable designation. The underlying County CR, Conservation Recreation district designation would convert directly to City CRE, Conservation-Recreation-Education. Since this is not compatible with the residential nature of the proposed development, the property could be rezoned to an appropriate Residential zoning category as part of any potential annexation agreement.

### **The La Salle National Bank Criteria**

In the case of *La Salle National Bank v. County of Cook (La Salle)*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. *The existing land uses and zoning of the nearby property.*

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The subject property contains a tree farm and vacant land in the floodplain of the Saline Branch, while the surrounding area consists primarily of farmland and a single-family residence to the northeast. Land use patterns are shown in the Land Use figure attached to the Champaign County Preliminary Memorandum.

County zoning surrounding the subject properties is AG-2 to the north and west, and CR, Conservation-Recreation to the south and east as shown in the figure attached to the Champaign County Preliminary Memorandum. The proposed CR designation of the west half of the property would be consistent with the zoning and land use pattern found in the vicinity of the site. The proposed RRO designation rezoning would also be generally consistent with the zoning and land use pattern found in the vicinity of the site.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as zoned and the value it would have if it were rezoned to permit the proposed use.

A portion of the existing property has been in agricultural use for many years. The remainder of the site has been vacant. Rezoning to Rural Residential Overlay from Agriculture to allow for residential development can be reasonably expected to increase the value of a property, because six rather than three single family homes can be built on the property. Rezoning a portion of the property to CR from AG-2 would have a negligible effect since the agricultural portion is not in active use.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The question here applies to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The current restrictions associated with the agricultural zoning of the property are designed to protect prime farmland and promote efficient use of energy and other resources. However, the site has been determined by County staff not to be “best prime farmland”. The site is shown as “Residential” in the 2005 Urbana Comprehensive Plan, and no harm to the public is anticipated by rezoning to the CR and RRO designation as proposed. The property owner initiated this rezoning application and no hardship on the owner is apparent in fulfilling this request.

5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The Champaign County Planning and Zoning office has determined the subject property is well suited to the proposed use under their criteria of review. The Comprehensive Plan Future Land Use designation of Residential indicates the City has found the location to be most suitable for residential development.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The west portion of the site has been in agricultural use for many years. The remainder of the site has never been developed.

### **Summary of Staff Findings**

1. The site is within the City's Extra-territorial Jurisdiction.
2. The proposed rezoning is generally compatible with the Urbana Comprehensive Plan Future Land Use Residential designation for the site and surrounding areas.
3. A portion of the site will be dedicated to the future Lincoln Avenue relocation.
4. The proposed rezonings and land use are generally compatible with the surrounding County zoning and land uses.
5. The proposed zoning change is generally compatible with the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
6. The evaluation of the LaSalle Criteria reiterates the findings above. The proposed zoning change is acceptable because the site and surrounding area are generally suitable for the proposed zoning district, and the change will not be injurious to the general welfare of the public.
7. The Plan Commission voted 8-0 to recommend the Urbana City Council defeat a resolution of protest of the proposed rezonings at their February 22, 2007 meeting.

### **Options**

The City Council has the following options in CCZBA Case No. 573-AM-06, a rezoning request to place a RRO district designation on the underlying CR district.

- a. Defeat a resolution of protest for the proposed rezoning; or
- b. Adopt a resolution of protest of the proposed rezoning.

The City Council has the following options in CCZBA Case No. 579-AM-07, a request to rezone a portion of that property from AG-2 to CR.

- c. Defeat a resolution of protest for the proposed rezoning; or
- d. Adopt a resolution of protest of the proposed rezoning.

## Recommendation

At their February 22, 2007 Plan Commission meeting, the Commission voted 8-0 to recommend the Urbana City Council **defeat a resolution of protest** for both related rezoning cases based upon the findings above. City Staff concurs with this recommendation.

Prepared by:

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Jeff Engstrom, Planner I

Attachments:

CCDPZ = Champaign County Department of Planning and Zoning

- A) Draft Resolutions of Protest
- B) Minutes of February 22, 2007 Urbana Plan Commission public hearing.
- C) Urbana Comprehensive Plan Future Land Use Map
- D) Aerial Photo
- E) Lincoln Avenue Location Study Schematic
- F) CCDPZ Preliminary Memoranda, dated February 9, 2007 w/ Draft Findings of Fact

cc: John Hall, Champaign County Planning and Zoning



**RESOLUTION NO. 2007\_03-005R**

**A RESOLUTION OF PROTEST AGAINST A PROPOSED MAP AMENDMENT TO THE  
CHAMPAIGN COUNTY ZONING MAP**

(A 10-Acre Tract of Land on the East Side of North Lincoln  
Avenue / Bill Cope and Mary Kalantis)

WHEREAS, Bill Cope and Mary Kalantis have petitioned the County of Champaign in Champaign County ZBA Case No. 579-AM-07 to change the zoning map from AG-2 Agricultural to CR Conservation Recreation on a 10 acre tract of land on the East side of North Lincoln Avenue; and

WHEREAS, said proposed map amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-579-AM-07"; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed map amendment where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed map amendment; and

WHEREAS, the proposed map amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan, and generally meet the LaSalle Criteria;

WHEREAS, the Urbana Plan Commission met on February 22, 2007 to consider the request and subsequently voted eight (8) ayes, and zero (0) nays to recommend that the Urbana City Council defeat a resolution of protest against the proposed map amendment; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed map amendment is not in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution of Protest against the proposed map amendment as presented in CCZBA-579-AM-07.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Laurel Lunt Prussing, Mayor

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** February 22, 2007

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

**MEMBERS EXCUSED:** None

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Matt Wempe, Planner II; Paul Lindahl, Planner I; Jeff Engstrom, Planner I; Teri Andel, Planning Secretary; Gale Jamison, Assistant City Engineer

**OTHERS PRESENT:** Tyler Fitch, Angie Fred, Debbie Insana, David Monk, Dennis Roberts, Charles Smyth, Christopher Stohr, Joel Vanessen, Dianna Visek

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**NEW BUSINESS**

**CCZBA 576-AM-06 and 579-AM-07: A request by Bill Cope and Mary Kalantis to rezone 19 acres by adding the Rural Residential Overlay (RRO) zoning designation; and to rezone 10 acres from the AG-2, Agriculture Zoning District to County CR, Conservation-Recreation.**

Jeff Engstrom, Planner I, presented this case to the Plan Commission. He began by giving a brief introduction by explaining that proposed property currently has two zoning designations. The petitioner is requesting to rezone the west side of the property to County CR, Conservation-Recreation to match the zoning on the east side. He discussed the County's CR and AG-2 zoning districts. Since the lot has the Saline Branch Drainage Ditch running through it, it would be beneficial to have the entire lot zoned County CR. He also discussed the County's RRO, Rural Residential Overlay requirements. He referred to the City of Urbana's Comprehensive Plan Future Land Use map and discussed how the rezoning relates to the Plan. He reviewed the LaSalle National Bank rezoning criteria that pertained to the proposed rezoning case. He read

the options of the Plan Commission and presented City staff's recommendation, which was as follows:

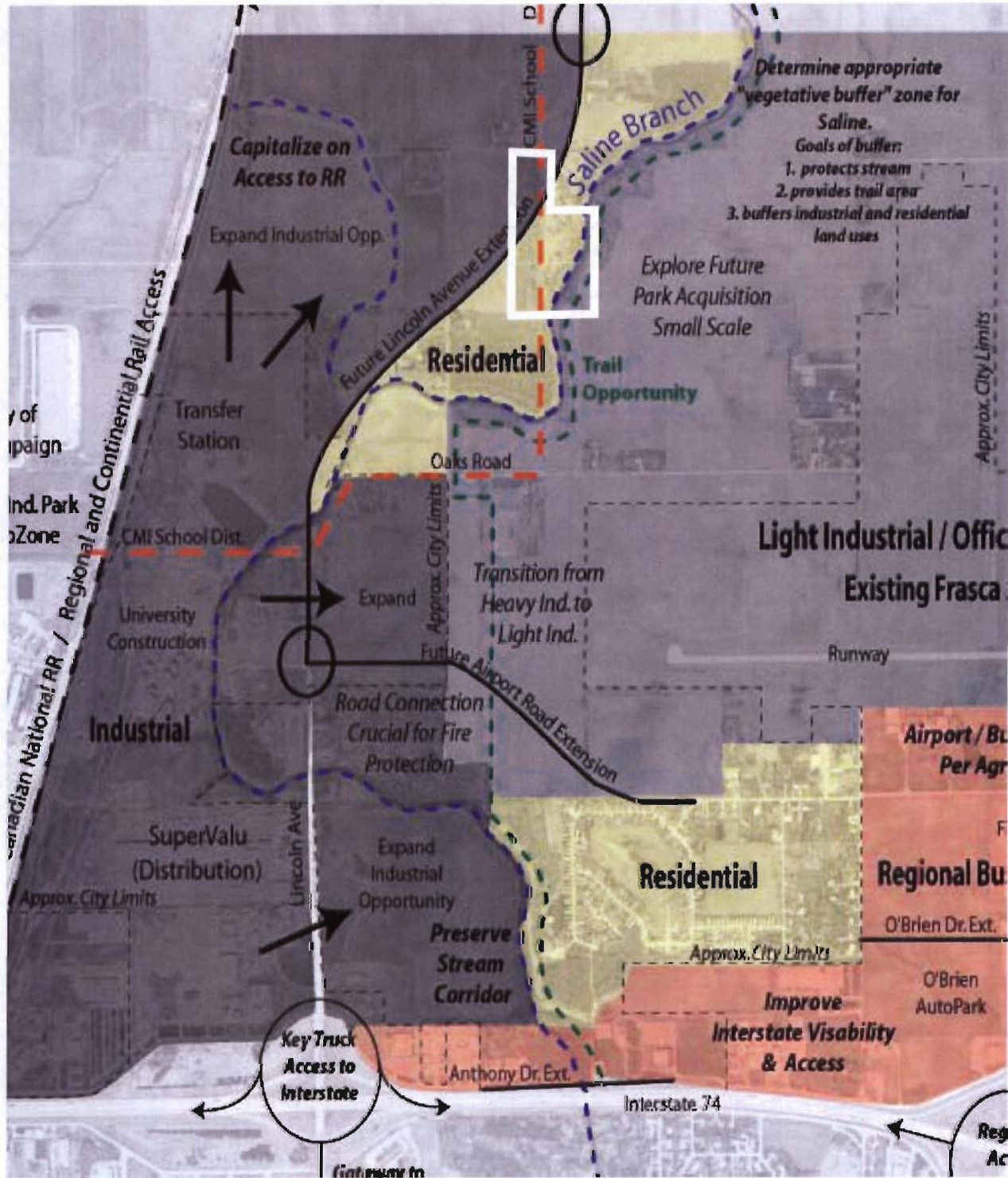
*Based upon the findings above, Staff recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest.*

Ms. Stake moved that the Plan Commission forward these cases to the City Council with a recommendation to defeat resolutions of protest as recommended by City staff. Ms. Burris seconded the motion. Roll call vote was taken as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes	Mr. White	-	Yes

The motion passed by unanimous vote.

# Exhibit C: Future Land Use Map



Plan Case: CCZBA 573-AM-06 & 579-AM-07

Cope Subdivision Rezoning

Request for a rezoning from AG-2, Agriculture to CR, Conservation Recreation and implementation of the Rural Residential Overlay.

Prepared 2/14/07 by Community Development Services - jme

Exhibit D: Aerial Photo



# CASE NO. 573-AM-06

PRELIMINARY MEMORANDUM

February 9, 2007

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

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

Petitioner: **William Cope & Debra  
Kalantzis and Thomas Berns, agent**

Site Area: **18.96 acres**

Time Schedule for Development:  
**Immediate upon approval**

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

**Request: Amend the Zoning Map to allow for the development of 3 single family residential lots in the CR Conservation-Recreation Zoning District, by adding the Rural Residential Overlay (RRO) Zoning District to the subject property.**

**Location: An 18.96 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township, and commonly known as the tree farm at 4100 North Lincoln Avenue.**

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## BACKGROUND

The Champaign County Zoning Ordinance requires that the creation of more than three lots, each of which is less than 10 acres, in the rural districts after January 1, 1998, requires rezoning to the Rural Residential Overlay (RRO) Zoning District.

The subject property was this same area and configuration on June 1, 1998, and so could be divided into a total of three lots without RRO approval. The petitioner proposes to create a subdivision with six buildable lots (and three outlots) and so requires RRO approval for three of the lots.

The subject property is currently split-zoned CR Conservation-Recreation and AG-2 Agriculture and is proposed to be rezoned to be entirely within the CR District in related Zoning Case 579-AM-07.

### 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 in addition to the pre-existing (underlying) rural zoning.

Rezoning to the RRO District is required for subdivisions with more than three lots (whether at one time or in separate divisions) 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 and a positive evaluation of every factor may not 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. 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 in this case is the City of Urbana.

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.

**EXISTING LAND USE AND ZONING**

Table 1 summarizes the land use and zoning on the subject property and adjacent to it.

**Table 1. Land Use and Zoning In The Vicinity Of The Subject Property**

Direction	Land Use	Zoning
Onsite	Tree Farm	CR Conservation-Recreation and AG-2 Agriculture
North	Farmland and Single Family Dwelling	AG-2 Agriculture and CR Conservation-Recreation
East	Farmland	CR Conservation-Recreation
West	Farmland	AG-2 Agriculture
South	Farmland	CR Conservation-Recreation

**MUNICIPAL EXTRATERRITORIAL JURISDICTION**

The subject property is located within the mile and a half ETJ of the City of Urbana. Municipalities have protest rights on all map amendment cases within their mile and a half ETJ, and as such they are notified of all such cases.

**COMPARISON WITH COMMON CHAMPAIGN COUNTY CONDITIONS**

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

**ATTACHMENTS**

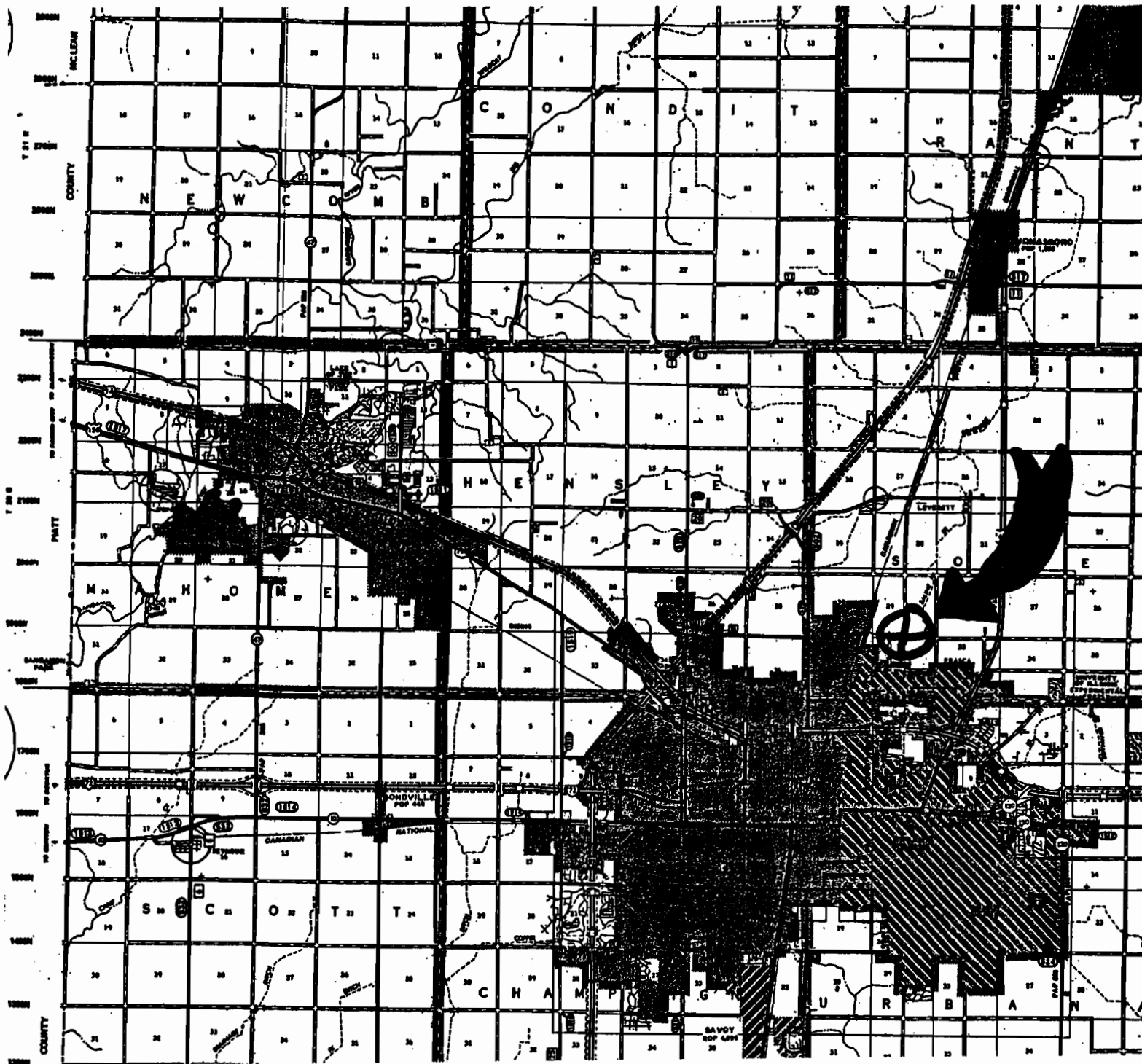
- A Case Maps (Location, Land Use, Zoning)
- B Table of Petitioner Submittals
- C Cope Subdivision Schematic Plan received on February 1, 2007
- D Annotated Schematic Plan with Enhanced Lot Lines
- E Engineer’s Report to the Champaign County Zoning Board of Appeals on RRO Factors
- F Engineer’s Drainage Report
- G Champaign County Land Use Regulatory Policies as amended 11/20/01

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- H Excerpted worksheets from *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*
  - I Letter to Dr. Deanna Glossner dated November 14, 2006
  - J Application to IDNR dated November 14, 2006
  - K Letter to Anne Haaker dated November 14, 2006
  - L Letter from Anne Haaker dated November 17, 2006
  - M Application to Champaign County Soil and Water Conservation District dated November 14, 2006
  - N IDOT maps, showing AADT, of roads surrounding subject property
  - O Excerpt from Flood Insurance Rate Map (FIRM) Panel No. 170894-0115
  - P Excerpt from Thomasboro Panel of the National Wetlands Inventory Map
  - Q Map of Subject Property with Soil Information from the Champaign County GIS Database
  - R Commitment for Title Insurance from Chicago Title Insurance Company
  - S Staff Land Evaluation and Site Assessment Worksheet
  - T Engineer's Land Evaluation and Site Assessment Worksheet
  - U Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
  - V Comparing the Proposed Site Conditions to Common Champaign County Conditions
  - W Summary of Site Comparison for Factors Relevant to Development Suitability
  - X Summary of Comparison for Factors Relevant to Compatibility with Agriculture
  - Y Draft Finding of Fact for Case 573-AM-06

ATTACHMENT A. LOCATION MAP

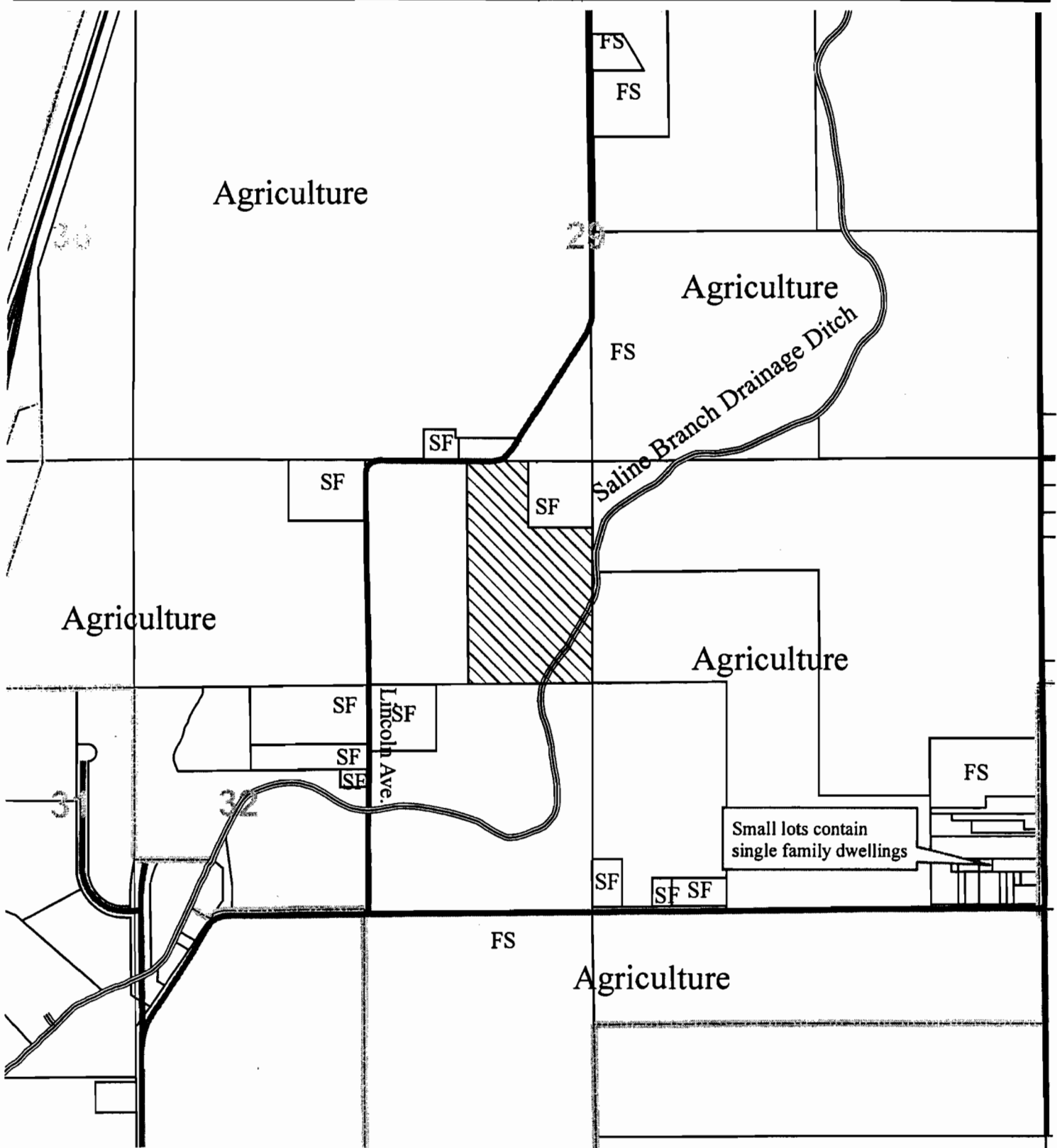
Cases 573-AM-06 and 579-AM-07


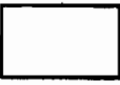
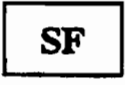
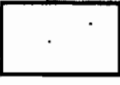


FEBRUARY 9, 2007



Champaign  
County  
Department of  
**PLANNING &  
ZONING**

**ATTACHMENT A. LAND USE MAP**  
**Cases 573-AM-06 and 579-AM-07**  
 FEBRUARY 9, 2007



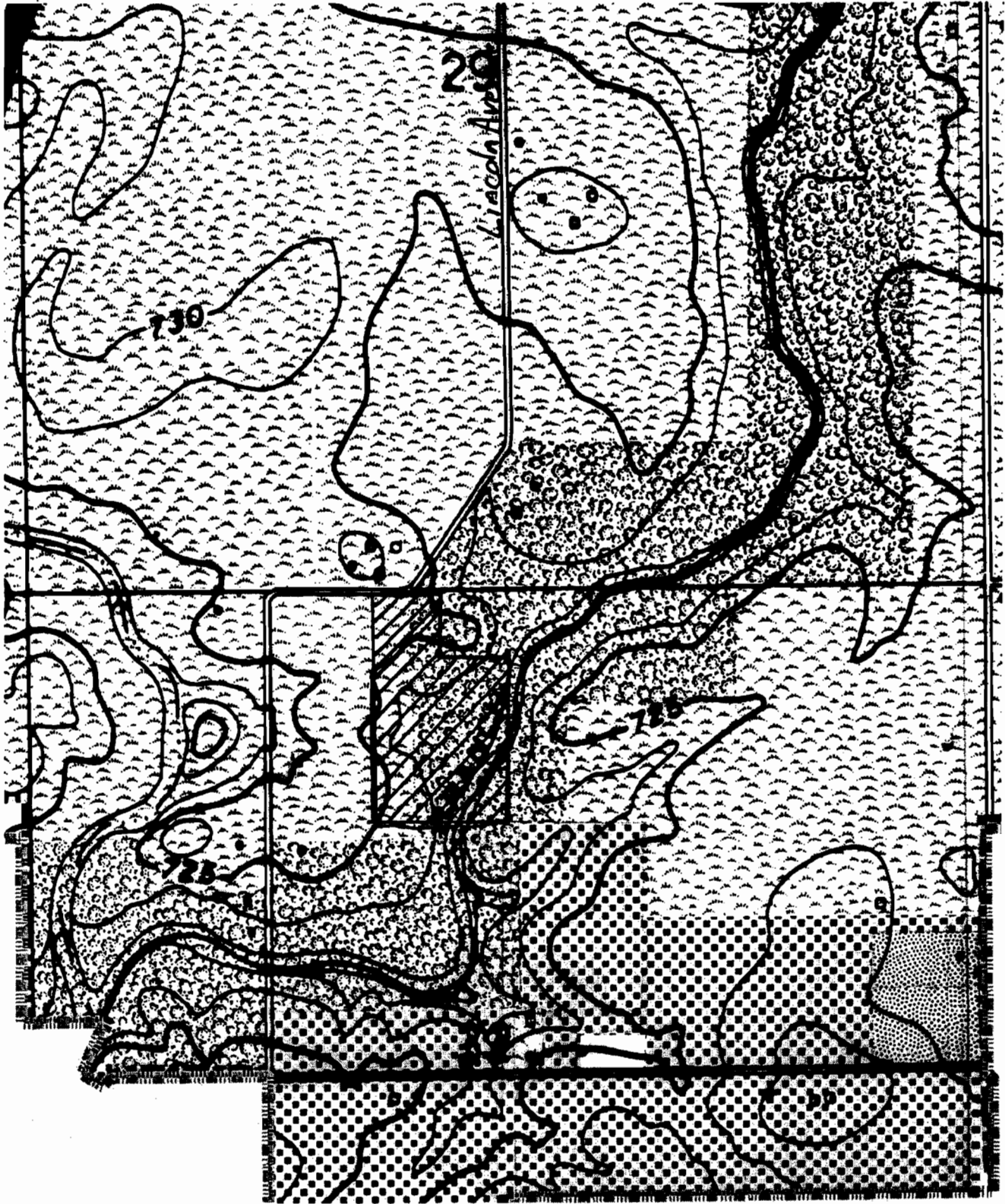
	<b>Area of Concern</b>	
	<b>Single Family</b>	
	<b>Farmstead</b>	



















1 inch equals 800 feet

Champaign  
 County  
 Department of  
**PLANNING &  
 ZONING**

**ATTACHMENT A. ZONING MAP**  
**Cases 573-AM-06 and 579-AM-07**  
 FEBRUARY 9, 2007




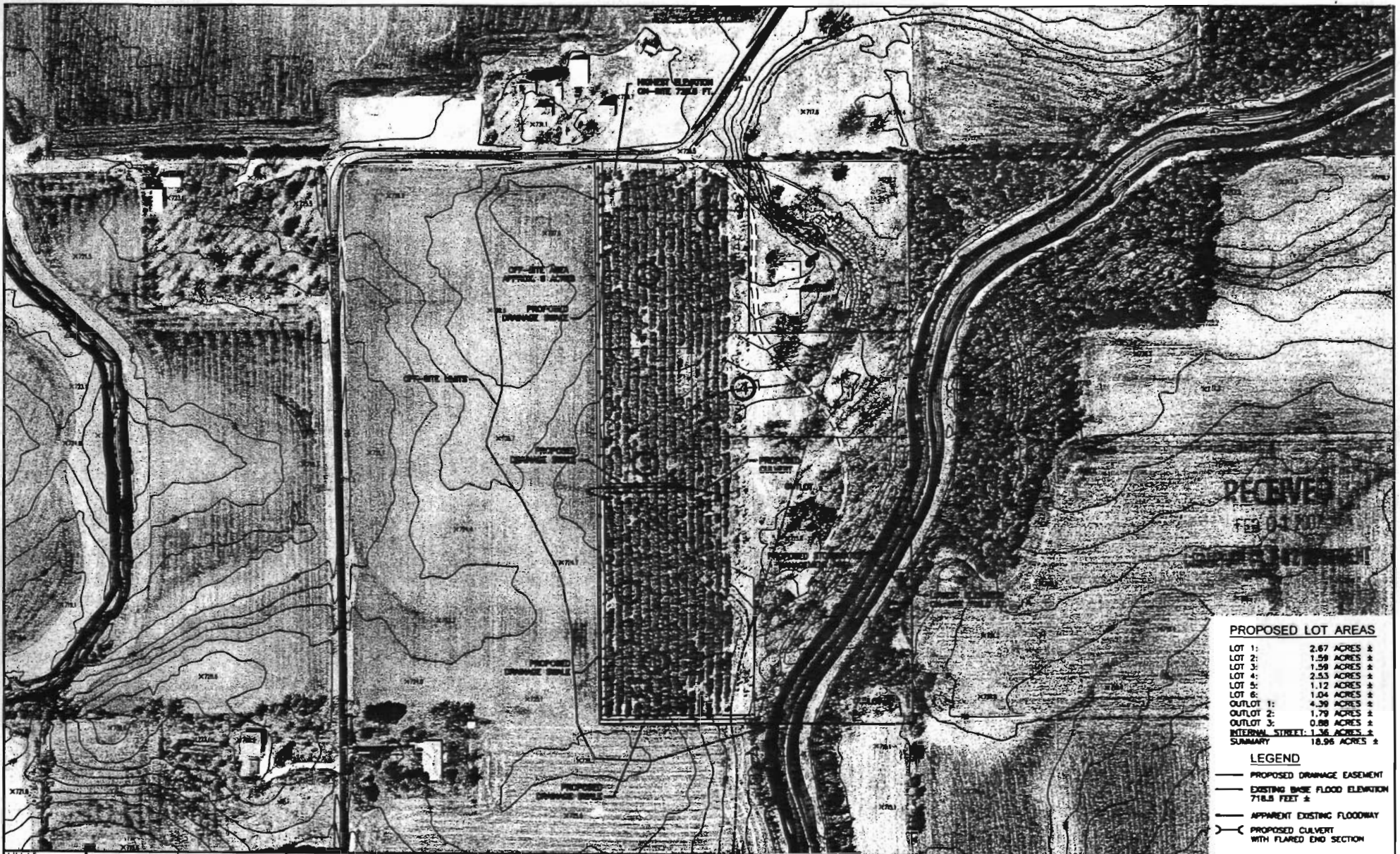
 AG-1 Agriculture	 R-1 Single Family Residence	 R-4 Multiple Family Res.	 B-2 Neighborhood Business	 B-5 Central Business	 NORTH <b>Champaign County</b> Department of <b>PLANNING &amp; ZONING</b>
 AG-2 Agriculture	 R-2 Single Family Residence	 R-5 Mobile Home Park	 B-3 Highway Business	 I-1 Light Industry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

**Attachment B. Petitioner Submittals**

**Case 573-AM-06**

FEBRUARY 9, 2007

Submittals	Document Name, Date, and Notes
<b>REQUIRED SUBMITTALS <sup>1</sup></b>	
Schematic Plan	Schematic Plan received on November 21, 2006 Revised Schematic Plan received on February 1, 2007
Open Title Commitment or Title Policy	Commitment for Title Policy received on 12/21/06
Section 22 (Natural Resource) Report by the Champaign County Soil and Water Conservation District	Application for Natural Resource Report received on November 21, 2006 (Report should be available at meeting.)
Copy of Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources	Application for Agency Action Report received on November 21, 2006
Copy of Agency Response from the Illinois State Historic Preservation	Letter to ISHP received on November 21, 2006
Excerpt from USGS 7.5 Topographic Map for Mahomet Quadrangle	Contours on site plan
Storm Water Drainage Letter	Professional Engineer report received November 21, 2006
<div style="background-color: #cccccc; padding: 5px;">  No submittal received         </div>	
<p><b>NOTES</b></p> <p>1. 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.</p>	



**PROPOSED LOT AREAS**

LOT 1:	2.67 ACRES ±
LOT 2:	1.59 ACRES ±
LOT 3:	1.59 ACRES ±
LOT 4:	2.53 ACRES ±
LOT 5:	1.12 ACRES ±
LOT 6:	1.04 ACRES ±
OUTLOT 1:	4.39 ACRES ±
OUTLOT 2:	1.79 ACRES ±
OUTLOT 3:	0.88 ACRES ±
INTERNAL STREET:	1.36 ACRES ±
<b>SUMMARY</b>	<b>18.96 ACRES ±</b>

- LEGEND**
- PROPOSED DRAINAGE EASEMENT
  - EXISTING BASE FLOOD ELEVATION 718.5 FEET ±
  - APPARENT EXISTING FLOODWAY
  - PROPOSED CULVERT WITH FLARED END SECTION

ALL L & L  
 HAVE THE EXACT LOCATION OF  
 ALL THE CONDUITS, TRENCHES  
 AND UTILITIES LOCATED  
 FOR UTILITY LOCATIONS  
 ONE INCH 1:5000 SCALE  
 FILE: 5730APS.DWG

REVISIONS	



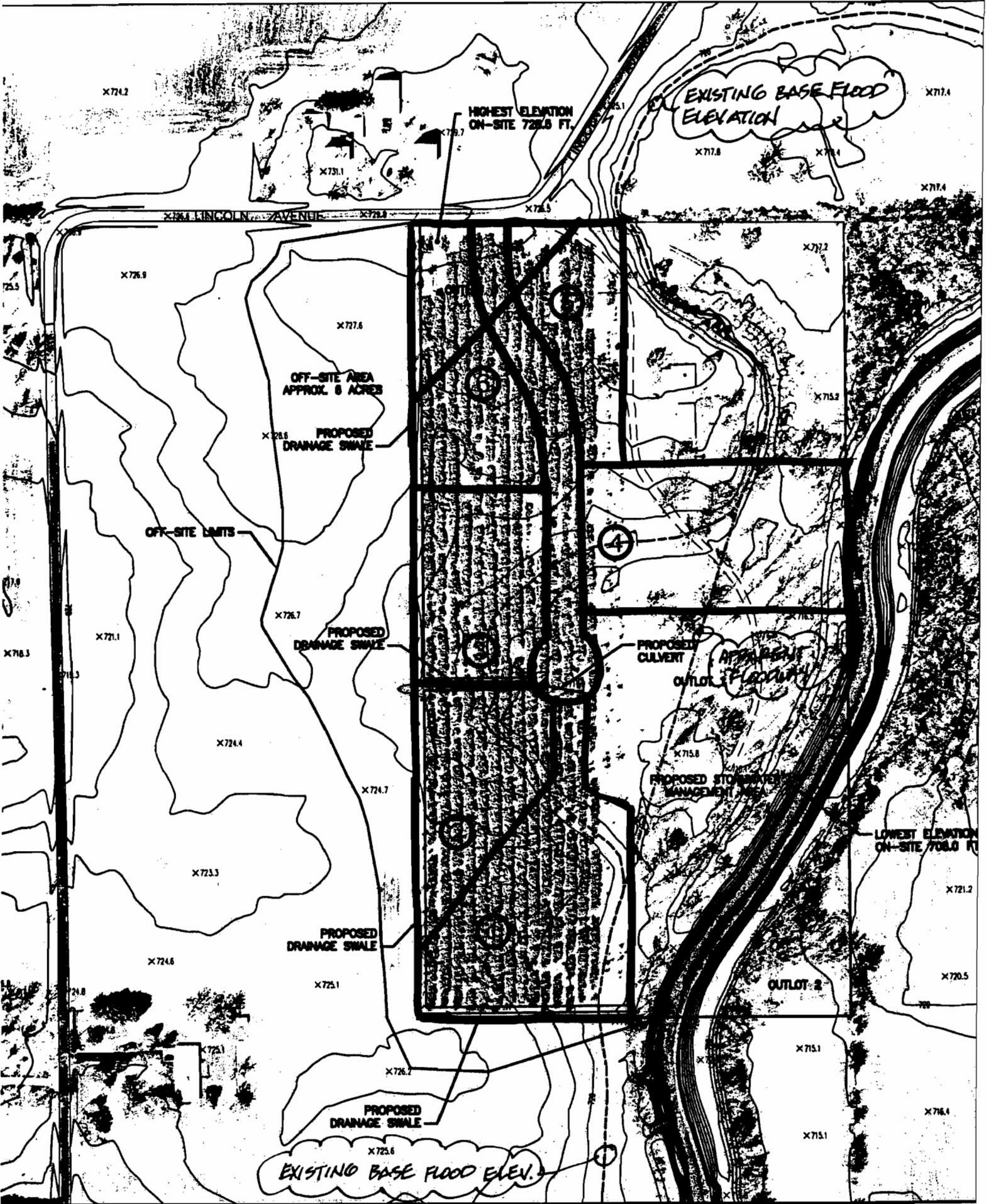
**BERNS, CLANCY AND ASSOCIATES**  
 ENGINEERS • SURVEYORS • PLANNERS  
 408 EAST MAIN STREET - FIRST FLOOR SUITE 100  
 URBANA, ILLINOIS 62502-3028  
 PHONE (217) 264-1144 • FAX (217) 264-3888

AERIAL PHOTO PLAN  
 CHAMPAIGN COUNTY ORTHOPHOTOGRAPHY  
 AND TOPOGRAPHIC DATA DATED APRIL 2006

BILL COPE & MARY KALANTZIS SITE  
 NE 1/4 NW 1/4 SECTION 32  
 TOWNSHIP 20 NORTH, RANGE 9 EAST  
 OF THE THIRD PRINCIPAL MERIDIAN  
 SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

**COPE SUBDIVISION  
 SCHEMATIC PLAN**

DATE: 03/01/07  
 SHEET:  
 1 OF 1  
 JOB: 5730



X724.2

HIGHEST ELEVATION ON-SITE 728.6 FT.

EXISTING BASE FLOOD ELEVATION

X714

X731.1

X717.8

X714

X714

X726.4 LINCOLN AVENUE X723.4

X726.5

X726.9

X717.6

OFF-SITE AREA APPROX. 8 ACRES

X728.5 PROPOSED DRAINAGE SWALE

X712

X715.2

OFF-SITE LIMITS

X726.7

PROPOSED DRAINAGE SWALE

4

PROPOSED CULVERT

APPEARANT FLOODING OUTLOT 1

X721.1

X724.4

X724.7

X715.8

PROPOSED STORAGE MANAGEMENT AREA

LOWEST ELEVATION ON-SITE 708.0 FT.

X723.3

X721.2

X724.6

X725.1

PROPOSED DRAINAGE SWALE

OUTLOT 2

X720.5

X74.8

X726.2

PROPOSED DRAINAGE SWALE

X715.1

X716.4

EXISTING BASE FLOOD ELEV.

X715.1



**BERNS, CLANCY AND ASSOCIATES**  
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 405 EAST MAIN STREET - POST OFFICE BOX 0755  
 URBANA, ILLINOIS 61803-0755

AERIAL PHOTO PLAN  
 CHAMPAIGN COUNTY ORTHOPHOTOGRAPHY  
 AND TOPOGRAPHIC DATA DATED APRIL 2005

BILL COPE &  
 NE 1/4 N  
 TOWNSHIP 20  
 OF THE THIR  
 SOMER TOWNSHIP.





**BERNS, CLANCY AND ASSOCIATES**

PROFESSIONAL CORPORATION

**ENGINEERS • SURVEYORS • PLANNERS**

November 20, 2006

THOMAS B. BERNS  
EDWARD L. CLANCY  
CHRISTOPHER BILLING

DONALD WAUTHIER

BRIAN CHAILLE  
DENNIS CUMMINS  
MEG GRIFFIN

MICHAEL BERNS  
OF COUNSEL

**REPORT TO THE CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**RECEIVED**

NOV 21 2006

**CHAMPAIGN CO. P & Z DEPARTMENT**

**FROM:** Berns, Clancy and Associates, P.C.

**PROJECT:** COPE SUBDIVISION SITE

**LOCATION:** NORTHEAST QUARTER OF NORTHWEST QUARTER  
OF SECTION 32, TOWNSHIP 20 NORTH,  
RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN  
SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

**PETITIONERS:** Bill and Mary Cope

**REQUESTED ACTION:** Application for the Rural Residential Overlay Zone to the tract

**CURRENT ZONING:** AG – 2 Agricultural and CR – Conservation Recreation

**Introduction:**

The subject site is approximately 19 acres located along the Saline Branch Stream Channel. This site is within the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian. The petitioners wish to develop a residential subdivision comprised of six (6) lots for single family homes and one (1) internal street terminating in a cul-de-sac. Outlot 1 will accommodate a Stormwater Management area. Outlot 2 will accommodate transfer to adjacent properties to the east of the Saline Branch Drainage Ditch. Approval of a Rural Residential Overlay Zoning District is requested. The following information has been provided for the Board's review of the rezoning request:

**A) The adequacy and safety of roads providing access to the site**

The site is located along a rural stretch of Lincoln Avenue north of Oaks Road. The current road surface is oil and chip. The Final Location Report for the Lincoln Avenue Location Study prepared by Hanson Engineers, Inc., dated October 1998, lists North Lincoln Avenue traffic north of Oaks Road at 450 vehicles per day. The City of Urbana eventually plans to upgrade Lincoln Avenue and designate it as an arterial street for planning purposes.

The proposed subdivision will consist of six (6) residential lots. Assuming each lot contributes 10 vehicles per day, an increase in traffic of 60 vehicles per day can be expected due to this development. This will constitute a 13% increase in traffic volume adjacent to this site.

**Report to the Champaign County Zoning Board of Appeals**  
**Cope Subdivision Site**  
Somerset Township, Champaign County, Illinois  
November 20, 2006  
Page 2 of 7

The Lincoln Avenue Location Study measures Lincoln Avenue north of Oaks Road at 18 to 20 feet wide. According to the Illinois Department of Transportation Manual of Administrative Policies of the Bureau of Local Roads and Streets, a 20-foot wide road can accommodate up to 400 vehicles per day. Presently, Lincoln Avenue exceeds this limit. However, future improvement to Lincoln Avenue will extend past the project site. These improvements will easily accommodate the extra traffic from the proposed residential subdivision.

Driveway spacing along roads is directly related to the safety travel on that road. As stated in the Lincoln Avenue Location Study, no high accident locations exist along this segment of Lincoln Avenue. In order to minimize the number of driveways along Lincoln Avenue, the proposed subdivision will include one internal street. The internal street will provide a single point of ingress and egress to the lots. This will provide a safe means of access to Lincoln Avenue and avoid unnecessary driveway construction.

Although the current traffic levels slightly exceed the standard design, it does not appear that the proposed traffic levels will result in any adverse conditions.

**B) Effects on nearby farmland and farm operations**

This site shares its western and southern boundaries with cultivated farmland. Due to this close proximity, interactions between the proposed residential development and farmland are possible. However, significant interactions are unlikely.

The added traffic from the proposed development will increase the potential conflicts with farm vehicles. However, as Urbana expands northerly along Lincoln Avenue, conflicts with farm vehicles will decrease.

Trespassing onto farmland could result in property damage for the farmer. However, large lot residential development in the style proposed minimize the likelihood that trespass will occur.

Discharge of stormwater or sump pumps from a residential development could adversely impact farmland. However, in this particular instance, this is unlikely as the surrounding farmland is of higher elevation than the proposed development. Stormwater and sump discharges from this site flow directly towards the Saline Branch Stream Channel and do not impact any neighbors.

The proposed development includes the creation of perimeter swales and swales through the site to handle off-site drainage. The development of this site will not adversely impact drainage conditions for adjacent farmland. See the appended drainage report for further details.

**Report to the Champaign County Zoning Board of Appeals**

**Cope Subdivision Site**

Somer Township, Champaign County, Illinois

November 20, 2006

Page 3 of 7

Plantings and construction within the residential development could impact farming operations. Trees, shrubs, and fences can damage tile lines or encroach on clearances needed for farm machinery. This can be easily avoided with proper setbacks and proper Planning of the site landscaping.

Residential users may result in nuisance complaints against farming operations. Herbicide over sprays or other similar conflicts can sometimes result. The large lot nature of this site should minimize these types of possible conflicts.

**C) Effects of nearby farm operations on the proposed residential development**

The internal street will not be impacted by farm operations.

Nuisances such as noise, dust, debris, and bright lights during night farming may occur. However, significant numbers of trees screen the property from surrounding farming operations. The trees will buffer most of the noise and lights while catching the majority of any blowing dust and debris.

Chemicals such as pesticides, herbicides, and fertilizers are capable of drifting into residential yards causing property damage and general discomfort of the residents. Since farming chemicals generally do not adversely affect trees, the trees will buffer the property against chemical spray drift.

**D) The LESA score of the subject site**

A Land Evaluation and Site Assessment (LESA) worksheet was utilized to help determine the level of protection associated with the current agricultural zoning. LESA scores can range from 300, which constitutes a "high rating" for protection, to any lower number. Once a score drops below 179 the site is considered to have a "low rating" for protection. The LESA score of this particular site was calculated at 190. The "moderate rating" for protection is consistent with the request to apply a Rural Residential Overlay zone.

**E) Effects on drainage both upstream and downstream including road drainage facilities**

On-site drainage will change, however the impact upstream and downstream of the site will be minimal. The impervious area of this site will increase with the construction of the internal street and individual homes. It can be assumed that a significant portion of the eastern half of the site will continue to be covered with grass and sparsely populated with trees along the Saline Branch Stream Channel. The eastern half of the site will be improved with the introduction of primarily grassed lots with remaining trees from the tree farm that currently exists. Therefore, the runoff volume and runoff rate will not significantly increase.



**Report to the Champaign County Zoning Board of Appeals**

**Cope Subdivision Site**

Somer Township, Champaign County, Illinois

November 20, 2006

Page 4 of 7

A stormwater management area can be constructed as required by Champaign County and the City of Urbana. The release rate from the stormwater management area will be insignificant compared to the flow of the Saline Branch Stream Channel. Therefore, downstream impacts will be negligible.

Upstream stormwater runoff generated on the adjacent fields presently flows overland through the site. Grassed swales around the site will permit off-site runoff to pass through or around the site and maintain drainage consistent with existing conditions. The swale will also act as a buffer between farming operations and the residential development, decreasing the potential of adverse impacts to either location.

The large portion of the site is in the floodplain and will remain undeveloped. This acreage will release informally detained stormwater runoff towards the Saline Branch Stream Channel. The stormwater management area will utilize the existing depressional areas and vegetation along the Saline Branch Stream Channel which will act as a buffer to trap sediment and suspended solids. Utilization of roadside ditches, grassed swales, and the stormwater management area will promote the deposition of suspended solids prior to runoff entering the Saline Branch Stream Channel. Due to the small impervious area in comparison to the size of the lots, this is an adequate method of stormwater management. The Engineer's Drainage Report has been attached.

**F) The suitability of the site for onsite subsurface soil absorption or surface discharge wastewater systems**

The soils onsite are Birbeck, Sabina, and Colo. When considering septic tank absorption fields, Birbeck is prone to severe wetness, Sabina is prone to severe wetness and slow percolation, and Colo is prone to severe wetness and flooding. Colo is primarily found in the floodplain where no homes or septic systems will be located. Several homes are located on soils similar to Birbeck and Sabina in the vicinity of the site. These homes all have operable on-site sewage disposal systems. Thus, proper design will allow for functional on-site sewage disposal systems to be installed on this site.

Percolation tests have been scheduled for the site. These tests will determine if construction of onsite sewage disposal systems are capable of meeting performance requirements. The results of these tests will be available before the meeting.



**Report to the Champaign County Zoning Board of Appeals**

**Cope Subdivision Site**

Somer Township, Champaign County, Illinois

November 20, 2006

Page 5 of 7

**G) The availability of water supply to the site**

From Illinois State Water Survey Circular 124, "Groundwater Availability in Champaign County", an aquifer exists between 100 and 175 feet below ground surface. For further verification, we contacted the Champaign County Department of Planning and Zoning to determine if the site was located in a "limited" groundwater availability area. We were directed to contact the Illinois State Geological Survey (ISGS) for their assessment of the site. From discussions with personnel at the ISGS, the site is located over a major sand and gravel aquifer. Utilizing the interactive map located on the ISGS website, information such as location and depth can be accessed for wells across the state. This site is adjacent to a residence with a well. The well is 155 feet deep with a static water elevation 96 feet below ground level. The pumping level is at 103 feet below ground when the well is pumped at 10 gallons per minute for two (2) hours. The presence of the aquifer and the data from the adjacent well suggests that an adequate supply of groundwater is available for residential development of this site.

**H) The availability of emergency services to the site**

The project site is located within 1.5 miles of the corporate limits of Urbana, Illinois. The County Sheriff's station is located approximately 3.6 miles from the site, the Fire station is located approximately 5.0 miles from the site, and a hospital is located approximately 2.9 miles from the site.

**I) The flood hazard of the site**

Upon review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Champaign County, Panel Number 170894 0115 B dated March 1, 1984, a large portion of the site is located in Zone A, while the remainder is Zone C. Areas of the site that are Zone A will require minimal fill placement within the floodplain fringe to allow for the limited residential development of those lots.

**J) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat**

We are not aware of any existing wetlands onsite. Documents were submitted to Champaign County Soil and Water Conservation District for review. We include copies of our submittals for your review. All responses from the SWCD will be forwarded to you for review as we receive them.



**Report to the Champaign County Zoning Board of Appeals**

**Cope Subdivision Site**

Somer Township, Champaign County, Illinois

November 20, 2006

Page 6 of 7

We are not presently aware of any historic or archeological sites on the property. Documents were submitted to the Illinois Historic Preservation Agency for review. The IHPA reviewed our submittal and determined the site to have a "high probability" of potentially containing significant prehistoric / historic archeological resources. IHPA requires a Phase 1 Archeological Reconnaissance Survey to be performed. We are proceeding to schedule the required survey. Survey results will be sent to the IHPA for review. Further responses from the agency will be forwarded for your review as we receive them.

We are not aware of any originally existing natural or scenic areas or wildlife habitat on this property. A large portion the site was dredged and realigned during the reshaping of the Saline Branch Stream Channel in circa 1902. The remainder of the site has been planted in trees. Because of the farming and prior stream dredging operations, any previously existing areas or habitat, which may have existed, has been destroyed. For verification, documents have been submitted to the Illinois Department of Natural Resources for review. Responses from IDNR will be forwarded for your review as we receive them.

**K) The presence of nearby natural or man-made hazards**

The eastern site boundary is the Saline Branch Stream Channel. The steep side slopes and flood susceptibility could pose a potential hazard to unwary residents. However, this development is no different than any other of several developments located along the banks of stream channels in Champaign County. The simple introduction of a fence or warning signs could greatly reduce the potential risk to residents.

**L) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated**

No row crop agricultural uses will be converted by this proposed residential development. Utilization of the existing tree farm agricultural use will be very beneficial for the proposed residential development.

19 acres vs. 6 dwellings

**Submittals Required Upon Application**

**A) Schematic Plan**

A schematic plan has been included. The plan shows the topography of the site, the proposed layout of lots and the internal street, and structures discussed in the drainage report. We include two (2) full size copies and two (2) 11-inch x 17-inch copies.



**Report to the Champaign County Zoning Board of Appeals**  
**Cope Subdivision Site**  
Somerset Township, Champaign County, Illinois  
November 20, 2006  
Page 7 of 7

**B) Title Policy prepared not more than 12 months previous**

A Title Policy is being prepared. Once it has been completed, it will be forwarded for review.

**C) Champaign County Soil and Water Conservation District report**

Documentation has been submitted for review. We attach the submitted documents to this submittal. We will forward all responses as we receive them.

**D) Agency Action Report concerning endangered species from Illinois Department of Natural Resources**

Documentation has been submitted for review. We attach the submitted documents to this submittal. We will forward all responses as we receive them.

**E) Response from the Illinois Historic Preservation Agency**

We enclose the response from the Illinois Historic Preservation Society. They have required a Phase 1 Archeological Reconnaissance Survey be performed. Preparations for the survey are in progress.

**F) Review by Illinois State Water Survey**

It has been determined through correspondence with Champaign County Department of Planning and Zoning as well as correspondence with the Illinois State Geological Survey that the site is not located within a limited groundwater availability area. As such, an assessment by the Illinois State Water Survey for likelihood of successfully finishing onsite water wells is not required.

**G) Explanation by a Illinois Professional Engineer regarding proposed surface drainage systems**

A drainage report is included with this submittal.

Prepared By:  
**BERNS, CLANCY AND ASSOCIATES, P.C.**  
John Lyons / Tom Berns, P.E., L.S., President

Enclosures  
cc: Bill Cope  
Elizabeth Tyler, City of Urbana  
Ben Fisher, City of Urbana  
J:\5730\5730 le9.doc





# **BERNS, CLANCY AND ASSOCIATES**

PROFESSIONAL CORPORATION

**ENGINEERS • SURVEYORS • PLANNERS**

THOMAS B. BERNS  
EDWARD L. CLANCY  
CHRISTOPHER BILLING

DONALD WAUTHIER

BRIAN CHAILLE  
DENNIS CUMMINS  
MEG GRIFFIN

MICHAEL BERNS  
OF COUNSEL

November 20, 2006

**Mr. John Hall**  
**Administrator**  
**Champaign County Department of Planning & Zoning**  
**Brookens Administration Center**  
1776 East Washington Street  
Urbana, Illinois 61802

**RECEIVED**

NOV 21 2006

**CHAMPAIGN CO. P & Z DEPARTMENT**

**PROJECT: COPE SUBDIVISION SITE**

**LOCATION: NORTHEAST QUARTER OF NORTHWEST QUARTER  
OF SECTION 32, TOWNSHIP 20 NORTH,  
RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN  
SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS**

**RE: ENGINEER'S DRAINAGE REPORT – RRO DISTRICT APPLICATION**

This proposed RRO development is located on approximately 19 acres along the Saline Branch Stream Channel in the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 east of the Third Principal Meridian. This limited residential development will divide the parcel into six (6) single family residential lots with a single internal street and cul-de-sac lined with roadside ditches.

### **Existing Conditions**

The topography of the site slopes generally from west to east and north to south towards the Saline Branch Stream Channel with an average ground slope of 1.0 percent. Approximately six (6) acres of off site area exist West of the site and drain across the site. Four depressional areas exist on-site and are located along the western bank of the Saline Branch Stream Channel. Each depression is below an elevation of approximately 716 feet. Two of the depressions are located in the southeastern corner of the site, while the remaining depressional areas are located in the northeastern corner of the site. One depressional area is part of a much larger depression, which continues off-site to the north. Currently, stormwater runoff flows overland, without the aid of swales, to the depressional areas, until overtopping an elevation of approximately 717 feet and draining into the Saline Branch Stream Channel. It is likely that overtopping occurs only infrequently.

This site is currently under two (2) land uses. Approximately 10.7 acres along the western half of the site is utilized as a tree farm. The remaining acreage is located within the floodplain of the Saline Branch Stream Channel and consists of grass and wooded area. The off-site acreage to the west is utilized for row crop agriculture.



The existing soils are Birbeck, Sabina, and Colo. In terms of dwelling construction and drainage, the soils range from moderate wetness to severe wetness respectively.

### **Proposed Conditions**

The topography of the site will continue to slope generally from west to east and north to south towards the Saline Branch. Drainage swales will be constructed along the western and southern boundaries of the site. The swales along the western boundary will then travel through the site to a stormwater management area located in Proposed Outlot 1. The roadside ditches will drain to the swale and ultimately to the stormwater management area. Minimal portions of the existing floodplain fringe will be filled in to accommodate residential development in Lots 1, 3, and 4.

The western boundary will have two (2) swales, one will slope from North to South, and the other will slope from South to North. Both swales will join into one swale that runs along the lot line between Lot 2 and Lot 3. The swale will flow under the proposed street via a culvert. The culvert will discharge into the stormwater management area. Approximately five (5) acres of off site area will drain to the swales along the western boundary of the site. The swale along the southern boundary will drain the remaining offsite acreage and discharge directly into the Saline Branch Stream Channel, which is concurrent with existing conditions drainage patterns.

The proposed stormwater management area, located in Outlot 1, will provide a location for infiltration of runoff and deposition of suspended solids for the site as well as off-site flow. Runoff accumulating in the existing depressional area is unlikely to overtop the existing berm located along the Saline Branch Stream Channel. We propose to construct a culvert with a flap gate to connect the depressional area to the channel. The large acreage of the low-lying area in Outlot 1 will filter runoff and reduce runoff through infiltration before it reaches the culvert. Utilization of the flap gate will allow flows from storm events to release into the channel during normal conditions. However, during flood events, the flap will remain closed allowing the stormwater management area to maintain the existing floodplain characteristics. Introduction of the culvert and flap gate will also improve drainage within the low-lying area by reducing the time necessary to drain standing water caused by large storm events.

To the best of our knowledge, surface drainage patterns will not be significantly changed by the construction of the proposed development.

Prepared by:  
**BERNS, CLANCY AND ASSOCIATES, P.C.**  
John Lyons / Tom Berns, P.E., L.S., President

Enclosures  
cc: Bill Cope  
J:\5730\5730 1e5



WORKSHEET FOR PREPARING SOIL POTENTIAL RATINGS

Soil Use: Septic Tank Absorption Fields

Area: Champaign County, Illinois

Mapping Unit: Sawmill silty clay loam, 0 to 2 percent slopes 3107A

Evaluation Factors	Soil and Site Conditions	Degree of Limitation	Effects On Use	Typical Corrective Measures		Typical Continuing Limitations	
				Kinds	Index	Kinds	Index
Flooding	Common (Floodplain position)	Severe	System Failure	Check Federal, State, & local laws Consult Engineer Special Design	65	System Maintenance	10
Depth to High Water Table (Ft)	+1.0-2.0	Severe	System Failure	Subsurface Drainage Locate Outlet	12 5	Possible Surfacing of Effluent	5
Permeability (IN/HR): (24-60")	0.6-2.0	Moderate	None	None 2/		None	
Slope (PCT)	0-2	Slight	None	None		None	
Total					82	Total	15

$$\frac{100}{\text{Performance Standard Index}} - \frac{82}{\text{Measure Cost Index}} - \frac{15}{\text{Continuing Limitation Cost Index}} = \frac{3}{\text{Soil Potential Index 1/}}$$

Performance Standard Index

Measure Cost Index

Continuing Limitation Cost Index

Soil Potential Index 1/

- 1/ If performance exceeds the standard increase SPI by that amount.
- 2/ Moderate permeability limitation is overcome with Special Design.

WORKSHEET FOR PREPARING SOIL POTENTIAL RATINGS

Soil Use: Septic Tank Absorption Fields

Area: Champaign County, Illinois

Mapping Unit: Birkbeck silt loam, 1 to 5 percent slopes 233B

Evaluation Factors	Soil and Site Conditions	Degree of Limitation	Effects On Use	Typical Corrective Measures		Typical Continuing Limitations	
				Kinds	Index	Kinds	Index
Flooding	None	Slight	None	None		None	
Depth to High Water Table (Ft)	3.0-6.0	Severe	Marginal Performance	Curtain Drain	7	None	
Permeability (IN/HR): (24-60")	0.6-2.0	Moderate	None	Standard Absorption Field 210-290 Sq.Ft./Bedroom	0	None	
Slope (PCT)	1-5	Slight	None	None		None	
Total					7	Total	0

$$\frac{100}{\text{Performance Standard Index}} - \frac{7}{\text{Measure Cost Index}} - \frac{0}{\text{Continuing Limitation Cost Index}} = \frac{93}{\text{Soil Potential Index 1/}}$$

1/ If performance exceeds the standard increase SPI by that amount.

WORKSHEET FOR PREPARING SOIL POTENTIAL RATINGS

Soil Use: Septic Tank Absorption Fields

Area: Champaign County, Illinois

Mapping Unit: Sabina silt loam, 0 to 3 percent slopes 236A

Evaluation Factors	Soil and Site Conditions	Degree of Limitation	Effects On Use	Typical Corrective Measures		Typical Continuing Limitations	
				Kinds	Index	Kinds	Index
Flooding	None	Slight	None	None		None	
Depth to High Water Table (Ft)	1.0-3.0	Severe	System Failure	Subsurface Drainage or Fill and Curtain Drain	12	Possible Surfacing of Effluent	5
Permeability (IN/HR):(24-60")	0.2-2.0	Severe	Marginal Performance	Large Absorption Field 290-385 Sq.Ft./Bedroom	4	None	
Slope (PCT)	0-3	Slight	None	None		None	
Total					16	Total	5

$$\frac{100}{\text{Performance Standard Index}} - \frac{16}{\text{Measure Cost Index}} - \frac{5}{\text{Continuing Limitation Cost Index}} = \frac{79}{\text{Soil Potential Index 1/}}$$

Performance Standard Index

Measure Cost Index

Continuing Limitation Cost Index

Soil Potential Index 1/

1/ If performance exceeds the standard increase SPI by that amount.



**BERNS, CLANCY AND ASSOCIATES**

PROFESSIONAL CORPORATION

**ENGINEERS • SURVEYORS • PLANNERS**

November 14, 2006

THOMAS B. BERNS  
EDWARD L. CLANCY  
CHRISTOPHER BILLING

DONALD WAUTHIER

BRIAN CHAILLE  
DENNIS CUMMINS  
MEG GRIFFIN

MICHAEL BERNS  
OF COUNSEL

Dr. Deanna Glossner, Ph.D.  
Chief of Review and Coordination  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271

**RE: COPE SUBDIVISION  
PART OF THE NORTHWEST QUARTER OF SECTION 32,  
TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN  
SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS**

Dear Dr. Glossner:

Mr. and Mrs. Bill Cope, 6 Greencroft Drive, Champaign, Illinois 61822 proposes to develop a six (6) lot residential subdivision on a 19± acre parcel located in Somer Township, Champaign County, Illinois. This site currently has a large portion of the property planted in evergreens. The Saline Branch Drainage Ditch traverses through the remaining portion. No portion of the site is currently used as farmland. The proposed lots will each be served by on-site private well and on-site private sewage disposal system.

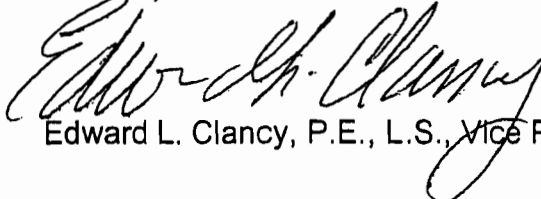
The areas adjacent to subject site remain agricultural use.

We enclose the following information for your review and use in preparation of your action report: Illinois Department of Natural Resources Application; One (1) copy of a portion of the Thomasboro, Illinois 7.5 Minute Quadrangle Map; and One (1) copy of a portion of the Champaign County Digital Orthophotography dated March 28, 2005 with the subject area highlighted.

Please review the enclosed documents and send to us a copy of your action report for subject development. We appreciate your help and cooperation with regard to this matter. We look forward to hearing from you in the near future.

Sincerely,

**BERNS, CLANCY AND ASSOCIATES, P.C.**

  
Edward L. Clancy, P.E., L.S., Vice President

**RECEIVED**

NOV 21 2006

**CHAMPAIGN CO. P & Z DEPARTMENT**

ELC:eah  
cc: Bill and Mary Cope  
J:\5730\5730 le7.doc

405 EAST MAIN STREET • POST OFFICE BOX 755 • URBANA, IL 61803-0755 • 217/384-1144 • FAX 217/384-3355  
□ 28 WEST NORTH STREET • 301 THORNTON BLDG • DANVILLE, IL 61832-5729 • 217/431-1144 • FAX 217/431-2929

11/20/06



# Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

Joel Brunsvold, Director

## CONSULTATION AGENCY ACTION REPORT

(Illinois Administrative Code Title 17 Part 1075)  
 Division of Resource Review and Coordination  
 Stephen K. Davis, P.G., Chief

Date Submitted: 11/14/2006  
 If this is a resubmittal, include previous IDNR response if available.

FOR DEPARTMENT USE ONLY  
 PROJCODE: \_\_\_\_\_ DUE DATE: \_\_\_\_\_

Applicant: Bill and Mary Cope Phone: (217) 384-1144  
 Contact Person: Edward L. Clancy Fax: (217) 384-3355  
 Applicant Address: 405 East Main Street Email: eclancy@bernsclancy.com  
Urbana, IL 61802

### LOCATION OF PROPOSED ACTION

***A MAP SHOWING LOCATION OF PROPOSED ACTION IS REQUIRED***

Project Name: Cope Subdivision County: Champaign  
 Project Address (if available): \_\_\_\_\_  
 City, State, Zip: Urbana, IL  
 Township/Range/Section (e.g. T45N, R9E, S2): T20N, R9E, S32  
 Brief Description of Proposed Action: Subdivision into 6 Lots

Projected Start Date and End Date of Proposed Action: \_\_\_\_\_

Will state funds or technical assistance support this action? [ Yes ]  [ No ] If Yes, the Interagency Wetland Policy Act may apply. Contact funding agency or this Division for details.

Local/State Agency with Project Jurisdiction: Champaign County  
 Contact: Mr. John Hall Phone: (217) 384-3708  
 Address: 1776 East Washington, Urbana, IL Fax: (217) 328-2426

### FOR DEPARTMENT USE ONLY

Are endangered/threatened species or Natural Areas present in the vicinity of the action? [ Yes | No ]  
 Could the proposed action adversely affect the endangered/threatened species or Natural Area? [ Yes | No ]  
 Is consultation terminated? [ Yes | No ]

Comments: \_\_\_\_\_

Evaluated by: \_\_\_\_\_

Division of Resource Review & Coordination (217)785-5500

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



# BERNS, CLANCY AND ASSOCIATES

PROFESSIONAL CORPORATION

ENGINEERS • SURVEYORS • PLANNERS

THOMAS B. BERNS  
EDWARD L. CLANCY  
CHRISTOPHER BILLING

DONALD WAUTHIER

BRIAN CHAILLE  
DENNIS CUMMINS  
MEG GRIFFIN

MICHAEL BERNS  
OF COUNSEL

November 14, 2006

Anne E. Haaker  
Deputy State Historic Preservation Officer  
Preservation Services Division  
Illinois Historic Preservation Agency  
1 Old State Capital Plaza  
Springfield, Illinois 62701-1507

**RECEIVED**

NOV 21 2006

CHAMPAIGN CO. P & Z DEPARTMENT

**RE: COPE SUBDIVISION,  
A PART OF THE NORTHWEST QUARTER OF SECTION 32,  
TOWNSHIP 20 NORTH,  
RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN  
SOMER TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS**

Dear Ms. Haaker:

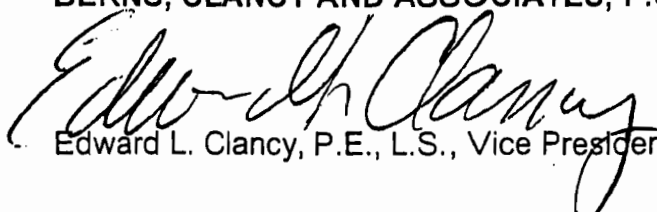
Mr. and Mrs. Bill Cope propose to develop a six (6) lot residential subdivision in Somer Township, Champaign County, Illinois. No public funds are anticipated to be used for this project.

The total development is approximately 19± acres. This site currently has a large portion of the property planted in evergreens. The Saline Branch Drainage Ditch traverses through the remaining portion. No portion of the site is currently used as farmland. No structures exist on subject site. The entire 19± acres will be developed into six (6) residential home sites.

We enclose: one (1) copy of a portion of the "Thomasboro" Illinois 7.5 Minute Quadrangle Maps with the project area highlighted; and one (1) copy of a portion of the Champaign County Digital Orthophotography dated March 28, 2005, with subject area highlighted.

Please review the information enclosed and submit to us a copy of your "Agency Review Action" Report. We appreciate your help and cooperation with regard to this matter. We look forward to hearing from you in the near future.

Sincerely,  
BERNS, CLANCY AND ASSOCIATES, P.C.

  
Edward L. Clancy, P.E., L.S., Vice President

ELC:eeh  
Enclosures  
cc: Bill and Mary Cope  
J:\5730\5730 le8.doc

11/20/06



# Illinois Historic Preservation Agency

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • Teletypewriter Only (217) 524-7128

Voice (217) 782-4836

Champaign County  
Somerset Twp.

PLEASE REFER TO: IHPA LOG #026111306 www.illinois-history.gov

West of CR 1350 East and North of Oaks Rd., Section:32-Township:20N-Range:9E  
MISC  
19 acres-Residential Development-Cope Subdivision

November 17, 2006

**RECEIVED**

NOV 21 2006

Edward Clancy  
Berns, Clancy and Associates  
405 East Main Street  
P.O. Box 755  
Urbana, IL 61803-0755

**CHAMPAIGN CO. P & Z DEPARTMENT**

Dear Mr. Clancy:

The Illinois Historic Preservation Agency is required by the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended, 17 IAC 4180) to review all state funded, permitted or licensed undertakings for their effect on cultural resources. We have received information indicating that the referenced project will, under the state law cited above, require comments from our office and our comments follow. Should you have any contrary information, please contact our office at the number below.

According to the information provided to us concerning your proposed project, apparently there is no federal involvement in your project. However, please note that the state law is less restrictive than the federal cultural resource laws concerning archaeology, therefore if your project will use federal loans or grants, need federal agency permits or federal property then your project must be reviewed by us under a slightly different procedure under the National Historic Preservation Act of 1966, as amended. Please notify us immediately if such is the case.

The project area has a high probability of containing significant prehistoric/historic archaeological resources. Accordingly, a Phase I archaeological reconnaissance survey to locate, identify, and record all archaeological resources within the project area will be required. This decision is based upon our understanding that there has not been any large scale disturbance of the ground surface (excluding agricultural activities) or major construction activity within the project area which would have destroyed existing cultural resources prior to your project. If the area has been disturbed, please contact our office with the appropriate written and/or photographic evidence. The area(s) that need(s) to be surveyed (within the zone that needs to be surveyed) include(s) all area(s) that will be developed as a result of the issuance of the state agency permit(s) or the granting of the state funds or loan guarantees that have prompted this review. Enclosed you will find an attachment briefly describing Phase I surveys and listing archaeological contracting services. A COPY OF OUR LETTER WITH THE IHPA LOG NUMBER SHOULD BE PROVIDED TO THE SELECTED PROFESSIONAL ARCHAEOLOGICAL CONTRACTOR TO ENSURE THAT THE SURVEY RESULTS ARE CONNECTED TO YOUR PROJECT PAPERWORK.

If you have further questions, please contact Joseph S. Phillippe, Chief Archaeologist at 217/785-1279.

Sincerely,

*Anne E. Haaker*

Anne E. Haaker  
Deputy State Historic  
Preservation Officer  
AEH

*JM*

Enclosure

730 - 

3	DC	DW	EC
B		aw	

  
Printed on Recycled Paper

**RECEIVED NOV 18 2006**

*RH*



**CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT**  
**2110 WEST PARK CT., SUITE C— CHAMPAIGN, ILLINOIS 61821**  
**TELEPHONE (217)352-3536, EXT. 3**  
**FAX (217)352-4781**

**NATURAL RESOURCE INFORMATION REPORT APPLICATION**

Petitioner (s)	Contact Person (if applicable)
<u>Bill and Mary Cope</u>	<u>Edward L. Clancy</u>
Name	Name
<u>6 Greenroft Drive</u>	<u>405 East Main Street</u>
Address	Address
<u>Champaign, IL 61822</u>	<u>Urbana, IL 61802</u>
City, State, Zip code	City, State, Zip code
<u>217-339</u>	<u>217-384-1144</u>
Telephone	Telephone

Hearing required by County / City of \_\_\_\_\_

Proposed _____ by _____	<input checked="" type="checkbox"/> Private Well	<input type="checkbox"/> Community Water
Proposed Waste Treatment	<input checked="" type="checkbox"/> Septic System	<input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Other
Proposed Stormwater Plans	<input type="checkbox"/> Ditches / Swails	<input type="checkbox"/> Wet Detention Basin
	<input type="checkbox"/> Dry Detention Basin	<input type="checkbox"/> Storm Sewer <input type="checkbox"/> No Detention Facilities

**Important!**

**Processing will not begin without the following:**

- Plat of survey/site plan: showing legal description, property measurements.
- Site plan/Concept plan: showing lot, streets, stormwater detention areas, ect.
- Location map: include distance from major roadways & or section lines.
- Check for appropriate fee.

Section 22.02a of the Illinois Soil & Water Conservation District Law states as follows:

Sec. 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from that municipality's or county's zoning ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil & Water Conservation District. The Soil & Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action. Added by Act approved December 3, 1971.

It is also understood that the petitioner (s) or their agent (s) give permission for a representative (s) of the Champaign County Soil and Water conservation District to go on property or properties referred to in this petition, to make on-sight investigations as deemed necessary by the Champaign County Soil & Water Conservation District Board.

There shall be a fee assessed by the Champaign County Soil & Water Conservation district to cover the cost of the administration of this request.

The fee schedule is as follows:

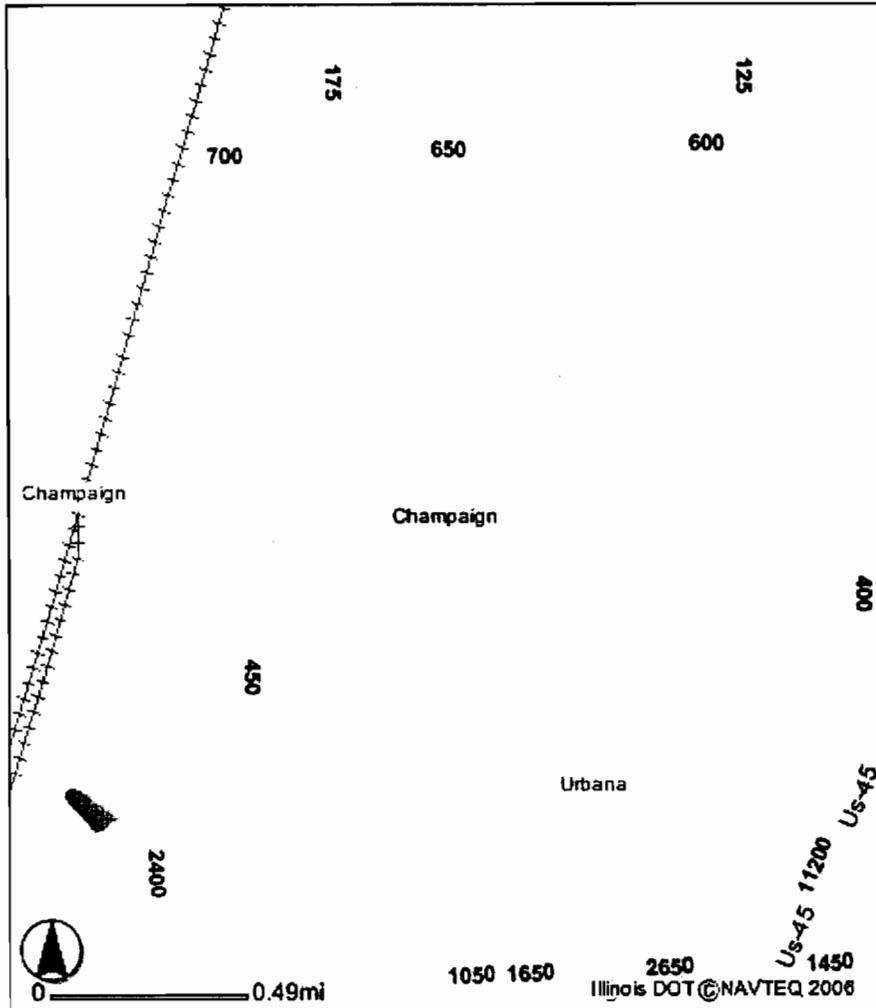
One (1) acre or less .....	\$150.00
Each Additional acre or fractional acre.....	\$5.00
i.e. (5.1 to 6.0 acres—fee would equal \$175.00)	

Signed Edward L. Clancy Date 11/14/2006  
 Petitioner (s) or Agent (s)



# Illinois Department of Transportation

Send to printer



Date: 2/7/2007

All rights reserved. Use subject to License/Copyright  
Illinois Department of Transportation  
2300 S. Dirksen Pky  
Springfield, IL 62764

30

29

CENTRAL

SUBJECT  
PROPERTY

31

32

ILLINOIS

2

N

M

LINCOLN AVENUE

Excerpt from Flood Insurance Rate Map  
(FIRM) Panel 1708940-0115

6

OAK STREET

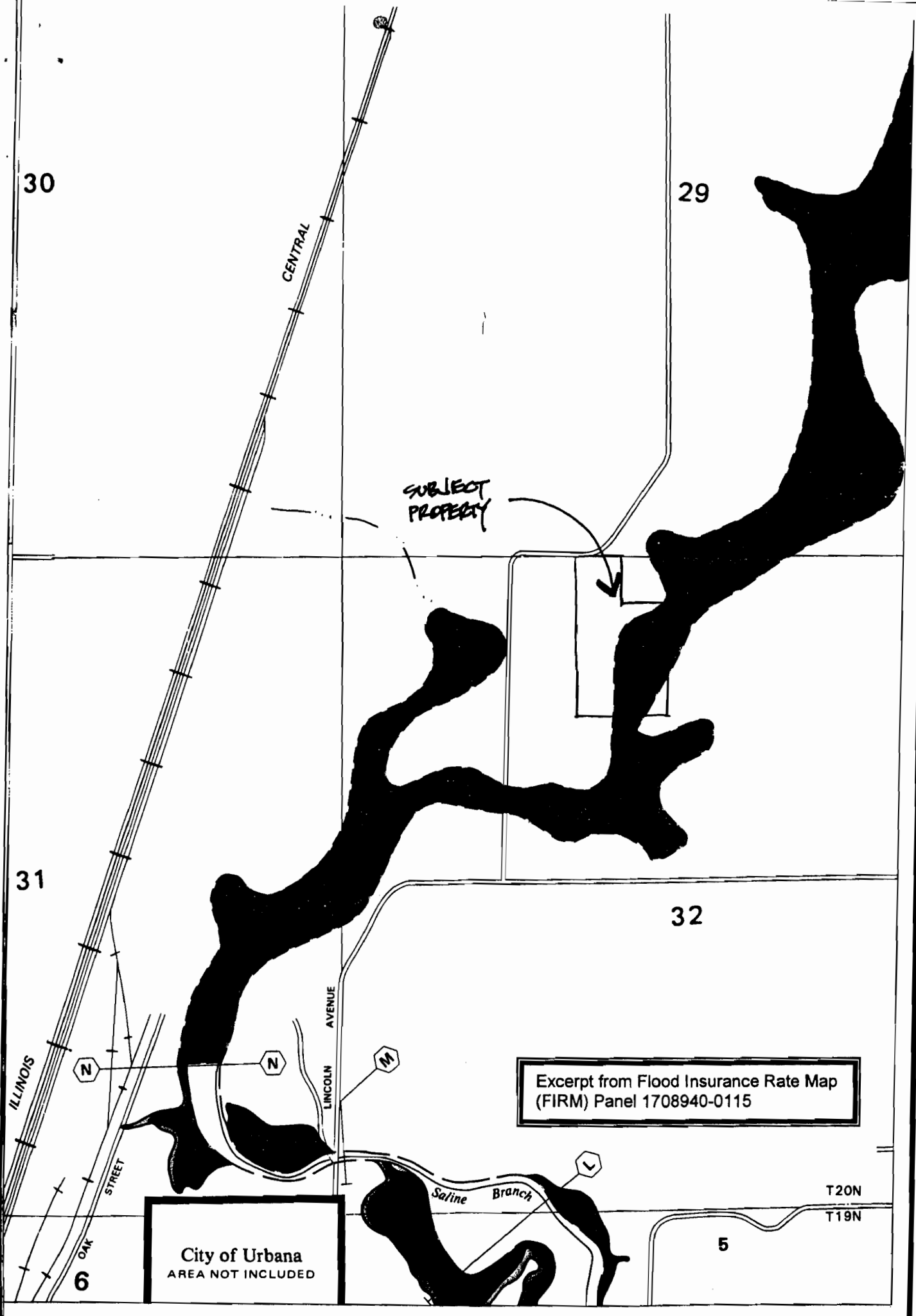
City of Urbana  
AREA NOT INCLUDED

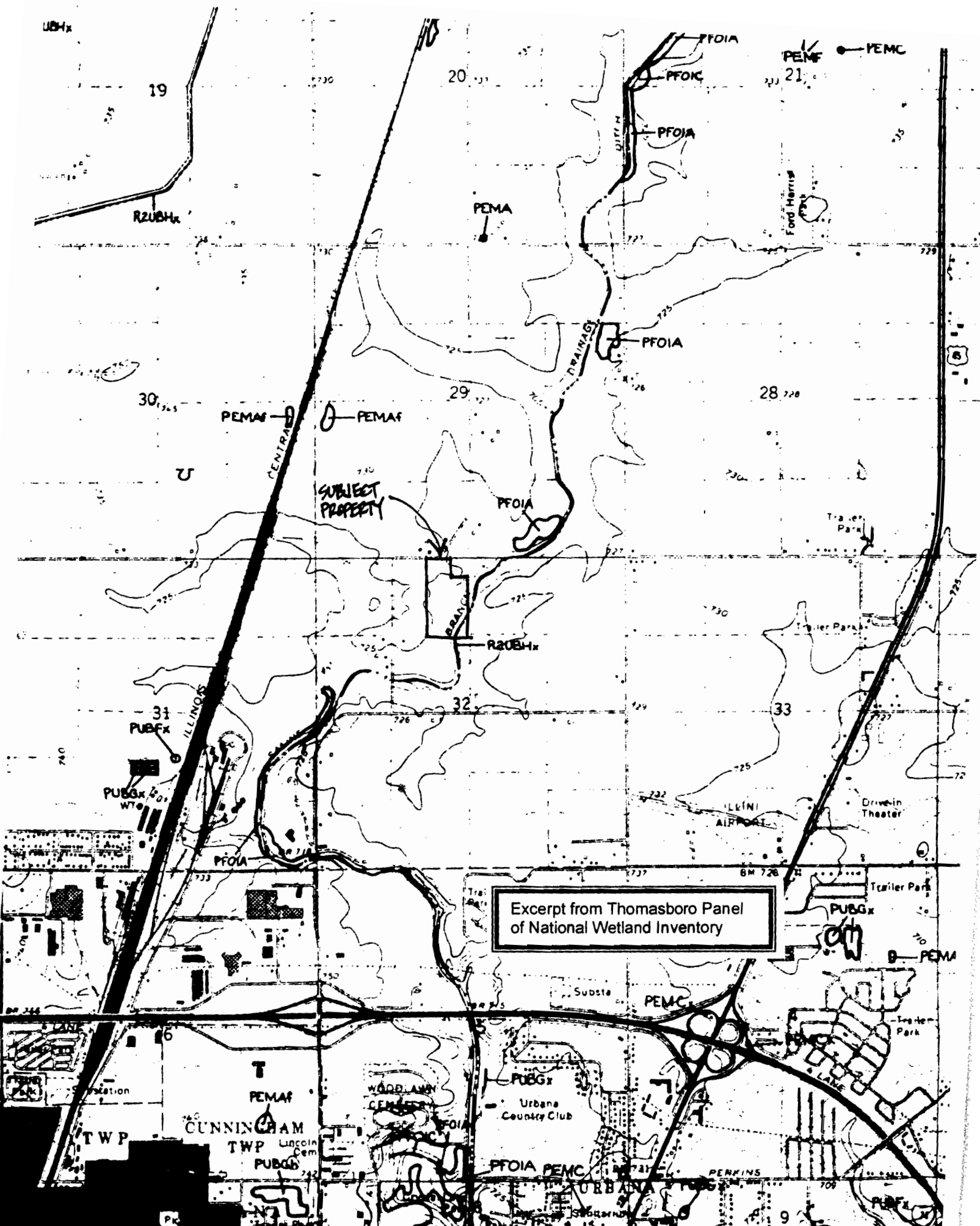
Saline Branch

T20N

T19N

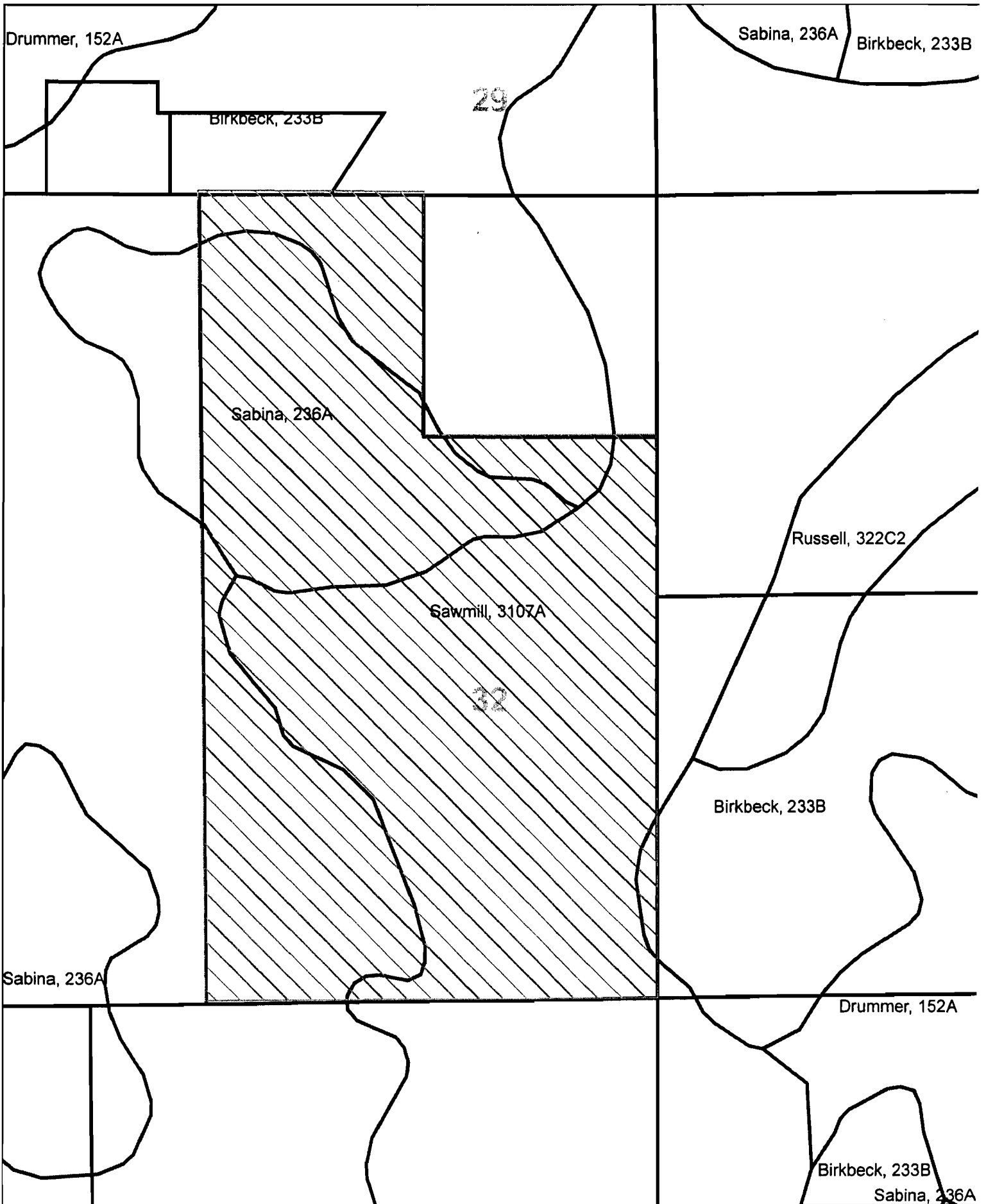
5





Excerpt from Thomasboro Panel  
of National Wetland Inventory

# Soil Map of Subject Property



1 inch equals 200 feet

ALTA Form - 1966

Commitment

American Land Title Association



# Chicago Title Insurance Company

Providing Title Related Services Since 1847

CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy/ies of title insurance, as identified in Schedule A (which policy or policies cover title risks and are subject to the Exclusions from Coverage and the Conditions and Stipulations as contained in said policy/ies) in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B hereof and to the "American Land Title Association Commitment - 1966" Conditions and Stipulations which are hereby incorporated by reference and made a part of this Commitment. A complete copy of the Commitment Conditions and Stipulations is available upon request and include, but are not limited to, the proposed Insured's obligation to disclose, in writing, knowledge of any additional defects, liens, encumbrances, adverse claims or other matters which are not contained in the Commitment; provisions that the Company's liability shall in no event exceed the amount of the policy/ies as stated in Schedule A hereof, must be based on the terms of this Commitment, shall be only to the proposed Insured and shall be only for actual loss incurred in good faith reliance on this Commitment; and provisions relating to the General Exceptions, to which the policy/ies will be subject unless the same are disposed of to the satisfaction of the Company.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by issuance of a revised Commitment.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

This Commitment is based upon a search and examination of Company records and/or public records by the Company. Utilization of the information contained herein by an entity other than the Company for the purpose of issuing a title commitment or policy or policies shall be considered a violation of the proprietary rights of the Company of its search and examination work product.

This commitment shall not be valid or binding until signed by an authorized signatory.

Issued By:

CHICAGO TITLE INSURANCE COMPANY  
201 NORTH NEIL STREET  
CHAMPAIGN, IL 61820

Refer Inquiries To:  
(217)356-0501

Fax Number:  
(217)351-2982



CHICAGO TITLE INSURANCE COMPANY

By

*Henry S. Gery*  
\_\_\_\_\_  
Authorized Signatory

Commitment No.: 000841084

*Handwritten notes:*  
12/21/06  
2173590426

**CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

**YOUR REFERENCE:**

**ORDER NO. :**

**EFFECTIVE DATE:**

**1. POLICY OR POLICIES TO BE ISSUED:**

**2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT AND COVERED HEREIN IS A FEE SIMPLE UNLESS OTHERWISE NOTED.**

**3. TITLE TO SAID ESTATE OR INTEREST IN SAID LAND IS AT THE EFFECTIVE DATE VESTED IN:**

Heimbürger/Cope & Kalantzis

1253 000841084 CHA

OCTOBER 24, 2006

OWNER'S POLICY: ALTA OWNERS 1992  
AMOUNT:  
PROPOSED INSURED: Bill Cope and Mary Kalantzis

LOAN POLICY: ALTA LOAN 1992  
AMOUNT:  
PROPOSED INSURED: Busey Bank

LOAN POLICY: LOAN POLICY 1992 - MODIFIED  
AMOUNT:  
PROPOSED INSURED: Busey Bank

James M. Heimbürger, as Trustee of the James M. Heimbürger Trust, dated August 5, 2005



**CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)**

ORDER NO. : 1253 000841084 CHA

**4A. MORTGAGE OR TRUST DEED TO BE INSURED:**

To Come.

**4B. MORTGAGE OR TRUST DEED TO BE INSURED:**

To Come.

**CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A (CONTINUED)**

ORDER NO. : 1253 000841084 CHA

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

The East 22.38 acres of the Northeast 1/4 of the Northwest 1/4 of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian, in Champaign County, Illinois, EXCEPT the North 390 feet of the East 382 feet thereof.

**CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B**

ORDER NO.: 1253 000841084 CHA

**GENERAL EXCEPTIONS**

The owner's policy will be subject to the following exceptions:

- (1) rights or claims of parties in possession not shown by the public records;
- (2) encroachments, overlaps, boundary line disputes and any matters which would be disclosed by an accurate survey and inspection of the premises;
- (3) easements, or claims of easements, not shown by the public records;
- (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records;
- (5) taxes or special assessments which are not shown as existing liens by the public records.

**SCHEDULE B**

Schedule B of the policy or policies to be issued will not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of those matters appearing on the commitment jacket, the applicable General Exceptions (see above), and, if an owner's policy is to be issued, the encumbrance, if any, shown in Schedule A, and exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. An ALTA Loan Policy will be subject to the following exceptions (a) and (b), in the absence of the production of the data and other essential matters described in our Form 3735:
  - (a) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records;
  - (b) Consequences of the failure of the lender to pay out properly the whole or any part of the loan secured by the mortgage described in Schedule A, as affecting:
    - (i) the validity of the lien of said mortgage, and
    - (ii) the priority of the lien over any other right, claim, lien or encumbrance which has or may become superior to the lien of said mortgage before the disbursement of the entire proceeds of the loan.
3. Rights of parties in possession not shown by the public records; encroachments, overlaps, boundary line disputes and any other matters which may be disclosed by an accurate survey and inspection of the premises; and easements or claims of easements not shown by the public records.
4. Taxes for the year 2005 in the total amount of \$109.10, which are shown paid in full.

**CHICAGO TITLE INSURANCE COMPANY  
COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B (CONTINUED)**

ORDER NO.: 1253 000841084 CHA

Taxes for the year 2006, which are a lien although not due & payable.

Somer Township, 25-15-32-100-013, Tax Code 1A.  
(assessed to 18.96 acres)

- B 5. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
- C 6. Rights of the public, the State of Illinois and the municipality in and to that part of the land, if any, taken or used for road purposes.
- D 7. Rights of way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.
- E 8. The land lies within the boundaries of Beaver Lake Drainage District and is subject to assessments thereunder.
- F 9. Rights of owners of land bordering on Saline Branch Ditch relative to said body of water.
- G 10. Easement in favor of Illinois Power Company, and its successors and/or assigns, to install, operate and maintain all equipment necessary for the purpose of serving the land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the grant recorded November 2, 1945 in Book 267 at page 601 as document no. 391218.
- H 11. Easements, terms, provisions and conditions contained in Deed dated June 16, 1989 and recorded October 9, 1990 in Book 1710 at page 409 as Document No. 90R 20122.
- I 12. Terms, powers, provisions and limitations of the trust under which title to the land is held.
- J 13. Copies of this commitment have been furnished to: William L. Hatch, Samantha Estes, and Wendy Bauer.
- K 14. Please refer inquiries regarding this order to Kathi Hall at (217)366-0501.

\*\*\*END\*\*\*

Cope

LAND EVALUATION AND SITE ASSESSMENT WORKSHEET

Worksheet for calculating the total point value for the Land Evaluation and Site Assessment System. Refer to the Champaign County Land Evaluation and Site Assessment System manual for specific instructions and definitions.

I. Land Evaluation Value.....

II. Site Assessment

A. Agricultural Land Uses

1. Percentage of Area in Agricultural Uses within one and one-half (1 1/2) miles of Site.....	
90% or more	18
75% to 89%	16
50% to 74%	12
25% to 49%	8
Less than 25%	0

76

2. Land Use Adjacent to Site.....	
All Sides in Agricultural Use	18
1 Side in Non-Agricultural Uses	16
2 Sides in Non-Agricultural Uses	12
3 Sides in Non-Agricultural Uses	8
All Sides in Non-Agricultural Uses	0

16

3. Percentage of Site in or Suitable for Agricultural Uses.....	
75% to 100%	10
50% to 74%	8
25% to 49%	6
10% to 24%	4
0 to 9%	0

16

8

B. Zoning and Prior Governmental Actions

1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and/or CR, Conservation-Recreation within 1.5 miles of Site.....	
90% or more	10
75% to 89%	8
50% to 74%	6
25% to 49%	4
Less than 25%	0

8

2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation.....	
90% to 100%	10
75% to 89%	8
50% to 74%	6
25% to 49%	4
24% or less	0

10

3. Have prior governmental actions committed site to development.....	
No	10
Partially	6
Yes	0

0

C. Compatibility/Impact of Uses

1. Distance from City or Village Corporate Limits.....	
More than 1.5 miles	10
1 to 1.49 miles	8
.5 to .99 miles	6
.25 to .49 miles	4
0 to .24 miles	2
Adjacent	0

6

2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses.....	
Incompatible	10
Somewhat Incompatible	6
Compatible	0

0-6

D. Land Use Feasibility

1. Size of Site Feasible for Farming.....	
100 Acres or More	8
40 to 99 acres	6
20 to 39 acres	4
5 to 19 acres	2

0-2

2. Soil Limitations for Proposed Use and Proposed Zoning Change.....		
Severe	10	
Moderate to Severe	8	
Moderate	6	
Slight to Moderate	4	
Slight	0	
3a. Alternative Sites proposed on less productive land.....		8
Yes	8	
No	0	
OR		
3b. Need for additional land.....		
Vacant buildable land available	8	
Little buildable land remaining	0	
E. Existence of Infrastructure		
1. Availability of Central Sewage System.....		8
More than 1.5 miles	10	
.75 to 1.49 miles	8	
.5 to .74 miles	6	
.25 to .49 miles	4	
200 feet to .24 miles	2	
200 feet or less or on-site	0	
2. Availability of Central Water System.....		8
More than 1.5 miles	10	
.75 to 1.49 miles	8	
.5 to .74 miles	6	
.25 to .49 miles	4	
200 feet to .24 miles	2	
200 feet or less or on-site	0	
3. Transportation.....		0
Inadequate for Planned Use & Proposed Rezoning - site beyond 1.5 miles from City or Village Corporate Limits	10	
Inadequate for Planned Use & Proposed Rezoning, Some minor improvements required - site beyond 1.5 miles from City/Village Corporate Limits	8	
Adequate for Planned Use & Proposed Rezoning - site beyond 1.5 miles of City/Village Corporate Limits	6	
Inadequate for Planned Use & Proposed Rezoning - site within 1.5 miles of City or Village Corporate Limits	4	
Inadequate for Planned Use & Proposed Rezoning, Some minor improvements required - site within 1.5 miles of City/Village Corporate Limits	2	
Adequate for Planned Use & Proposed Rezoning - site within 1.5 miles of City/Village Corporate Limits	0	
4. Distance of site from fire protection service.....		6
Not in fire protection district (FPD)	10	
In a FPD, but more than 5 miles from fire protection service	8	
2 1/2 to 5 miles - volunteer	6	
0 to 2.49 miles - volunteer	4	
2 1/2 to 5 miles - paid	2	
0 to 2.49 miles - paid	0	
F. Environmental Impact of Proposed Use and Zoning Change		
1. Impact on Flooding/Drainage.....		2
Negative Impact	6	
Some Impact	4	
Little or none with special design or protective measures provided or required	2	
None	0	
2. Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance.....		0
Negative impact	6	
Some impact	4	
No impact	0	
3. Impact on recreation and open spaces.....		0
Negative impact	6	
Some impact	4	
No impact	0	

4. Impact on Water Quality.....	
Severe	10
Moderate to Severe	8
Moderate	6
Slight to Moderate	4
Slight	0

0

5. Impact on Water Supply.....	
Severe	10
Moderate to Severe	8
Moderate	6
Slight to Moderate	4
Slight	0

0

TOTAL LAND EVALUATION AND SITE ASSESSMENT POINT VALUE.....

176-186

Assessing a Site Where Proposed Agricultural Uses are to be Converted:

- 220 - 300 - Very High Rating for Protection
- 200 - 219 - High Rating for Protection
- 180 - 199 - Moderate Rating for Protection
- 179 or below - Low Rating for Protection

LAND EVALUATION AND SITE ASSESSMENT WORKSHEET

Worksheet for calculating the total point value for the Land Evaluation and Site Assessment System. Refer to the Champaign County Land Evaluation and Site Assessment System manual for specific instructions and definitions.

PROJECT: COPE SUBDIVISION

**RECEIVED**

NOV 21 2006

LOCATION: NE 1/4 NW 1/4 S32, T20N, R9E  
SOMER TOWNSHIP, CHAMPAIGN COUNTY, IL

CHAMPAIGN CO. P & Z DEPARTMENT

I. Land Evaluation

<u>Soil Type</u>	<u>Ag Group</u>	<u>Relative Value</u>	<u>% of Area</u>	<u>Value Product</u>
<u>BIRBECK 233B</u>	<u>5</u>	<u>79</u>	<u>30</u>	<u>23.7</u>
<u>SABINA 236A</u>	<u>4</u>	<u>85</u>	<u>22</u>	<u>18.7</u>
<u>COLO 402</u>	<u>6</u>	<u>70</u>	<u>48</u>	<u>33.6</u>

Subtotal 100% 76

Land Evaluation Value ..... 76



D. Land Use Feasibility

1. Size of Site Feasible for Farming.....
- 100 Acres or More 8
  - 40 to 99 acres 6
  - 20 to 39 acres 4
  - 5 to 19 acres 2
  - under 5 acres 0

2

2. Soil Limitations for Proposed Use and Proposed Zoning Change.....
- Severe 10
  - Moderate to Severe 8
  - Moderate 6
  - Slight to Moderate 4
  - Slight 0

8

- 3a. Alternative Sites proposed on less productive land.....
- Yes 8
  - No 0

0

or

- 3b. Need for additional land.....
- Vacant buildable land available 8
  - Little buildable land remaining 0

N/A

E. Existence of Infrastructure

1. Availability of Central Sewage System.....
- More than 1.5 miles 10
  - .75 to 1.49 miles 8
  - .5 to .74 miles 6
  - .25 to .49 miles 4
  - 200 feet to .24 miles 2
  - 200 feet or less or on-site 0

6

2. Availability of Central Water System.....
- More than 1.5 miles 10
  - .75 to 1.49 miles 8
  - .5 to .74 miles 6
  - .25 to .49 miles 4
  - 200 feet to .24 miles 2
  - 200 feet or less or on-site 0

6

3. Transportation.....
- Inadequate for Planned Use & Proposed Rezoning - site beyond 1.5 miles from City or Village Corporate Limits 10
  - Inadequate for Planned Use & Proposed Rezoning, Some minor improvements required - site beyond 1.5 miles from City/Village Corporate Limits 8
  - Adequate for Planned Use & Proposed Rezoning - site beyond 1.5 miles of City/Village Corporate Limits 6
  - Inadequate for Planned Use & Proposed Rezoning - site within 1.5 miles of City or Village Corporate Limits 4
  - Inadequate for Planned Use & Proposed Rezoning, Some minor improvements required - site within 1.5 miles or City/Village Corporate Limits 2
  - Adequate for Planned Use & Proposed Rezoning - site within 1.5 miles of City/Village Corporate Limits 0

4

4. Distance of site from fire protection service.....
- Not in fire protection district (FPD) 10
  - In a FPD, but more than 5 miles from fire protection service 8
  - 2 1/2 to 5 miles - volunteer 6
  - 0 to 2.49 miles - volunteer 4
  - 2 1/2 to 5 miles - paid 2
  - 0 to 2.49 miles - paid 0

8

11. Site Assessment

A. Agricultural Land Uses

1. Percentage of Area in Agricultural Uses within one and one-half (1) miles of Site.....		
90% or more	18	
75% to 89%	16	
50% to 74%	12	
25% to 49%	8	
Less than 25%	0	
2. Land Use Adjacent to Site.....		
All Sides in Agricultural Use	18	
1 Side in Non-Agricultural Uses	16	
2 Sides in Non-Agricultural Uses	12	
3 Sides in Non-Agricultural Uses	8	
All Sides in Non-Agricultural Uses	0	
3. Percentage of Site in or Suitable for Agricultural Uses.....		
75% to 100%	10	
50% to 74%	8	
25% to 49%	6	
10% to 24%	4	
0 to 9%	0	

12

18

10

B. Zoning and Prior Governmental Actions

1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and/or CR, Conservation-Recreation within 1.5 miles of Site.....		
90% or more	10	
75% to 89%	8	
50% to 74%	6	
25% to 49%	4	
Less than 25%	0	
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation.....		
90% to 100%	10	
75% to 89%	8	
50% to 74%	6	
25% to 49%	4	
24% or less	0	
3. Have prior governmental actions committed site to development.....		
No	10	
Partially	6	
Yes	0	

6

10

6

C. Compatibility/Impact of Uses

1. Distance from City or Village Corporate Limits.....		
More than 1.5 miles	10	
1 to 1.49 miles	8	
.5 to .99 miles	6	
.25 to .49 miles	4	
0 to .24 miles	2	
Adjacent	0	
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses.....		
Incompatible	10	
Somewhat Incompatible	6	
Compatible	0	

6

6

F. Environmental Impact of Proposed Use and Zoning Change

1. Impact on Flooding/Drainage.....		<u>2</u>
Negative impact	6	
Some impact	4	
Little or none with special design or protective measures provided or required	2	
None	0	
2. Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance.....		<u>0</u>
Negative impact	6	
Some impact	4	
No impact	0	
3. Impact on recreation and open spaces.....		<u>0</u>
Negative impact	6	
Some impact	4	
No impact	0	
4. Impact on Water Quality.....		<u>0</u>
Severe	10	
Moderate to Severe	8	
Moderate	6	
Slight to Moderate	4	
Slight	0	
5. Impact on Water Supply.....		<u>4</u>
Severe	10	
Moderate to Severe	8	
Moderate	6	
Slight to Moderate	4	
Slight	0	

SITE Evaluation Value ..... 114

TOTAL LAND EVALUATION AND SITE ASSESSMENT POINT VALUE ..... 790

Assessing a Site Where Proposed Agricultural Uses are to be Converted:






- 220 - 300 - Very High Rating for Protection
- 200 - 219 - High Rating for Protection
- 180 - 199 - Moderate Rating for Protection
- 179 or below - Low Rating for Protection

COMMENTS:

**Table Of Common Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County (continued)**






REVISED November 17, 2005

Page 1 of 4

<b>Worst Or Nearly Worst Condition<sup>3</sup></b> 	<b>Much Worse Than Typical Condition<sup>4</sup></b> 	<b>More Or Less Typical Condition<sup>5</sup></b> 	<b>Much Better Than Typical Condition<sup>4</sup></b> 	<b>Ideal Or Nearly Ideal Conditions<sup>6</sup></b> 
<b>RRO<sup>2</sup> ZONING FACTOR: Availability of water supply</b>				
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.
<b>RRO<sup>2</sup> ZONING FACTOR: Suitability for onsite wastewater systems</b>				
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).
<b>RRO<sup>2</sup> ZONING FACTOR: Flood hazard status</b>				
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).
<b>RRO<sup>2</sup> ZONING FACTOR: The availability of emergency services<sup>7</sup></b>				
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.
<b>RRO<sup>2</sup> ZONING FACTOR: The presence of nearby natural<sup>8</sup> or manmade hazards</b>				
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 Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County (continued)**

REVISED November 17, 2005

<b>Worst Or Nearly Worst Condition<sup>3</sup></b> 	<b>Much Worse Than Typical Condition<sup>4</sup></b> 	<b>More Or Less Typical Condition<sup>5</sup></b> 	<b>Much Better Than Typical Condition<sup>4</sup></b> 	<b>Ideal Or Nearly Ideal Conditions<sup>6</sup></b> 
<b>RRO<sup>2</sup> ZONING FACTOR: Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat</b>				
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. <sup>6</sup>	?	Nothing present to be concerned about.
<b>RRO<sup>2</sup> ZONING FACTOR: Effects of nearby farm operations on the proposed development</b>				
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.
<b>RRO<sup>2</sup> ZONING FACTOR: The LESA score</b>				
<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 &amp; 2; Flanagan &amp; 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 &amp; overall average)</p> <p>Site Assessment part: 187 to 163 (remainder between worst &amp; 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 &amp; ideal)</p> <p>Site Assessment part: 145 to 103 (remainder between overall average &amp; ideal)</p>	<p>186 to 121 (Moderate rating to low (170) rating for protection)</p> <p>Land Evaluation part: 84 to 41<sup>4</sup> (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 Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County (continued)**

REVISED November 17, 2005






Page 3 of 4

Worst Or Nearly Worst Condition <sup>3</sup> ■	Much Worse Than Typical Condition <sup>4</sup> □	More Or Less Typical Condition <sup>5</sup> ○	Much Better Than Typical Condition <sup>4</sup> ☆	Ideal Or Nearly Ideal Conditions <sup>8</sup> ★
<b>RRO<sup>2</sup> ZONING FACTOR: Adequacy and safety of roads providing access</b>				
<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 <b>OR</b> 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>
<b>RRO<sup>2</sup> ZONING FACTOR: Effects on drainage both upstream and downstream</b>				
<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 <b>OR</b> 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 Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County (continued)**

REVISED November 17, 2005

Page 4 of 4

Worst Or Nearly Worst Condition <sup>3</sup> 	Much Worse Than Typical Condition <sup>4</sup> 	More Or Less Typical Condition <sup>5</sup> 	Much Better Than Typical Condition <sup>4</sup> 	Ideal Or Nearly Ideal Conditions <sup>6</sup> 
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**NOTES**

1. 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.
2. RRO= Rural Residential Overlay
3. 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.
4. MUCH WORSE THAN TYPICAL and MUCH BETTER THAN TYPICAL conditions are Staff judgements.
5. 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.
6. 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.
7. Ambulance service can presumably be further than five miles distance and be acceptable. *NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.*
8. Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc.

**Table Of Common Conditions<sup>1</sup> Influencing The Suitability Of Locations For Rural Residential Development In Champaign County (continued)**

REVISED November 17, 2005

Page 4 of 4

Worst Or Nearly Worst Condition <sup>3</sup> ■	Much Worse Than Typical Condition <sup>4</sup> □	More Or Less Typical Condition <sup>5</sup> ○	Much Better Than Typical Condition <sup>4</sup> ☆	Ideal Or Nearly Ideal Conditions <sup>6</sup> ★
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**NOTES**

1. 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.
2. RRO= Rural Residential Overlay
3. 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.
4. MUCH WORSE THAN TYPICAL and MUCH BETTER THAN TYPICAL conditions are Staff judgements.
5. 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.
6. 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.
7. Ambulance service can presumably be further than five miles distance and be acceptable. *NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.*
8. 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 573-AM-06** **PRELIMINARY DRAFT**

RRO Rezoning Factor	Conditions At The Proposed Site Are Most Comparable To The Following Common Conditions:
1) Availability of water supply	○ <b>More or Less Typical Conditions.</b> 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	☆ <b>Much Better Than Typical Conditions.</b> About 79% 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	☐ <b>Much Worse Than Typical Conditions.</b> Small portions of three proposed lots are in the Special Flood Hazard Area. Lot 4 has only 28,000 square feet of buildable area above the BFE, but will require less than 1 foot of fill to increase that amount to an acre. The southern third of the proposed street is below the BFE.
4) The availability of emergency services <sup>4</sup>	○ <b>Typical Conditions.</b> The site is approximately 5.0 road miles from the Eastern Prairie Fire Station.
5) The presence of nearby natural or manmade hazards <sup>5</sup>	⊙ <b>Ideal Conditions.</b> There are no man-made hazards nearby and the site is approximately 1.5 miles from the City of Urbana Corporate Limits.
6) Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat	Unable to Determine at This Time. The IDNR Agency Action Report on endangered species is still forthcoming.
7) Effects of nearby farm operations on the proposed development	☆ <b>Much Better Than Typical Conditions.</b> Approximately two sides of the proposed RRO are in row crop agriculture.
8) The LESA score	⊙ <b>Nearly Ideal Conditions.</b> There is some best prime farmland on the property and the LE score is expected to be 76. The Site Assessment score is 100 to 110 for a Total score of 176 to 186.
9) Adequacy and safety of roads providing access	⊙ <b>Nearly Ideal Conditions.</b> Access is from North Lincoln Avenue, the equivalent of a County Highway, with no deficiencies between access and where the road connects to a State Highway. Also, the subject property is located near the City of Urbana.
10) Effects on drainage both upstream and downstream	☆ <b>Much Better Than Typical Conditions.</b> Although most of the soils on the subject property are "wet" soils; there is good surface drainage to the Saline Branch Drainage Ditch, and only 6 acres of land that is not on the subject property drains across the subject property.
<p>LEGEND (Also see the Descriptions of Prototypical Champaign County Conditions)</p> <p>⊙ <b>WITH NO CORRECTIVE IMPROVEMENTS,</b> the proposed site is more or less equal to the ideal Champaign County site</p>	

**Table 2. Comparing The Proposed Site Condition To Common Champaign County Conditions**  
**Case 573-AM-06** **PRELIMINARY DRAFT**

RRO Rezoning Factor	Conditions At The Proposed Site Are Most Comparable To The Following Common Conditions:
	<ul style="list-style-type: none"> <li>☆ <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is much better than typical but not equal to the ideal Champaign County site</li> <li>○ <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is equal to or somewhat better than the typical Champaign County site</li> <li>— <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is worse than the typical Champaign County site</li> <li>— <i>WITH NO CORRECTIVE IMPROVEMENTS</i>, the proposed site is more or less equal to the worst Champaign County site for</li> </ul>
	<p><b>NOTES</b></p> <ol style="list-style-type: none"> <li>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).</li> <li>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.</li> <li>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.</li> <li>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></li> <li>5. Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc.</li> </ol>

**ATTACHMENT V. Summary Of Site Comparison For Factors Relevant To Development Suitability**  
**Case 573-AM-06** **PRELIMINARY DRAFT** **FEBRUARY 9, 2007**

Factors Related To Development Suitability	Proposed Site Is Most Similar To Which Common Condition:				
	Worst Or Nearly Worst Condition <sup>1</sup> ■	Much Worse Than Typical Condition <sup>1</sup> □	More or Less Typical Condition <sup>1</sup> ○	Much Better Than Typical Condition <sup>1</sup> ☆	Ideal or Nearly Ideal Condition <sup>1</sup> ⊙
Road Safety <sup>2</sup>					⊙ <sup>3</sup>
Other Hazards					⊙ <sup>3</sup>
LESA Score					⊙ <sup>3</sup>
Effects on Drainage <sup>2</sup>				☆ <sup>3</sup>	
Septic Suitability				☆ <sup>3</sup>	
Effects <i>OF</i> Farms				☆ <sup>3</sup>	
Emergency Services			○ <sup>3</sup>		
Availability Of Water			○ <sup>3</sup>		
Flood Hazard Status		□		<i>Non-RRO</i>	
Environmental Concerns <sup>4</sup>					

**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.
4. Environmental Concerns could not be ranked because the Agency Action Report from IDNR is still forthcoming as of February 9, 2007.

**ATTACHMENT W. Summary Of Comparison For Factors Relevant To Compatibility With Agriculture**  
**Case 573-AM-06** **PRELIMINARY DRAFT** **FEBRUARY 9, 2007**

Factors Related To Compatibility With Agriculture	Compared To The Non-RRO Alternative <sup>1</sup> , The Proposed RRO Development Would Have:		
	MORE EFFECTS	SAME EFFECTS (Or Nearly Same)	LESS EFFECTS
Land Conversion: By Ownership <sup>2</sup>		<b>NEARLY SAME</b>	
By Development <sup>3</sup>	<b>100% MORE</b>		
Road Safety <sup>4</sup>	<b>100% MORE</b>		
Effects <i>ON</i> Farms	<b>100% MORE</b>		
Drainage <sup>4</sup>		<b>NEARLY SAME</b>	
Land Evaluation Score		<b>NEARLY SAME</b>	

**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.

**PRELIMINARY DRAFT**

**573-AM-06**

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

---

Final Determination: { **GRANTED / GRANTED WITH CONDITIONS / DENIED** }

Date: February 1, 2007

Petitioner: Bill Cope and Mary Kalantzis

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

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 1, 2007**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Bill Cope and Mary Kalantzis, own of the subject property.
2. The subject property is an 18.96 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township, and commonly known as the tree farm at 4100 North Lincoln Avenue.
3. The subject property is located within the one-and-a-half-mile extraterritorial jurisdiction of the City of Urbana. Municipalities have protest rights on map amendments and they are notified of all such cases.
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: "**None.**"
- \*5. Land use and zoning on the subject property and in the immediate vicinity are as follows:
  - A. The subject property is split-zoned AG-2 Agriculture and CR Conservation-Recreation, and is currently in use as a tree farm. The subject property is proposed to be rezoned to entirely CR in related Zoning Case 573-AM-07.
  - B. Land north and east of the parcel is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northeast of the subject property.

\*Same evidence as in related Zoning Case 579-AM-07

**PRELIMINARY DRAFT**

- C. Land south of the subject property is zoned CR Conservation-Recreation and is in use as farmland.
- D. Land west of the subject property is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northwest of the subject property.

**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.

**PRELIMINARY DRAFT**

- D. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.
- E. Land Use Regulatory Policy 1.5.3 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. There can be no more than three new lots smaller than 35 acres in area that can be created from the subject property without authorization for the RRO Zoning District.

**GENERALLY REGARDING THE PROPOSED RRO DISTRICT**

- 9. The plan that was received on February 1, 2007 in fulfillment of the Schematic Plan requirement indicates the following:
  - A. There are 6 proposed buildable lots that range in area from 1.04 acres to 2.67 acres. The net average lot area after subtracting rights-of-way is 1.76 acres.
  - B. There are also 3 outlots proposed. Outlot 1 contains the stormwater management area and is located on the west side of the Sailine Branch Drainage Ditch. Outlot 2 is located in the southeast corner of the subject property on the east side of the drainage ditch. Outlot 3 is located in the northwest corner of the site and has been placed there to allow for the realignment of North Lincoln Avenue according to the Comprehensive Plan of the City of Urbana.
  - C. The RRO District is necessary for only 3 of the 6 buildable lots proposed on the subject property.
  - D. The subject property has access to North Lincoln Avenue. There is a new street proposed as part of this RRO. All lots are proposed to access the new street and not Lincoln Avenue.
  - E. All of the lots in the requested RRO District meet or exceed all of the minimum lot standards in the *Zoning Ordinance*.



**GENERALLY REGARDING THE SOILS ON THE PROPERTY**

10. A Section 22 Natural Resource Report for the proposed RRO was applied for but was not ready by the time of the mailing. The *Soil Survey of Champaign County* was used to gather information on the soils present on the subject property, as follows:
- A. Regarding the soils on the subject property, their extents, and their relative values are as follows:
- (1) Approximately 9.15 acres of the subject property consists of Sawmill silty clay loam, 0-2% slopes (map unit 3107A; formerly Colo silty loam, map unit 402), which makes up approximately 48.4% of the subject property; Sawmill soil is located generally in two bands; one halfway between the north and south boundaries of the subject property that stretches from the east boundary almost to the west boundary. The other is located on the east boundary of the subject property and runs the entire length. A majority of the Sawmill soil is located in non-buildable areas of the proposed RRO District.
  - (2) Approximately 5.19 acres of the subject property consists of Birkbeck silt loam, 1-5% slopes (map unit 233B), which makes up approximately 27.5% of the subject property; Birkbeck soil is located both at the north-most boundary of the subject property as well as in the southwest corner. There is a sliver of Birkbeck soil in the southeast corner of the site as well, but this is away from any buildable area.
  - (3) Approximately 4.56 acres of the subject property consists of Sabina silt loam, 0-3% slopes (map unit 236A), which makes up approximately 24.1% of the subject property; Sabina soil is located in the north half of the subject property in one area between the Birkbeck at the north and the Sawmill running through the middle of the site.
- B. The subject property is not Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:
- (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies – Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the *Champaign County, Illinois Land Evaluation and Site Assessment System*.
  - (2) The overall Land Evaluation factor for the soils on the subject property is expected to be 76.

**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.

**PRELIMINARY DRAFT**

- B. The Staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
- C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the 3 residences in the requested RRO District are estimated to account for an increase of approximately 30 ADT in total, which is a 100% increase over the non-RRO alternative.
- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
  - (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
  - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
  - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
  - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- F. The subject property is located on North Lincoln Avenue less than a mile outside the City of Urbana. The City is proposing to realign Lincoln Avenue along a section containing the subject property to create a smooth curve where there now exists several right-angle turns that move the street eastwards.
- G. 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). the most recent (2001) AADT data in the vicinity of the subject property are as follows:
  - (1) 450 AADT along North Lincoln Avenue where it passes the subject property.
  - (2) Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT is 2400.

- H. The relevant geometric standards for visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to “minimum stopping sight distance”. Design speed determines what the recommended distance is. There appear to be no visibility concerns related to the placement of the new street.
- I. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because access via Lincoln Avenue is equivalent to a County Highway and is only a mile and a half from Interstate 74.

**GENERALLY REGARDING DRAINAGE**

- 12. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
  - A. The Engineer’s Drainage Report was received with the application on November 21, 2006 and described the existing conditions of the subject property and the proposed conditions for the RRO.
  - B. The Existing Conditions were described as follows:
    - (1) The subject property slopes generally from west to east and north to south towards the Saline Branch Drainage Ditch. The average ground slope is one percent.
    - (2) There are six acres to the west that drain across the subject property.
    - (3) There are four depressional areas on the east side of the subject property. Two are located in the southeast corner of the site, while the remaining two are in the northeast corner. The area located farthest to the north is part of a much larger depression in the land that continues off the subject property.
    - (4) These depressional areas collect stormwater that flows over the subject property. The water fills up until it overflows and drains into the Saline Branch Drainage Ditch.
  - C. The Proposed Conditions are as follows:
    - (1) Drainage swales will be constructed along the western and southern boundaries of the subject property. These swales will drain the subject property and the six acres from off the subject property.
    - (2) There will be two swales on the western boundary, one from north to south and one from south to north. They will meet at the line between Lots 2 and 3, where they will run along that line in one swale that will pass under the proposed street by means of a culvert.
    - (3) Once past the street, water will flow overland to the depression area on Outlot 1 that is proposed to be a stormwater management area.

**PRELIMINARY DRAFT**

- (4) The swale on the southern boundary will flow to the edge of Lot 1 and then discharge directly into the Saline Branch Drainage Ditch.
  - (5) Because runoff accumulating in the depressed areas is unlikely to overflow very often, a culvert with a flap gate is proposed to connect the bottom of the depressional area with the channel of the Saline Branch Drainage Ditch. This culvert outlet will allow the depressional area to drain more rapidly than it does currently.
  - (6) The flap gate will allow flows from storm events to release into the channel under normal conditions. During flood events the flap will remain closed, which will maintain the existing floodplain characteristics.
- D. Overall, the proposed RRO District is 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) The buildable portions of the proposed RRO District have an average slope of 1%.
  - (2) About 59% of the soils making up the buildable portion of the proposed RRO District are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
  - (3) There is only about six acres of upstream area under different ownership that drains across the proposed buildable portion of the proposed RRO District and there is unlikely to be any drainage problems.
  - (4) There are no known underground drainage tiles on the property and it is unlikely that any exist.

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

13. Regarding the suitability of the site for onsite wastewater systems:
  - A. 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 relevant soil types on the subject property can be summarized as follows:
    - (1) Sawmill silty clay loam, 0-2% slopes, (map unit 3107A; formerly Colo silty clay loam) has Very Low suitability for septic tank leach fields with a soil potential index of 3. Sawmill has severe wetness problems due to a water table high enough to cause flooding (1 foot above to 2 feet deep) and moderate permeability. The typical corrective measure is subsurface drainage to lower groundwater levels. Sawmill soil makes up about 48.4% (9.15 acres) of the subject property, and makes up 50% or more of the lot area for 1 of the 6 proposed buildable lots (lot 4), but only about 25% of the proposed buildable area.

- (2) Sabina silt loam, 0-3% slopes, (map unit 236A) has Medium suitability for septic tank leach fields with a soil potential index of 79. Sabina has severe wetness problems due to a high water table (1 to 3 feet deep) and severely limited permeability. The typical corrective measure is curtain drains to lower groundwater levels and a large absorption field. Sabina soil makes up about 24.1% (4.56 acres) of the subject property, and makes up 50% or more of the lot area for 2 of the 6 proposed lots (lots 3 and 6), and a significant portion of lot 4. Overall, Sabina soil makes up about 34% of the proposed buildable area.
  - (3) Birkbeck silt loam, 1-5% slopes, (map unit 233B) has High suitability for septic tank leach fields with a soil potential index of 93. Birkbeck has severe wetness problems due to a high water table (3 to 6 feet deep) and moderate permeability. The typical corrective measure is curtain drains to lower groundwater levels. Birkbeck soil makes up about 27.5% (5.19 acres) of the subject property, and makes up 50% or more of the lot area for 3 of the 6 proposed lots (lots 1, 2, and 5). Overall, Birkbeck soil makes up about 44% of the proposed buildable area.
- B. If only the buildable portion of the property is considered regarding septic suitability the subject property is comparable to “much better than typical” conditions for Champaign County because approximately 79% of the soils on the buildable area of the subject property have Medium or Better suitability, as compared to the approximately 51% of the entire County that has a Low Potential.

**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 was included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
  - B. The subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the availability of water supply.

**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 5.0 road miles from the Eastern Prairie Fire Protection District station; the approximate travel time is 7 minutes. The Fire District Chief has been notified of this request for rezoning.

**PRELIMINARY DRAFT**

- B. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the availability of emergency services because the site is approximately 5.0 road miles from the Eastern Prairie fire station.

**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 No. 170894-0115 some of subject property is located within the Special Flood Hazard Area, as follows:
  - A. Approximately half of Lot 4 and a small portion of Lot 1 along its eastern boundary are the only buildable areas that are inside the mapped floodplain. A portion of the proposed street is also inside the mapped floodplain.
  - B. The existing Base Flood Elevation (BFE) of approximately 718.5, however, encompasses a greater area of subject property than the mapped floodplain. There are portions of Lots 1, 2, 3, and 4 below the BFE, and according to the Engineer’s Drainage Report fill will be required on Lots 1, 3, and 4 to accommodate development. Homes could be constructed on lots 1 and 3 outside of the floodplain. Lot 4 has the most buildable area below the BFE.
  - C. Less than half a mile south of the subject property Lincoln Avenue crosses the Saline Branch Drainage Ditch and enters the mapped floodplain for a distance of 220 feet.
  - D. Overall, the proposed RRO District is comparable to “much worse than typical” conditions for Champaign County in terms of flood hazard status because of the following:
    - (1) One lot is not in the SFHA and small portions of three lots are in the SFHA (based on ground elevation) but each has more than an acre of lot area outside of the SFHA.
    - (2) Lot 4 only has approximately 28,000 square feet of lot area outside of the SFHA (based on ground elevation) but will require less than one foot of fill on about 16% of the lot to provide a full acre of lot area above the BFE.
    - (3) The south one-third of the new street (including the cul-de-sac turnaround) will be in the SFHA.
- 17. Regarding the presence of nearby natural or man-made hazards:
  - A. There appear to be no natural or man-made hazards near the subject property.
  - B. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards because there are no man-made or natural hazards near the subject 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. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
    - (1) Row crop production agriculture occupies a significant portion of the land area within the immediate vicinity of the proposed RRO District and occurs on two sides of the proposed RRO, with the Saline Branch Drainage Ditch providing a buffer on the third side.
    - (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
    - (3) There is no known livestock management facility within one mile of the subject property.
  - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development because the subject property is bordered on two sides by row crop agriculture but there are no livestock facilities nearby.

**GENERALLY REGARDING THE (LESA) SCORE**

19. Regarding the LESA score of the proposed RRO District:
- A. The Champaign County, Illinois LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
    - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
    - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
    - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
    - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.
    - (5) For comparison purposes, development on prime farmland soils but in close proximity to built up areas and urban services typically has scores between 180 and 200.
  - B. The LESA worksheets are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
    - (1) The Land Evaluation component rating for the proposed RRO District is 76.
    - (2) The Site Assessment component rating for the proposed RRO District is 100 to 110.

**PRELIMINARY DRAFT**

- (3) The total LESA score is 176 to 186 and indicates a Low to Moderate rating for protection of agriculture.
- C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the LESA score because the entire property is best prime farmland and the LE score is 76. The Site Assessment score is 100 to 110 for a total score of 176 to 186.

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

- 20. The subject property is not best prime farmland overall.

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

- 21. Regarding the effects on wetlands, endangered species, and natural areas:
  - A. An application to the Illinois Department of Natural Resources (IDNR) for endangered species consultation was made on November 14, 2006. The report has not been received as of February 7, 2007.
  - B. According to the Thomasboro Panel of the National Wetlands Inventory there are no regulatory wetlands on the subject property.
  - B. Regarding the effects on archaeological resources, a letter reply from the Illinois Historic Preservation Agency was received on November 17, 2006, and indicated that the subject property has a high probability of containing significant prehistoric/historic archaeological resources; indicating that a Phase I archaeological survey should be performed on the subject property. As of February 7, 2007 the report from the Phase I archaeological survey had not been received, but the Petitioner’s engineer had informed staff during a conversation that nothing was found during the survey.
  - D. This factor for RRO approval can not be ranked without the IDNR report on endangered species.

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

- 22. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
  - A. “Ideal or Nearly Ideal” conditions for three factors (nearby hazards, LESA score, and road safety)
  - B. “Much Better Than Typical” conditions for three factors (septic suitability, effects of farms, and effects on drainage)
  - C. “More or Less Typical” conditions for two factors (availability of groundwater and emergency services)
  - D. “Much Worse Than Typical” conditions for one factor (flood hazard).



- E. One factor can not be ranked at this time (environmental concerns).

**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 surrounding land use on three sides of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
- (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.  
  
The 6 single-family dwellings that will result from the proposed RRO (including 3 by-right homes) would generate 100% more traffic than the non-RRO alternative development of only 3 homes.
  - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.  
  
The 6 single-family dwellings that will result from the proposed RRO (including 3 by-right homes) could generate 100% more trespass than the non-RRO alternative development of only 3 homes.
  - (3) Blowing litter into the adjacent crops making agricultural operations more difficult.  
  
The 6 single-family dwellings that will result from the proposed RRO (including 3 by-right homes) could generate 100% more litter than the non-RRO alternative development of only 3 homes. Windblown litter would probably affect the farmland to the north the most.
  - (4) Discharge of “dry weather flows” of stormwater or ground water (such as from a sump pump) that may make agricultural operations more difficult.  
  
Because the subject property is adjacent to the Saline Branch Drainage Ditch, there should be no problems with dry weather flows, which means there would be no difference between the proposed RRO and the non-RRO alternative.
  - (5) If trees are planted close to the property lines, 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.  
  
The subject property currently contains a tree farm, which has trees planted very close to the south and west property lines, and the adjacent farmland does not appear to be negatively impacted. Therefore, there would be no difference between the proposed RRO and the non-RRO alternative.

**PRELIMINARY DRAFT**

- 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.

There is a known livestock management facility, the Prairie Fruits Farm, one half-mile north of the subject property. The Prairie Fruits Farm, located on five acres at 4410 North Lincoln Avenue, Urbana, makes cheese from the milk produced from their head of approximately 25 goats.

**DOCUMENTS OF RECORD**

1. Application, received November 21, 2006, with attachments:
  - A Petitioner's list of submittals
  - B Petitioner's Engineer's Report to the Champaign County Zoning Board of Appeals
  - C Cope Subdivision Schematic Plan
  - D Letter to Deanna Glossner, dated November 14, 2006
  - E Application to IDNR, dated November 14, 2006
  - F Letter to Anne Haaker, dated November 14, 2006
  - G Letter from Anne Haaker, dated November 17, 2006
  - H Petitioner's Land Evaluation and Site Assessment Worksheet
  - I Application for Section 22 Natural Resource Report dated November 14, 2006
  - J Engineer's Drainage Report
  - K Lincoln Avenue Location Study dated October 1998
2. Title Policy for subject property, received on December 21, 2006
3. Cope Subdivision Schematic Plan, received on February 1, 2007
4. Preliminary Memorandum for Case 573-AM-06, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Table of Petitioner Submittals
  - C Cope Subdivision Schematic Plan received on February 1, 2007
  - D Engineer's Report to the Champaign County Zoning Board of Appeals on RRO Factors
  - E Engineer's Drainage Report
  - F Champaign County Land Use Regulatory Policies as amended 11/20/01
  - G Excerpted worksheets from *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*
  - H Letter to Dr. Deanna Glossner dated November 14, 2006
  - I Application to IDNR dated November 14, 2006
  - J Letter to Anne Haaker dated November 14, 2006
  - K Letter from Anne Haaker dated November 17, 2006
  - L Application to Champaign County Soil and Water Conservation District dated November 14, 2006
  - M IDOT maps, showing AADT, of roads surrounding subject property
  - N Excerpt from Federal Emergency Management Agency Special Flood Hazard Area Map Panel No. 170894-0115
  - O Excerpt from Thomasboro Panel of the National Wetlands Inventory Map
  - P Map of Subject Property with Soil Information from the Champaign County GIS Database
  - Q Commitment for Title Insurance from Chicago Title Insurance Company
  - R Staff Land Evaluation and Site Assessment Worksheet
  - S Engineer's Land Evaluation and Site Assessment Worksheet
  - T Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County

***PRELIMINARY DRAFT***

- U Comparing the Proposed Site Conditions to Common Champaign County Conditions
  - V Summary of Site Comparison for Factors Relevant to Development Suitability
  - W Summary of Comparison for Factors Relevant to Compatibility with Agriculture
  - X Draft Finding of Fact for Case 573-AM-06
5. Preliminary Memorandum for Case 579-AM-07, with attachments
- A Case Maps for Cases 573-AM-06 and 579-AM-07 (Location, Land Use, Zoning)
  - B Preliminary Finding of Fact for Case 579-AM-07

**FINDING OF FACT**

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **February 15, 2007**, 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:

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and despite:

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

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and despite:

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**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 573-AM-06 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:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

# CASE NO. 579-AM-07

PRELIMINARY MEMORANDUM

February 9, 2007

Champaign  
County  
Department of

Petitioners: **William Cope & Debra  
Kalantzis and Thomas Berns, agent**

**Request: Amend the Zoning Map to  
change the zoning district designation  
from the AG-2 Agriculture Zoning  
District to the CR Conservation-  
Recreation Zoning District**

**PLANNING &  
ZONING**

Site Area: **approx. 10.0 acres**

Time Schedule for Development: **N/A**

**Location: A 10 acre tract that is  
approximately the West Half of the  
East Half of the Northeast Quarter of  
the Northwest Quarter of Section 32  
of Somer Township, and commonly  
known as the western half of the tree  
farm at 4100 North Lincoln Avenue.  
It is the western portion of an  
approximately 19 acre tract that is  
split-zoned; the eastern nine acres are  
zoned CR.**

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

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

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

## BACKGROUND

The subject property is proposed to have the Rural Residential Overlay (RRO) District added to it in related Zoning Case 573-AM-06. The subject property is currently split-zoned CR Conservation-Recreation and AG-2 Agriculture. In order to facilitate the development of the subject property staff recommended to the Petitioner that the property be rezoned to be entirely within the CR District.

## EXISTING LAND USE AND ZONING

Table 1 summarizes the land use and zoning on the subject property and adjacent to it.

**Table 1. Land Use and Zoning In The  
Vicinity Of The Subject Property**

Direction	Land Use	Zoning
Onsite	Tree Farm	CR Conservation-Recreation and AG-2 Agriculture
North	Farmland and Single Family Dwelling	AG-2 Agriculture and CR Conservation-Recreation
East	Farmland	CR Conservation-Recreation
West	Farmland	AG-2 Agriculture
South	Farmland	CR Conservation-Recreation

## MUNICIPAL EXTRATERRITORIAL JURISDICTION

The subject property is located within the mile and a half ETJ of the City of Urbana. Municipalities have protest rights on all map amendment cases within their mile and a half ETJ, and as such they are notified of all such cases.

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**CONSIDERATIONS IN MAP AMENDMENTS**

In addition to the relevant goals and policies, the following concerns are also standard considerations in any rural map amendment.

- **Street Access**
- **Traffic Conditions**
- **Natural Resource Report**
- **Flood Prone Area Designation**
- **Drainage Conditions**
- **Availability of Water and Sanitary Sewer**
- **Fire Protection**
- **Area, Height, & Placement Regulations**

**NO POLICIES OR GOALS WITHOUT CLEAR CONFORMANCE**

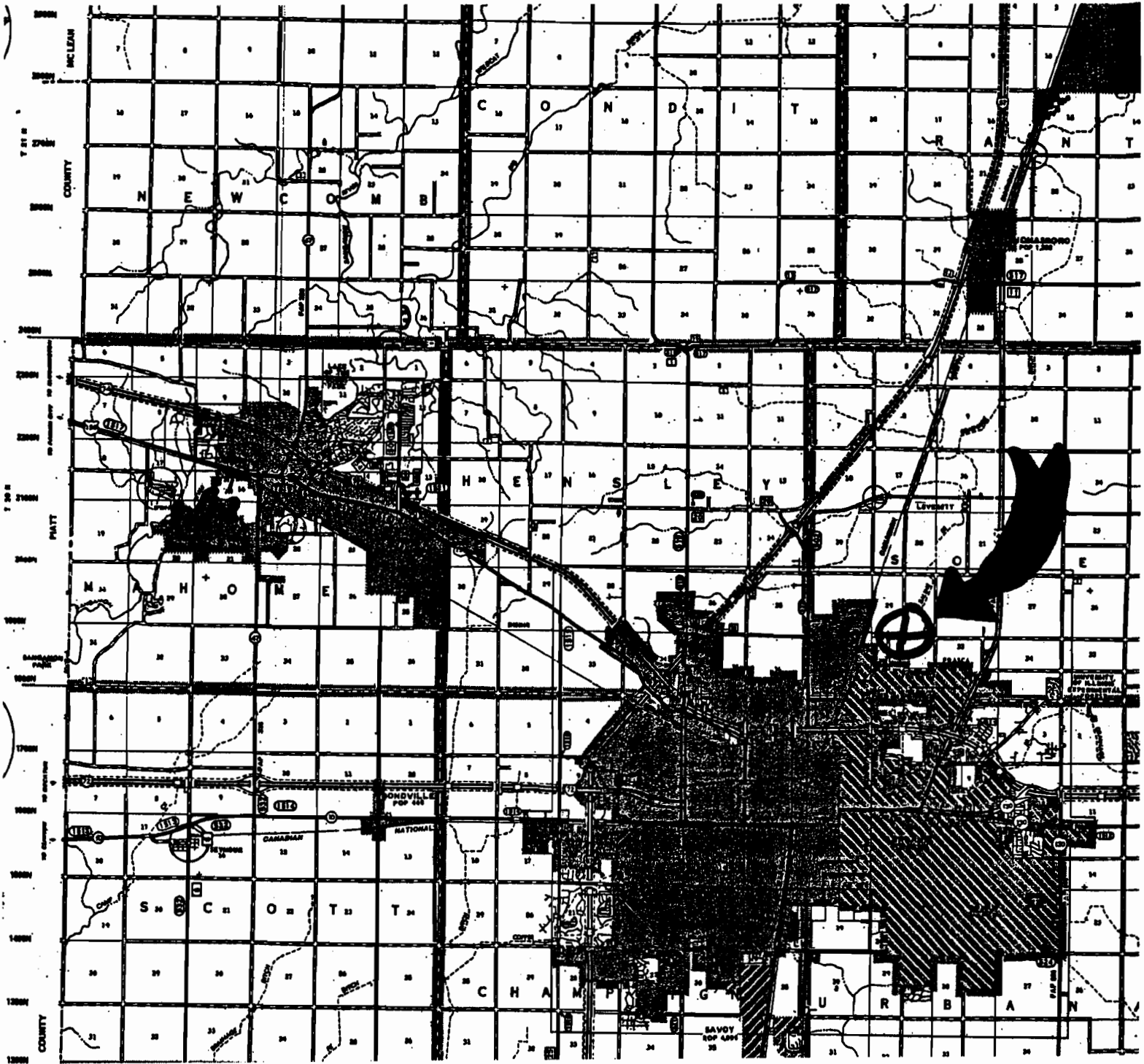
The Draft Finding of Fact includes staff recommendation regarding the degree of conformance or achievement of certain policies and goals when the conformance of achievement is very clear. In this case there were no policies or goals without clear conformance so the Board simply needs to affirm staff's recommendations.

**ATTACHMENTS**

- A Case Maps for Cases 573-AM-06 & 579-AM-07 (Location, Land Use, Zoning)
- B Draft Finding of Fact for Case 579-AM-07

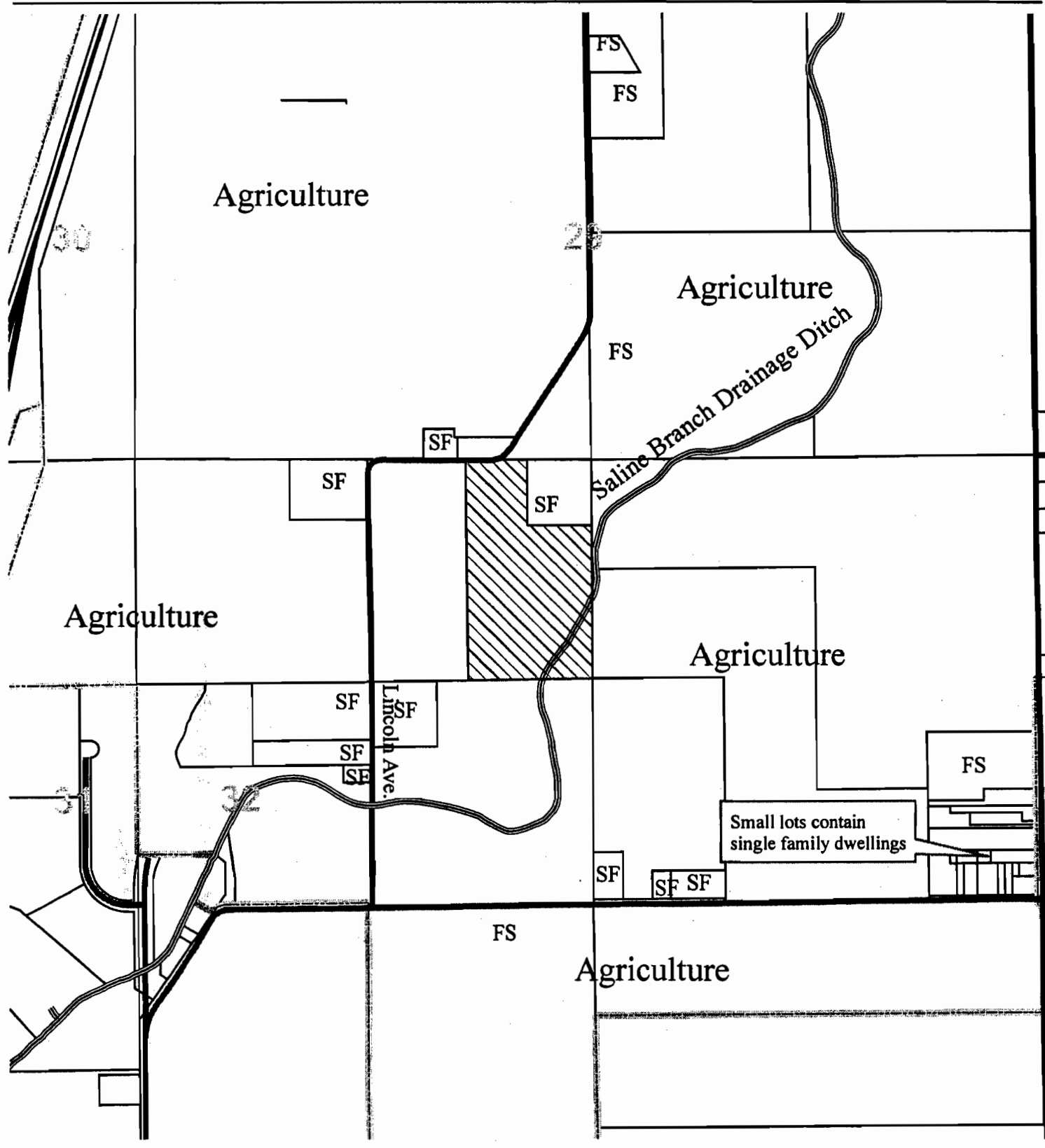



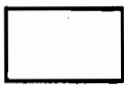




ATTACHMENT A. LOCATION MAP  
Cases 573-AM-06 and 579-AM-07  
FEBRUARY 9, 2007



Champaign  
County  
Department of  
**PLANNING &  
ZONING**

**ATTACHMENT A. LAND USE MAP**  
**Cases 573-AM-06 and 579-AM-07**  
**FEBRUARY 9, 2007**



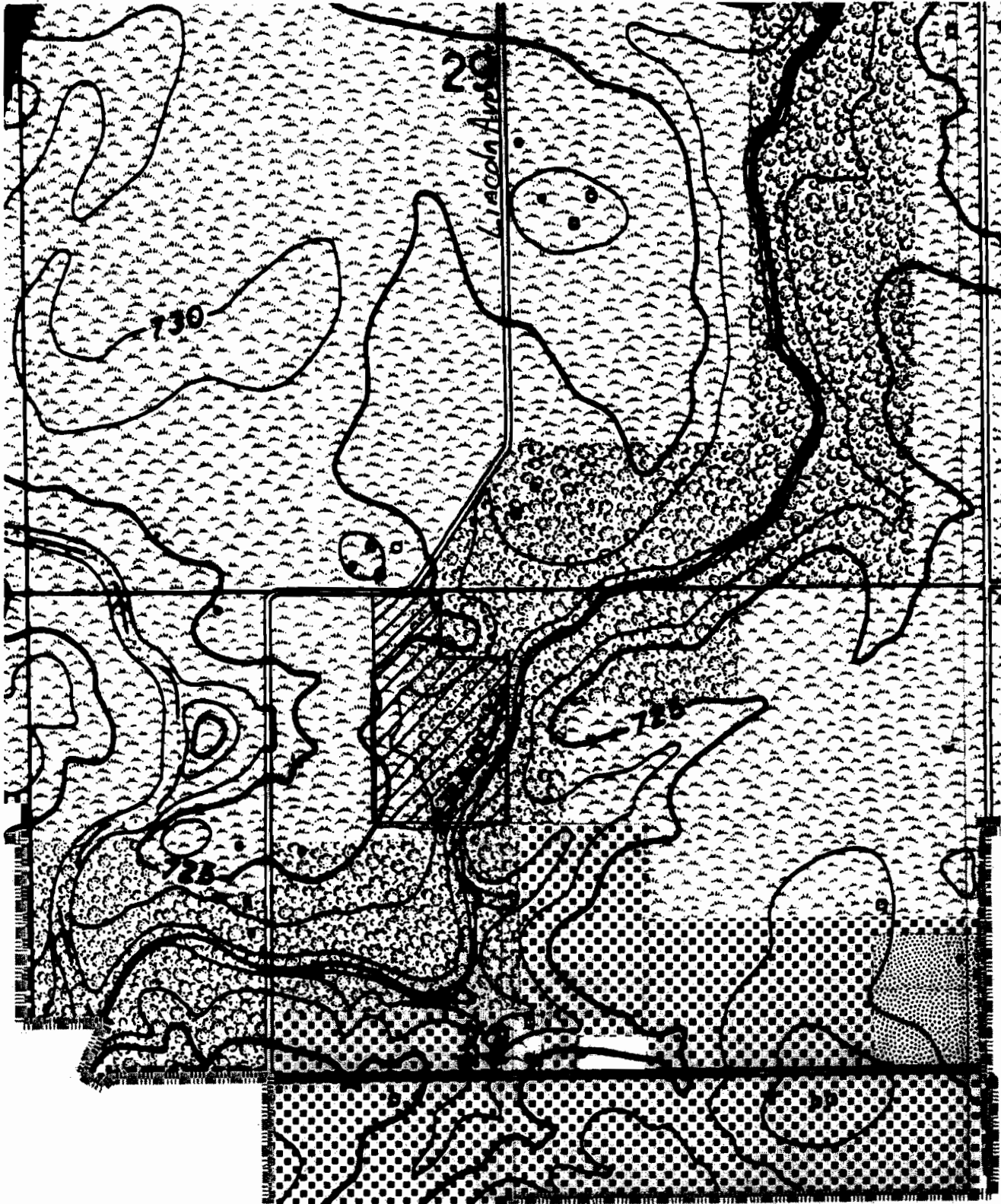
	<b>Area of Concern</b>	
	<b>Single Family</b>	
	<b>Farmstead</b>	



1 inch equals 800 feet

Champaign  
 County  
 Department of  
**PLANNING & ZONING**

**ATTACHMENT A. ZONING MAP**  
**Cases 573-AM-06 and 579-AM-07**  
**FEBRUARY 9, 2007**



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH <b>Champaign County</b> Department of <b>PLANNING &amp; ZONING</b>
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	

**PRELIMINARY DRAFT**

**579-AM-07**

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

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

Date: February 15, 2007

Petitioners: Bill Cope and Mary Kalantzis

Request: Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture Zoning District to CR Conservation-Recreation Zoning District

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 15, 2007**, the Zoning Board of Appeals of Champaign County finds that:

- \*1. The petitioners, Bill Cope and Mary Kalantzis, own the subject property
2. The subject property is a 10 acre tract that is approximately the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township, and commonly known as the western half of the tree farm at 4100 North Lincoln Avenue. It is the western portion of an approximately 19 acre tract that is split-zoned; the eastern nine acres are zoned CR.
- \*3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioners indicated nothing.
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the amendment the petitioners indicated nothing.

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

- \*6. The subject property is part of a parcel that is split-zoned AG-2 Agriculture and CR Conservation-Recreation; this case is to rezone the AG-2 portion to CR. There has never been any zoning activity on the subject property. The whole parcel is proposed to be developed into 6 residential lots under a 3 lot RRO in related Zoning Case 573-AM-06.

\* Same evidence as in related Zoning Case 573-AM-06

**PRELIMINARY DRAFT**

- \*7. Land use and zoning in the vicinity and adjacent to the parcel containing the subject property are as follows:
- A. Land north and east of the parcel is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northeast of the subject property.
  - B. Land south of the parcel is zoned CR Conservation-Recreation and is in use as farmland.
  - C. Land west of the parcel is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northwest of the subject property.
8. Previous zoning cases in the vicinity are the following:
- A. Case 342-AM-79 (approved) was a request to rezone 5 acres in the CR Conservation-Recreation District to the AG-2 Agriculture District. The location of the 5 acres is approximately 600 feet west of the subject property on the west side of Lincoln Avenue. There was a related Zoning Case 338-S-78, which was a request for a Special Use Permit for a Wholesale Greenhouse in the AG-2 District. The request was denied and there is only a single family dwelling there today.
  - B. Case 499-AM-84 (approved) was a request to rezone 6.45 acres in the I-1 Light Industry District to the AG-2 Agriculture District. It was requested to make several non-conforming residences and a business conforming. The properties are located in the southeast corner of Section 32 of Somer Township.
  - C. Case 147-AM-98 (approved) was a request to rezone 0.36 acres from the R-5 MANUFACTURED HOME PARK District to the AG-2 Agriculture District. This rezoning was requested to allow the construction of a single family dwelling on a parcel that was adjacent to the Country View Estates Manufactured Home Park on Olympian Road. There was a related Case 148-V-98, which was a request for a variance from the minimum required lot size and average lot width because the parcel in question was too small for the AG-2 District. The variance was granted with one condition.
  - D. Case 173-AM-98 (approved) was a request to rezone 5 acres in the AG-2 Agriculture District to I-1 Light Industry. This case was brought about because a large property immediately south of the subject property was split-zoned AG-2 and I-1, and part of the I-1 portion of the property contained a farmstead and two single family dwellings. The entire property was rezoned to place the farmstead and two single family dwellings in the AG-2 District and leave the rest of the property in the I-1 District.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:

- (1) The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
  - (2) The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The CR District is generally along the major rivers of the County.
  - (2) The AG-2 District is generally a belt that surrounds the larger municipalities and villages.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) Single family dwellings are authorized by right in both districts but two-family dwellings (duplexes) are authorized in the AG-2 District (but not the CR District) and require a Special Use Permit.
  - (2) There are 7 different types of non-residential and non-agricultural uses authorized by right in the AG-2 District (not including temporary uses) and only one type of non-residential and non-agricultural use (public parks; not including temporary uses) authorized by right in the CR District. The non-residential and non-agricultural principal uses authorized by right in the AG-2 District (other than single family dwellings and temporary use) are the following:
    - (a) Rural specialty business (minor)
    - (b) Plant nursery
    - (c) Country club or golf course
    - (d) Commercial breeding facility
    - (e) Christmas tree sales lot
    - (f) Off-premises signs within 660 feet of interstate highways
    - (g) Off-premises signs along federal highways except interstate highways.
  - (3) There are 67 different types of uses authorized by Special Use Permit in the AG-2 District and there are 27 different types of uses authorized by Special Use Permit in the CR District.

**PRELIMINARY DRAFT**

- (4) In total, Section 5.2 of the Ordinance indicates 74 different types of uses authorized in the AG-2 District and 28 different types of uses authorized in the CR District, not including agriculture and Temporary Uses.

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

10. Regarding any relevant municipal or township jurisdiction:
- A. Amendments to the Champaign County Zoning Map can be protested by any zoned municipality within one-and-one-half miles of the subject property and/ or the township in which the subject property is located if it has a township plan commission. In the event of either a municipal or township protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority.
  - B. The subject property is located within the mile-and-a-half extraterritorial planning jurisdiction of the City of Urbana, which has a comprehensive Plan. The City has received notice of this request. The 2006 Update to the 2005 Comprehensive Plan of the City of Urbana, shows the subject property as Residential, and states that such areas, "contain primarily single-family housing, but may contain a variety of compatible land uses...Suburban development patterns are found in newer areas, with larger lots served by a well-connected street network with pedestrian and bicycle facilities.

**REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES**

11. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (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. The relationship of the Land Use Goals and Policies to the relevant LURP's is as follows:
- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

**GENERALLY REGARDING POLICIES FOR CONSERVATION OF NATURAL RESOURCES, CLEAN AIR AND WATER, OPEN SPACE, RECREATION, AND HISTORICAL PRESERVATION**

12. There are nine land use policies for conservation of natural resources, clean air and water, open space, recreation, and historical preservation in the Land Use Goals and Policies. Several of these policies are not relevant to specific map amendments, as follows:
- A. Policy 5.1 of the Land Use Goals and Policies states that the Environment and Land Use Committee will review the provisions of the Conservation-Recreation District of the County Zoning Ordinance for determination of the adequacy of protection of natural resource areas, and make appropriate recommendations to the County Board.
  - B. Policy 5.2 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will work with the County Forest Preserve and the local park districts to advise and/or review with them their efforts to program capital expenditures to acquire land or easements for parks and open space areas.
  - C. Policy 5.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee will review County Zoning and Subdivision Ordinances to provide for reservation of open space in any commercial, industrial or large residential developments and make appropriate recommendations to the County Board.
  - D. Policy 5.8 of the Land Use Goals and Policies states that the County Board will encourage the development of tax exemption policies, development rights transfer, easements, and zoning to conserve identified natural resources.
  - E. Policy 5.9 of the Land Use Goals and Policies states that the Environment and Land Use Committee will review existing standards for air and water quality, and will work to establish procedures for maintaining the quality of these natural resources, and the maintenance of water supplies for the general welfare of County residents.
13. Policy 5.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will work with the County Highway Department and Township Road Officials, the State and Federal Highway Departments and the Bureau of Outdoor Recreation to develop scenic areas along transportation routes as identified in the Open Space and Recreation Plan and Program.

The proposed map amendment **CONFORMS** to Policy 5.3 because the subject property is not included in the Open Space and Recreation Plan and Program.

14. Policy 5.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will work with local governmental units for dedication of open space sufficient to meet any deficit of parks and recreational space in developed or developing areas with appropriate incentives to the developer.

The proposed map amendment **CONFORMS** to Policy 5.4 because the subject property is included on the 2005 Comprehensive Plan for the City of Urbana, and is indicated as Residential with no large areas of open space nearby.



**PRELIMINARY DRAFT**

15. Policy 5.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the identification and preservation of scenic or historical sites in their original state or in a way to retain their value as such sites.

Because the subject property is neither a historic location nor part of a large, scenic stream corridor this policy does not appear to be relevant to the proposed map amendment.

16. Policy 5.7 of the Land Use Goals and Policies states that the County Board and the Environment and Land Use Committee will encourage the preservation of natural areas and will cooperate with the County Forest Preserve District and other interested groups in a preservation and restoration program.

The proposed map amendment **CONFORMS** to Policy 5.7 because part of the intent of the CR District is to conserve the natural and scenic areas generally along the major stream networks of the county.

**GENERALLY REGARDING POLICIES FOR AGRICULTURAL LAND USE**

17. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-2 District. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
- A. Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.
  - B. Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
  - C. Policy 1.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
  - D. Policy 1.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.
  - E. Policy 1.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.

18. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
- i. those areas served by:
    - adequate utilities
    - transportation facilities, and
    - commercial services or
  - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.
- A. The following policies relate to adequacy of utilities:
- (1) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
  - (2) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
- B. The proposed map amendment **CONFORMS** to Policy 1.2 because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

**REGARDING GOALS FOR CONSERVATION OF NATURAL RESOURCES, CLEAN AIR AND WATER, OPEN SPACE, RECREATION, AND HISTORICAL PRESERVATION**

19. There are six goals for conservation of natural resources, clean air and water, open space, recreation, and historical preservation in the Land Use Goals and Policies. The first, fifth, and sixth goals are not relevant to any specific map amendment, and are as follows:
- Protection and conservation of publicly designated environmental and natural resources and historical site through open space reservation, conservation, zoning, easement, development rights, tax exemption policy, public acquisition and performance standards for commercial and industrial development.
  - Provision of sufficient recreational facilities for both active and passive recreation, based on standards recommended by the Champaign County Forest Preserve, local park districts, the State of Illinois Department of Conservation and the Federal Bureau of Outdoor Recreation.
  - Establishment of a process for assisting local governments in the development of parks and recreational areas through the zoning and subdivision ordinances, and capital improvements programs.

**PRELIMINARY DRAFT**

- Development of taxing policies at the state level which will facilitate the conservation of natural resources, open space, parks and recreation and historical preservation.

20. The third goal for conservation of natural resources, clean air and water, open space, recreation, and historical preservation is as follows:

Development and/or preservation of greenbelts (including agricultural uses), scenic areas and open space corridors both public and private throughout the County.

- A. The proposed map amendment **ACHIEVES** this goal because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

21. The fourth goal for conservation of natural resources, clean air and water, open space, recreation, and historical preservation is as follows:

Preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

- A. The proposed map amendment **ACHIEVES** this goal because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

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

22. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-2 District. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

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

- A. Based on the proposed development the proposed map amendment **ACHIEVES** this goal because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

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

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

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

**REGARDING GENERAL LAND USE POLICIES**

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

25. The first general land use policy is the following:

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

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

Based on the review of the relevant conservational and agricultural land use policies and goals, the proposed map amendment **CONFORMS** to this policy because the CR District that is proposed is intended to facilitate development of the subject property for a rural residential use near the City of Urbana.

**REGARDING GENERAL LAND USE GOALS**

26. There are five general land use goals for all land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:

- A. The first and fifth general land use goals are not relevant to any specific map amendment.
- B. The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.

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

Land uses appropriately located in terms of:

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

The proposed map amendment **ACHIEVES** the third general land use goal based on the following:

- A. **CONFORMANCE** with Policy 1.2 related to utilities, public facilities, and public services (see item 18);
- B. **ACHIEVES** in regards to site characteristics because the CR District is intended to apply to areas subject to frequent or periodic floods and the existing CR District on the property does not include all of the subject property that is below the Base Flood Elevation.

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

Arrangement of land use patterns designed to promote mutual compatibility.

**PRELIMINARY DRAFT**

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

**GENERALLY REGARDING COMPLIANCE WITH THE LAND USE REGULATORY POLICIES—RURAL DISTRICTS**

29. The LURP's were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. 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.
30. Regarding compliance with relevant Land Use Regulatory Policies (LURP's):
- A. LURP 1.4.1 states that non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimized exposure to any negative affect caused by agricultural activities.
- The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.
- B. LURP 1.4.2 states that non-agricultural land uses will not be authorized 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.
- The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.
- C. LURP 1.5.2 states that development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.
- This policy is not relevant to the proposed map amendment because the subject property is not best prime farmland overall.
- D. LURP 1.5.3 states that development that requires discretionary review will not be allowed if the existing infrastructures, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.
- The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.
- E. LURP 1.5.4 states that development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.

- F. LURP's 1.6.1 and 1.6.2 relate to business and other non-residential uses; therefore, they are not relevant to the proposed map amendment, which is intended to facilitate development of the subject property for a rural residential use.

**GENERALLY REGARDING ANALYSIS OF THE LASALLE FACTORS**

32. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

**A. *LaSalle* factor: The existing uses and zoning of nearby property.**

- (1) This property is surrounded by land principally used for farmland.
- (2) The only residential properties that directly abut the subject property is a single family dwelling at the northeast corner of the subject property and across Lincoln Avenue from the subject property. There are also several other residential properties, many of which are not farm related within a mile of the subject property.
- (3) The populated area closest to the subject property is the City of Urbana, less than a mile away.
- (4) The nature of the existing uses of nearby properties appear to be compatible with the CR Conservation-Recreation Zoning District.

**B. *LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby agricultural properties, it is not clear if the requested map amendment would have any effect as this property is very similar to other residential properties in the area that are long-standing uses.
- (3) In regards to the value of the subject property the proposed map amendment would likely have little to no effect on value.

**PRELIMINARY DRAFT**

- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) As reviewed above, there is no appraisal available as evidence of value and any discussion of value at this time can only be general in nature.
  - (2) There is no evidence indicating that there will be any destruction of property values.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
- (1) The proposed map amendment will allow for a more productive use of a small parcel of non-best prime farmland.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) The suitability of the site has been determined by the degree of conformance to various policies and the degree of achievement of various goals from the Land Use Goals and Policies and the Land Use Regulatory Policies – Rural Districts (see above).
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
- (1) The subject property has not been vacant, as it appears to have been a tree farm for at least the past several years.
- G. **Sinclair factor: The need and demand for the use.**
- (1) There is a demand for rural residential lots particularly along the major steams of the County.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The Future Land Use Map of the Comprehensive Plan of the City of Urbana indicates the subject property as Residential and the CR District that is proposed is intended to facilitate development of the subject property for a rural residential development.

**DOCUMENTS OF RECORD**

1. Preliminary Memorandum for Case 579-AM-07, with attachments
  - A Case Maps for Cases 573-AM-06 and 579-AM-07 (Location, Land Use, Zoning)
  - B Preliminary Finding of Fact for Case 579-AM-07
  
2. Preliminary Memorandum for Case 573-AM-06, with attachments:
  - A Case Maps for Cases 573-AM-06 and 579-AM-07 (Location, Land Use, Zoning)
  - B Table of Petitioner Submittals
  - C Cope Subdivision Schematic Plan received on February 1, 2007
  - D Engineer's Report to the Champaign County Zoning Board of Appeals on RRO Factors
  - E Engineer's Drainage Report
  - F Champaign County Land Use Regulatory Policies as amended 11/20/01
  - G Excerpted worksheets from *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*
  - H Letter to Dr. Deanna Glossner dated November 14, 2006
  - I Application to IDNR dated November 14, 2006
  - J Letter to Anne Haaker dated November 14, 2006
  - K Letter from Anne Haaker dated November 17, 2006
  - L Application to Champaign County Soil and Water Conservation District dated November 14, 2006
  - M IDOT maps, showing AADT, of roads surrounding subject property
  - N Commitment for Title Insurance from Chicago Title Insurance Company
  - O Staff Land Evaluation and Site Assessment Worksheet
  - P Engineer's Land Evaluation and Site Assessment Worksheet
  - Q Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
  - R Comparing the Proposed Site Conditions to Common Champaign County Conditions
  - S Summary of Site Comparison for Factors Relevant to Development Suitability
  - T Summary of Comparison for Factors Relevant to Compatibility with Agriculture
  - U Draft Finding of Fact for Case 573-AM-06



**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 579-AM-07 should *{BE ENACTED/NOT BE ENACTED}* by the County Board.

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

SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date